

**RFS 26-86221 CDL Third Party Skills Test Sites
Attachment K**

Scope of Work & Mandatory Requirements

A. REQUIREMENT OF SELECTED CDL THIRD PARTY SKILLS TEST SITE

To be certified, a CDL Third Party Skills Test Site must:

1. Make an application to and enter into a contract with the State as a selected Test Site;
2. Maintain a professional atmosphere and ensure that its location is clean, organized, safe and meets all requirements of state law and local ordinances;
3. Ensure that all CDL skills tests are conducted in clean, safe, and appropriate commercial motor vehicles;
4. Make available telephone, drinking water, on-site restroom facilities with adequate heating, and site location marking;
5. Make available a CDL skills testing area at least 60' x 320' or as approved by BMV. (Diagrams and mapping for any exceptions should be submitted for review and approval/acceptance)
6. CDL skills testing area must have a surface that will accommodate the weight of commercial motor vehicles, any testing area that is not asphalt or concrete must be approved by BMV.
7. Have at least two (2) qualified and approved Examiners available for testing. This may be one (1) full time and (1) part time Examiner or two (2) full time Examiners;
8. Separate its Testing Program operations from any FMCSA Registered Training Program. A business may operate a Test Site and a Training Program if:
 - a. The Test Site and the Training Program are managed by different individuals;
 - b. The Test Site and the Training Program have different names;
 - c. The Test Site and the Training Program run out of separate offices; and
 - d. An Examiner it employs is also not employed as a Training Instructor, and vice versa.
9. Agree to allow representatives of the FMCSA and/or the State to conduct random examinations, inspections and audits without prior notice;
10. Maintain at each Test Site location (for a minimum of three (3) years) a record of every driver applicant for whom the Test Site conducts a CDL skills test and whether the driver applicant passes or fails the CDL skills test. Each record shall include:
 - a. The complete name and address of the driver applicant;
 - b. The driver applicant's license number and the name of the state or jurisdiction that issued the license held by the driver applicant at the time the CDL skills test was taken;
 - c. The date the driver applicant took the CDL skills test;
 - d. The name of the Examiner, and the number of the Test Site where the Examiner conducted the CDL skills test;
 - e. A record of all receipts and disbursements;
 - f. The make, model and registration number of the commercial motor vehicle(s) is used to conduct the CDL skills test.
 - g. The make, model and registration number of the commercial motor vehicle(s) is used to conduct the CDL skills test.

11. Maintain at each Test Site, a record of each Examiner. Each record shall include:
 - a. Copies of valid CDL Third Party Skills Test Examiner Licenses indicating the Examiner has met all State requirements;
 - b. A copy of the Examiner's current driving record, which must be updated annually; and
12. Retain all Examiner records for at least three (3) years after the Examiner discontinues testing on behalf of the Test Site;
13. Ensure that all CDL skills tests are conducted in accordance with the requirements and instructions provided by the State and FMCSA;
14. Generate and upload the driver applicant's skills test results to the BMV's approved system by use of the Commercial Skills Test Information Management System application on the same day the skills test is administered. In the event that the CDL Third Party Skills Test application does not upload the test results successfully, the examiner will contact the BMV;
15. Ensure all segments of the skills test are completed on the same business day.
16. Submit a Testing Report to the State when requested; and
17. Implement a random alcohol and controlled substances testing program as specified in Federal Motor Carrier Safety Administration 49 Code Federal Regulations (CFR) 382. All costs incurred as a result of implementing this program shall be the responsibility of the Contractor.

B. REQUIREMENTS OF CDL THIRD PARTY SKILLS TEST EXAMINERS

Examiners may conduct CDL skills tests on behalf of only one (1) Test Site at any given time. If an Examiner discontinues testing for a Test Site, he/she must reapply and be approved for new CDL Third Party Skills Test Examiner Licenses in order to conduct CDL skills tests on behalf of a new Test Site.

