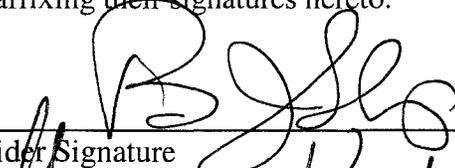
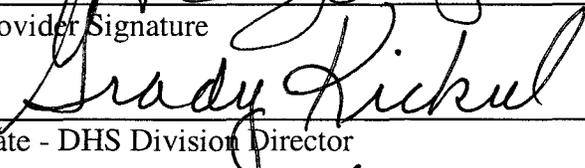
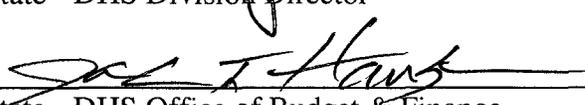


except on 30 days prior written notice to the State. Provider shall furnish copies of insurance policies if requested by the State.

22. AUTHORIZED SIGNATURES: In witness hereto, the parties signify their agreement by affixing their signatures hereto.

 Provider Signature	6-11-10 Date
 State - DHS Division Director	5-19-2010 Date
 State - DHS Office of Budget & Finance	5/26/2010 Date
 State - DHS Office of the Secretary	5/27/2010 Date

CONTRACT DESCRIPTION CODE: 509

State Agency Coding:

CFDA Number: _____

Company	<u>3091</u>	<u>3091</u>	_____	_____
Account	<u>520453001</u>	<u>520453001</u>	_____	_____
Center Req	<u>1951011</u>	<u>1951011</u>	_____	_____
Center User	<u>54501</u>	<u>54503</u>	_____	_____
Dollar Total	<u>\$286,377.00</u>	<u>\$675,296.00</u>	_____	_____
SVC PO Code	<u>5084</u>	<u>5160</u>	_____	_____

DHS Program Contact Person Janet Ball
Phone (605) 773-4547

DHS Fiscal Contact Person Codi Nincehelser
Phone (605) 773-5990

Provider Program Contact Person Chris Soukup
Phone (605) 367-5760

Provider Fiscal Contact Person Evan Winegard
Phone (605) 3675760

Attachment 1

3.0 INTRODUCTION, BACKGROUND, OVERVIEW, AND REQUIREMENTS

3.1 BACKGROUND

Telecommunications Relay Services (TRS) is defined in the Americans with Disabilities Act (ADA) as “telephone transmission services that provide the ability for an individual who has a hearing or speech disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio. TRS provides full telephone accessibility to people who are deaf, hard of hearing, or speech disabled. Specially trained Communication Assistants (CAs) complete all calls and stay on-line to relay messages either electronically over a Teletypewriter (TTY) or verbally to hearing parties. This valuable communications tool gives all individuals who are deaf, hard of hearing or speech disabled the opportunity to make personal and business calls just like any other telephone user and allows persons with communication disabilities in South Dakota access to the switched public telephone network on a basis comparable to that available to people without such disabilities, and vice versa, in a functionally equivalent manner.

3.2 OVERVIEW

During the 1989 session of the Legislature of the State of South Dakota, the South Dakota Codified Law Chapters 49-31-47 to 49-31-56 were passed to provide telecommunications services for state residents with disabilities. The law states a telecommunications fund be created in the state treasury to be used for relay services. An access fee is imposed in the amount of fifteen cents per local exchange service line per month, fifteen cents per cellular telephone per month and fifteen cents per radio pager device per month. The Department of Human Services is responsible for promulgating rules and regulations to implement the telecommunications relay system and ensure that it complies with the federal Americans with Disabilities Act, and meets the certification requirements and federally mandated rules and regulations that govern TRS. The Department of Human Services is committed to providing a quality relay service that meets the needs of the people of the State of South Dakota and which satisfies or exceeds the relay system certification requirements of the Federal Communications Commission under the Americans with Disabilities Act.

3.3 REQUIREMENTS

TRS, including CTS, must be provided 24 hours a day, for all 365 days a year and a viable contingency plan must be in place to prevent any significant disruptions or impairments to service in the event of adverse or man-made or natural occurrences. The State intends to maintain FCC certification for its services, so they must meet current FCC requirements for the types and quality of services provided. Future enhancements required by the FCC will also be met and/or the State may determine that enhancements not required by the FCC should be initiated. In either instance, this would likely result in negotiated price changes with the Contractor. This applies to both TRS and CTS.

3.4 HISTORICAL CALL VOLUME FOR TRS & CTS

In the most recent fiscal year, from July 1st, 2008, to June 30th, 2009, TRS call volumes averaged 6,535 calls per month and call minutes averaged 22,550 minutes per month. Following is a detailed breakout of historical call volumes by type:

TRS	State Fiscal Year	Interstate Minutes	Intrastate Minutes	Total Minutes	Total # of TRS Relayed Calls
	FY06	40,457	428,129	468,586	127,573
	FY07	34,089	369,706	403,795	114,999
	FY08	33,811	320,711	354,522	103,221
	FY09	33,441	237,162	270,603	78,424

In the most recent fiscal year, from July 1st, 2008, to June 30th, 2009, CTS call volumes averaged 4,411 calls per month and call minutes averaged 13,306 minutes per month. Following is a detailed breakout of historical call volumes by type:

CTS	State Fiscal Year	Interstate Minutes	Intrastate Minutes	Total Minutes	Total # of CTS Relayed Calls
	4 months – Feb – May FY08	5,540	19,303	24,843	8,909
	FY09	35,527	124,146	159,673	52,935

4.0 SCOPE OF WORK

4.1 DEFINITIONS

In order to facilitate contractor understanding of this RFP, the following definitions apply:

- 4.1.1 711:** The abbreviated dialing code for accessing relay services anywhere in the United States.
- 4.1.2 American Sign Language (ASL):** A visual language based on hand shape, position, movement, and orientation of the hands in relation to each other and the body.
- 4.1.3 ASCII:** An acronym for American Standard Code for Information Interexchange which employs an eight bit code and can operate at any standard transmission baud rate including 300, 1200, 2400, and higher.
- 4.1.4 Baudot:** A seven bit code, only five of which are information bits. Baudot is used by some text telephones to communicate with each other at a 45.5 baud rate.
- 4.1.5 Blocked Calls:** Any call to the TRS or CTS Relay that receives a busy signal, therefore is blocked from entering the relay center queue.
- 4.1.6 Call Release:** A TRS feature that allows the CA to sign-off or be "released" from the telephone line after the CA has set up a telephone call between the originating TTY caller and a called TTY party, such as when a TTY user must go through a TRS facility to contact another TTY user because the called TTY party can only be reached through a voice-only interface, such as a switchboard.
- 4.1.7 Common Carrier or Carrier:** Any common carrier engaged in interstate communication by wire or radio as defined in section 3(h) of the Communications Act of 1934, as amended (the Act), and any common carrier engaged in

intrastate communication by wire or radio, notwithstanding sections 2(b) and 221(b) of the Act.

