

EXHIBIT A

THIRD-PARTY COMMERCIAL DRIVER'S LICENSE SKILLS TESTING PROGRAM REQUIREMENTS

BACKGROUND

In 1986, the Federal Government enacted the Commercial Motor Vehicle Safety Act. The purpose of the legislation was to reduce or prevent commercial motor vehicle accidents, fatalities, and injuries. These objectives are met by permitting commercial drivers to hold only one valid driver's license, disqualifying commercial drivers who have committed certain serious traffic violations, and strengthening licensing and testing standards. To assist with the anticipated volume of tests that arose, PennDOT implemented the Third-Party Testing Program pursuant to Section 1607(a)(3) of Pennsylvania's Vehicle Code, 75 Pa. C.S. §1607(a)(3).

Section 383.75 of the Federal Motor Carrier Safety Regulations (49 CFR Part 383) ("FMCSR") allows PennDOT to authorize Third-Party Testers to administer the commercial driver's license skills test. A Third-Party Tester can be an agency of Pennsylvania or another state, a motor carrier, a private driver training facility or other private institution, or a department, agency, or instrumentality of local government.

Given the potential for fraudulent issuance of licenses or the potential for individuals to be licensed who do not have the required level of skill to operate today's commercial vehicles, the selected Third-Party Testers will be required to meet a stringent set of performance standards. These standards include criteria for employees, facilities, document security, training, equipment, and testing procedures. These requirements are consistent with those used by PennDOT when establishing skills testing at a State-operated facility.

Third-Party Testers shall examine an applicant's permit, registration, and insurance to ensure that all legal requirements are met. They will complete the necessary State-supplied forms for test scoring and record keeping and administer the skills portion of the test in accordance with testing procedures provided by PennDOT. Once the test is completed, the Third-Party Tester shall inform the commercial driver's license applicant as to their test results and when to expect their commercial driver's license in the mail. The entire process will be conducted in an environment that places customer service and convenience at the forefront while still maintaining high testing standards and security.

GENERAL REQUIREMENTS

- Third-Party Testers will be selected in accordance with their ability to provide outstanding customer service while maintaining safety for the test applicant as well as the rest of the motoring public, quality control, system security, and document control. Once selected as a Third-Party Tester, the Third-Party Tester enters into a Third-Party Commercial Driver's License Skills Testing Program Agreement

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("Agreement") with PennDOT and must administer the same skills test that PennDOT would administer. The license the commercial driver's license applicant ultimately receives is a valid Pennsylvania commercial driver's license.

- Services must be performed during the period established on the Notice to Proceed issued by PennDOT. Upon being given Notice to Proceed, the Third-Party Tester shall meet whenever necessary with PennDOT's Third-Party Program Manager to assess the status of the tasks.
- Third-Party Tester applications are confidential to the extent permitted by law and, except for the selected applications, will not be revealed or discussed with competitors. Other materials submitted with the application, which become part of the Agreement, become the property of PennDOT, and may be returned only at PennDOT's option. Applications submitted to PennDOT may be reviewed and evaluated by any person selected by the Commonwealth. The Third-Party Tester applicant grants PennDOT the right to use any ideas presented in any application. Selection or rejection of the application does not affect this right.
- No costs to PennDOT are associated with an Agreement. The Commonwealth is not liable for costs incurred by Third-Party Tester applicants. Fees charged by Third-Party Testers to applicants for test administration must be market driven and set by the Third-Party Tester.
- Third-Party Tester certificates are non-transferable. If there is a change of ownership, the new owner shall apply for certification. Old certificates must be surrendered to PennDOT before a new certificate can be issued. The application for a new certificate must be made in the same manner as for an original certificate.

THIRD-PARTY COMMERCIAL SKILLS TESTING PROGRAM REQUIREMENTS

1. APPLICANT REQUIREMENTS

The following provisions relate to requirements that an applicant must meet the to be considered for selection as a Third-Party Tester:

- A. An applicant shall provide a straightforward, concise description of the applicant's ability to meet the requirements of the Third-Party Commercial Skills Testing Program. Applicants shall be required to assume responsibility for services offered in these Program Requirements, if selected.
- B. An applicant shall designate one manager who directs the operations and shall be PennDOT's programmatic contact person. An applicant, if selected, shall provide, as a condition of the Agreement, competent, continuous supervision, and instruction to ensure each third-party test site is properly operated.
- C. An applicant shall designate one person who will be PennDOT's contractual

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contact person. It is recommended the contractual contact reports directly to or has reasonable access to the applicant's authorized signatory who has power to sign a document, contracts, instruments, agreements, or legally binding documents on behalf of the applicant.

- D. An applicant shall provide the business name, address, phone number, email address, Federal ID number (or Social Security number, if applicable) on the Commercial Driver's License Third-Party Tester Application (Exhibit B) and all other information requested by PennDOT. The application will remain valid for 120 days or until an Agreement is executed, whichever is later. The contents of the application will become part of the Agreement if an Agreement is executed.
- E. An applicant must be registered in the PA Supplier Portal and have a valid Business Partner Record Number which can also be recognized as the Vendor SAP Number. Registration can be completed at the website below: <https://pasupplierportal.state.pa.us/irj/portal/anonymous>
- F. An applicant must either:
 - i. have maintained a place of business in Pennsylvania for a minimum of two years prior to submission of the application; or
 - ii. be a government agency.
- G. An applicant shall provide the name and home address and phone number of all employees who will be involved in the Third-Party Commercial Testing Program and indicate the responsibilities each will have within the Third- Party Tester, if selected.
- H. An applicant shall provide related experience and references, including experience in similar efforts of this type, scope, and duration. The following must be included:
 - i. Work done by individuals who will be assigned to the Third- Party Commercial Driver's License Skills Testing Program and by the organization as a whole.
 - ii. At least three references from companies or agencies that have done business with the applicant within the last three years. Provide the name, address, and telephone number of the references, and the name, address, and phone number of responsible officials to contact. PennDOT may contact the references.
- I. An applicant shall provide a management plan describing a proposed approach to achieve the objectives of the Third-Party Commercial Driver's License Skills

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Testing Program, including personnel structure, policies, procedures, practices, supervision, marketing fees, customer service, and customer complaints. The management plan must include accountability for every substantiated customer complaint. A customer complaint is substantiated through investigation of PennDOT and the Third-Party Tester. The management plan should address monitoring and compliance issues relative to the performance of the Third-Party Examiners. This plan must be submitted with the application.

- J. An applicant shall provide, for approval by PennDOT, a detailed organizational chart clearly describing the chain of command from specific site staff to PennDOT's Third-Party Program Manager. Additionally, the applicant shall provide, for approval by PennDOT, a job description for each position noted on the organizational chart. The job description for a Third-Party Examiner shall include the requirements for Third-Party Examiners included in these Program Requirements or shall include information as otherwise directed by PennDOT. Each job description must contain the following:
- i. Title of the position.
 - ii. Basic job function statement.
 - iii. The title of the position to whom the employee reports.
 - iv. Job duties and responsibilities.
 - v. Scope of authority.
 - vi. Standards of performance to include that all skills testing will be administered in accordance with test standards and instructions supplied by PennDOT.
 - vii. Each Third-Party Testing Examiner and employee upon hire shall receive a copy of the current job description for the position and the organizational chart.
- K. An applicant shall submit one electronic copy of the Commercial Driver's License Third-Party Tester Application and all other information required by PennDOT to: ra-pdcontracts3partycdl@pa.gov The applicant shall not distribute its application to any other applicant, Commonwealth official, or Commonwealth consultant.
- L. An applicant selected to be a Third-Party Tester shall execute an Agreement, provided by PennDOT, in which the applicant agrees, at a minimum, to comply with the PennDOT Program Requirements and instructions for Third-Party Testers.

