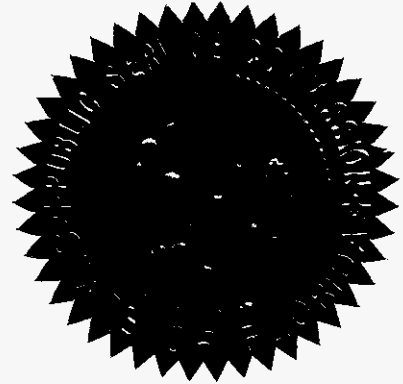


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 110013-TP

REQUEST FOR SUBMISSION OF PROPOSALS
FOR RELAY SERVICE, BEGINNING IN
JUNE 2012, FOR THE DEAF, HARD OF
HEARING, DEAF/BLIND, OR SPEECH
IMPAIRED, AND OTHER IMPLEMENTATION
MATTERS IN COMPLIANCE WITH THE
FLORIDA TELECOMMUNICATIONS ACCESS
SYSTEM ACT OF 1991.



PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 3

COMMISSIONERS
PARTICIPATING: CHAIRMAN ART GRAHAM
COMMISSIONER LISA POLAK EDGAR
COMMISSIONER RONALD A. BRISÉ
COMMISSIONER EDUARDO E. BALBIS
COMMISSIONER JULIE I. BROWN

DATE: Tuesday, April 26, 2011

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: JANE FAUROT, RPR
Official FPSC Reporter
(850) 413-6732

DOCUMENT NUMBER 02959

APR 29 2011

FPSC-COMMISSIONER OFFICE

P R O C E E D I N G S

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2 **CHAIRMAN GRAHAM:** Let's go to Item Number
3 3. Ray, it looks like you're the man.

4 **MR. KENNEDY:** Thank you. Ray Kennedy,
5 Commission staff.

6 Good morning, Chairman, Commissioners.
7 For Item 3, staff is seeking approval from you to
8 issue a request for proposal to provide a
9 telecommunications relay service for the nearly
10 three million deaf, hard of hearing, deaf/blind, and
11 speech impaired citizens of Florida. Chapter 427,
12 Florida Statutes, authorizes the Commission and
13 requires the Commission to do this.

14 We have a partnership arrangement with
15 FTRI. They are a nonprofit corporation. What they
16 do is they collect the fees from the local exchange
17 companies. They all go there, and they distribute
18 equipment to the personnel. We also have a
19 committee, an advisory committee made up of a group
20 of ten individuals recommended by various
21 organizations for the telephone industry individuals
22 who are deaf, hard-of-hearing, speech-impaired, what
23 have you.

24 The current contract expires on May 31st,
25 2012, and this is to start the ball rolling to

1 select the provider for that start date of June 1st,
2 2012. Sprint is the current provider for these
3 services. We're here to answer any questions.

4 **CHAIRMAN GRAHAM:** Thank you, sir.

5 Commissioner Brown.

6 **COMMISSIONER BROWN:** Thank you.

7 Given the importance of this service, I
8 have spent additional time really looking with
9 specificity over the RFP, and I have just a few
10 modifications I'd like to suggest for consideration.

11 On Page 14 of Attachment A, definition t,
12 which is PRC, Proposals Review Committee. We define
13 advisory committee with specificity, but we do not
14 define the PRC, so it appears to be amorphous. And
15 I think that -- I have spoken with staff about this,
16 and they have a suitable definition that they can
17 read into the record for your consideration.

18 **MS. MILLER:** Yes. We suggest, "The PRC
19 consists of designated FPSC staff and designated
20 members of the advisory committee."

21 **COMMISSIONER BROWN:** And that is one of
22 the suggestions that I have. I have another one, if
23 you would like me to continue.

24 **CHAIRMAN GRAHAM:** Let's take them up one
25 at a time. So you propose that as an amendment?

1 **COMMISSIONER BROWN:** I do.

2 **CHAIRMAN GRAHAM:** And it has been
3 seconded.

4 Any discussion on that amendment?

5 **COMMISSIONER EDGAR:** I'm sorry, I'm lost.
6 You said Attachment A --

7 **COMMISSIONER BROWN:** It's on Page 14. If
8 Ms. Miller would like to read it again for
9 Commissioner Edgar.