- 4.1.8 Communications Assistant (CA):** A person who transliterates or interprets conversation between two or more end users of TRS. CA supersedes the term "TDD operator."
- 4.1.9 CTS:** Means Captioned Telephone Service.
- 4.1.10 Functionally Equivalent:** Performance in a TRS/CTS call of substantially the same function to achieve the same result as that in a voice-to-voice telephone call by individuals who do not need TRS/CTS for effective communication.
- 4.1.11 Hearing Carry Over (HCO):** A form of TRS where the person with the speech disability is able to listen to the other end user and, in reply, the CA speaks the text as typed by the person with the speech disability. The CA does not type any conversation. Two-line HCO is an HCO service that allows TRS users to use one telephone line for hearing and the other for sending TTY messages. HCO-to-TTY allows a relay conversation to take place between an HCO user and a TTY user. HCO-to-HCO allows a relay conversation to take place between two HCO users.
- 4.1.12 Interconnected VoIP Service:** An interconnected Voice over Internet protocol (VoIP) service is a service that:
- (i) Enables real-time, two-way voice communications;
 - (ii) Requires a broadband connection from the user's location;
 - (iii) Requires Internet protocol-compatible customer premises equipment (CPE);
and
 - (iv) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.
- 4.1.13 Non-English Language Relay Service:** A telecommunications relay service that allows persons with hearing or speech disabilities who use languages other than English to communicate with voice telephone users in a shared language other than English, through a CA who is fluent in that language.
- 4.1.14 Public Safety Answering Point (PSAP):** A facility that has been designated to receive 911 calls and route them to emergency services personnel as provided in 47 CFR 64.3000(c).
- 4.1.15 Qualified Interpreter:** An interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
- 4.1.16 Speech-to-Speech Relay Service (STS):** A telecommunications relay service that allows individuals with speech disabilities to communicate with voice telephone users through the use of specially trained CAs who understand the speech patterns of persons with speech disabilities and can repeat the words spoken by that person.

- 4.1.17 Speed of Answer:** The time required for an inbound call to be answered by a CA ready to service relative to the initial incoming signal receipt at the providers call equipment.
- 4.1.18 Speed Dialing:** A TRS feature that allows a TRS user to place a call using a stored number maintained by the TRS facility. In the context of TRS, speed dialing allows a TRS user to give the CA a short-hand" name or number for the user's most frequently called telephone numbers.
- 4.1.19 Telecommunications Relay Services (TRS):** Telephone transmission services that provide the ability for an individual who has a hearing or speech disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio. Such term includes services that enable two-way communication between an individual who uses a text telephone or other nonvoice terminal device and an individual who does not use such a device, speech-to-speech services, video relay services and non-English relay services. TRS supersedes the terms "dual party relay system," "message relay services," and "TDD Relay."
- 4.1.20 Text Telephone (TTY):** A machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system. TTY supersedes the term "TDD" or "telecommunications device for the deaf," and TT.
- 4.1.21 Three-Way Calling Feature:** A TRS feature that allows more than two parties to be on the telephone line at the same time with the CA.
- 4.1.22 Video Relay Service (VRS):** A telecommunications relay service that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the CA to view and interpret the party's signed conversation and relay the conversation back and forth with a voice caller.
- 4.1.23 Voice Carry-Over (VCO):** A form of TRS where the person with the hearing disability is able to speak directly to the other end user. The CA types the response back to the person with the hearing disability. The CA does not voice the conversation. Two-line VCO is a VCO service that allows TRS users to use one telephone line for voicing and the other for receiving TTY messages. A VCO-to-TTY TRS call allows a relay conversation to take place between a VCO user and a TTY user. VCO-to-VCO allows a relay conversation to take place between two VCO users.

4.2 REQUIREMENTS FOR BOTH TRADITIONAL TRS AND CTS

4.2.1 COMPLIANCE

All contractors will submit positive statements with respect to their willingness to comply with all work requirements described in this RFP, and with the general contract requirements and the terms and conditions specified in this RFP. The TRS/CTS must meet all requirements necessary for certification by the Federal Communications Commission (FCC); therefore, if any of the following requirements conflict with current FCC certification requirements, the FCC

requirements shall prevail. All contractors will clearly describe and explain any proposed deviations from or changes to the RFP requirements for consideration by the State in the appropriate section of the proposal and in the transmittal letter. The State reserves the right to reject any proposal including such deviations or changes.

4.2.2 EMPLOYMENT OF STATE PERSONNEL

The Contractor shall not knowingly engage on a full time, part time or other basis with any individual involved in preparation of this RFP, or the selection and/or award of the resulting contract for one year following the start date of the contract.

4.2.3 OWNERSHIP

All reports, documentation and material developed or acquired by the Contractor, as a direct requirement specified in the contract, shall become the property of the State of South Dakota. The Contractor shall agree and understand that all discussions with the Contractor and all information gained by the Contractor as a result of the Contractor's performance under the contract shall be confidential and that no reports, documentation, or material prepared as required by the contract shall be released to the public without the prior written consent of the State. Upon expiration, termination, or cancellation of the contract, all documents, data, reports, supplies, equipment and accomplishments prepared, furnished or completed by the Contractor pursuant to the terms of the contract shall become the property of the State.

