

# EXHIBIT A

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

#### BACKGROUND

In October 2014, the General Assembly of the Commonwealth of Pennsylvania passed Act 170, an amendment to section 1508 the Vehicle Code (75 Pa.C.S. § 1508) allowing the Department of Transportation to authorize a Third-Party Tester to administer the portion of the examination demonstrating the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicles for which the applicant desires a license to drive.

This Commonwealth has over 9.1 million licensed drivers, of which 8.75 million represent non-commercial drivers. Licensing is conducted within 75 PennDOT Driver License Centers across the state, and these centers interact with over 3.6 million customers per year. A geographic expansion of license testing service sites, alternative testing schedules, and the opportunity to link driver's education training with testing services would greatly enhance customer services. The Department is interested in addressing the growing demand for license testing services by increase the availability of non-commercial driver testing sites in the Commonwealth.

The Third-Party Tester shall administer the same non-commercial skills test the Department administers, using testing procedures provided by the Department. Once the test is complete, the Third-Party Tester informs the applicant of their test results.

Given the potential for fraudulent issuance of licenses and the potential for individuals to be licensed who do not have the required level of skill to operate a vehicle, the selected Third-Party Testers shall 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 the Department when establishing skills testing at a State-operated facility.

Third-Party Testers shall examine an applicant's permit, registration, safety inspection and, if applicable, emission stickers and insurance to ensure legal requirements are met. The Third-Party Tester shall 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 the Department. Once the test is completed, the Third-Party Tester shall inform the applicant of the results of his or her test and when to expect their camera card in the mail. The entire process shall be conducted in an environment that places customer service and convenience at the forefront while still maintaining high testing standards and security.

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### GENERAL REQUIREMENTS

Third-Party Testers shall 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 Non-Commercial Driver's License Skills Testing Program Agreement ("Agreement") with the Department and must administer the same skills test that the Department would administer.

The Department's mainframe system, which is used to post skills test results electronically, using an iPad application, is available Monday through Saturday 6am - 9pm, except for the following state holidays: New Year's Day, Memorial Day, Fourth of July (Independence Day), Labor Day, Thanksgiving Day, and Christmas Day. Testing is not permitted outside of the system availability hours above. Down time of the Department's mainframe system due to hardware or software malfunction can occur. The Department recognizes these occurrences as normal and usual consequences of operation of a computer network. The Department shall not be responsible for any loss of work, customers or income which may result from any computer down time.

Services shall be performed during the period established on the Notice to Proceed issued by the Department. Upon being given Notice to Proceed, the Third-Party Tester shall meet whenever necessary with the Department'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 the Department, and may be returned only at the Department's option. Applications submitted to the Department may be reviewed and evaluated by any person selected by the Commonwealth. The Third-Party Tester applicant grants the Department the right to use any ideas presented in any application. Selection or rejection of the application does not affect this right.

No costs to the Department 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 shall 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 shall be surrendered to the Department before a new certificate can be issued. The application for a new certificate shall be made in the same manner as for an original certificate.

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### THIRD-PARTY NON-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 Non-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 the Department'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 the Department's contractual 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 Non-Commercial Driver's License Third-Party Tester Application (Exhibit B) and all other information requested by the Department. The application shall 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 have maintained a place of business in Pennsylvania for a minimum of two years prior to submission of the application.

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- G. An applicant shall provide the Non-commercial Driver's License Third Party Examiner Application (DL-401NCD), including name and home address and phone number of all examiners who will be involved in the Third-Party Non-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 shall be included:
- i. Work done by individuals who will be assigned to the Third-Party Non-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. The Department may contact the references.
- I. An applicant shall provide a management plan describing a proposed approach to achieve the objectives of the Third-Party Non-Commercial Driver's License Skills Testing Program, including personnel structure, policies, procedures, practices, supervision, marketing fees, customer service, and customer complaints. The management plan shall include accountability for every substantiated customer complaint. A customer complaint is substantiated through investigation of the Department 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 shall be submitted with the application.
- J. An applicant shall provide, for approval by the Department, a detailed organizational chart clearly describing the chain of command from specific site staff to the Department's Third-Party Program Manager. Additionally, the applicant shall provide, for approval by the Department, 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 the Department. Each job description shall contain the following:
- i. Title of the position.