10 **MS. MILLER:** What we suggest is adding,
11 "The PRC consists of designated FPSC staff and
12 designated members of the advisory committee."

13 **COMMISSIONER EDGAR:** So this would be a
14 new letter under -- and when you say Page 14, are
15 you talking about Page 14 of the item, because it
16 doesn't look like Attachment A, on my copy anyway,
17 has its own page numbers.

18 **COMMISSIONER BROWN:** It is on Attachment
19 A. If you look at the top it says Attachment A. At
20 the top, Page 14. It's just expanding the
21 definition, because it is limited right now to the
22 proposals review committee.

23 **COMMISSIONER EDGAR:** I'm so sorry. Give
24 me a second.

25 **COMMISSIONER BROWN:** That's okay.

1 **COMMISSIONER EDGAR:** Okay. So it would be
2 an addition to letter f?

3 **COMMISSIONER BROWN:** T.

4 **COMMISSIONER EDGAR:** The letter t. There
5 it is. Okay. I've got it now. Thank you.

6 **COMMISSIONER BROWN:** You're welcome.

7 **COMMISSIONER EDGAR:** And I'm ready to move
8 on now. Thank you.

9 **CHAIRMAN GRAHAM:** Any other discussion on
10 that amendment? Seeing none, all in favor say aye.

11 (Vote taken.)

12 **CHAIRMAN GRAHAM:** Those opposed?

13 By your action, the Brown amendment -- the
14 number one Brown amendment.

15 **COMMISSIONER BROWN:** And I just have
16 another suggested change. On Page 40, Item 61,
17 insurance coverage. I feel that the current
18 provision is ambiguous and doesn't identify minimum
19 limits for overage, which I believe are essential.
20 And I have spoken with staff about this, and they
21 did agree with me, so I have prepared some
22 additional language that I would like to propose to
23 my fellow Commissioners at this time for
24 consideration. And I will hand out a copy of it so
25 that you can read it with me.

1 "During the term of the contract, a
2 provider shall provide insurance coverage for itself
3 and all of its employees used in connection with the
4 performance of services under this agreement, and
5 ensure that all subcontractors shall be similarly
6 covered as provided herein. Such policies shall be
7 issued by a financially sound carrier and/or
8 carriers duly authorized to do business in the state
9 of Florida. Such insurance coverage shall hold the
10 FPSC harmless from any act, negligence, or omission
11 on the part of provider, its employees, agents, or
12 subcontractors, and their employees in the execution
13 or performance of the obligations assumed hereunder.
14 This insurance will include workers compensation as
15 required by law and comprehensive general liability
16 and bodily injury insurance in amounts no less than
17 one million per occurrence and two million general
18 aggregate."

19 And the reason why I did that is because
20 the original language did not specify any type of
21 limits, so I felt -- and I spoke with staff about
22 this, and if Ms. Miller would like to comment on the
23 proposed language, I would appreciate it.

24 **MS. MILLER:** Yes. We think it's an
25 improvement. We called some attorneys at the

1 Department of Management Services who do this
2 contract work on a daily basis, and they said that
3 it's really helpful to have the dollar amount in
4 there. So by adding the million per occurrence and
5 two million general aggregate, it was their opinion
6 that that was a preferable way to go.

7 **CHAIRMAN GRAHAM:** Commissioner Brown, you
8 can definitely tell that you're an attorney.

9 **COMMISSIONER BROWN:** I just think it's a
10 better -- if we have these in there, it's a better
11 RFP, which will ultimately be incorporated as part
12 of the contract.

13 **CHAIRMAN GRAHAM:** Was that a motion I
14 heard you say?

15 **COMMISSIONER BROWN:** I would like to move
16 to accept this additional provision that I read into
17 the record.

18 **CHAIRMAN GRAHAM:** So we'll call this the
19 number two Brown amendment. And it has been moved
20 and seconded.

21 Any further discussion on that Number 2
22 Brown amendment? Seeing none, all in favor say aye.

23 (Vote taken.)

24 **CHAIRMAN GRAHAM:** Those opposed?

25 By your action, you have approved the

1 second one. We'll just combine both of those as the
2 Brown amendment.