4.2.4 PAYMENT

After the close of each month, the Contractor will submit an invoice to the State Relay Administrator for the previous month's work, and the State will make payment within thirty (30) days of receipt of said invoice. Total reimbursement shall not exceed the total fixed bid per minute price submitted to and accepted by the State plus reimbursement for outreach expenditures pre-approved by the State.

4.2.5 TECHNICAL STANDARDS

4.2.5.1 SPEED OF ANSWER

4.2.5.1.1 TRS/CTS providers shall ensure adequate TRS/CTS facility staffing to provide callers with efficient access under projected calling volumes, so that the probability of a busy response due to CA unavailability shall be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network.

4.2.5.1.2 TRS/CTS facilities shall, except during network failure, answer eighty-five percent (85%) of all calls within ten (10) seconds by any method which results in the caller's call immediately being placed, not put in a queue or on hold. The ten (10) seconds begins at the time the call is delivered to the TRS/CTS facility's network. A TRS/CTS facility shall ensure that adequate network facilities shall be used in conjunction with TRS/CTS so that under projected calling volume the probability of a busy response due to loop trunk congestion shall be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone

network. Describe how your company will meet and/or exceed this requirement.

(i) The call is considered delivered when the TRS/CTS facility's equipment accepts the call from the local exchange carrier (LEC) and the public switched network actually delivers the call to the TRS/CTS facility.

(ii) Abandoned calls shall be included in the speed-of-answer calculation.

(iii) A TRS/CTS provider's compliance with this rule shall be measured on a daily basis.

(iv) The system shall be designed to a P.01 standard. Describe how the TRS/CTS relay will be monitored and measured, including frequency, to validate P.01 service is maintained.

(v) A local exchange carrier (LEC) shall provide the call attempt rates and the rates of calls blocked between the LEC and the TRS/CTS facility to relay administrators and TRS/CTS providers upon request.

4.2.5.2 EQUAL ACCESS TO INTEREXCHANGE CARRIERS

TRS/CTS users shall have access to their chosen inter-exchange carrier through the TRS/CTS, and to all other operator services, to the same extent that such access is provided to voice users.

4.2.5.3 TRS/CTS FACILITIES

(i) TRS/CTS shall operate every day, 24 hours a day.

(ii) TRS/CTS shall have redundancy features functionally equivalent to the equipment in normal central offices, including uninterruptible power for emergency use.

4.2.5.4 TECHNOLOGY

No regulation set forth in this subpart is intended to discourage or impair the development of improved technology that fosters the availability of telecommunications to person with disabilities. TRS/CTS facilities are permitted to use Signaling System 7 (SS7) technology or any other part of similar technology to enhance the functional equivalency and quality of TRS/CTS. TRS/CTS facilities that utilize Signaling System 7 (SS7) technology shall be subject to the Calling Party Telephone Number rules set forth at 47 CRF 64.1600 et seq.

CALLER ID

When a TRS/CTS facility is able to transmit any calling party identifying information to the public network, the TRS/CTS facility must pass through, to the called party, at least one of the following:

(i) The number of the TRS/CTS facility,

(ii) 711, or

(iii) The 10-digit number of the calling party.

4.2.6 FUNCTIONAL STANDARDS

4.2.6.1 CONSUMER COMPLAINT PROCEDURES

States providers must maintain a log of consumer complaints including all complaints about TRS/CTS in the state, whether filed with the TRS/CTS provider or the State, and must retain the log until the next application for certification is granted. The log shall include, at a minimum, the date the complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution.

Contractors shall describe the steps to be taken in resolving complaints regarding services or personnel in a manner meeting FCC requirements. The complaint procedures, or a reference to them, must be included in all printed materials distributed to the public or relay users. Proposals must include a sample of the written notification that will be sent to all consumers registering a complaint that explains the procedures for the resolution of complaints, including contact information for both the State Relay Administrator and the FCC should they not be satisfied with the resolution of the complaint by the TRS/CTS Contractor. The Contractor shall ensure that any caller to the relay center will be able to reach a supervisor or administrator while still on line during a relay call if they have a complaint.

4.2.6.2 CONSUMER COMPLAINT LOG

States and TRS/CTS providers shall submit summaries of logs indicating the number of complaints received for the 12-month period ending May 31 to the Commission by July 1 of each year.

Proposals must guarantee that a consumer complaint log meeting FCC requirements will be maintained by the TRS/CTS Contractor. The log must include, at a minimum, the date the complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution. In addition to the monthly complaint log report identified in Section 4.2.16, the Contractor shall submit an annual report no later than June 15th with summaries of logs indicating the number of complaints received for the 12-month period ending May 31st to the State. To enable the State to meet its complaint resolution responsibilities to the FCC, to monitor the quality of relay services being provided by the Contractor, and to ensure that the Contractor is making reasonable efforts to resolve complaints, the TRS Contractor will make the full contents of the complaint log available to the State, on request, and provide the names and address or phone numbers of any complainant available to the State Relay Administrator, if requested. Contractors shall propose a method to make the resolution of any complaint available for such review.

4.2.6.3 CONTACT PERSONS.

State TRS/CTS Programs, interstate TRS/CTS providers, and TRS/CTS providers that have state contracts must submit to the Commission a contact person and/or office for TRS/CTS consumer information and complaints about a certified State TRS/CTS Program's provision of intrastate TRS/CTS, or, as appropriate, about the TRS/CTS provider's service. This submission must include, at a minimum, the following:

- (i) The name and address of the office that receives complaints, grievances, inquiries, and suggestions;
- (ii) Voice and TTY telephone numbers, fax number, e-mail address, and web address; and
- (iii) The physical address to which correspondence should be sent.

4.2.6.4 PUBLIC ACCESS TO INFORMATION

Carriers, through publication in their directories, periodic billing inserts, placement of TRS/CTS instructions in telephone directories, through directory assistance services, and incorporation of TTY numbers in telephone directories, shall assure that callers in their service areas are aware of the availability and use of all forms of TRS/CTS. Efforts to educate the public about TRS/CTS should extend to all segments of the public, including individuals who are hard of hearing, speech disabled, and senior citizens as well as members of the general population. In addition, each common carrier providing telephone voice transmission services shall provide, ongoing education and outreach programs that publicize the availability of 711 access to TRS in a manner reasonably designed to reach the largest number of consumers possible.