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- 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 the Department.
  - 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 Non-Commercial Driver's License Third-Party Tester Application and all other information required by the Department to: [ra-pdcontracts3partynoncdl@pa.gov](mailto:ra-pdcontracts3partynoncdl@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 the Department, in which the applicant agrees, at a minimum, to comply with these Program Requirements and instructions of the Department for Third-Party Testers.
- 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 the Department, 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 the Department is not eligible to be a Third-Party Tester.

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### 2. GENERAL REQUIREMENTS FOR THIRD-PARTY TESTERS:

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

- A. 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.
- C. A Third-Party Test must prohibit all Third-Party Examiners employed by the Third-Party Tester from administering the non-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 the Department as a Third-Party Examiner and comply with these Program Requirements.
- E. A Third-Party Tester may not participate in the Department's End of Course Skills Testing Program ("EOCST Program"). The EOCST Program affords high school students, who are enrolled in a Department of Education-approved driver's education program at or through their school districts, an opportunity to take their driving tests during the last half-hour of the 6 hours of behind the wheel instruction. A Third-Party Tester may not provide driver's license examinations for the Department of Education as part of the EOCST Program.
- F. A Third-Party Tester may not administer medical retests, tests for individuals with a dual learner's permit, or a learner's permits requiring ignition interlock.
- G. A Third-Party Tester shall permit the Department to conduct announced and unannounced audits, at the Department's discretion.

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- H. A Third-Party Tester shall ensure that if any complaints are received by the Department from Third-Party Examiners employed by the Third-Party Tester or drivers, the Third-Party Tester fully cooperates with any investigation by the Department's Third-Party Program Manager or any other designated Department official.
- I. 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 Vehicle Code (75 Pa. C.S. § 1501 et seq.).
- J. 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 non-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 shall include:
- i. The complete and current name and residential address of the applicant.
  - ii. The applicant's permit number.
  - iii. The date the applicant took the non-commercial driver's license skills test.
  - iv. The name and certification number of the Third-Party Examiner conducting the non-commercial driver's license skills test.
  - v. A copy of the applicant's permit.
  - vi. The amount charged for the non-commercial driver's license skills test.
  - vii. A record of all receipts and disbursements pertaining to the skills test.
  - viii. The make, model, registration, and insurance (if using personal vehicle) of the motor vehicle used to conduct the non-commercial driver's license skills test.

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- ix. The applicant's photo, if directed by the Department.
  
- K. A Third-Party Tester shall be available to come in person to meetings if requested by the Department. The Department's 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.
  
- L. 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. Records shall be maintained for two years after the Third-Party Examiner leaves employment of the Third-Party Tester. Each record shall 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 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 the Department and, if a conviction exists, the Third-Party Tester shall furnish the facts of the offense to the Department and secure Department approval before hiring or using the individual involved. An individual convicted of a criminal offense is not automatically barred from employment by the Third-Party

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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.

- b. Pennsylvania State Police background checks of personnel employed in the Third-Party Non-Commercial Driver's License Skills Testing Services Program shall be updated annually and a report showing that the background checks have been completed shall be submitted to the Department by January 31<sup>st</sup> 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 the Department 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

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been convicted of a criminal offense. If such a conviction exists, the Third-Party Tester must furnish the facts of the offense and secure Departmental approval before hiring the individual. The Department takes the position that anyone convicted of a criminal offense is not barred from employment by the Third-Party Tester in all cases. The Department will 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 the Department within 24 hours of being notified of the arrest. The Department will render a decision regarding the individual's continued employment with the Third-Party Tester. A fee is associated with the service, which shall be paid by the Third-Party Tester. Failure to submit payment in a timely manner may result in suspension or termination from the Third-Party Non-Commercial Driver's License Skills Testing Program.

- iv. Child Abuse Clearance. A Third-Party Tester shall obtain and submit annually to the Department a child abuse clearance for individuals who will be working directly with persons under the age of 18. 23 Pa. C.S. § 6344(a)(5) & (b). Before employment begins, an employee shall submit to an employer or other person responsible for employment decisions, a criminal history report (18 Pa. C.S. Chapter 91), a certification from the Pennsylvania Department of Human Services as to whether the applicant is named as a perpetrator in the Statewide database, and a Federal criminal history record information through submission of fingerprints to the FBI or PSP or another authorized agent.
- v. 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.

