



DATE: June 23, 2017

TO: All Third Party Commercial Driver's License Testers & Interested Applicants

SUBJECT: RFA# 353R08 "Third Party Commercial Driver's License Skills Testing Services"
Amendment 11

The Federal Motor Carrier Safety Administration (FMCSA) conducted an audit of the RFA# 353R08 – Third Party Commercial Driver's License Skills Testing Services and the Department of Transportation (PennDOT) was found to be out of compliance with 49 CFR 383.75 and 49 CFR 384.229. As a result of the FMCSA audit, PennDOT is issuing Amendment 11 for RFA# 353R08 to address deficiencies.

This letter serves as an official notification for Amendment 11 as well as new changes to the Request For Applications, RFA# 353R08 – "Third Party Commercial Driver's License Skills Testing Services". Specifically, this document applies to all parties interested in submitting an application to participate in the program and all existing Third Party CDL Skills Testing Services contractors.

The RFA, issued on April 19, 2004, has an Open Enrollment period and applications will be accepted until such time as the Department of Transportation, at its discretion, decides to cancel this RFA. Interested applicants should review these changes thoroughly before completing an application. The enclosed signature page must be signed by an official authorized to bind the applicant to the provisions of the program. Applicants must return the executed Amendment 11 with their application package according to the instructions in the RFA.

Existing Third Party CDL Skills Testing contractors may have received and acknowledged prior Amendments; however, the Department requests all Third Party Testers to pay particular attention to the new requirements in Amendment 11. After reviewing Amendment 11, existing Testers must execute the signature page, ensuring that the signatory is an official authorized to bind the Tester/contract or to the provisions of the program. Return this signed document to the Contract Administrator within 15 business days of receipt.

All other terms and conditions not affected by this Amendment to RFA# 353R08 shall remain in full force and effect. Please sign, print your title and date your signature on the page 3. Please be sure that an appropriate signatory executes this amendment.

Please retain a copy for your files and return this letter with the signature page to:

Holly Zeiders, Contract Administrator
Bureau of Office Services
PA Department of Transportation
Commonwealth Keystone Building
400 North Street, 5th Floor
Harrisburg, PA 17120-0041

A completely executed copy of this amendment will be returned to you. If you have any questions, please contact me at (717) 783-5585 or by email at hzeiders@pa.gov.

Thank you for your continued support of the Third Party CDL Skills Testing Services.

Sincerely,



Holly Zeiders
Contract Administrator

cc: Steve Cantini, Program Manager, Bureau of Driver and Vehicle Services
File

Accepted By (For the Contractor):

Please provide your RFA 35308 contract number, (Example: 353R08-0xx or 353R08-8xx).

_____ Date _____

Company: _____

Signature: _____

Print Name: _____

Title: _____

Accepted By (For PennDOT):

Signature: _____

Print Name: _____

Title: _____

Date: _____

AMENDMENT 11
RFA# 353R08
“THIRD PARTY COMMERCIAL DRIVER’S LICENSE SKILLS
TESTING SERVICES”

PART I – GENERAL INFORMATION FOR APPLICANTS

From:

I-2. Issuing Office. This RFA is issued for the Commonwealth by the Pennsylvania Department of Transportation (PennDOT, herein referred to as the “Department”), Bureau of Office Services. The Issuing Office is the sole point of contact in the Commonwealth for this RFA. Please refer all inquiries to Terri Martini, 5th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0041 (FAX: 717-783-7971). Telephone inquiries regarding administrative questions may be directed to Terri Martini at (717) 346-9707. E-mail inquiries may be sent to her at tmartini@pa.gov.

To:

I-2. Issuing Office. This RFA is issued for the Commonwealth by the Pennsylvania Department of Transportation (PennDOT, herein referred to as the “Department”), Bureau of Office Services. The Issuing Office is the sole point of contact in the Commonwealth for this RFA. Please refer all inquiries to Holly Zeiders, 5th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0041 (FAX: 717-783-7971). Telephone inquiries regarding administrative questions may be directed to Holly Zeiders at (717) 783-5585. E-mail inquiries may be sent to her at hzeiders@pa.gov.

Part I–General Information, 11. Applications. Changes.