4.2.6.5 LONG DISTANCE CALLS / RATES

Contractors must provide billing for long distance services and state how the FCC's carrier of choice requirement will be met. TRS/CTS users shall pay rates for intrastate and interstate long distance calls that are no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from the point of origination to the point of termination. Contractors shall specify the long distance service to be used if the caller does not specify a carrier of choice, and whether any special discounts will be provided for TRS/CTS calls. The Contractor shall be required to relay interstate and international calls that originate or terminate in South Dakota. The Contractor shall not include in its bill for South Dakota relay service any charges or time associated with interstate or international calls.

4.2.6.6 TREATMENT OF TRS/CTS CUSTOMER INFORMATION

Consistent with FCC requirements, should a different TRS/CTS contractor be selected to provide relay services for the State in the future, the TRS/CTS Contractor awarded a contract as a result of this RFP shall provide for the transfer of TRS/CTS customer profile data from the outgoing TRS/CTS Contractor to the incoming TRS/CTS Contractor. Such data must be disclosed in usable form at least 60 days before the Contractor's last day of service provision. Such data may not be used for any purpose other than to connect the TRS/CTS user with the called parties desired by that TRS/CTS user. Such information shall not be sold, distributed, shared or revealed in any other way by the relay center or its employees, unless compelled to do so by lawful order. The Contractor may not use any information obtained from relay calls to support other business interests.

4.2.7 LOCATION AND CAPABILITIES OF RELAY CENTER(S)

The Contractor must demonstrate its ability to handle the TRS/CTS calls originating from South Dakota in a fully-functioning relay center (or centers) meeting the operational, technical and functional standards described previously and elsewhere in this section of the RFP. The Contractor must demonstrate that it either already has the capability or will develop the capability to handle the State's TRS calls by building a new relay center or expanding the capability of an existing relay center or centers. Contractors should identify where South Dakota calls would be routed and answered and demonstrate that the center(s) will have the needed building space, telecommunications and other necessary equipment and trained personnel to provide the proposed services. Contractors may locate a relay center in South Dakota, but there is no requirement that they do so. Contractors may also propose various combinations of in-state and out-of-state facilities to handle the South Dakota relay operation at different times of the day or days of the week. Contractors should provide an implementation plan demonstrating their ability to begin handling the State's calls by the established June 1st, 2010 start date.

4.2.8 TELECOMMUNICATIONS SERVICE PRIORITY (TSP)

The Contractor shall meet Federal TSP requirements pertaining to TSP in terms of providing redundant services.

4.2.9 EQUIPMENT

Contractors should demonstrate that they will furnish all necessary telecommunications equipment and provide and arrange for all telephone service into and out of the relay center. The transmission circuits shall meet or exceed interexchange performance standards for circuit loss and noise. The TRS center must have telecommunications equipment capable of receiving and transmitting in both Baudot and ASCII codes. TRS relay systems must be capable of automatically identifying incoming TDD signals as either Baudot or ASCII.

4.2.10 BACKUP

Contractors shall demonstrate an adequate back-up system, or show how relay calls could be rerouted to another relay center with sufficient capacity to handle the additional load in the event of a power outage, fire, cut trunk line or other disaster making a relay center inoperable for a period of time. If the Contractor has experienced relay centers going off line in the past, they should provide information on how that contingency was handled, and the extent of the disruption in service that was experienced by relay users. If the Contractor does not operate a back-up relay center, then proof of a contractual agreement with a proposed back-up center must be provided. The Contractor shall also demonstrate how it will maintain an auxiliary source of power which is functionally equivalent to normal central office auxiliary sources of power so that the TRS/CTS will continue to function during power outages.

4.2.11 DISASTER RECOVERY, CONTINUITY OF OPERATIONS AND PANDEMIC PLANS

4.2.11.1 Contractor shall have plans, documented in writing, for disaster recovery, continuity of operations and pandemic. These plans shall deal with all types of natural and man-made disasters including, but not limited to, terrorism, loss of structure(s), loss of infrastructure, loss of switching equipment, telephone line cut and pandemic type illness.

Plans shall contain detailed levels of escalation that shall be deployed for handling of potential disasters to provide continuity of TRS/CTS relay operations with little or no impairment to the TRS/CTS relay services.

4.2.11.2 Disaster recovery, continuity of operations and pandemic plans shall be:

- (i) Reviewed and updated as necessary to accommodate changes in staff, contact information, etc.
- (ii) Communicated within Contractor's organization.
- (iii) Safeguarded in multiple locations in multiple formats (e.g., electronic, printed, etc.).

4.2.11.3 Upon request the Contractor shall provide a copy of their disaster recovery, continuity of operations and pandemic plans to the State for review.

4.2.12 NOTIFICATION OF DISASTER

Contractor shall notify State Relay Administrator, using a mutually agreed upon format(s) and method of contact, within fifteen (15) minutes of any disaster or event that impedes access to or processing of TRS/CTS relay operations affecting multiple callers for a period of more than thirty (30) minutes.

4.2.13 WRITTEN REPORT

Contractor shall provide State Relay Administrator, using a mutually agreed upon format(s) and method of delivery and within three (3) calendar days following TRS/CTS relay resumption of operation after a Notification of Disaster to the State, a written report containing, but not limited to, the following information:

- (i) How the problem occurred.
- (ii) When the problem occurred.
- (iii) What was required to correct the problem.
- (iv) Time and date when the TRS/CTS relay resumed full operation.

4.2.14 ACCOUNT REPRESENTATIVE

The Contractor shall assign an account representative for the State's relay services with good communication skills in both ASL and written English who may also be the representative for other states served by the Contractor. Contractors shall describe the full duties and qualifications of the account representative including a job description, what other states besides South Dakota will be assigned to the representative, where the individual will maintain their primary office, what portion of the time the representative will actually be in South Dakota, the community and business group meetings that will be attended, and the respective roles of the account representative and others who will be handling consumer complaints, concerns and ideas.