3 Is there anything else up on Item Number
4 3?

5 Commissioner Balbis.

6 **COMMISSIONER BALBIS:** Thank you, Mr.
7 Chair.

8 I just wanted to point out one question
9 that I had for staff when being briefed on this item
10 was what appeared to be an extensive amount of time
11 from the RFP being issued and the contract being
12 executed. I think it was around nine months. And I
13 know, Mr. Kennedy, if you'd just like to expand upon
14 that. I don't know if the other Commissioners had
15 similar concerns on does it take nine months to
16 execute a contract, and, if so, is that something we
17 need to look at, or is this a specific case?

18 **MR. KENNEDY:** What we have -- the schedule
19 arranged is to have the bidders conference on May
20 the 20th. I'd prefer not to do that any earlier to
21 give the bidders time to review the RFP. From now
22 until September, I anticipate a contract award. We
23 might could shorten when we come back to the agenda
24 once we make the evaluation. The evaluation, I
25 think, is going to take the staff the longest time.

1 I anticipate the evaluation will take approximately
2 two weeks, and that's going to depend on how many
3 bidders we have. But I don't know that nine months
4 is excessive for this.

5 If you desire we shorten it, I can
6 certainly on the back end bring those in. I haven't
7 had any other questions regarding that, though.

8 **MS. MILLER:** One thing we might want to
9 note is we really hope we don't get any protests,
10 but if we did, that adds -- and it goes through a
11 process that adds a couple of months to the matter.
12 Really more than a couple of months. There's a
13 schedule set out where it goes to -- anyway, it goes
14 to the Division of Administrative Hearings. So we
15 hope we don't get any protests, but that is one of
16 the reasons for having a little bit of leeway in
17 there.

18 **COMMISSIONER BALBIS:** Well, when I asked
19 this question during a briefing, there was what I
20 felt was a better answer, and I was hoping that you
21 would repeat the answer you gave me. And I don't
22 know if it's appropriate, but, you know, I guess for
23 you to confirm the comment made previously is that
24 we have an existing provider that's on board, and if
25 there's another company that is awarded this

1 contract, they are going to need the time to have
2 everything in place so there is not a gap in service
3 that's provided so that we have a lot of leeway here
4 so that when that contract expires, we have another
5 one on board with equipment set up so there is not a
6 gap in service to the customers. So is that still
7 correct?

8 **MR. KENNEDY:** That certainly is correct,
9 absolutely.

10 **COMMISSIONER BALBIS:** Okay. Thank you.

11 **CHAIRMAN GRAHAM:** Okay. Any further
12 discussion on Item Number 3?

13 Can I get a motion to move staff on Item
14 Number 3 with the two Brown amendments?

15 **COMMISSIONER EDGAR:** Mr. Chairman, I would
16 move that we approve the item before us with the
17 changes in language suggested by Commissioner Brown.

18 **CHAIRMAN GRAHAM:** It has been moved and
19 seconded.

20 Any further discussion on Item Number 3?
21 Seeing none, all in favor say aye.

22 (Vote taken.)

23 **CHAIRMAN GRAHAM:** Those opposed?

24 By your action, you have approved Item
25 Number 3.

Staff, thank you very much.

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1 STATE OF FLORIDA)

2 : CERTIFICATE OF REPORTER


3 COUNTY OF LEON)

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5 I, JANE FAUROT, RPR, Chief, Hearing Reporter
6 Services Section, FPSC Division of Commission Clerk, do
7 hereby certify that the foregoing proceeding was heard
8 at the time and place herein stated.

9 IT IS FURTHER CERTIFIED that I
10 stenographically reported the said proceedings; that
11 the same has been transcribed under my direct
12 supervision; and that this transcript constitutes a
13 true transcription of my notes of said proceedings.

14 I FURTHER CERTIFY that I am not a relative,
15 employee, attorney or counsel of any of the parties,
16 nor am I a relative or employee of any of the parties'
17 attorney or counsel connected with the action, nor am I
18 financially interested in the action.

19 DATED THIS 29th day of April, 2011.

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23
24
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 JANE FAUROT, RPR
 Official FPSC Hearings Reporter
 (850) 413-6732