To qualify as an Examiner, an individual must:

1. Make application to and be approved by the State;
2. Possess a valid Indiana commercial driver's license with the classifications and endorsements required for operation of all classes and types of commercial motor vehicles used in CDL skills tests which will be conducted by the Examiner, and have at least three (3) years of Class A tractor/trailer driving experience;
3. Successfully complete a State sanctioned Examiner training course. At a minimum, upon completion of the training, the Examiner shall have acquired and demonstrated the following knowledge and skills:
 - a. A comprehensive understanding of all information contained in the CDL Driver's Manual;
 - b. A working knowledge of the CDL Third Party Skills Test Examiner's Manual;
 - c. Ability to administer and score correctly each part of the CDL skills test; and
 - d. Understanding of Test Site and route requirements.
4. Shall take part in all State required advanced training courses, workshops, seminars, etc.;
5. Within three (3) years prior to Examiner application have had no conviction for operating a vehicle while under the influence of alcohol or a control substance;
6. Within three (3) years prior to Examiner application have had any driver's license suspension, revocation, cancellation, or disqualification;

7. Conduct CDL skills tests on behalf of the selected Test Site in accordance with these requirements, all statutes and regulations, and with any instructions provided by the State;
8. Ensure that each driver applicant signs the application for Commercial Driver Skills Examination (waiver form) before a CDL skills test is administered;
9. At the time of Examiner application and at all times thereafter, maintain fewer than ten (10) active points on the personal Indiana driving record;
10. Must undergo/provide a full national criminal background check as prescribed by the Bureau;
11. Submit to random drug tests to be conducted by the Test Site or their representatives per 49 CFR 382; and
12. Complete training in the use and function of the CDL Third Party Skills Test Application associated with the BMV's STARS System.
13. Meet all requirements listed in 49 CFR 384.228
14. Must have a least three (3) years of Class A tractor/trailer driving experience without (E) No Manual Transmission equipped CMV, (L)-Air Brakes, (O)-No Tractor-Trailer CMV, (P)-Passenger Vehicle, (Z)- No Full Air Brake equipped CMV restriction(s)
15. Must have at least three(3) years of Class A tractor/trailer driving experience with the following CDL endorsements (T)-Doubles/Triples, (N)-Tank Vehicle, (P)-Passenger vehicle, and (S)-School Bus.

C. CDL THIRD PARTY SKILL TEST SITE LICENSE AND CDL THIRD PARTY SKILLS TEST EXAMINER LICENSE

1. General Requirements:

- a. A Site License will be issued by the State that allows the Test Site to operate an approved Testing Program for CDL applicants.
- b. An Examiner License will be issued to qualified Examiners who are employees or agents of the Test Site.
- c. Copies of Examiner License must be displayed in the place of business of the Test Site.
- d. The Site License issued by the State must be prominently displayed in the place of business of the Test Site.
- e. The Examiner must surrender the Examiner License to the State when that Examiner becomes inactive or when the cards have been revoked by the State.
- f. A Site License and any Examiner License shall be non-transferable.
- g. Each Site License; Examiner Licenses will be effective on the date of issuance and will be effective for a term as directed by the BMV.
- h. All Site Licenses; Examiner Licenses renewal application forms must be submitted to the State not less than thirty (30) days prior to the time the previous license expires.
- i. Any copying or reproducing of Site Licenses, st Examiner Licenses for any purpose other than that purpose provided in this contract shall be strictly prohibited.

2. Application for a CDL Third Party Skills Test Examiner Licenses:

- a. Application for the Examiner Licenses shall be made on a form furnished by the State. The application shall include the following information:
 - i. Full name, address, and telephone number;

- ii. Driver history, including class of current license and any endorsements and/or restrictions; and
- iii. Test Site's recommendation of the applicant for the Examiner License.