4.2.15 ADVERTISING AND ADDITIONAL COMMUNITY OUTREACH

Contractors should fund normal activities for the account representative, and others who will be handling outreach, from their primary source of income from the State – the cost per minute for relay services. Up to \$100,000 of additional reimbursement per year may also be made available on a dollar-for-dollar basis for advertising and additional community outreach efforts for TRS/CTS pre-approved by the State's Relay Administrator. The selected contractor shall establish an annual outreach plan, which must be submitted annually by May 1 to

the State's Relay Administrator. Since, by their nature, these costs are likely to change from year to year, by providing dollar-for-dollar reimbursement for these additional costs rather than asking the Contractor to include them in their cost per minute for relay services, it is anticipated that the combined cost to the state will be less and there will be much more flexibility in meeting specific needs in any given year. Reimbursable advertising will be provided for the relay program, including informative brochures and promotional items, production and airing of Public Service Announcements and other effective methods of making citizens throughout South Dakota familiar with the Relay Program. Contractors shall provide examples of advertising materials and programs that have proven effective in other states and which could be modified for use in South Dakota. In addition to advertising and promotions, there may be community outreach activities that go beyond those normally performed by the account representative that, when pre-approved by the State Relay Administrator, will also qualify for reimbursement. Contractors should provide examples of community outreach activities that would be part of an account representative's normal duties and examples of those that they would propose as qualifying for additional reimbursement. Only outreach activities that are approved by the State will be implemented and reimbursed.

The Contractor(s) awarded a contract to provide TRS/CTS services will provide monthly reports on outreach activities. An annual outreach plan and budget will be required for approval by the State.

4.2.16 TRS/CTS REPORTS

The Contractor shall provide a monthly report with the monthly billing statement which will enable the State Relay Administrator to monitor whether the relay service is meeting each of the FCC and State performance standards.

The monthly report shall provide detailed information on:

- Blockage, based on P.01 standard.
- Number of daily incoming calls broken down by abandoned, general assistance and busy.
- Number of completed outgoing TRS/CTS relay calls.
- Average daily call handling time (total time a customer is connected to a CA), in seconds, broken down by talk time, call set-up and call wrap-up time.
- Average daily CA answer time, in seconds, with a range of answer times for the month.
- Number of call types and total minutes for the following:
 - Intrastate
 - Interstate
 - Local
 - International
 - Outbound toll-free numbers
 - Spanish
 - Outbound 900/976
 - Directory assistance
- A composite annual report
- Total percent of inbound call minutes handled in contractor's primary relay facility serving South Dakota's relay customers v.s. total percent of inbound call minutes handled in any other contractor relay facility serving South Dakota relay customers.

The report shall also include summary information on complaints received and their resolution as well as information on specific complaints, when appropriate. When applicable, the monthly report should include information on any hardware, procedural or service enhancements made to the relay service. After receiving authorization from the South Dakota Department of Human Services, the selected Contractor may request designation of certain written reports as proprietary consistent with SDCL CHAPTER 1-27, Public Records and Files. If so designated by the Department, these reports will be available only to the Department and their staff, who are bound to keep such information from being publicly disclosed. Contractors shall provide sample copies of monthly reports they already issue to other states and any changes they would propose to meet the requirements for South Dakota.

4.2.17 SERVICE LEVEL AGREEMENT

The State, at its sole discretion, may adjust the billing for a given month by reducing the payment by \$1,000 for any day in which the FCC standards related to blockage rate (less than one percent) , average speed of answer (less than ten seconds 85 percent of the time), or consumer complaint resolution are not met. If there is a reoccurrence of the same problem within ten calendar days, the State may adjust the payment by an additional \$2,000 for that day, \$3,000 for a third problem day within ten days of the second, etc. The State will assess the adjustment only after consideration of any natural or man-made problems (weather event, line cut, etc.), whether the Contractor is making reasonable efforts to restore service to established standards and whether there are indications that the State's service by the Contractor has fallen significantly below that provided to other states by the same Contractor. Contractors should comment on this provision, including describing an alternate mechanism they feel would accomplish the same goals in a way more agreeable to them and performance standards in addition to average speed of answer, blockage rate, and consumer complaint handling they may be willing to include under the mechanism. If the inclusion of this provision in the RFP has resulted in an increase in their proposed cost per minute, contractors should indicate the amount of that increase.

4.2.18 CALL EFFICIENCY

The reimbursement rate paid to the Contractor shall be on a cost per call-minute basis, but the ultimate cost of the relay service to the State will be based on three factors: the cost per call-minute, the number of calls and the efficiency of the relay center in handling calls. It is anticipated that a more efficient relay service could handle calls more rapidly, perhaps resulting in fewer minutes per call and a reduced cost to the State per call. It is also anticipated that increased call efficiency would also make the relay service more attractive to both voice and TTY users, thus resulting in greater use of the relay service. Lacking a way to measure call efficiency precisely, contractors shall indicate the combination of hardware, software, staffing, training or procedural innovations they will use to maximize call efficiency. Contractors should report the results of any internal studies conducted to measure improvements made in call efficiency that could be expected as part of the proposed services.

4.2.19 BILLABLE MINUTES, CONTRACTOR REIMBURSEMENT AND STATE INVOICE

- 4.2.19.1** Contractor shall invoice the State billable minutes as follows:
- (i) Time for each billable minute shall be recorded to the nearest one one-hundredth (1/100th) of a minute;

- (ii) All billable minutes from the calendar month shall be added and rounded to the nearest minute; and,
- (iii) This total shall be the amount of billable minutes billed to the State.

- 4.2.19.2** Contractor shall not bill the State for billable minutes used during which the calling party receives intercept messages attributed to service affecting events.
- 4.2.19.3** Contractor shall be responsible for seeking reimbursement for the processing of interstate and international calls from the FCC appointed fund administrator. At present NECA functions in this capacity.
- 4.2.19.4** FCC and NECA reimbursed minutes, including intrastate, interstate, international and toll-free shall be reported to the State Relay Administrator on the State's monthly invoice.
- 4.2.19.5** Contractor's monthly invoice to the State shall include a statement certifying the accuracy of all data used to generate the charges. Information regarding the individual authorized by the Contractor to certify accuracy of data shall be on the invoice including a signature line, signature, e-mail address, fax number and telephone number.