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- M. An applicant that has engaged in any of the following activities shall not be eligible to be a Third-Party Tester:
 - i. Misrepresentation, misstatement, or fraud in the applicant's application to provide Third-Party Tester services.
 - ii. Conduct harmful to PennDOT, as described in these Program Requirements or in the Agreement.
- N. An applicant that has been convicted of a felony involving dishonestly or breach of trust shall not be eligible to be a Third-Party Tester.
- O. An applicant that has had a prior agreement terminated or revoked by PennDOT is not eligible to be a Third-Party Tester.

2. GENERAL REQUIREMENTS FOR THIRD-PARTY TESTERS:

The following provisions relate to requirements that a Third-Party Tester must meet:

- A. If not a government agency, the Third-Party Tester must have maintained a place of business in Pennsylvania for a minimum of two years prior to submission of the application.
- B. A Third-Party Tester must employ at least two certified Third-Party Examiners that are not immediate family members of the Third-Party Tester. The definition of immediate family member is as follows: "Immediate family member." A spouse, domestic partner, child, stepchild, foster child, stepparent, aunt, or uncle of the owner of the Third-Party Tester or a parent, sibling, or grandparent of the owner of the Third-Party Tester who lives in the same residence as the owner.
 - i. If an examiner is assigned to different locations within a third-party tester organization, that examiner must meet the requirements as outlined in Section 5 "Third-Party Examiner Requirements" at each location.
- C. A Third-Party Tester must prohibit all Third-Party Examiners employed by the Third-Party Tester from administering the commercial driver's license skills test to an immediate family member, personal friend, or acquaintance.
- D. A Third-Party Tester shall ensure that all Third-Party Examiners employed by the Third-Party Tester are certified by PennDOT as a Third-Party Examiner and comply with these Program Requirements.
- E. A Third-Party Tester must permit PennDOT or the Federal Motor Carrier Safety Administration ("FMCSA") of the United States Department of Transportation to examine its records and audit its testing program.

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- F. A Third-Party Tester must permit PennDOT and FMCSA to conduct announced and unannounced audits, at PennDOT's discretion.
- G. A Third-Party Tester shall ensure that if any complaints are received by PennDOT from Third-Party Examiners employed by the Third-Party Tester or drivers, the Third-Party Tester fully cooperates with any investigation by PennDOT's Third-Party Program Manager or any other designated PennDOT official.
- H. A Third-Party Tester shall be fully accountable for the oversight and conduct of its Third-Party Examiners and shall employ only Third-Party Examiners having the same qualifications and meeting the same training standards as PennDOT's examiners, to the extent necessary to conduct skills tests in accordance with PennDOT and the Vehicle Code (75 Pa. C.S. § 1607).
- I. A Third-Party Tester shall securely maintain at each approved location, for the current year and a minimum of two years prior, a record of each applicant for whom the Third-Party Tester conducts a commercial driver's license skills test, regardless of whether the applicant passes or fails the test. Each record of an applicant that passes the test must include:
 - i. The complete and current name and residential address of the applicant.
 - ii. The applicant's Pennsylvania license number.
 - iii. The date the applicant took the commercial driver's license skills test.
 - iv. The test score sheets showing the results of the commercial driver's license skills test.
 - v. The name and certification number of the Third-Party Examiner conducting the commercial driver's license skills test.
 - vi. The amount charged for the commercial driver's license skills test.
 - vii. A record of all receipts and disbursements pertaining to the skill test.
 - viii. The make, model, and registration number of the commercial motor vehicle used to conduct the commercial driver's license skills test.

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- ix. A copy of the written contract, if applicable, with any person or group of persons being tested.
 - x. Documentation establishing that the Third-Party Examiner who conducted the commercial driver's license skills test is a payroll employee of the Third-Party Tester.
- J. A Third-Party Tester shall be available to come in person to meetings if requested by PennDOT. PennDOT's Third-Party Program Manager shall schedule meetings and shall select meeting locations. Most meetings take place at the Riverfront Office Center, 1101 South Front Street, Harrisburg, PA this includes, but is not limited to investigations and disciplinary measures. Travel, lodging and subsistence expenses are the responsibility of the Third-Party Tester.
- K. A Third-Party Tester shall securely maintain at each approved Third-Party Testing location a record of each Third-Party Examiner employed by the Third-Party Tester at that location. Third-Party Examiners shall maintain records for two years after the Third-Party Examiner leaves employment of the Third-Party Tester. Each record must include:
- i. Employment Records. The name, current residential address, copy of driver's license and Social Security number, and documentation showing the Third-Party Examiner is a payroll employee of the Third-Party Tester.
 - ii. Pennsylvania State Police Clearance. The following apply:
 - a. The Third-Party Tester shall, at its expense, arrange for a current year background check for each of its employees, as well as the employees of any of its subcontractors. Background checks must be conducted via the Request for Criminal Record Check form and procedure found at: <http://www.psp.pa.gov/Pages/Request-a-Criminal-History-Record.aspx>. The background check must be conducted before initial access for providing services and on an annual basis after that. A copy of the results of each background check must be submitted to PennDOT and, if a conviction exists, the Third-Party Tester shall furnish the facts of the offense to PennDOT and secure PennDOT approval before hiring or using the individual involved. Criteria for not passing the background check are stipulated in Federal Regulations 49 CFR 1572.103(a) and 49 CFR 1572.103(b). All Third-Party Testers shall promptly pay any invoice received by PennDOT regarding background checks. An individual convicted of a criminal offense is not automatically barred from

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employment by the Third-Party Tester. Each case will be considered on its merits. The Third-Party tester is responsible for all fees associated with obtaining the nationwide criminal background check and Pennsylvania State Police background check. Failure to submit payment in a timely manner may result in suspension or termination from the Third-Party Commercial Driver's License Skills Testing Program.

- b. Pennsylvania State Police background checks of personnel employed in the Third-Party Commercial Driver's License Skills Testing Services Program must be updated annually and a report showing that the background checks have been completed must be submitted to PennDOT by January 31 of each year. If, at any time, it is discovered that a Third-Party Tester's employee has a criminal record including a felony, or misdemeanor involving terroristic behavior, violence, use of a lethal weapon, or breach of trust or fiduciary responsibility, or which raises concern about building, system or personal security or is otherwise job-related, the Third-Party Tester shall not assign that employee to any Commonwealth service program, shall remove any access privileges already given to the employee and shall not permit that employee to have remote access unless PennDOT consents to the access, in writing, before access is granted. The Commonwealth may withhold its consent, at its discretion. Failure of the Third-Party Tester to comply with the terms of this paragraph may result in default of the Third-Party Tester under its Agreement. Third-Party Examiner Certification will be rescinded for any Third-Party Examiner who is convicted of any felony within the past ten years or who is convicted of any fraudulent activities within the scope of Pennsylvania Consolidated Statutes, Title 18.
- iii. Federal Bureau of Investigation ("FBI") Clearance-Data Entry Employees Only. A Third-Party Tester shall ensure that any employee who has access to make a change to the driver's record obtains a fingerprint-based Federal Bureau of Investigations criminal history check to determine if they have been convicted of a criminal offense. If such a conviction exists, the Third-Party Tester must furnish the facts of the offense and secure PennDOT approval before hiring the individual. PennDOT takes the position that anyone convicted of a criminal offense is not barred from employment by the Third-Party Tester in all cases. PennDOT shall render a hiring decision on a case-by-case basis. The Third-Party Tester shall require all Test Examiners and any employee who has access to make a change to the driver's record, notify them if arrested for any criminal offense the next business day after the arrest. The Third-Party Tester must furnish the facts of the arrest to PennDOT within 24 hours of being notified of the arrest. PennDOT shall render a decision regarding the individual's continued employment with the Third- Party

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Tester. The Third-Party Tester shall pay a fee associated with the service. Failure to submit payment in a timely manner may result in suspension or termination from the Third-Party Commercial Driver's License Skills Testing Program.

