

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
COMMISSION STAFF

FROM: DON HOWELL
DEPUTY ATTORNEY GENERAL

DATE: SEPTEMBER 12, 2013

SUBJECT: RENEWAL OF THE TRS ADMINISTRATOR'S CONTRACT

The current contract between the Commission and its Telecommunications Relay Services (TRS) Administrator, Bob Dunbar, is scheduled to expire on October 17, 2013. *Idaho Code* § 61-1303(1) states that the Commission “shall contract with a qualified person to administer” the TRS program. The TRS Act and the TRS program allows citizens who are hearing or speech-impaired to engage in telephone communications “in a manner functionally equivalent to that of individuals without hearing or speech impairments.” *Idaho Code* § 61-1301.

BACKGROUND

Pursuant to the TRS Act, the Commission has contracted with Mr. Dunbar to administer the TRS program since its inception in 1993. Under the terms of his contract, Mr. Dunbar performs the duties of the TRS Administrator including, but not limited to: filing annual and quarterly TRS reports; meeting with stakeholders; contracting with a service provider to actually perform the telecom relay services; issuing RFPs for relay services; evaluating bids in response to RFPs; and performing other duties as required by the Commission.

Under the current contract, the Administrator is compensated at a rate of \$60 per hour. The Administrator's compensation is not to exceed a total amount of \$39,000 in any given year without the expressed written permission of the Commission. Contract § 4.1. The current contract also provides that the TRS fund must be audited by a neutral third party at least once

every three years or upon termination of the contract. Contract § 2.7. Either party may terminate the contract by giving 90 days notice. *Id.* at § 4.4.

STAFF RECOMMENDATION

Staff believes that Mr. Dunbar has admirably performed his duties as TRS Administrator. He has been the Administrator since 1993 and has efficiently discharged his duties during his tenure. Although the current contract allows the parties to extend the contract by two (2) one-year extensions (§ 4.3), Staff recommends that the Commission enter into a new contract for another for another three-year period to expire October 17, 2016.

COMMISSION DECISION

Does the Commission wish to contract with Mr. Dunbar as the TRS Administrator for a three-year period starting October 17, 2013, pursuant *Idaho Code* § 61-1303(1)(a)?



Don Howell
Deputy Attorney General

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