4.2.20 ADDITIONAL SERVICES

This RFP specifies minimum requirements for the State's relay services. Nothing in this section or other sections of the RFP is intended to prohibit a contractor from offering additional telecommunications services to users at no additional cost to the State. Contractors should specify any additional services that will be provided at no additional cost for which additional points may be awarded by the Evaluation Committee. The Contractor should also describe other services they could provide at a small additional cost.

4.2.21 ADDITIONAL REQUIREMENTS FOR FCC CERTIFICATION

Contractors shall identify other FCC requirements for certification related to TRS/CTS contractor operational, technical or functional performance not otherwise listed in this section of the RFP and specify how those requirements will be met.

4.2.22 IDENTIFICATION OF POSSIBLE ONEROUS PROVISIONS OF THIS RFP

In issuing this RFP, the State does not anticipate that it has added any requirements beyond those already required for FCC certification or part of a State's basic relay service that should add significantly to the cost per minute charged by a relay contractor. If a contractor agrees that there are no such requirements, it should so state. Alternatively, contractors should identify any such requirement and an estimate of the cost per minute that would have to be charged to meet it.

4.3 TRADITIONAL TRS REQUIREMENTS

4.3.1 FCC OPERATIONAL STANDARDS

4.3.1.1 COMMUNICATIONS ASSISTANT (CA)

- (i) TRS providers are responsible for requiring that all CAs be sufficiently trained to effectively meet the specialized communications needs of individuals with hearing and speech disabilities.
- (ii) CAs must have competent skills in typing, grammar, spelling, interpretation of typewritten ASL, and familiarity with hearing and speech disability cultures, languages and etiquette. CAs must possess clear and articulate voice communications.
- (iii) CAs must provide a typing speed of a minimum of 60 words per minute. Technological aids may be used to reach the required typing speed. Providers must give oral-to-type tests of CA speed.
- (iv) TRS providers must make best efforts to accommodate a TRS user's requested CA gender when a call is initiated and, if a transfer occurs, at the time the call is transferred to another CA.
- (v) TRS shall transmit conversations between TTY and voice callers in real time.

4.3.1.2 CONFIDENTIALITY AND CONVERSATION CONTENT.

(i) Except as authorized by section 705 of the Communications Act, 47 U.S.C. 605, CAs are prohibited from disclosing the content of any relayed conversation regardless of content, and with a limited exception for STS CAs, from keeping records of the content of any conversation beyond the duration of a call, even if to do so would be inconsistent with state or local law. STS CAs may retain information from a particular call in order to facilitate the completion of consecutive calls, at the request of the user. The caller may request the STS CA to retain such information, or the CA may ask the caller if he wants the CA to repeat the same information during subsequent calls. The CA may retain the information only for as long as it takes to complete the subsequent calls.

(ii) CAs are prohibited from intentionally altering a relayed conversation and, to the extent that it is not inconsistent with federal, state or local law regarding use of telephone company facilities for illegal purposes, must relay all conversation verbatim unless the relay user specifically requests summarization, or if the user requests interpretation of an ASL call. An STS CA may facilitate the call of an STS user with a speech disability so long as the CA does not interfere with the independence of the user, the user maintains control of the conversation, and the user does not object. Appropriate measures must be taken by relay providers to ensure that confidentiality of TRS users is maintained.

4.3.1.3 Types of calls.

- (i) Consistent with the obligations of telecommunications carrier operators, CAs are prohibited from refusing single or sequential calls or limiting the length of calls utilizing relay services.
- (ii) Relay services shall be capable of handling any type of call normally provided by telecommunications carriers unless the Commission determines that it is not technologically feasible to do so. Relay service providers have the burden of proving the infeasibility of handling any type of call.
- (iii) Relay service providers are permitted to decline to complete a call because credit authorization is denied.
- (iv) Relay services shall be capable of handling pay-per-call calls.

(v) TRS providers are required to provide the following types of TRS calls: (1) Text-to-voice and voice-to-text; (2) VCO, two-line VCO, VCO-to-TTY, and VCO-to-VCO; (3) HCO, two-line HCO, HCO-to-TTY, HCO-to-HCO.

(vi) TRS providers are required to provide the following features: (1) Call release functionality; (2) speed dialing functionality; and (3) three-way calling functionality.

(vii) Voice mail and interactive menus. CAs must alert the TRS user to the presence of a recorded message and interactive menu through a hot key on the CA's terminal. The hot key will send text from the CA to the consumer's TTY indicating that a recording or interactive menu has been encountered. Relay providers shall electronically capture recorded messages and retain them for the length of the call. Relay providers may not impose any charges for additional calls, which must be made by the relay user in order to complete calls involving recorded or interactive messages.

(viii) TRS providers shall provide, as TRS features, answering machine and voice mail retrieval.

4.3.1.4 Handling of emergency calls

TTY-based TRS providers must use a system for incoming emergency calls that, at a minimum, automatically and immediately transfers the caller to an appropriate Public Safety Answering Point (PSAP). An appropriate PSAP is either a PSAP that the caller would have reached if he had dialed 911 directly, or a PSAP that is capable of enabling the dispatch of emergency services to the caller in an expeditious manner.

4.3.1.5 STS called numbers

Relay providers must offer STS users the option to maintain at the relay center a list of names and telephone numbers which the STS user calls. When the STS user requests one of these names, the CA must repeat the name and state the telephone number to the STS user. This information must be transferred to any new STS provider.

4.3.2 FCC TECHNICAL STANDARDS

4.3.2.1 ASCII and Baudot

TRS shall be capable of communicating with ASCII and Baudot format, at any speed generally in use.

4.3.3 ADDITIONAL SOUTH DAKOTA OPERATIONAL STANDARDS FOR TRS

4.3.3.1 Standard Relay Product Features

South Dakota's current Contractor, CSD / Sprint, provides Customer Service, State Options, Technical Features and Enhanced Features, as illustrated in Appendix A. Contractors must address their ability to provide all of the current services identified. The price per call minute in their proposal should be for relay services that include all features. To facilitate a comparison of proposals, contractors should review the list of features and indicate which services they provide, which they provide but in a different fashion and what those differences are, and which they do not provide. Contractors should list additional services they would

provide that are not included on the Customer Service, State Options, Technical Features or Enhanced matrices.