- iv. Driver History. The Third-Party tester shall, at its expense, arrange for an annual driver history check for each of its employees, and the employees of its subcontractors.
- L. A Third-Party Tester shall require its employees to sign the PennDOT Record Information Confidentiality Policy.
- M. A Third-Party Tester shall require its employees to sign a PennDOT Management Directive 205.34 Amended; Commonwealth IT resource Acceptable Use Policy User Agreement.
- N. A Third-Party Tester shall require its employees to sign and submit to PennDOT PennDOT's Customer Service Policy.
- O. A Third-Party Tester shall prominently display, at its testing site, the certificate, issued by PennDOT, for each Third-Party Examiner employed by the Third-Party Tester.
- P. A Third-Party Tester shall maintain current and permanent records for all individuals responsible for the operation, supervision, or management of the Third-Party Testing Program under the Agreement. Personnel records shall be made available to PennDOT and authorized auditors upon request.
- Q. A Third-Party Tester shall ensure skills tests are conducted in accordance with the test route requirements, test administration requirements, and any other subsequent requirements and instructions provided by PennDOT.
- R. A Third-Party Tester shall discipline any employee found not performing in accordance with established standards related to the Commercial Driver's License Skills Third-Party Testing Program as defined in the employee's job description. Discipline may include a probationary period, suspension, or removal from the Third-Party Commercial Driver's License Skills Testing Program.
- S. A Third-Party Tester shall ensure that a designated supervisor is available and physically present at the Third-Party Tester's testing site during hours of operation. PennDOT shall have access to the designated supervisory staff during hours of Third-Party testing. A supervisor may not administer or perform the duties of a Third-Party Examiner when acting as supervisor. A Third-Party

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Examiner may not administer or perform supervisory duties when acting as a Third-Party Examiner.

- T. A Third-Party Tester shall supply to each Third-Party Examiner, administrative staff member, and supervisor, including back up staff, an identification badge which must be always worn by employees while on duty, so each Third-Party Examiner, Administrative Staff, or Third-Party Examiner Supervisor is readily identifiable by customers.
- U. A Third-Party Tester shall ensure that each testing site of the Third-Party Tester administers and completes at least 20 commercial driver's license skills tests per year. If a Third-Party Tester fails to meet the minimum number of tests for three consecutive years, PennDOT may permanently remove the Third-Party Tester from the Third-Party Commercial Driver's License Skills Testing Program.
- V. A Third-Party Tester shall conduct and maintain a written quarterly internal review of commercial drivers' license testing procedures and policies and an internal quarterly audit of Third-Party Examiners employed by the Third-Party Tester. Quarterly reviews and audits must be sent to PennDOT via email at: rapdcdlthirdprty@pa.gov.
- W. A Third-Party Tester shall use the Commercial Skills Test Information Management System ("CSTIMS"), which is the Commonwealth's system of record. Scheduled skills tests must be entered in CSTIMS immediately and no less than two days before the scheduled skills test. All skills tests requiring to be rescheduled must also be entered immediately and no less than two days before the scheduled skills test. All canceled skills tests must be immediately removed from CSTIMS no less than two days after the cancellation.
- X. A Third-Party Tester shall maintain at each testing site a copy of the Agreement.
- Y. A Third-Party Tester shall maintain compliance with all applicable FMCSRs, including, but not limited to, 49 CFR § 382, 49 CFR § 383, and 49 CFR § 391. To ensure compliance with 49 CFR §383.79, a Third-Party Tester shall submit to PennDOT the fully completed DL-406CD Out-of-State CDL Training Form if the Third-Party Tester provides a commercial driver's license skills test to an out-of-state applicant.
- Z. A Third-Party Tester shall ensure that a Third-Party Examiner is not the same individual that provided instruction to a testing candidate. The skills test must be administered by a different Third-Party Examiner than the one who provided the driving instruction.
- AA. A Third-Party Tester shall display its certificate and its Third-Party Examiners'

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certificates at the place of business listed on the Agreement.

- BB. A Third-Party Tester shall immediately contact PennDOT via email for any applicant who has successfully completed all testing and is in immediate need of a photo license to request that the applicant's driver's license be issued in advance. A license issued in advance must be acquired by the applicant at a Driver's License Center. Any test entered into CSTIMS after 48 hours of the test's completion will not be eligible to be issued in advance. A Third-Party Tester shall ensure that under no circumstances is the applicant sent to the Driver License Center with the CDL Driver's Examination Report (DL-402TPT). The CDL Skills Test Score Sheet (DL-403CD) or any other documents relating to the test must never be in the possession of the driver.
- CC. A Third-Party Tester shall ensure that Third-Party Examiners use the most recent version of the "CDL Skills test Score Sheet DL- 402TPT, DL-403CD, and DL-406CD" to conduct the skills test.
- DD. A Third-Party Tester shall not violate the Agreement, PennDOT regulations, Federal regulations, or the Vehicle Code. Violations may result in warnings or sanctions to the Third-Party Tester, up to and including termination of the Agreement.
- EE. A Third-Party Tester may not apply or request for any additional testing locations within the first year of operation and shall meet all the requirements of the Agreement.
 - i. New Location requests must follow the guidelines set forth in Section 3 "Facility Requirements".

3. FACILITY REQUIREMENTS

The following provisions relate to the facility used by a Third-Party Tester to administer skills tests:

- A. The facility plan must include the interior and exterior of the facility (including photos of the interior and exterior). The plan must include a floor plan and provide for the following:
 - i. If the building is not currently in existence, the plan must describe specifics on the building and time frames of expected completion dates.
 - ii. The facility must have a designated area for customers with adequate seating.

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- iii. The facility must have a designated work area for Third-Party Tester employees.
- iv. Customers entering the facility must not have access to the employees' work area.
- v. The facility must include secure storage for program related documents and licensing stamps (collectively "Product Stock") designated by PennDOT and shall be approved by PennDOT. The facility must provide a storage facility with solid door construction, secured hinges, secured ceiling and walls, deadbolt lock and interior construction adequate to store all documents to be submitted to PennDOT and all Product Stock. Adjustments may be made in storage requirements if deemed desirable by PennDOT and justified by the Third-Party Tester by way of amending these Program Requirements.
- vi. The facility must have adequate heating and air conditioning.
- vii. The facility must be ADA Compliant and must be fully accessible to persons with disabilities in accordance with Title II of the Americans with Disabilities Act (ADA) requirements, Provisions Concerning the Americans with Disabilities Act. Additionally, facilities must meet the requirements set forth by the Pennsylvania Department of Labor and Industry, including but not limited, to those standards set forth in 34 Pa. code, Chapter 47, Subchapter D, Facilities for Handicapped.
- viii. The facility must display the testing fees.
- ix. The facility must display the certificate issued by PennDOT for each certified Third-Party Examiner employed by the Third-Party Tester.
- x. The facility must display the certificate granting the facility authorization to administer the Third-Party Commercial Driver's License Skills Test.
- xi. The facility must have an acceptable appearance and comply with applicable federal, state, and local laws, including zoning ordinances and building codes.
- xii. The Third-Party Tester shall ensure a clean, safe, and professional atmosphere.
- xiii. The facility must have adequate parking to accommodate the anticipated volume of business. Should local parking ordinances prohibit the Third-Party Tester from meeting these requirements, a copy of those ordinances must be made part of the application.
- xiv. The facility must provide specified parking spaces designated for persons

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with disabilities, in accordance with the American with Disabilities Act.

xv. The facility must have signs displaying the name of the business and days and hours of operation. Signs must be clearly visible and recognizable by the customers.

xvi. The facility must provide the current testing model adopted by PennDOT.

xvii. The facility must have test pads. It is strongly recommended that the test pads be constructed of pavement or concrete designed to support heavy commercial vehicle use. Test pads must be on flat, level areas free of any obstructions. Test pads must be maintained in a condition free of potholes, cracks, or other obstructions that may hinder the performance of the skills test. Boundary lines on the test pad must be painted with four inch either white or yellow lines and routinely refreshed to maintain visibility, and clearly marked with cones. All lines must be the same color. If, at any time, PennDOT deems a test pad to be deficient for any reason, PennDOT may temporarily deactivate the site in CSTIMS until the deficiencies have been corrected.