M. A Third-Party Tester shall require its employees to sign a PennDOT Record Information Confidentiality Policy.

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- N. A Third-Party Tester shall require its employees to sign a Department Management Directive 205.34 Amended; Commonwealth IT resource Acceptable Use Policy User Agreement.
- O. A Third-Party Tester shall require its employees to sign and submit to the Department the Department's Customer Service Policy.
- P. A Third-Party Tester shall prominently display, at its testing site, the certificate, issued by the Department, for each Third-Party Examiner employed by the Third-Party Tester.
- Q. 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 the Department and authorized auditors upon request.
- R. 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 the Department.
- S. A Third-Party Tester shall discipline any employee found not performing in accordance with established standards related to the Non-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 Non-Commercial Driver's License Skills Testing Program.
- T. 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. The Department 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 Examiner may not administer or perform supervisory duties when acting as a Third-Party Examiner.
- U. A Third-Party Tester shall supply to each Third-Party Examiner, administrative staff member, and supervisor, including back up staff, an identification badge which shall 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.

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- V. A Third-Party Tester shall ensure that each testing site of the Third-Party Tester administers and completes at least 100 non-commercial driver's license skills tests per year.
- W. A Third-Party Tester shall conduct and maintain a written quarterly internal review of non-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 shall be sent to the Department via email at: [ra-pdncdlthirdprty@pa.gov](mailto:ra-pdncdlthirdprty@pa.gov).
- X. A Third-Party Tester shall maintain at each testing site a copy of the Agreement.
- Y. 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.
- Z. A Third-Party Tester shall display its certificate and its Third-Party Examiners' certificates at the place of business listed on the Agreement. These certificates grant the authority to administer non-commercial driver's license skills tests for the classes and types of vehicles listed.
- AA. A Third-Party Tester shall provide a driver who takes and passes the skills test with a Department-approved document showing proof of test completion.
- BB. A Third-Party Tester shall ensure that testing occurs only during daylight hours. Hours of operation must be reported to the Department's Third-Party Program Manager.
- CC. A Third-Party Tester shall ensure that each testing site is open for business for a minimum of 15 hours per week.
- DD. A Third-Party Tester shall have a dedicated telephone number for the Third-Party Non-Commercial Driver's License Skills Testing Program.
- EE. A Third-Party Tester shall pre-schedule tests at least two calendar days in advance. Appointments must be entered into a scheduling system as designated by the Department.

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- FF. A Third-Party Tester shall ensure Third-Party Examiners explain the procedures to be followed in the administration of the skills test. A translator may be present during the explanation, but only the applicant and the Third-Party Examiner are permitted in the vehicle during the skills test.
- GG. A Third-Party Tester shall maintain a weekly report onsite and submit it to the Department on the first business day of each month, showing the number of skills tests administered the previous month, including the number of tests passed and failed and the pass/fail percentage rate.
- HH. A Third-Party Tester shall ensure that no official or employee of the Third-Party Tester is attired in any uniform or clothing which gives the appearance of being a Department employee.
- II. A Third-Party Tester shall not violate the Agreement, Department 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.

### 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.
  - 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.

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- v. The facility must include secure storage for program related documents and licensing stamps (collectively "Product Stock") designated by the Department and shall be approved by the Department. 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 the Department and all Product Stock. Adjustments may be made in storage requirements if deemed desirable by the Department 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 shall 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 shall 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 shall display the testing fees.
- ix. The facility shall display the certificate issued by the Department for each certified Third-Party Examiner employed by the Third-Party Tester.
- x. The facility shall display the certificate granting the facility authorization to administer the Third-Party Non-Commercial Driver's License Skills Test.
- xi. The facility shall have an acceptable appearance and shall 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 shall 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.

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- xiv. The facility shall provide specified parking spaces designated for persons with disabilities, in accordance with the American with Disabilities Act.
  - xv. The facility shall 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's parallel parking area must meet the Department's minimum requirement of 8' x 24' and have sufficient room to conduct the maneuver on an obstacle-free area. The area should accommodate an exception process that will allow an extension in length of the parallel parking space to 8' deep by 26' in length for larger-sized vehicles whose overall length are more than 20' including those that may have hitch attachments. The parallel parking area must have cones or barrels placed at the top and bottom of the parking space as this represents a 'street' parking scenario and the cones represents parked cars. The parallel parking area must be paved with white lines and also have a curb.
  - xvii. The facility must provide sufficient room to perform the skills test on an obstacle-free test pad.
- B. The Department may approve or deny any location or relocation, in its sole discretion.
  - C. A facility shall not be within one mile of an existing PennDOT Driver Licensing Center or another existing Third-Party Tester, unless approved by PennDOT.
  - D. The Department shall provide sufficient notice to the Third-Party Tester when changes are required to be made to the facility.
  - E. The Department 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.