4.3.3.2 Relaying the full content of communication

Communications Assistants (CAs) must convey the full content, context and intent of the communication they translate. CAs shall, to the best of their abilities, let the deaf or hearing-impaired user know the tone of voice the hearing caller is using. For example, they can type in parenthesis that a person is being rude, is yelling, is being humorous, is laughing, is impatient, or other characterizations of behavior. CAs shall also keep the user informed on the status of the call, such as dialing, ringing, busy, disconnected, on hold, or explaining the relay to a hearing caller. When speaking for the TTY user, the CA shall adopt a conversational tone of voice appropriate to the type of call being made. CAs shall indicate to the TTY user if another person (hearing) comes on the line. CAs shall also announce to both parties to the call when there is a change of operators during a call.

4.3.3.3 Prohibited communications

CAs shall not counsel, advice or interject personal opinions or additional information into any relay call. This also means the CAs shall not make any value judgments on the obscenity of any messages. Furthermore, the CAs shall not hold personal conversations with anyone calling the South Dakota Relay Service. The State will not reimburse for any call minutes that violate this standard.

4.3.3.4 Preserving confidentiality

Proposals shall specify the policies the Contractor will use to preserve confidentiality. Such policies may include mechanisms employees are encouraged to use to prevent unintentional disclosure of relayed conversations, denying employment as CAs to those who have deaf family members or acquaintances, and other methods. Proposals shall specify the policy for handling violations of confidentiality.

4.3.3.5 CA community contacts

Contractor shall propose a method for a relay user to uniquely identify a relay agent in the event a complaint is filed or a user wants to praise the work of the CA. Contractor utilizing an in-state center shall describe how they will handle the confidentiality concerns related to possible social contact or the provision of other services by relay agents for members of the deaf and hearing impaired community that use the relay.

4.4 CAPTIONED TELEPHONE RELAY REQUIREMENTS

4.4.1 FCC MANDATORY STANDARDS FOR CAPTIONED TELEPHONE SERVICE (CTS)

FCC Regulations for the Provision of Captioned Telephone Relay Services (CTS) pursuant to Title IV of the Americans with Disabilities Act (ADA), Pub. L. No. 101-336, § 401, 104 Stat.327, 366-69 (adding Section 225 to the Communications Act of 1934), as amended, 47 U.S.C. § 225. Following are MANDATORY MINIMUM STANDARDS of 47 C.F.R. § 64.601 – 64.606 that must be met by all contractors.

CTS Relay shall meet all provisions of FCC CC Docket No. 98-67 DECLARATORY RULING released August 1, 2003 with exception of the following: STS, HCO, CA requirements (interpretation of typewritten American Sign Language (ASL), oral-to-type tests, not refusing single or sequential calls, gender preferences), interrupt functionality, call release, and ASCII and Baudot format.

4.4.2 OPERATIONAL STANDARDS

4.4.2.1 Confidentiality and Conversation Content

Except as authorized by section 705 of the Communications Act, 47 U.S.C. 605, CAs are prohibited from disclosing the content of any relayed conversation regardless of content and from intentionally altering a relayed conversation.

4.4.3 ADDITIONAL CAPTIONED TELEPHONE SERVICE (CTS) TECHNICAL STANDARDS.

It is the State of South Dakota's intention to offer its citizens high quality and dependable captioned telephone relay service. As such, the following additional specifications must be addressed in the RFP process.

4.4.3.1 A contractor's CTS center shall be located within the United States.

4.4.3.2 CTS customers shall be able to place calls through the CTS relay from within South Dakota to any point in the world as well as place calls from all points outside South Dakota to any point within South Dakota.

4.4.3.3 CTS system shall provide calling party intercept messages. Describe how intercept messages will be used during service affecting events.

4.4.3.4 Toll-Free Telephone Support (Customer Service). Contractor shall provide toll-free telephone number(s) that are accessible from anywhere within the State for the purpose of telephone support (customer service) for CTS users. Contractor shall describe telephone support (customer service) that will be provided including telephone numbers, business hours, accessibility and types of customer services that will be offered.

4.4.3.5 The Contractor shall provide as part of its proposal
(i.) A letter from CapTel Inc. (CTI) confirming that they have a CapTel Service Supply Agreement with CTI;
(ii.) That the Contractor has not received any notice of default under such agreement; and,
(iii.) The terms of the Agreement are as long as the projected term of the contract to be awarded as a result of the RFP.

4.4.3.6 The Contractor shall, as part of its proposal, provide an email from the NECA fund administrator stating that they are approved to receive reimbursement for interstate and 2-line captioned telephone calls.

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NOV 16 2012
FCC Mail Room

DEPARTMENT OF HUMAN SERVICES

OFFICE OF THE SECRETARY

Hillsview Plaza, 3800 East Highway 34
c/o 500 East Capitol Avenue
Pierre, South Dakota 57501-5070

Phone: (605) 773-5990
FAX: (605) 773-5483 TTY: (605) 773-5990

<http://dhs.sd.gov/>

August 3, 2012

To Whom It May Concern:

This letter is in reference to the remittance of the imposed access fee for the Telecommunication Relay Services (TRS). Enclosed you will find copies of the remittance coupons that should be utilized for submittal of the access fee. There are three (3) pages or six (6) coupons [two (2) coupons per page] provided for the months of **July 2012 through June 2013**. Please complete and submit prior to the last day of the month following each two month period (e.g. for the two month period of July and August 2012, please submit the remittance by September 30, 2012). The second and third line at the top of each coupon identifies the period and the applicable due date.

I understand that there are some companies that are submitting their remittances with a form that they have developed themselves; we would **strongly urge** you to utilize the remittance coupons that are provided to assure that all information we require is being submitted and is being credited to the proper companies account. Each company has an account number, which is located in the upper right corner of each coupon, it is labeled "TRS-#". This account number needs to be on each coupon, if it is not present, we may not be able to credit the appropriate company account. We have also put a copy of the remittance document on the internet. To access a printable copy of the form, go to <http://www.state.sd.us/drr2/businessstax/forms/forms.htm#salestaxforms>, select Telecommunication Relay Services – Remittance Coupon. You can also complete the form online by going to <https://www.state.sd.us/eforms/secure/eforms/E1840V2-RemitCoupon.pdf>.