From:

I-11.Applications. To be considered, contractors should submit a complete response to this RFA, using the format provided in Part II. Each application must be submitted in 7 copies to the 5th Floor Information Desk for the Bureau of Office Services. Additionally, the Commercial Driver’s License Third Party Tester Application (DL-400CD Form) attached to this RFA as Appendix B must be completed and signed by an official authorized to bind the contractor to its provisions. The application should not be more than 75 pages, each of which should be numbered for ease of reference. The application should also include the federal identification number (or social security number if company does not have a federal identification number) and the applicant’s e-mail address. For this RFA, the application must remain valid for 120 days or until a contract is completely executed whichever is later. Moreover, the contents of the application of the selected applicants will become contractual obligations if a contract is executed.

To:

I.11.Applications. To be considered, contractors should submit a complete response to this RFA, using the format provided in Part II. Each application must be submitted in **four (4)**

copies to the 5th Floor Information Desk for the Bureau of Office Services. **Additionally, the Commercial Driver's License Third Party Tester Application (DL-400CD Form) attached to this RFA as Appendix B must be completed and signed by an official authorized to bind the contractor to its provisions.** The application should not be more than 75 pages, each of which should be numbered for ease of reference. The application should also include the federal identification number (or social security number if company does not have a federal identification number) and the applicant's e-mail address. For this RFA, the application must remain valid for 120 days or until a contract is completely executed whichever is later. Moreover, the contents of the application of the selected applicants will become contractual obligations if a contract is executed.

Part IV--Work Statement, V. Requirements for Third Party Testers, A. changes

From:

6. Maintain at each approved Third Party Testing location, for a minimum of two years, a record of each driver for whom the Third Party Tester conducts a skills test, whether or not the driver passes or fails the test. Each such record shall include:
 - a. The complete and current name and residential address of the driver.
 - b. The driver's Pennsylvania license number.
 - c. The date the driver took his/her skills test.
 - d. The test score sheet(s) showing the results of the skills test.
 - e. The name and certification number of the Third Party Examiner conducting the skills test.
 - f. The terms of payment, if appropriate, for every person receiving testing relating to the operation of a commercial motor vehicle.
 - g. A record of all receipts and disbursements pertaining to the testing program.
 - h. The make, model, and registration number of the commercial motor vehicle(s) used to conduct the testing.
 - i. The written contract (copy), if applicable, with any person or group of persons being tested.

To:

6. Maintain at each approved Third Party Testing location, for the current year and a minimum of two (2) years prior, a record of each driver for whom the Third Party Tester conducts a skills test, whether the driver passes or fails the test. Each such record shall include:
 - a. The complete and current name and residential address of the driver.
 - b. The driver's license number.
 - c. The date the driver took his/her skills test.
 - d. The test score sheet(s) showing the results of the skills test.
 - e. The name and certification number of the Third Party Examiner conducting the skills test.
 - f. The terms of payment, if appropriate, for every person receiving testing relating to the operation of a commercial motor vehicle.

- g. A record of all receipts and disbursements pertaining to the testing program.
- h. The make, model, and registration number of the commercial motor vehicle(s) used to conduct the testing.
- i. The written contract (copy), if applicable, with any person or group of persons being tested.

Part IV--Work Statement, V. Requirements for Third Party Testers, D. changes

From:

1. Upon completion of any Third Party Skills Test, the original copy of the CDL Driver's Examination Report (DL402CD) and CDL Skills Test Log/Sheet (DL-403CD) is delivered, mailed, or faxed, to the Bureau of Driver Licensing central office in Harrisburg, PA or to the Driver License Center assigned to the Third Party Tester or is electronically posted to the driver record and delivered to PennDOT in Harrisburg. The original of any faxed copy must be kept on file by the Third Party Tester for a minimum of 2 years. If posted electronically, a document must have a Work Identification Number (WID) number placed on it and original documents must be forwarded to the Department in accordance with the procedures described in "Will and Document Submission Manual for 3rd Party CDL Testers".
2. For any driver who has successfully completed all testing and is in immediate need of his photo license, the Third Party Tester must contact the assigned Driver License Center by phone, to arrange for this service.