#### 4. HOURS OF OPERATION REQUIREMENTS

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Hours of operation must be reported to the Department's Third-Party Program Manager. Each test site must be open for business for a minimum of 15 hours per week. 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

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 Non-Commercial Driver's License Third-Party Examiner Application (Exhibit B).

B. The individual must:

- i. Be at least 21 years of age.
- ii. Make application to the Department.
- iii. Be a payroll employee of the Third-Party Tester for at least two years or have two years of experience obtaining, evaluating, and providing information to the public.
- iv. Possess a valid Class C Pennsylvania Driver's License.
- v. Within three years prior to application and during certification, not have any driver's license suspensions, revocations, cancellations, or disqualifications.
- vi. Within three years prior to application and during certification, have had no more than six points on his or her driving record.
- vii. Within three years prior to application and during certification have had no conviction for driving under the influence of drugs or alcohol.

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- viii. Within three years prior to application and during certification have not been accepted into an accelerated rehabilitative disposition program for a charge of driving under the influence of drugs or alcohol.
  - ix. Satisfactorily complete the Third-Party Examiner training course and any recertification training required by the Department.
  - x. 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 the Department.
- B. 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, the Third-Party Examiner must retake the Third-Party Examiner training course in order to conduct skills tests on behalf of a new Third-Party Tester. After of the Third-Party Examiner successfully completes the course, the Department shall issue or reissue the Third-Party Examiner's certificate to the Third-Party Tester.
- C. A Third-Party Examiner shall conduct at least 50 skills test per year, or certification will not be renewed unless the Third-Party Examiner is scheduled and satisfactorily completes the Department refresher course.
- D. A Third-Party Examiner shall satisfactorily complete a Department refresher course within six months of the expiration of the Third-Party Examiner's two-year certification cycle to maintain the Third-Party Examiner's certification.
- E. A Third-Party Examiner must sign a PennDOT Record Information Confidentiality Policy statement annually.
- F. Active Department 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 shall not indicate in any way that a program can issue or guarantee the issuance of a driver's license or imply that the program

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can in any way influence the Department in the issuance of a license or imply that preferential, sanctioned, or advantageous treatment from the Department 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 shall not indicate that the Third-Party Tester’s program is approved, sanctioned, or in any other way endorsed by the Department over any other program.
- C. An advertisement must be pre-approved by the Department. This includes all advertising mediums, including but not limited to, television, internet, billboard, newspapers, magazines, posters, signs, websites, commercials, radio advertisements, etc. A Third-Party Tester shall adhere to the Department’s advertising guidelines and requirements as outlined within this section or any additional guidelines or requirements as directed by the Department.
- D. An advertisement may not represent a Third-Party Tester to be an agent or employee of the Department. 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 the Department.
- E. If a PennDOT logo is included in any advertising, it must be the version provided by the Department. 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 Department facility.
- I. Advertising must accurately describe the services provided by the Third-Party Tester and must not misrepresent the Third-Party Tester’s authority.

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- J. Advertising may not disparage the Department.
- K. If unauthorized advertising has been made public, the advertising shall 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 Department facility for the purpose of soliciting business.

### 7. WAIVER

The Department may waive any requirements within the Third-Party Non-Commercial Driver's License Skills Testing Program in writing at its sole discretion.

### 8. TEST ROUTE AND TEST ADMINISTRATION REQUIREMENTS

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

- A. A primary road skills route and a secondary road skills route must be submitted by the Third-Party Tester.
- B. The skills test includes knowledge of controls, parallel parking, and an on-road course.
- C. Knowledge of controls is conducted outside of the vehicle.
- D. Parallel parking is conducted off-road and before the on-road course.
- E. Each on-road course must incorporate a minimum of:
  - i. Two right turns;
  - ii. Two left turns;
  - iii. One traffic control device;
  - iv. One speed zone change.