As you complete the remittance coupon, please remember to complete each blank line in its entirety, which includes: # of lines/unit, by month and by telephone, cellular, pager, and total; the subtotals by month & category; the fee calculation by category; the amount of administrative fee you are deducting; the total amount to remit; the company federal id #; the preparer name; and date. If there are any corrections needed, please denote the correction on the coupon being submitted. The Remittance Center requests that you **do not staple your check** to the coupon (simply attach via a paper clip).

Also, enclosed is a two page duplexed document (Revised July 2012) which provides questions and answers regarding the TRS. I thank you in advance for your cooperation and timely remittance of the above fee. If you have any questions or feel that you are not subject to the collection of this access fee, please contact me in writing as soon as possible. My e-mail address is john.hanson@state.sd.us.

Sincerely,

John T. Hanson, Director
Office of Budget & Finance

Enclosures (2)

Remit-Ltr 2011-08-03 Doc

NOV 16 2012

**QUESTIONS & ANSWERS
ON
SOUTH DAKOTA TELECOMMUNICATION RELAY SERVICES
FOR
LOCAL EXCHANGE CARRIERS
WIRELESS TELECOMMUNICATION COMPANIES
(CELLULAR TELEPHONES & PAGERS)**

FCC Mall Room

What is Telecommunication Relay Services (TRS)?

Telecommunication relay services provide full telephone accessibility to people who are deaf, hard of hearing, or speech disabled. Specially trained Communication Assistants complete all calls and stay on-line to relay messages either electronically over a Teletypewriter (TTY) or verbally to hearing parties.

The service, known as Relay South Dakota, is available 24 hours a day, 365 days a year with no restrictions on the length or number of calls placed. This valuable communications tool gives all individuals who are deaf, hard of hearing or speech disabled the opportunity to make personal and business calls just like any other telephone user.

When did SD Relay Service get started?

During the 1989 session of the Legislature of the State of South Dakota, the South Dakota Codified Law Chapter 49-31-47 through 49-31-56 was passed to provide telecommunication services for state residents with disabilities.

On July 26, 1990, President George H. W. Bush signed into law the Americans with Disabilities Act (ADA). The ADA is comprised of five sections, one section is Title IV Telecommunications, this section amends the Communications Act of 1934 to provide for telecommunication relay services for individuals who are deaf, hard of hearing and speech disabled. The Federal Communications Commission is responsible for issuing rules and regulations implementing this title. More specifically, Title IV requires telephone companies to provide both local and long-distance telecommunication relay services across the nation. South Dakota already complies with the ADA mandates.

What else in the South Dakota Law?

The South Dakota Department of Human Services establishes and administers two statewide programs to purchase and distribute telecommunication devices to residents of this state who have disabilities that prevent them from using a telephone.

The law states that the telecommunications fund be created in the state treasury and be used for relay services and equipment distribution programs. An access fee is imposed in the amount of fifteen (15) cents per local exchange service line per month, fifteen (15) cents per cellular telephone per month, and fifteen (15) cents per radio pager device per month.

The 2000 Legislature of the State of South Dakota passed legislation to clarify the reporting and collection requirements of the telecommunication access fee imposed by SDCL 49-31-51. The legislation essentially authorizes the Department of Revenue to promulgate rules for the administration of the fee and it establishes interest and penalties, which may be imposed for delinquent fees and/or remittance coupons/reports.

6

Responsibilities of Local Exchange Carriers & Wireless Telecommunication Companies?

The local exchange carriers and wireless telecommunication companies operating in the State of South Dakota **shall collect the access fee** as reported as a separate line or service on the regular monthly bill. **On or before the last day of the month following each two (2) month period, every telecommunication company shall submit remittances** to the Department of Revenue Remittance Center, PO Box 5055, Sioux Falls, SD 57117-5055. Checks should be made payable to the South Dakota State Treasurer. The remittance should be submitted, utilizing the remittance coupon forms provided by the Department, in the amount of the access fee collected, less the administrative fee, for the identified two (2) month period. Please note that remittance coupons / reports need to be completed and submitted regardless of whether an actual payment needs to be submitted. A penalty exists for failure to submit the required report timely.

The following is the reporting periods and the respective remittance submittal due dates:

<u>Reporting Period</u>	<u>Submittal Due Date</u>
July/August	September 30
September/October	November 30
November/December	January 31
January/February	March 31
March/April	May 31
May/June	July 31

Is there an administrative cost for the collection of the fee?

The law indicates the telecommunication companies may deduct and retain one hundred dollars (\$100.00) **or** one percent (1%) of the collected amount, whichever is greater, as the cost of administration for collecting the charge. To clarify, the administrative fee may be deducted for each two month period.

Examples of Administrative fee calculations:

If your collected amount for a two month period was:

- **\$100.50 or less:** Complete the form, you may submit \$0.00 for your remittance [i.e. \$100 less minimum administrative fee of \$100.00 = \$0.00].
- **\$100.51 to \$10,000.50:** Complete the form, submit the amount collected less \$100.00 for the administrative fee [i.e. if collected \$100.51, submit \$0.51 (\$100.51 - \$100.00); if collected \$10,000.50, submit \$9,900.50 (\$10,000.50 - \$100.00)].
- **\$10,000.51 or greater:** Complete the form, submit the amount collected less 1% for the administrative fee [i.e. if collected \$10,000.51, submit \$9,900.50 (\$10,000.51 - \$100.01); if collected \$15,000.00, submit \$14,850.00 (\$15,000.00 - \$150.00)].

The company **may** deduct and retain \$100.00 or 1% of the collected amount, if a company chooses not to deduct this administrative fee, for whatever reasons, they may do so. The administrative fee was allowed to alleviate additional burdens imposed on the companies for the tracking, collection, and reporting of the TRS access fee.

Which companies are exempt from paying the access fee?

All entities that are exempt under South Dakota Codified Law 10-45 from paying South Dakota state sales tax on telephone services are also exempt from paying the access fee.

Who to contact for further questions or additional information?

Please contact John T. Hanson with the SD Department of Human Services at (605) 773-5990 or 1-800-265-9684 (TTY/Voice) or e-mail at john.hanson@state.sd.us.