D. CDL SKILLS TEST VEHICLE EQUIPMENT REQUIREMENT

A Test Site must provide the following types of vehicles for rental by the driver applicants wishing to take the CDL Skills Test examination:

1. Commercial Motor Vehicles for CDL skills testing
 - a. Semi-tractor with a trailer which is no less than 48 feet in length and equipped with an air transmission, air brakes, power steering, with all normal accessories including all safety equipment. No automatic transmissions will be allowed for this type of vehicle; and
 - b. Class A combination truck trailer equipped with air brakes, power steering and with all normal accessories including safety equipment. This vehicle type can have either manual or automatic transmission; and
 - c. Class B straight truck with GVWR of 26,001 or more; and
 - d. Class B passenger vehicle with air brakes, power steering and with all normal accessories including safety equipment. This vehicle type can have either manual or automatic transmission. Test sites may have a written agreement for a 3rd Party to provide the passenger commercial vehicle for all scheduled exams.
2. All vehicles used for the Testing Program must have Department of Transportation annual inspection sticker or proper paper documentation in vehicle and must be maintained to all FMCSR standards for vehicle maintenance and repair. All such vehicles will be audited at a minimum every two (2) years.
3. All other equipment (bus, straight truck, pintle hook trailer) purchased for use for the Testing Program must also meet these requirements but can have either manual or automatic transmissions. A manual transmission is required, and an automatic transmission is an acceptable option.

E. ON-SITE INSPECTIONS AND AUDITS

1. A Test Site shall permit representatives of the FMCSA and/or the State to inspect and audit its operation, facilities, and records as they relate to the Test Site's Testing Program, for the purpose of determining whether the Test Site is qualified for certification.
2. A Test Site that has been selected and certified shall permit representatives of the State and/or FMCSA too periodically, and at least annually, inspect and audit the Test Site's Testing Program to determine whether it remains in compliance with the requirements for certification.
3. The State and FMCSA may perform inspections and audits with or without prior notice to the selected Test Site.
4. Inspections and audits shall include, at a minimum, an examination of:
 - a. Records relating to the selected Test Site's Testing Program;

- b. Evidence of compliance with the FMCSA;
 - c. Skills test procedures, practices, and operations;
 - d. Vehicles used for testing, including proof of passage of an annual DOT inspection;
 - e. Qualifications of Examiners, including driving records.
 - f. Effectiveness of the CDL skills test program by either testing a sample of driver applicants who have been CDL skills test certificates by the Test Site or by having State employees take the CDL skills test from an Examiner; and
 - g. Any other aspect of the Test Site's operation that the State determines is necessary to verify the Test Site meets the requirements for certification.
5. The State may prepare a written report on the results of each inspection and audit, and a copy of that report shall be provided to the Test Site. If any corrections are deemed necessary because of an inspection and audit, a written response from the Test Site stating that the deficiencies noted in the written report have been corrected must be submitted to the State within sixty (60) days of receipt of the written report.

F. ADVERTISING

No advertisement shall indicate in any way that a Testing Program can issue or guarantee the issuance of a CDL license or imply that the Testing Program can in any way influence the Bureau in the issuance of a CDL license or that preferential or advantageous treatment from the Bureau can be obtained.

Testing Programs that are certified by the State may in their advertising state they are certified but shall not indicate that a Testing Program is approved, sanctioned, or in any way endorsed by the State over any other Testing Program.

G. PROFESSIONAL CONDUCT

No Examiner, employee, or agent of the Test Site will be permitted to accompany any driver applicant into any office rented, leased, or owned by the Bureau for the purpose of taking an examination given by the Bureau.

No Examiner, employee, or agent of the Test Site will be permitted to personally solicit any individual on any premises rented, leased, or owned by the Bureau for the purpose of enrolling that individual in any Test Site program.

All examiners, employees, independent contractors, or agents of the Test Site who will be involved in any manner with the administration and/or implementation of any provision of the contract resulting from this RFS must undergo/provide a full national criminal background check as prescribed by the Bureau.