B. PennDOT may approve or deny any location or relocation, in its sole discretion.

C. A facility may not be within one mile of an existing PennDOT Driver License Center or within 15 miles of another existing CDL Third-Party Tester, unless approved by PennDOT.

D. PennDOT shall provide sufficient notice to the Third-Party Tester when changes are required to be made to the facility.

E. PennDOT may, at its sole discretion, authorize a Third-Party Tester to add additional test sites Statewide that comply with these Program Requirements and the Agreement. Sites must be open to the public, except as otherwise approved by PennDOT.

4. HOURS OF OPERATION REQUIREMENTS

Hours of operation must be reported to PennDOT's Third-Party Program Manager. Each test site must always have at least one employee of the Third- Party Tester present at the testing location during the scheduled hours (posted business hours) to address customer walk-ins, phone calls, announced and unannounced auditors, etc.

5. THIRD-PARTY EXAMINER REQUIREMENTS

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The following provisions relate to requirements that an individual desiring to become certified as a Third-Party Examiner or retain certification as a Third- Party Examiner must meet:

A. The individual must complete a Third-Party CDL Skills Testing Program Provider Application.

B. The individual must:

- i. Be at least 21 years of age.
- ii. Make application to PennDOT.
- iii. Be a payroll employee of the Third-Party Tester.
- iv. Possess a valid commercial driver's license with the highest classification and all possible endorsements that the Third-Party Tester is certified by PennDOT to conduct tests.
- v. Be able to demonstrate technical knowledge of the mechanical parts of various motor vehicles, including, but not limited to engine accessories, braking systems, electrical systems, and suspension systems.
- vi. Not have been previously employed as a Third-Party Examiner with another Third-Party Tester more than twice within a three-year period. PennDOT may waive this prohibition in its sole discretion.
- vii. Within three years prior to application and during certification, have had no driver's license suspensions, revocations, cancellations, or disqualifications.
- viii. Within three years prior to application and during certification, have no cancellations or disqualifications.
- ix. Within three years prior to application and during certification have had no conviction for driving under the influence of drugs or alcohol.
- x. Within three years prior to application and during certification, have not been accepted or participated in an accelerated rehabilitative disposition program for a charge of driving under the influence of drugs or alcohol.
- xi. Satisfactorily complete the Third-Party Examiner training course and any recertification training required by PennDOT.

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- xii. Conduct skills test on behalf of the Third-Party Tester in accordance with these Program Requirements or any subsequent requirements and in accordance with current instructions provided by PennDOT.
- C. A Third-Party Examiner shall be certified to conduct skills tests on behalf of only one Third-Party Tester at any given time. If a Third- Party Examiner leaves the employ of the Third-Party Tester, at PennDOT's discretion, the Third-Party Examiner must either be subject to a PennDOT co-score or retake the new Third-Party Examiner training course in order to conduct skills tests on behalf of a new Third-Party Tester. After the Third-Party Examiner successful passes the course, PennDOT shall issue or reissue the Third-Party Examiner's certificate to the Third-Party Tester.
- D. A Third-Party Examiner shall conduct at least 10 vehicle inspections, 10 basic control skills, and 10 on-road commercial driver's license skills test per year on 10 different applicants, or certification will not be renewed unless the Third-Party Examiner is scheduled and satisfactorily completes PennDOT co-score, or new examiner class. If a Third-Party Examiner fails to meet the minimum number of tests for three out of five years, PennDOT may permanently remove the Third-Party Examiner from the Third-Party Commercial Driver's License Skills Testing Program.
- E. A Third-Party Examiner shall satisfactorily complete a PennDOT refresher course within six months of the expiration of the Third- Party Examiner's four-year certification cycle to maintain the Third- Party Examiner's certification.
- F. A Third-Party Examiner must sign a PennDOT Record Information Confidentiality Policy statement annually.
- G. Active PennDOT employees may not serve as Third-Party Examiners.

6. ADVERTISING REQUIREMENTS

The following provisions relate to advertising by a Third-Party Tester:

- A. An advertisement may not indicate in any way that a program can issue or guarantee the issuance of a driver's license or imply that the program can in any way influence PennDOT in the issuance of a license or imply that preferential, sanctioned, or advantageous treatment from PennDOT can be obtained.
- B. An advertisement by a certified Third-Party Tester may state that the Third- Party Tester is "PennDOT-Certified" or "PennDOT-Authorized" but may not indicate that the Third-Party Tester's program is approved, sanctioned, or in any other way endorsed by PennDOT over any other program.

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- C. An advertisement must be pre-approved by PennDOT. This includes all advertising mediums, including but not limited to, television, internet, vehicles, social media, billboard, newspapers, magazines, posters, signs, websites, commercials, radio advertisements, etc. A Third-Party Tester shall adhere to PennDOT's advertising guidelines and requirements as outlined within this section or any additional guidelines or requirements as directed by PennDOT.
- D. An advertisement may not represent a Third-Party Tester to be an agent or employee of PennDOT. An individual, partnership, association, or corporation shall not purchase, use, or allow the use of any advertisement that might lead the public to believe they are or were an employee or representative of PennDOT.
- E. If a PennDOT logo is included in any advertising, it must be the version provided by PennDOT. No outdated logos are permitted.
- F. A Third-Party Tester may not advertise or imply free testing will be given to individuals who fail the skills test, but the Third-Party Tester may indicate retests may be given at no additional cost, if the statement is true and the Third-Party Tester indicates the maximum number of retests available.
- G. A Third-Party Tester may not advertise or imply that free tests will be given unless the tests are free.
- H. A Third-Party Tester may not place promotional material at a Driver License Center or any other PennDOT facility.
- I. Advertising must accurately describe the services provided by the Third- Party Tester and must not misrepresent the Third-Party Tester's authority.
- J. Advertising may not disparage the PennDOT.
- K. If unauthorized advertising has been made public, the advertising must be halted immediately. Repeated use of unauthorized advertising may result in the cancellation or suspension of the Third-Party Tester's Agreement.
- L. An official or employee of a Third-Party Tester may not remain in or wander around a Driver License Center or any other PennDOT facility for the purpose of soliciting business.

7. WAIVER

PennDOT may waive any non-federal requirements within the Third- Party Commercial Driver's License Skills Testing Services Program in writing at its sole discretion.

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8. TEST ROUTE AND TEST ADMINISTRATION REQUIREMENTS

The following provisions relate to route requirements for skills tests and the administration of skills tests:

- A. The Third-Party Tester shall submit a primary road skills route and a secondary road skills route.
- B. Each road skills route must incorporate a minimum of:
 - i. Four left turns.
 - ii. Four right turns.
 - iii. Two stop intersections.
 - iv. Two through intersections.
 - v. A section of urban business driving a minimum of two miles long.
 - vi. One roadside start/stop.
 - vii. One curve to the left.
 - viii. One curve to the right.
 - ix. A section of limited access highway or expressway driving a minimum of two miles at a minimum speed of 45 mph.
 - x. Two weight restriction, height clearance, or commercial vehicle related signs.
 - xi. One railroad crossing, or a location to perform a simulated railroad crossing if no actual railroad crossings are available.
 - xii. Two lane change maneuvers each consisting of a lane change to the left and to right.
 - xiii. A location to perform a simulated student discharge if testing school bus drivers.
- C. PennDOT may modify the on-road skills route requirements as needed with sufficient notice. All proposed modifications must be reviewed and approved by PennDOT prior to use.