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- v. Routes must begin and end at the Third-Party Tester's approved facility
- F. The Department may modify the on-road route requirements as needed with sufficient notice. All proposed modifications must be reviewed and approved by the Department prior to use.
- G. Vehicles used for testing must be marked with a clear, visible, and legible sign indicating "Test in progress" prominently displayed on the rear of the vehicle. All signs must be white in background with red letters at least three inches high.
- H. All applicants for testing must have a valid Class C Non-Commercial Pennsylvania Learner's Permit with them during the skills test.
- I. Skills test shall be conducted strictly in accordance with the provisions of these Program Requirements and with current test instructions provided by the Department. Such instructions will include requirements related to the Department mobile testing application and test forms.
- 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 the Department's applicable Information Technology Policies ("ITPs") with their application. A specific and comprehensive security plan shall describe the method of security it intends to employ at each location for safeguarding equipment and supplies. Security plans shall maximize the security potential and minimize the security risk at each site. The Department shall approve initial security plans and modifications made to those plans. Department approval on routine maintenance is not required; however, routine maintenance should occur after normal business hours.
- B. Each Third-Party Tester location shall have and utilize an operational electronic

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security system, i.e., one that is in good working order.

- C. All skills test records of a 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. For any records maintained in electronic format, any computer used must be encrypted and password protected.
- D. A Third-Party Tester's facility shall include a functioning Department-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 shall 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. A 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 the Department'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. The Department may require a 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. A Third-Party Tester shall provide alarm activity reports at the request of the Department. Reports shall 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 the Department requests.
- H. A Third-Party Tester shall have at least three responders on a call list for each facility. Notifications must be forwarded to the Department's Third-Party Program Manager for each alarm activation within seven business days of

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occurrence. The report must identify the reasons why the alarm was activated, who responded to the call, action taken, and any suggestions as to improve security or steps to prevent similar occurrences.

- I. For Third-Party Tester employees who are terminated, the Third-Party Tester shall immediately delete the employee's security alarm code. If a terminated Third-Party Tester employee is a key holder, the Third-Party Tester has 48 hours to retrieve the keys.
- J. Packages and deliveries addressed to the Third-Party Tester shall be made to Third-Party Tester staff directly. Only Third-Party Tester staff may sign for Third-Party Tester deliveries, unless approved by the Department.
- K. Other than as provided in these Program Requirements or the Agreement, the Third-Party Tester shall not sell, assign, or otherwise transfer any information or portions of information obtained pursuant to the Agreement to any other party. The Third-Party Tester shall not use any record information obtained pursuant to the Agreement for any purpose other than those as specifically authorized by the following: the Agreement; Title 75, Section 6114 of the Vehicle Code, 75 Pa. C.S. § 6114, Limitation on Sale, publication and disclosure of records; Title 67, Pennsylvania Code, Chapter 95, Sale, Publication or Disclosure of Driver, Vehicle and Accident Records and Information; the Federal Driver's Privacy Protection Act, 18 U.S.C. §§2721 et seq.; and the Federal Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq.
- L. If the Department 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 the Department of receipt of the revised or additional equipment, and then notify the Department of the date the revised or additional requirement is implemented. Failure to provide written notice shall constitute grounds for terminating the Agreement.
- M. Learner's Permits, Driver Examination reports (DL- 402) and related documents shall not be held or placed at any time within view or reach of the public.
- N. Theft or loss of Learner's Permits and Driver's Examination Reports (DL-402) and related documents due to lack of proper security may result in the immediate termination of the Third-Party Tester's Agreement
- O. In the event of any incident of a break-in, theft, fire or vandalism, the Third- Party Tester shall immediately notify the Department by telephone and shall provide to

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the Department, a detailed, written account of the incident, within 24 hours.

P. 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.

Q. 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 Department approval. Refer to the Department's record retention policy prior to discarding any program documentation.

### 10. ONSITE INSPECTIONS 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 the Department or its 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 Non-Commercial Driver's License Skills Testing Program.
  - ii. Skills testing procedures, practices, and operation.
  - iii. Vehicles used for testing.
  - iv. Qualifications of Third-Party Examiners.
  - v. Employment and payroll records of Third-Party Examiners.
  - vi. Effectiveness of the skills test program by either:

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- a. testing a sample of drivers who have been tested by the Third-Party Tester or Third-Party Examiner; or
  - b. having the Department employees or its designee take the skills tests from a Third-Party Examiner.
  - vii. Any other aspect of the Third-Party Tester's operation that the Department determines is necessary to verify that the Third-Party Tester meets the certification requirements, and otherwise complies with the Agreement.
- 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. The Third-Party Tester shall supply one or more iPads meeting the requirements of this section. The Department shall make the mobile iPad application available to the approved Third-Party Tester for processing test results via the Apple Volume Purchase Program Store. The Department shall work with the approved business partners to obtain the necessary credentials.
- B. Except as provided in subsection (C) below, testing must be administered on an iPad using the Driver License Testing Mobile Application. Test results must be posted using the Driver License Testing Mobile Application. Third-Party Examiners shall score the applicant using the mobile application at the time the applicant is taking the test, not when they return to the office.
- C. Third-Party Testers may score applicants using the paper Driver's Examination Report (DL- 402) only if the mobile application is unavailable and if instructed by the Department's Third-Party Program Manager to use paper in lieu of electronic posting. The DL- 402 form must be scanned and securely transmitted to the Department within 24 hours after administering the test. A copy of each original must be kept on file by the Third-Party Tester for two years and then shredded.

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- D. A Third-Party Tester or Third-Party Examiner shall not send an applicant to a Driver License Center with the Driver's Examination Report (DL- 402) or any other documents relating to the test. These documents must never be in the possession of an applicant.

### 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. At a minimum, iPad devices housing the required Mobile iPad Application provided above must meet the following requirements:
- i. Be an iPad Air 2 or newer with a minimum of 16 GB of storage; iOS 17.4 operating system or newer.
  - ii. Have Wi-Fi and cellular connection.
  - iii. Have a minimum of 4GB of free disk space to allow for installing applications and associated data.
- B. Third-Party Testers shall have an e-mail address to facilitate communication. Personal identifiable information must always be transmitted securely through an encrypted system pre-approved by the Department.
- C. The Department may, at its sole discretion, authorize electronic posting of the skills test results by other equipment or hardware if the Department chooses to use different technologies.

### 13. QUALITY OF CUSTOMER SERVICE REQUIREMENTS

The following provisions relate to the quality of customer service provided by Third-Party Testers:

- A. Customer service goals of timely and efficient processing, polite and courteous behavior, may be measured and evaluated by the Department using an on-line survey system or other system designated by the Department.

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- B. A minimum quality rating of 4.5 out of 5.0 is required. Should a rating under 4.5 occur, a management plan must be documented, approved by the Department, and immediately implemented. The Third-Party Tester may be required to provide customer email addresses for this purpose.

### 14. TRAINING REQUIREMENTS

Online or in person training, or both, will be provided for Third-Party Examiners by the Department. Within the timeframe of the Agreement, additional training may be required as a result of program or system changes. 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 and management directives 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: <http://www.oa.pa.gov/Policies/Pages/itp.aspx>.
- 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: <https://www.pa.gov/agencies/oa/policies/it-policies>.

### 16. OFFICE EQUIPMENT REQUIREMENTS

The following provisions relate to office equipment used by Third-Party Testers:

- A. The facility shall ensure each Third-Party Tester testing site is equipped with the following:
  - i. A telephone line dedicated for Third-Party Testing operations. The telephone must be equipped with an answering machine or voice mail containing a pre-

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recorded message stating business hours of operation and any other pertinent information.

- ii. A copy machine.
- iii. An office shredder.
- iv. An open/closed sign or appropriate signage approved by the Department.
- v. A 'testing fees' sign posted and visible.
- vi. A laptop or desktop computer with secure internet access for scheduling tests.
- vii. An active email service in which email is checked daily.

### 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 the Department a performance bond in the amount of \$150,000. 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. The Department 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 the Department if the Department 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 shall be administered in a manner satisfactory to the Department and the surety is responsible for costs and expenses up to the bond amount resulting from unsatisfactory performance including

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those relating to the retesting of drivers, as deemed necessary by the Department.

- D. If the amount of the performance bond is decreased, or if there is a final judgment outstanding on the performance bond, the Third-Party Tester's authorization to perform skills testing shall be suspended, or terminated, until steps are taken, satisfactory to the Department, to restore the original amount of the performance bond.
- E. The term of the bond shall commence on or before the date the Third-Party Tester commences skills testing and shall 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 the Department 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, 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 the Department.
- G. For vehicles insured by the Third-Party Tester, the insurance policy shall 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 shall be in the minimum amounts of \$250,000 per each person and \$1,000,000 each occurrence. Coverage shall be occurrence-based. A certificate of insurance shall be submitted to the Department 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 the Department, with 30 days' written notice before change or cancellation, excepting 15 days' written notice before cancellation for nonpayment of premium. The Department 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

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provide the Department a copy of the policy rider issued by the insurance carrier showing the addition or exchange, with complete descriptions of the vehicles involved.