The State will require the Contractor to remove from any involvement in the administration and/or implementation of any provision of the contract resulting from this RFS any individual whose background check reveals information which would cause the individual not to be hired, promoted, transferred, or retained by the State as a regular employee. Failure of the Contractor to reassign such an individual to duties not associated with the administration and/or implementation of any

provision of the contract will be sufficient grounds, with nothing further, for the State to cancel the contract at its sole discretion.

H. INSURANCE REQUIREMENTS

1. Proof of insurance – commercial general liability, including contractual coverage, and products or completed operations coverage (if applicable), with minimum liability limits of \$750,000 per person and \$1,000,000 per occurrence unless additional coverage is required by the State. The State is to be named as an additional insured on a primary, non-contributory basis for any liability arising directly or indirectly under or in connection with this Contract.
2. All selected Test Sites shall maintain bodily injury and \$750,000 property damage liability insurance on any motor vehicle used in a skills test, insuring the liability of the Testing Program, the Examiner, and any person taking a skills test in the amount(s) required by state law.
3. Evidence of such insurance coverage in the form of a certificate from the insurance carrier shall be filed with the State. The certificate shall stipulate that the insurance contract provides for cancellation only upon thirty (30) days prior written notice to the State. The certificate will include a statement from the Insurer stating that each vehicle and piece of equipment is specifically insured.
4. When a vehicle is added to or exchanged in a Testing Program covered under a fleet insurance plan, the Test Site shall provide the State with a copy of a policy rider issued by the insurance carrier showing the addition or exchange with complete descriptions of the vehicle(s) involved.
5. If the Test Site is self-insured, an appropriate certificate shall be filed with the State.

I. TEST ADMINISTRATION

CDL skills tests shall be conducted strictly in accordance with the provisions of these requirements and with current instructions provided by the State. Such instructions may include information on CDL skills test content, CDL route selection/revision, CDL test forms, Examiner procedures, and administrative procedures and/or changes.

CDL skills tests shall be conducted:

1. On test routes approved by the State.
2. In a vehicle that is representative of the class and type of vehicle for which the driver applicant seeks to be licensed and for which the Examiner is qualified to test.
3. Using State approved forms and scoring procedures.
4. The results of the CDL skills tests will be electronically transmitted on the same business day as test administered in a manner as described by the Bureau follow all scheduling and testing requirements outlined in 49 CFR 383.25 and 49 CFR 383.75

J. NOTIFICATION REQUIREMENTS

The selected Test Site must:

1. Notify the State in writing thirty (30) days prior to any change in its name or address, and obtain written approval from the State, as such change may require an amendment to the Contract;
2. Notify the State in writing within the next business day of any change in:
 - a. Any Examiners who are employed or used by the Test Site;
 - b. Any Examiner's driving status;
3. Notify the State in writing within five (5) days of any of the following occurrences:
 - a. The Test Site ceases business operations in Indiana;
 - b. The Test Site fails to comply with any State requirements
 - c. Examiners receive notice from the Bureau of suspension, revocation; disqualification, cancellation, or a conviction for operating a vehicle while intoxicated;
 - d. Any Examiner fails to comply with any State requirements.
4. Request in writing and obtain approval from the State of any proposed changes in the CDL skills test route, test content, or Examiner/administrative procedures.
5. Notify the State within five (5) days of discontinuation of the Examiner who is performing testing on behalf of the Test Site.
6. Notify the State in writing within five (5) business days after receiving notice or information that an Examiner employed by the Test Site has had a change in their medical or driving status.
7. Notify the State the next business day after receiving actual notice that an Examiner employed by the Test Site has been convicted of a criminal drug violation.

K. COMPUTER REQUIREMENTS

The following personal computer equipment must be available for use for the Testing Program:

1. Computer equipment that can communicate with the Commercial Skills Test Information Management System (CSTIMS).
2. Printer capable of printing PDF documents.