To:

1. Upon completion of any Third Party Skills Test, the original copy of the Third Party Tester CDL Driver's Examination Report (DL-402TPT) and CDL Skills Test Log/Score Sheet (DL-403CD) is to be scanned and entered into the Commercial Skills Test Information Management System (CSTIMS) within 48 hours of the test's completion. Results of all completed Third Party Skills Tests are to be entered into CSTIMS within 48 hours of the test's completion. The original of the DL-402TPT and DL-403CD must be kept on file by the Third Party Tester for the current year and for a minimum of two (2) years afterwards.
2. For any driver who has successfully completed all testing and is in immediate need of his photo license, the Third Party Tester must contact the Department via email to request the driver's license be issued in advance. A license issued in advance must be acquired by the driver at a Driver's License Center. Any test entered into CSTIMS after 48 hours of the test's completion will not be eligible to be issued in advance.

Part IV--Work Statement, VI. Facility Requirements, A., B., and C. changes

From:

- A. Using the most recent version of the "CDL Skills Test Score Sheet".
 1. The Third Party Tester must provide sufficient room to perform all skills maneuvers on an obstacle-free test pad.

- B. Testing Area.
 - 1. For Class A testing, the Third Party Tester must maintain an obstacle-free Basic Skills Testing area of a minimum of 36 feet wide by 240 feet long.
 - 2. For Class B and C testing, the Third Party Tester must maintain an obstacle-free Basic Skills Testing area of a minimum of 36 feet wide by 145 feet long.
- C. The Road Skills Route must incorporate a minimum of:
 - 1. 4 left turns
 - 2. 4 right turns
 - 3. 2 controlled intersections
 - 4. 2 through intersections
 - 5. An urban driving area
 - 6. A road side start/stop.
 - 7. 1 curve left.
 - 8. 1 curve right.
 - 9. 1 section of limited access highway or expressway or a substitute determined suitable by the Department
 - 10. 1 additional weight or clearance sign.

To:

- A. Using the most recent version of the "CDL Skills Test Score Sheet".
 - 1. The Third Party Tester must provide sufficient room to perform a straight line backing maneuver, offset backing maneuver, and either a parallel parking or 90 degree alley dock maneuver on an obstacle-free test pad.
- B. Testing Area.
 - 1. For Class A testing, the Third Party Tester must maintain an obstacle-free Basic Skills Testing area of a minimum of 60 feet wide by 250 feet long.
 - 2. For Class B and C testing, the Third Party Tester must maintain an obstacle-free Basic Skills Testing area of a minimum of 60 feet wide by 180 feet long.
- C. The Road Skills Route must incorporate a minimum of:
 - 1. 4 left turns,
 - 2. 4 right turns,
 - 3. 2 stop intersections, one of which is controlled by a stop sign,
 - 4. 2 through intersections,
 - 5. A section of urban business driving a minimum of 2 miles long,
 - 6. 1 roadside start/stop,
 - 7. 1 curve to the left,
 - 8. 1 curve to the right,
 - 9. A section of limited access highway or expressway driving a minimum of 2 miles at a minimum speed of 45 mph,
 - 10. 2 weight restriction, height clearance, or commercial vehicle related signs,
 - 11. 1 railroad crossing,
 - 12. 2 lane change maneuvers each consisting of a lane change to the left and to the right,
 - 13. A location to perform a simulated student discharge if testing school bus drivers.

Part IV--Work Statement, VII. Service Personnel and Staffing Requirements, B., C.
changes

From:

- B. It will be the responsibility of the third party tester to obtain a nationwide criminal background check for all examiners and any other staff with access to electronic data bases used to enter test data. Criteria for not passing the criminal background check will include at least the following:
 - 1. Any felony conviction within the last 10 years; or
 - 2. Any conviction involving fraudulent activities.
- C. At a future date determined by the Department all staff with access to CSTIMS will be required to submit to a nationwide fingerprint based background check. Criteria for not passing the background check are stipulated in Federal Regulations 49 CFR 1572.103(a) and 49 CFR 1572.103(b)

To:

- B. It is the responsibility of the third party tester to obtain a nationwide criminal background check and Pennsylvania State Police background check for all examiners and any other staff with access to electronic data bases used to enter test data to determine if they have been convicted of a criminal offense. Pennsylvania State Police background checks of all applicable personnel shall be updated annually and submitted to the Department. Criteria for not passing the background check are stipulated in Federal Regulations 49 CFR 1572.103(a) and 49 CFR 1572.103(b). The third party tester is responsible for all fees associated with obtaining the nationwide criminal background check and Pennsylvania State Police background check.
- C. The CDL Third Party Tester must provide, for approval to the Department, a detailed organization chart clearly describing the chain of command from specific site staff to the CDL Third Party Program Manager.

Part IV--Work Statement, VIII. Requirements for Third Party Examiners, B. changes

From:

- 3. Possess a valid Pennsylvania Commercial Driver's License with the highest classification and all possible endorsements that the Third Party Tester is certified by the Department to conduct tests.

To:

- 3. Possess a valid Commercial Driver's License with the highest classification and all possible endorsements that the Third Party Tester is certified by the Department to conduct tests.

Part IV--Work Statement, VIII. Requirements for Third Party Examiners, B. changes

From:

11. Conduct at least one CDL test per month, or 12 per year, or certification will not be renewed unless examiner is scheduled and satisfactorily completes the Department refresher course.

To:

11. Conduct 10 vehicle inspections, 10 basic control skills, and 10 on-road CDL skills test per year, or certification will not be renewed unless examiner is scheduled and satisfactorily completes the Department refresher course. An examiner is permitted to complete the required refresher course once per four (4) certification cycle.

Part IV--Work Statement, XIV. Test Administration, changes

From:

- A. All driver applicants for testing must have with them during the test both a valid Pennsylvania Driver's License and a valid learner's permit for the proper class restriction and/or endorsement being tested for.
- B. Skills tests shall be conducted strictly in accordance with the provisions of these requirements and with current test instructions provided by the Department. Such instruction will include test forms.

To:

- A. All applicants for testing must have with them during the test both a valid Driver's license and valid learner's permit from the same licensing jurisdiction for the proper class, restriction(s) and/or endorsement(s) being tested for.
- B. Skills tests shall be conducted strictly in accordance with the provisions of these requirements and with current test instructions provided by the Department. Such instruction will include test forms. When available, skills tests shall be conducted with the use of a hand-held electronic device utilizing Department approved software.

Part IV--Work Statement, XIV. Test Administration, C. changes

From:

1. On test routes approved by the department (routes must be located in Pennsylvania).

To:

1. On test routes approved by the Department.

Part IV—Work Statement, XIV. Test Administration, C. changes

From:

4. Vehicles used for CDL Skills Testing shall be marked with a **clear, visible and legible** sign indicating “CDL Test in Progress” prominently **displayed** on the driver’s door, passenger’s door, and the rear of the vehicle.

To:

4. Vehicles used for CDL Skills Testing shall be marked with a **clear, visible and legible** sign indicating “CDL Test in Progress” prominently **displayed** on the left side, the right side, and the rear of the vehicle.

XVII. Bond. changes

From:

- D. Please refer to Commercial Driver’s License Testing agreement (Non-Public), Paragraph 12 for additional information regarding the Performance Bond attached as Appendix C.

To:

- D. Please refer to Commercial Driver’s License Testing agreement (Non-Public), Paragraph 11 for additional information regarding the Performance Bond attached as Appendix C.

ADD THE FOLLOWING:

Part IV--Work Statement, V. Requirements for Third Party Testers, A.

15. Maintain at each approved Third Party Testing location a copy of the third party tester’s current Commercial Driver’s License Testing Agreement.
16. Maintain compliance with all applicable FMCSRs, especially but not limited to 49 CFR 382, 49 CFR 383, and 49 CFR 391.
17. Maintain at the Third Party Tester’s principal place of business a copy of the third party tester’s current Commercial Driver’s License Testing Agreement.

Part IV--Work Statement, VIII. Requirements for Third Party Examiners, B.

12. Satisfactorily complete a Department refresher course within six (6) months of the expiration of his/her four (4) year certification cycle to maintain his/her third party examiner certification.