

Memorandum
Department of Correction



113286

March 23, 2026

To: Honorable Board of Acquisition and Contract

From: Joseph K. Spano
Commissioner of Correction

Re: Amend a concession agreement with Global Tel Link d/b/a Viapath Technologies for the provision of inmate telephone and payment services and coin telephone services, for a term from August 1, 2023 through July 31, 2028, to address changes mandated or permitted by order of the Federal Communications Commission.

On November 16, 2023, your Honorable Board approved a Resolution authorizing the County of Westchester ("County"), acting through the Department of Correction ("Department") to enter into a concession agreement with Global Tel Link d/b/a Viapath Technologies ("Viapath") to provide inmate telephone and payment services and coin telephone services, for a term from August 1, 2023 through July 31, 2028. The agreement provides that Viapath will: pay the County a commission of 62% of the total billed revenue on completed calls; put in escrow 7% of the total billed revenue on completed calls, to be used for enhanced technology at the County's request; roll over an escrow balance of \$200,000.00 remaining from the previous agreement into the new term; and provide enhanced technology to the inmate telephone system.

On July 11, 2024, your Honorable Board approved a Resolution authorizing the County to amend the agreement to permit the exchange of information generated from the Department's systems among the County, Viapath and law enforcement and correctional agencies to use for law enforcement and correctional purposes and to cooperate with such agencies to investigate actual or potential violations of law, regulation, administrative code, policies, and the like. The County may terminate the data exchange at any time with written notice to Viapath. The amendment was subsequently executed.

Authorization of your Honorable Board is now requested to further amend the agreement to address changes mandated or permitted by the Federal Communications Commission's ("FCC") Final Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking FCC25-75 released November 6, 2025 (the "2025 FCC Order") to implement the provisions of the Martha Wright-Reed Just and Reasonable Communications Act of 2022 governing incarcerated people's communications services ("IPCS"). Pursuant to the 2025 FCC Order, no compensation shall be payable to the County for IPCS audio or video communications services under the agreement. However, the 2025 FCC Order authorizes the addition of a Facility

Cost Rate Additive to the per-minute cost of IPCS communications to recover costs reasonably incurred by the County in making IPCS available. The changes are as follows:

Inmate Telephone Service Provisions.

ITS Compensation to County	
Services	New Terms
ITS commission (to include escrow total billed revenue on completed calls)	Removed, Not Allowed <i>See Note 1 Below</i>
Note: 1. Pursuant to the 2025 FCC Order, no compensation shall be payable for IPCS voice calling services under this Agreement. Any remaining balance held in escrow shall be disbursed to the County with the final commission payment. No commissions will be accrued after April 6, 2026.	
ITS Facility Cost Rate Additive	
Services	New Terms
ITS Facility Cost Rate Additive	\$0.02 per minute
Effective ITS Rates (inclusive of the Facility Cost Rate Additive)	
Services	New Terms
Interstate ITS rate per minute	\$0.10
Intrastate ITS rate per minute	\$0.10
International ITS rate per minute	\$0.10 plus applicable call termination rate
ITS Transaction Fees	
Services	New Terms
ITS Ancillary Service Charges	Removed, Not allowed

Payment Provisions.

Payment Services Commission. Viapath will pay the County a Commission equal to fifty percent (50%) of gross revenue (less all applicable taxes, government imposed fees or charges, third party transaction fees, and billing or security fees) from Viapath Fees received from the senders for the Services. This Payment Services Commission will be put in escrow to be used for enhanced technology at the County's request. Payment Services Commission payments will be completed monthly, and all Payment Services Commission payments will be final and binding upon the County unless written objection is received by Viapath within sixty (60) days of receipt of commission payment by the County.

All remaining terms and conditions of the agreement will remain in effect.

As a concession, this agreement is exempt from the County Procurement Policy pursuant to Section 3(b) thereof.

The Goals & Objectives of this amendment are to provide inmate telephone services and the exchange of information with other agencies.

Accordingly, I recommend approval of the annexed Resolution.

JKS/DLV/dv

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/26/2026 - RAYMOND SCULKY, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Correction, be it hereby

RESOLVED, that the County of Westchester is authorized to amend a concession agreement with Global Tel Link d/b/a Viapath Technologies (“Viapath”) to provide inmate telephone and payment services and coin telephone services, for a term from August 1, 2023 through July 31, 2028, in order to address changes mandated or permitted by the Federal Communications Commission’s (“FCC”) Final Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking FCC25-75 released November 6, 2025 (the “2025 FCC Order”) to implement the provisions of the Martha Wright-Reed Just and Reasonable Communications Act of 2022 governing incarcerated people’s communications services (“IPCS”). Pursuant to the 2025 FCC Order, no compensation shall be payable to the County for IPCS audio or video communications services under the agreement. However, the 2025 FCC Order authorizes the addition of a Facility Cost Rate Additive to the per-minute cost of IPCS communications to recover costs reasonably incurred by the County in making IPCS available; and be it further

RESOLVED, that the changes are as follows:

Inmate Telephone Service Provisions.

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Services	New Terms
ITS commission (to include escrow total billed revenue on completed calls)	Removed, Not Allowed <i>See Note 1 Below</i>
Note: 2. Pursuant to the 2025 FCC Order, no compensation shall be payable for IPCS voice calling services under this Agreement. Any remaining balance held in escrow shall be disbursed to the County with the final commission payment. No commissions will be accrued after April 6, 2026.	
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Effective ITS Rates (inclusive of the Facility Cost Rate Additive)	
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RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be Charged/credited	Fund	Dept	Major Program Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
2023-2024	101	35	1000	9065		\$744,041
2024-2025	101	35	1000	9065		\$758,922
2025-2026	101	35	1000	9065		\$774,101
2026-2027	101	35	1000	9065		\$789,583
2027-2028	101	35	1000	9065		\$805,374

Budget Funding Year(s) 2023-2028
(must match resolution)

Start Date 8/1/2023

End Date 7/31/2028

Funding Source Tax Dollars _____
 State Aid _____
 \$ N/A Federal Aid _____
 (must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACTS - 03/26/2026 - RAYMOND SULKY, SECRETARY