The Test Site will use the computer equipment listed above for CDL testing only.

When the contract expires, is terminated, or otherwise ends, the State shall have the right to remove any related files and documents on the computers and any related networks.

L. DENIAL/TERMINATION OF TESTING PROGRAM AND LICENSES

1. The State may deny any Site License or Examiner License if the applicant does not meet the qualification requirements under the provisions of this RFS. Misstatements or misrepresentation may be grounds for denying a license.
2. Any selected Test Site may relinquish its Site License, and an Examiner may relinquish his/her Examiner Licenses, upon thirty (30) days' notice to the State.

3. The State reserves the right to cancel the selected CDL third party testing program provided for in this RFS in its entirety.
4. The State may revoke the Site License of a selected Test Site or Examiner License of a Examiner upon any of the following grounds:
 - a. Termination of the Test Site contract by the State;
 - b. Failure to comply with or satisfy any of the provisions of this RFS, the State's instructions, or the selected Test Site contract;
 - c. Falsification of any records or information relating to the selected Testing Program;
 - d. Commission of any act which compromises the integrity of the selected Testing Program;
 - e. For having any outstanding tax liabilities with the State that have reached warrant (WAR-C) stage; or,
 - f. For an Examiner, a driver's license suspension, revocation, or disqualification.
5. If the State determines that grounds for cancellation exist for failure to comply with or satisfy any of these requirements or with the selected Test Site Contract, the State may postpone cancellation and allow the selected Test Site or the Examiner thirty (30) days to correct the deficiency.
6. After a Site License has been terminated or a Test Site Contract has been terminated, the Test Site will allow the State to enter the premises to remove the State's equipment, software and files from the computers, and any records belonging to the State.

M. SAFE OPERATING CONDITIONS FOR TESTING PROGRAM

The selected Test Site must ensure the CDL skills tests are conducted under safe operating conditions. Unsafe operating conditions include but are not limited to:

1. Conducting CDL skills tests after daylight hours;
2. Conducting CDL skills tests during severe weather conditions such as heavy rain, snow, ice or during other hazardous conditions which would make driving a commercial motor vehicle unsafe or would render the CDL skills test results unreliable;
3. Conducting CDL skills tests in an area not contained, allowing pedestrian traffic to cross the test area;
4. Conducting CDL skills tests in an area that allows vehicles to enter or cross through the test area when the CDL skills test is in progress.

N. KNOWLEDGE

The respondent must acknowledge that in order to conduct a CDL skills test the examiner must be trained and licensed by the BMV. No individual may conduct a CDL skills test if they do not hold a valid Examiner License issued by the BMV. The BMV will use the material that has been approved by FMCSA for all examiner training.

O. FEE STRUCTURE

- A. The selected contractor(s) will collect the following required CDL skills tests fee from applicants taking the CDL skills test:

1. No testing fee, if the State gives prior written approval, by e-mail from an authorized State representative, to test an applicant that has been approved for military purposes (military fee waiver). The State shall reimburse the selected contractor(s) for the skills test fee as set forth in (C).
- B. The selected contractor(s) shall collect the following vehicle fees from the applicable applicants:
1. Amount set by vendor for rental of a commercial motor vehicle, if applicable,
 2. No vehicle fee, if the State gives prior written approval, by e-mail from an authorized State representative, to test an applicant that has been approved for military purposes (military fee waiver). The State shall reimburse the selected contractor(s) for the vehicle test fee as set forth in (C).
- C. The selected contractor(s) shall invoice the State for an approved qualified military individual testing fee listed in A (2) and the vehicle fee listed in B(1). The State shall disburse funds for the qualified military individuals' fees to the selected contractor(s), in accordance with IC 4-13-2-14.8. No funds will be disbursed by the State to the selected contract(s) for unapproved fees.