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- D. All applicants for testing must have with them during the test both a valid driver's license and valid learner's permit from the same licensing jurisdiction for the proper class restrictions or endorsements being tested for.
- E. The Third-Party Tester shall conduct skills tests strictly in accordance with the provisions of these Program Requirements and with current test instructions provided by PennDOT. Such instructions will include test forms. The Third-Party Tester shall conduct skills tests with the use of hand-held electronic device utilizing PennDOT-approved software, when available.
- F. Skills tests must be conducted:
 - i. On test routes approved by PennDOT.
 - ii. In a vehicle that is representative of the class and type of vehicle for which the CDL driver applicant seeks to be licensed. The Third-Party Tester and Third-Party Examiner are certified to test combinations with a maximum length of a single trailer that that may not exceed 53', provided the distance between the king pin of the trailer and the center line of rear axle or axle group does not exceed 41'.
 - iii. In vehicles that are insured, as required by law. Insurance requirements are as follows:
 - a. All Third-Party Testers shall maintain bodily injury and property damage liability insurance on motor vehicles used in driving tests which insures the liability of the testing program, the examiner and any person taking the test in the amounts required by the state law.
 - b. Evidence of such insurance coverage, in the form of a certificate from the insurance carrier, shall be filed by the Third-Party Tester with PennDOT prior to execution of the Agreement. The certificate must stipulate that the insurance contact carried by the Third-Party Tester provides for cancellation only upon 30 days prior written notice to PennDOT. PennDOT shall be named as an additional insured.
 - c. When a vehicle is added to or exchanged in a testing program fleet covered under fleet insurance plan, the Third-Party Tester shall notify PennDOT and provide updated insurance information reflecting the change within 72 hours.
- G. Vehicles used for testing must be currently inspected and road worthy and

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checked on a regular basis. Vehicles used for testing must be marked with a clear, visible, and legible sign indicating “CDL Test in progress” prominently displayed on the rear of the vehicle. All signs must be white in background with red letters at least eight inches high.

- H. If the Third-Party Tester is self-insured, it shall file an appropriate certificate with PennDOT.
- I. The skills test must be administered and successfully completed in the following order: Pre-trip inspection, basic vehicle control skills and on road skills. If an applicant fails one segment of the skills test, the applicant cannot continue to the next segment of the test. Passed test results will not be considered valid unless all three segments are passed, or a segment is failed. If the commercial learner’s permit is renewed, all three segments of the skills test must be retaken.
- J. Third-Party tester shall keep all details of the skills test confidential prior to the administration of the skills test. Any employee of the Third-Party Tester that divulges any details of the test to anyone other than employees involved in the administration of test will subject the Third-Party Tester to the cancellation of its Agreement.

9. RECORD SECURITY AND SAFETY OF RECORD INFORMATION REQUIREMENTS

The following provisions relate to record security and safety of record information:

- A. Applicants shall submit a security plan consistent with PennDOT’s applicable Information Technology Policies (“ITPs”) with their application. A specific and comprehensive security plan must describe the method of security it intends to employ at each location for safeguarding equipment and supplies. Security plans must maximize the security potential and minimize the security risk at each site. PennDOT shall approve initial security plans and modifications made to those plans. PennDOT approval on routine maintenance is not required; however, routine maintenance should occur after normal business hours.
- B. Each Third-Party Tester location must have and utilize an operational electronic security system, i.e., one that is in good working order.
- C. All skills test records of the Third-Party Tester must be kept in a secure area at the Third-Party Tester location, under lock and key. This includes individual test results, weekly reports, monthly reports, and any blank forms. These records are to be kept separate and must not be made part of any personnel or training file. Third-Party Testers and Third-Party Examiners shall not send test results to the Department by email. Third-Party Testers and Third-Party Examiners shall send test results to PennDOT using CSTIMS and handled by personnel who have

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signed the PennDOT Record Information Confidentiality Policy.

- D. The Third-Party Tester's facility must include a functioning PennDOT-approved alarm system to notify the responsible law enforcement agency immediately if any unauthorized entry to the Third-Party Tester facility occurs. At a minimum, the alarm system must include:
 - i. A functioning cellular back-up system to ensure alarm notification occurs if telephone line service is interrupted.
 - ii. A 36-hour battery back-up system to ensure alarm notification occurs if there is an electrical power outage.
 - iii. Assignment of unique security access codes for designated Third- Party Tester employees.
- E. The Third-Party Tester shall provide a functioning alarm service at its Third-Party Tester facility 24 hours a day, 7 days a week. If no functioning security alarm system exists at a site, the Third-Party Tester shall provide security guard coverage until the alarm is functioning. The Third-Party Tester shall immediately notify PennDOT's Third-Party Program Manager and provide written confirmation within 48 hours of alarm malfunction, with the name of the security firm providing security guard coverage.
- F. PennDOT may require the Third-Party Tester modify alarm systems and security. The Third-Party Tester shall make the needed modifications promptly at the Third-Party Tester's expense.
- G. The Third-Party Tester shall provide alarm activity reports at the request of PennDOT. Reports must include ID information and time and date of alarm sets and disarms. The Third-Party Tester shall obtain from its alarm provider information regarding alarm calls, responder conversations, and notifications to policy, if PennDOT requests.
- H. If PennDOT determines the Third-Party Test's security measures are insufficient, it may require the Third-Party Tester to implement additional security measures. The Third-Party Test shall implement the additional security measures as soon as possible. The Third-Party Tester shall, in writing, notify PennDOT of receipt of the revised or additional equipment, and then notify PennDOT of the date the revised or additional requirement is implemented. Failure to provide written notice will constitute grounds for terminating the Agreement.
- I. Learner's Permits, CDL Driver's Examination Reports (DL-402TPT), CDL Skills Test Log/Sheet (DL-403CD) and CDL Out of State Driver Commercial Training

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Report (DL-406CD) documents may not be held or placed at any time within sight or grasp of the public. Failure of Third- Party Tester service personnel to meet this requirement may result in the termination of the Third-Party Tester's on-line access to the PennDOT's mainframe.

- J. All Third-Party Testers must:
 - i. Maintain reports on-site to include the number of skills tests administered, the number of test passed and failed, and the passed/failed percentage.
 - ii. If subject to the FMCSRs, maintain a PennDOT of Transportation (DOT) safety rating of satisfactory.
- K. Pursuant to the Pennsylvania Vehicle Code: Title 75: 6114, Limitation on sale, publication, and disclosure of records; Under no circumstances is the Third-Party Tester or Third-Party Examiner permitted to sell, publish, or disclose records or reports which relate to the driving record of any person except as provided under the terms of its Agreement. This prohibition specifically includes, but is not limited to, the CDL Driver's Examination Report (DL-402TPT) or the CDL Skills Test Score (DL-403CD), or the Out- of-State CDL Training Form (DL-406CD).
- L. Upon completion of any Third-Party Skills Test, the original copy of the Third-Party Tester CDL Driver's Examination Report (DL-402TPT) and CDL Skills test Log/Score Sheet (DL-403CD) is to be scanned and entered into CSTIMS within 48 hours of the test's completion. The original of the DL-402TPT and DL-403CD must be kept on file by the Third- Party Tester for the current year and for a minimum of two years afterwards.
- M. Theft or loss of Learner's Permits and CDL Driver's Examination Reports (DL-402TPT) and CDL Skills Test Log/Sheet (DL-403CD) documents due to lack of proper security will result in the immediate termination of the Third-Party Tester's on-line access to CSTIMS.
- N. In the event of any incident of a break-in, theft, fire, or vandalism, the Third-Party Tester shall immediately notify PennDOT by telephone and shall provide to PennDOT, a detailed, written account of the incident, within 24 hours.
- O. The Third-Party Tester shall set up computer terminals in such a manner that the screens are not accessible to the customer. Employees or contractors without fingerprint-based Federal Bureau of Investigations criminal history check in place should not have access to or be able to view any screens that may contain customer's driver records and personal information.