- H. Vehicles used for testing shall be currently inspected and checked for roadworthiness on a regular basis.
- I. If the Third-Party Tester is self-insured, an appropriate certificate shall be provided to and filed with the Department.
- J. Failure to comply with any requirements in this section shall be a material breach of the Agreement and may be cause for default or termination.

### 18. APPROVAL AND CERTIFICATION BY THE DEPARTMENT REQUIREMENTS

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

- A. The Department shall evaluate the material submitted by the Third-Party Tester applicant. If the application materials are satisfactory, the Department shall schedule an on-site inspection of the applicant's Third-Party testing site to complete the evaluation.
- B. The Department 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, the Department shall schedule the applicant for the Third-Party Examiner training course. Training may be waived if the applicant is seeking recertification because they the applicant has changed to Department-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 the Department'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 non-commercial driver's license skills testing for the classes and types of vehicles listed.

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- 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 non-commercial motor vehicles listed.
- F. The Department may, at any time, require Third-Party Testers and Third-Party Examiners to recertify their qualifications to administer the skills test.
- G. The Department may amend these Program Requirements, by written notification from the Department'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 the Department's Contract Administrator and Department's Third-Party Program Manager in writing within 72 hours of any change in:
    - 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 Examiner who are employed by the Third-Party Tester
    - d. A Third-Party Examiner's driving status.
  - ii. Notify the Department's Contract Administrator and Department's Third-Party Program Manager in writing within 72 hours of any of the following occurrences:

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- 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 the Department 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 the Department.
  - e. Any Third-Party Examiner fails to comply with any of these Program Requirements.
- B. A request must be provided to the Department for approval for all detours from an on-road course skills testing route that last longer than 72 hours.
- C. Changes necessary to accommodate temporary detours due to construction or emergency situations lasting less than 72 hours do not need to be reported to the Department.
- 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 the Department immediately in writing within 24 hours. Written notice to the Department must be by registered mail, email, or receipted delivery to the Department's Third-Party Program Manager. Proper notice must contain, but not be limited to, the following information:
- 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.

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- 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.
- E. The Department shall, upon receipt of proper written notice, request an official investigation of the reported activity. The Department's Third-Party Program Manager shall be the key point of contact for the effective coordination of the investigation effort.
- F. Upon the Department'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, the Department may terminate the Third-Party Tester's Agreement.
- G. In the event of any incident of a break-in, theft, fire or vandalism, the Third-Party Tester shall immediately notify the Department by telephone and shall provide to the Department, in writing, within 24 hours, a detailed account of the incident.
- H. A Third-Party Examiner must:
- i. Notify the Third-Party Tester in writing within 72 hours of any of the following occurrences:
    - a. Change of residential address.

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- 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. Notify the Department's Third-Party Program Manager in writing, within 72 hours of any of the following occurrences:
  - a. Change of residential address
  - b. Any change of employment.
  - c. Any suspensions, revocation, recall or disqualification of their driver's license.
  - d. Any time six points or more are on their driving record.
- iii. Obtain new certification by the Department prior to administering tests when hired by a new approved Third-Party Tester.
- iv. Notify the Department 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. The Department may, at any time, cancel the Third-Party Non-Commercial Skills Testing Program in its entirety.
- B. The Department may terminate the Agreement with the Third-Party Tester, or it may cancel or decertify a Third-Party Tester or Third-Party Examiner for Department convenience.
- C. The Department may terminate the Agreement with a Third-Party Tester or to cancel or decertify a Third-Party Tester or

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Third-Party Examiner for cause which includes, but is not limited to:

- i. Failure to comply with or satisfy any of the provisions of these Program Requirements, the Department's instructions, or the Agreement.
- ii. Falsification of any records or information relating to the Third-Party Non-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 Non-Commercial Driver's License Skills Testing Program.
- 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 the Department determines that grounds for termination or decertification exist for failure to comply with or satisfy any of these Program Requirements or the Agreement, the Department, 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, consideration of the application shall be suspended 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, the certificate shall be suspended pending disposition of the charge. If the Third-Party Tester or Third-Party Examiner is convicted of the charge, the certificate will be revoked.

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- G. Any Third-Party Tester or Third-Party Examiner shall relinquish a certificate to the Department upon 30 days' notice to the Department. Forms, manuals, or supplies the Department has furnished, including certification, certification cards and stamps, must be surrendered.