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- P. The Third-Party Tester shall be required to shred personal customer information before disposal, including customer addresses, vehicle and driver information, social security numbers, screen prints, employee notes containing personal customer information, and discarded copies of completed forms. Alternatives to on-site document shredding may be used only with PennDOT approval. Refer to the FMCSA regulations 49 §383.75(8)(ix)(D) record retention prior to discarding any program documentation.

10. ONSITE INSPECTION AND AUDIT REQUIREMENTS

The following provisions relate to onsite inspections and audits of Third-Party Testers and Third-Party Examiners.

- A. Third-Party Testers and Third-Party Examiners shall permit PennDOT or United States Department of Transportation or their designees to conduct random examinations, inspections, and audits with or without prior notice.
- B. The examinations, inspections, and audits may be overt or covert or a combination thereof. Examinations, inspections, and audits will include, but are not limited to, the following:
- i. Records relating to the Third-Party Commercial Driver's License Testing Program.
 - ii. Evidence of compliance with the FMCSRs.
 - iii. Skills testing procedures, practices, and operation.
 - iv. Vehicles used for testing.
 - v. Qualifications of Third-Party Examiners.
 - vi. Employment and payroll records of Third-Party Examiners.
 - vii. Effectiveness of the skills test program by either:
 - a. testing a sample of drivers who have been tested by the Third-Party Tester or Third-Party Examiner; or
 - b. having PennDOT employees or its designee take the skills tests from a Third-Party Examiner.
 - viii. Any other aspect of the Third-Party Tester's operation that PennDOT determines is necessary to verify that the Third-Party Tester meets the certification requirements, and otherwise complies with the Agreement.

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- C. Failure to cooperate in good faith with examinations, inspections, and audit may be considered grounds for default and termination.

11. TEST RESULTS PROCESSING REQUIREMENTS

The following provisions relate to skills test results processing by Third-Party Testers:

- A. Upon completion of a Third-Party Commercial Driver's License Skills Test, the original copy of the following is to be scanned and entered into the Commercial Skills Test Information Management System ("CSTIMS") within 48 hours of the test's completion:
 - B. Third-Party Tester CDL Driver's Examination Report (DL- 402TPT).
 - i. CDL Skills Test Log/Score Sheet (DL-403CD).
 - ii. CDL Out of State Driver Commercial Training Report (DL- 406CD).
 - iii. Applicant's driver's license.
 - iv. Completed learners permit,
 - v. Accompanying driver's license.
 - vi. Vehicle insurance and registration.
 - C. Results of all completed Third-Party Skills Tests are to be entered into CSTIMS within 48 hours of the test's completion. The original of the DL- 402TPT and DL- 403CD must be kept on file by the Third-Party Tester for the current year and for a minimum of two years afterwards.
 - D. For any applicant who has successfully completed all testing and is in immediate need of a photo license, the Third-Party Tester shall contact PennDOT via email to request the applicant's license be issued in advance. A license issued in advance must be acquired by the driver at a Driver's License Center. Any test entered into CSTIMS after 48 hours of the test's completion will not be eligible to be issued in advance.
 - E. Under no circumstances is the Third-Party Tester or Third-Party Examiner to send an applicant to the Driver License Center with the CDL Driver's Examination Report (DL-402TPT). The CDL Skills Test Score Sheet (DL- 403CD) or any other documents relating to the test must never be in the possession of an applicant.

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12. ELECTRONIC POSTING OF THIRD-PARTY SKILLS TEST RESULTS REQUIREMENTS

The following provisions relate to electronic posting of skills tests results by Third-Party Testers:

A. Equipment/Hardware Electronic/Telecommunications.

- i. Following are specifications for equipment that will be necessary to operate in PennDOT's systems environment. PennDOT may, at its sole discretion, authorize the electronic posting of Third- Party Skills Test results services to utilize other technologies when PennDOT develops the ability to use new technologies.
- ii. Connection to CSTIMS will be accomplished through a link provided by PennDOT.
- iii. A company PC workstation with secure internet will be required for on-line processing.

B. In addition to the forms required for all employees of the Third-Party Tester, employees who enter test results in CTIMS ("Third-Party CSTIMS Processors") must complete:

- i. Commercial Driver's License Third-Party Examiner Application (DL-401CD), which must be submitted along with the Third-Party Tester's application.
- ii. Pennsylvania State Police (PSP) Clearance. The Third-Party Tester shall, at its expense, arrange for a background check for each of its employees, as well as the employees of any of its subcontractors. Background checks are to be conducted via the Request for Criminal Record Check form and procedure found at <http://www.psp.pa.gov/Pages/Request-a-Criminal-History-Record.aspx>. The background check must be conducted before initial access for providing services and on an annual basis after that. The Third-Party Tester shall submit a copy of the results of the background check to PennDOT and, if such a conviction exists, the Third-Party Tester shall furnish the facts of the offense to PennDOT, and secure PennDOT approval before hiring or using the person involved. A person convicted of criminal offense is not automatically barred from employment by the Third-Party Tester. Each case will be considered on its merits.
- iii. Pennsylvania State Police background checks of personnel employed in the Third-Party Commercial Driver's License Skills Testing Services Program

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must be updated annually and a report showing the checks have been completed must be submitted to PennDOT by January 31 each year. If, at any time, it is discovered a selected applicant's employee has a criminal record including a felony, or misdemeanor involving terroristic behavior, violence, use of a lethal weapon, or breach of trust/fiduciary responsibility or which raises concern about building, system or personal security or is otherwise job-related, the selected Applicant shall not assign that employee to any Commonwealth service program, shall remove any access privileges already given to the employee and shall not permit that employee remote access unless PennDOT consents to the access, in writing, before access. The Commonwealth may withhold its consent, at its discretion. Failure of the selected applicant to comply with the terms of this paragraph may result in default of the selected applicant under its Agreement. PennDOT shall rescind any Third-Party Examiner Certification for any Third-Party Examiner who is convicted of any felony within the past ten years or who is convicted of any fraudulent activities within the scope of Pennsylvania Consolidated Statutes, Title 18.

- iv. Federal Bureau of Investigation Clearance-Data Entry Employees Only. Upon hire, any employee who has access to make a change to a driver's record shall have a fingerprint-based FBI criminal history check to determine if the employee has been convicted of a criminal offense. A fee is associated with the service. The Third-Party Tester shall reimburse PennDOT for the cost of this fingerprinting and background check service. Failure to submit payment in a timely manner may result in suspension or termination from the Third-Party Commercial Driver's License Skills Testing Program.
- v. A Third-Party Tester shall require its employees to sign the PennDOT Record Information Confidentiality Policy.
- vi. A Third-Party Tester shall require its employees to sign a PennDOT Management Directive 205.34 Amended; Commonwealth IT resource Acceptable Use Policy User Agreement.
- vii. A Third-Party Tester shall require its employees to sign and submit to PennDOT the PennDOT Customer Service Policy.

C. All Third-Party CSTIMS Processors must be approved by PennDOT.

13. QUALITY OF CUSTOMER SERVICE REQUIREMENTS

The following provisions relate to the quality of customer service provided by Third-Party Testers: The Third-Party Tester shall maintain written quality control procedures for posting test results.

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- A. To maintain the integrity of the Third-Party Commercial Driver's License Skills Testing Program, all Third-Party Testers shall maintain an average quality rating of 98% for posting driver exam results.
- B. PennDOT shall take the following actions if a 98% average quality rating is not maintained:
 - i. First Offense - PennDOT shall meet with the Third- Party Tester to review their quality control procedures. PennDOT shall provide mandatory refresher training to the Third-Party Tester in recommended areas.
 - ii. Second Offense - PennDOT shall issue a non- performance written warning to the Third-Party Tester. PennDOT shall provide mandatory refresher training to the Third-Party Tester in recommended areas.
 - iii. Third Offense - PennDOT shall place the Third- Party Tester on probation for three months with the following conditions:
 - a. All the Third-Party Tester's quality control procedures must be in place and operational.
 - b. Random audits of the Third-Party Tester shall be conducted by PennDOT.
- C. The Third-Party Tester shall not commit any violations of the Agreement, PennDOT Regulations or the Vehicle Code which would result in the issuance of warnings or sanctions to the Third-Party Tester.
- D. If any of the conditions specified in subsections above are not met during the probationary period, the Third-Party Tester's online access to the CSTIMS or PennDOT's current system of record will be terminated. If the Third-Party Tester does not maintain an average quality rating of 98% for one year after completing its first probation period, PennDOT may terminate the Third-Party Tester's on-line access to CSTIMS or PennDOT current system of record.
- E. If, after one year of completing its first probation period, the Third-Party Tester does not maintain an average quality rating of 98%, PennDOT will place the Third-Party Tester on probation for an additional three- month period.
- F. If, after completing its second probation period, the Third-Party Tester does not maintain an average quality rating of 98%, PennDOT may terminate the Third-Party Tester's on-line access to CSTIMS or PennDOT's current system of record.

14. TRAINING REQUIREMENTS

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Online or in person training, or both, will be provided for Third-Party Examiners and Third-Party CTIMS Processers by PennDOT. Within the timeframe of the Agreement, additional training may be required as a result of program or system changes. Upon completion of the training, these individuals will train all other staff associated with online processing at the Third-Party Tester testing site. Travel, lodging, and subsistence expenses are the responsibility of the Third-Party tester.

15. INFORMATION TECHNOLOGY POLICY AND MANAGEMENT DIRECTIVE REQUIREMENTS

The following provisions relate to IT policies that must be complied with by Third-Party Testers:

- A. The Third-Party Tester shall comply with applicable IT standards and policies issued by the Governor's Office of Administration. These standards and policies are contained in ITPs and are posted at: <https://www.pa.gov/agencies/oa/policies/it-policies>.
- B. The Third-Party Tester is also required to comply with applicable Management Directives issued by the Governor's Office of Administration. These directives can be found at: <http://www.oa.pa.gov/Policies/md/Pages/default.aspx>

16. OFFICE EQUIPMENT REQUIREMENTS

The Third-Party Tester shall ensure each of its Third-Party Tester testing sites are equipped with the following:

- A. A telephone line dedicated for Third-Party Testing operations. The telephone must be equipped with an answering machine or voice mail containing a pre-recorded message stating business hours of operation and any other pertinent information.
- B. A copy machine.
- C. An office shredder.
- D. An open/closed sign or appropriate signage approved by PennDOT.
- E. A 'testing fees' sign posted and visible.
- F. A company laptop or desktop computer with secure internet access for scheduling tests.
- G. An active company email address that is checked daily.

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17. BOND AND CERTIFICATE OF INSURANCE REQUIREMENTS

The following provisions relate to performance bond and certificate of insurance requirements for Third-Party Testers:

- A. The Third-Party Tester shall maintain with PennDOT a performance bond in the amount of \$100,000 for administering 0-99 skills tests; \$150,000 for administering 100-249 skills tests; or \$250,000 for administering over 250 skills tests, depending on the proposed number of tests to be administered in a calendar year by the Third-Party Tester. Bonds will not exceed \$250,000. The performance bond must be executed by a surety company authorized by law to transact business in this Commonwealth. After notification of selection as a Third-Party Tester, the awarded applicant must secure a Performance Bond prior to execution of the Agreement. PennDOT may not issue a Notice to Proceed until the appropriate bond is in place.
- B. The performance bond is for the use and benefit of PennDOT if PennDOT sustains a monetary loss within the limitations of the performance bond attributable to the intentional or negligent conduct of the Third-Party Tester or its agents or employees, including, but not limited to, losses incurred in negotiating checks or other instruments drawn by the Third-Party Tester.
- C. The bond must specify the skills testing undertaken pursuant to the Agreement will be administered in a manner satisfactory to PennDOT and the surety is responsible for costs and expenses up to the bond amount resulting from unsatisfactory performance including those relating to the retesting of drivers, as deemed necessary by PennDOT.
- D. If the amount of the performance bond is decreased, or if there is a final judgment outstanding on the performance bond, PennDOT shall suspend or terminate the Third-Party Tester's authorization to perform skills testing, until steps are taken, satisfactory to PennDOT, to restore the original amount of the performance bond.
- E. The term of the bond must commence on or before the date the Third-Party Tester commences skills testing and remain in effect through the final expiration or termination of the Agreement.
- F. For each succeeding year of the Agreement, the Third-Party Tester shall provide PennDOT with a continuation of surety of the original performance bond valid for the next year of the Agreement, by mail or email. The continuation of surety should be received 60 days before the performance bond expires, but not later than 30 days after the performance bond expires.
- G. If the performance bond is terminated or becomes unsatisfactory for any reason,

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the authorization to operate as a Third-Party Tester testing will be suspended or terminated until the Third-Party Tester furnishes the Commonwealth with satisfactory substitute performance bond in the amount required by PennDOT.

- H. For vehicles insured by the Third-Party Tester, the insurance policy must cover any loss occurring during any skills testing by the Third- Party Tester, or its officers, agents, employees, contractors, or representatives. Third-Party Testers shall maintain bodily injury and property damage liability insurance on motor vehicles used in driving tests. Coverage must be in the minimum amounts of \$250,000 per each person and \$1,000,000 each occurrence. Coverage must be occurrence-based. The Third-Party Tester shall submit a certificate of insurance to PennDOT before the Agreement is executed. The certificate must stipulate that the insurance contract carried by the Third-Party Tester provides for cancellation only upon notice to PennDOT, with 30 days' written notice before change or cancellation, excepting 15 days' written notice before cancellation for nonpayment of premium. PennDOT must be named as an additional insured. The certificate must include the make, model, year, and serial number of every vehicle to be used for testing purposes. When a vehicle is added to or exchanged in a testing program fleet covered under a fleet insurance plan, the Third-Party Tester shall provide PennDOT a copy of the policy rider issued by the insurance carrier showing the addition or exchange, with complete descriptions of the vehicles involved.
- I. Vehicles used for testing must be currently inspected and checked for roadworthiness on a regular basis.
- J. If the Third-Party Tester is self-insured, it shall provide an appropriate certificate and file with PennDOT.
- K. Failure to comply with any requirements in this section will be a material breach of the Agreement and may be cause for default or termination.

18. APPROVAL AND CERTIFICATION BY PENNDOT REQUIREMENTS

The following provisions relate to approval and certification of Third-Party Testers and Third-Party Examiners by PennDOT:

- A. PennDOT shall evaluate the material submitted by a Third-Party Tester applicant. If the application materials are satisfactory, PennDOT shall schedule an on-site inspection of the applicant's Third- Party testing site to complete the evaluation.
- B. PennDOT shall evaluate the material submitted by a Third-Party Examiner applicant as well as the applicant's driving record. If the application materials and driving record are satisfactory, PennDOT shall schedule the applicant for the

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Third-Party Examiner training course. Training may be waived if the applicant is seeking recertification because they the applicant has changed to PennDOT-approved Third-Party Tester employment.

- C. Preference will be given to applicants who will offer testing services to the advertised areas of need identified on PennDOT's Internet webpage. All other applications will be reviewed in order as received.
- D. Upon successful application and evaluation and after the Agreement has been fully executed, a Third-Party Tester will be issued a site certificate which must be prominently displayed at each approved testing facility. This certificate grants the authority to administer commercial driver's license skills testing for the classes and types of vehicles listed.
- E. Upon successful application, evaluation and training, a Third-Party Examiner will be issued two certificates. The pocket certificate must be carried by the Third-Party Examiner while conducting any skills test and the 8" x 11" certificate must be prominently displayed at the approved testing facility granting the authority to conduct skills tests for the classes and types of commercial motor vehicles listed.
- F. PennDOT may, at any time, require Third-Party Testers and Third- Party Examiners to recertify their qualifications to administer the skills test.
- G. The term of the certification for a Third-Party Examiner will be for a maximum period of four years, subject to written notice of confirmation by PennDOT. This notice will be issued at least 90 days prior to the end of the expiration of the current certification. A Third-Party Examiner shall satisfactorily complete a PennDOT refresher course within six months of the expiration of the Third-Party Examiner's four-year certification cycle to maintain the Third-Party Examiner's certification. Certifications are invalid upon cancellation or decertification by PennDOT or when they are voluntarily relinquished by a Third-Party Examiner.
- H. PennDOT may amend these Program Requirements by written notification from PennDOT's Contract Administrator to the Third- Party Tester, at any time during the term of the Agreement.

19. NOTIFICATION REQUIREMENTS

The following provisions relate to notification requirements for Third-Party Testers:

- A. A Third-Party Tester shall:
 - i. Notify PennDOT's Contract Administrator and PennDOT's Third-Party Program Manager in writing within 72 hours of any change in:

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- a. The Third-Party Tester's name or address.
 - b. A change in the Third-Party's Tester's Owner, Chairman, President, Vice President, Senior Vice President, Chief Executive Officer, Chief Operating Officer, or Superintendent.
 - c. The Third-Party Examiners who are employed by the Third- Party Tester.
 - d. A Third-Party Examiner's driving status.
- ii. Notify PennDOT's Contract Administrator and PennDOT's Third-Party Program Manager in writing within 72 hours of any of the following occurrences:
- a. The Third-Party Tester ceases business operations in Pennsylvania.
 - b. The Third-Party Tester is unable to comply with any of these Program Requirements.
 - c. Any Third-Party Examiner that receives notice from PennDOT of suspension, decertification, recall, or disqualification.
 - d. A Third-Party Examiner has left the employment of the Third-Party Tester. The corresponding examiner certificates must be returned to PennDOT.
 - e. Any Third-Party Examiner fails to comply with any of these Program Requirements.
- B. A request must be provided to PennDOT for all detours from a skills test route that last longer than 72 hours.
- C. All changes necessary to accommodate temporary detours due to construction or emergency situations lasting less than 72 hours must be documented on PennDOT form DL-403CD.
- D. Upon a Third-Party Tester's receipt of a report or information of any kind which indicates that a Third-Party Tester employee or any individual responsible for the operation, supervision or management of Third-Party Tester site operations may be party to the fraudulent use of equipment, materials or information, the Third-Party Tester shall notify PennDOT immediately in writing within 24 hours. Written notice to PennDOT must be by registered mail, email, or receipted delivery to PennDOT's Third-Party Program Manager. Proper notice must contain the following information:

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- i. The names, addresses, social security number and dates of birth of all suspected personnel.
 - ii. A list of all times at which the suspected personnel has been or will be scheduled to perform his or her job duties.
 - iii. The names, addresses, and telephone numbers of the direct supervisor of the suspected personnel.
 - iv. A description of the nature of the suspected fraudulent activity.
 - v. A statement of the manner in which the Third-Party Tester gained knowledge of the alleged fraudulent activity.
 - vi. The names, addresses, and telephone numbers of all informants and other persons having knowledge of the alleged fraudulent activity.
 - vii. Copies of all the reports, logs or other written information which could document clarify or in any manner assist in the investigation.
 - viii. PennDOT shall, upon receipt of proper written notice, request an official investigation of the reported activity. The Third-Party Program Manager shall be the key point of contact for the effective coordination of the investigation effort.
- E. Upon PennDOT's receipt of a report or information of any kind which indicates that the Third-Party Tester, Third-Party Examiner, employee, or any individual responsible for the operation, supervision or management of Third-Party Tester operations may be a party to the fraudulent use of equipment, materials or information, the Third-Party Tester's authorization to operate a Third-Party Tester testing site may be suspended until the completion of an official investigation. If it is determined that such activity occurred, PennDOT may terminate the Third-Party Tester's Agreement.
- F. In the event of any incident of a break-in, theft, fire or vandalism, the Third-Party Tester shall immediately notify PennDOT by telephone and shall provide to PennDOT, in writing, within 24 hours, a detailed account of the incident.
- G. A Third-Party Examiner must:
- i. Notify PennDOT's Contract Administrator and PennDOT's Third-Party Program Manager in writing within 24 hours of any of the following

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occurrences:

- a. Change of residential address.
 - b. Any suspensions, revocation, recall or disqualification of their driver's license.
 - c. Any time six points or more are on their driving record.
 - d. Any change of employment as a Third-Party Examiner.
- ii. Obtain new certification by PennDOT prior to administering tests when hired by a new approved Third-Party Tester.
 - iii. Notify PennDOT immediately of any fraudulent activities, fraudulent documents, bribe, media inquiries and serious incidents where police are called.

20. TERMINATION/CANCELLATION/DECERTIFICATION OF THIRD- PARTY TESTER AND THIRD-PARTY EXAMINER REQUIREMENTS

The following provisions relate to termination, cancellation or decertification of Third-Party Testers and Third-Party Examiners:

- A. PennDOT may, at any time, cancel the Third-Party Commercial Skills Testing Program in its entirety.
- B. PennDOT may terminate the Agreement with the Third- Party Tester, or it may cancel or decertify a Third-Party Tester or Third-Party Examiner for PennDOT convenience.
- C. PennDOT may terminate the Agreement with a Third- Party Tester or to cancel or decertify a Third-Party Tester or Third-Party Examiner for cause, which includes:
 - i. Failure to comply with or satisfy any of the provisions of these Program Requirements, PennDOT's instructions, or the Agreement.
 - ii. Falsification of any records or information relating to the Third- Party Commercial Driver's License Skills Testing Program.
 - iii. Commission of any act that compromises or in any way impacts the integrity of the Third-Party Commercial Driver's License Skills Testing Program.

EXHIBIT A

- iv. If the Third-Party Examiner's operating privilege is suspended, revoked, recalled, or disqualified.
 - v. Unsatisfactory audit findings, willful failure to attend a scheduled audit, training session or failure to correct any discrepancies noted on the audit report.
- D. If PennDOT determines that grounds for termination or decertification exist for failure to comply with or satisfy any of these Program Requirements or the Agreement, PennDOT, at its discretion, may allow the Third-Party Tester or Examiner 30 days to correct the deficiency. If the deficiency is not corrected, a Third-Party Tester may be decertified or terminated.
- E. If, at the time of application, an applicant is charged with any offense that could result in a disqualifying conviction, which would result in the applicant being ineligible for certification, PennDOT shall suspend consideration of the application until entry of a plea or verdict or dismissal of the charge.
- F. If after the issuance of certification, a Third-Party Tester or Third-Party Examiner is charged with any offense that a conviction for which would result in the charged person's ineligibility for certification, PennDOT shall suspend the certificate pending disposition of the charge. If the Third-Party Tester or Third-Party Examiner is convicted of the charge, the certificate will be revoked.
- G. Any Third-Party Tester or Third-Party Examiner may relinquish a certificate to PennDOT upon 30 days' notice to PennDOT. Forms, manuals, or supplies PennDOT has furnished, including certification, certification cards and stamps, must be surrendered.