

TEXAS DEPARTMENT OF TRANSPORTATION
GENERAL SERVICES DIVISION

SPECIFICATION NO.
TxDOT 961-30-16*
REVISED: JULY 2008

CRIMINAL BACKGROUND CHECKS
PUBLICATION

This specification is a product of the Texas Department of Transportation (TxDOT). It is the practice of TxDOT to support other entities by making this specification available through the National Institute of Governmental Purchasing (NIGP). This specification may not be sold for profit or monetary gain. If this specification is altered in any way, the header, and any and all references to TxDOT must be removed. TxDOT does not assume nor accept any liability when this specification is used in the procurement process by any other entity.

1. SCOPE: This solicitation is an Invitation For Bid (IFB) to provide services for criminal background checks for pre-employment screening of pre-selected final applicants at various TxDOT districts, divisions and offices located throughout the state of Texas, on an as needed basis.
2. DEFINITIONS OF TERMS AND ACRONYMS
 - 2.1. FCRA – Fair Credit Reporting Act.
 - 2.2. HR – Human Resources.
 - 2.3. HRD – Human Resources Division.
 - 2.4. ID – Identification.
 - 2.5. TXDOT LOCATIONS – TxDOT districts, divisions and offices located throughout the state of Texas.
3. APPLICABLE LAWS AND STANDARDS: The vendor shall provide the specified service requirements in accordance with all federal, state and local applicable laws, standards and regulations necessary to perform the services, including, but not limited to:
 - 3.1. Texas Government Code 411.084 – Use of Criminal History Record Information.
 - 3.2. Texas Government Code 411.085 – Unauthorized Obtaining, Use, or Disclosure of Criminal History Record Information, Penalty.
 - 3.3. Texas Government Code 411.135 – Access to Certain Information by Public.
 - 3.4. FCRA 15 U.S.C. §1681 et seq.
4. RESPONDENT QUALIFICATIONS: The respondent shall:
 - 4.1. Be a company engaged in the business of providing criminal background checks for pre-employment screening services for a minimum of five years within the last seven-years. Recent start-up businesses do not meet the requirements of this solicitation. A start-up business is defined as a new company that has no previous operational history or expertise in the relevant business and is not affiliated with a company that has that history or expertise.

* This Specification Supersedes Specification No. TxDOT 961-30-16, Revised May 2002.

- 4.2. Be in good financial standing, not in any form of bankruptcy, current in payment of all taxes and fees such as state franchise fees. TxDOT reserves the right to request a copy of the respondent's audited or un-audited financial statement.

When financial statements are requested, TxDOT will review the respondent's audited or un-audited financial statement to this solicitation in accordance with Texas Government Code, Title 10, Subtitle D, Section 2156.007 to evaluate the sufficiency of the respondent's financial resources and ability to perform the contract or provide the service required in the solicitation. TxDOT will be the sole judge in determining the sufficiency of the respondent's financial resources and ability to perform the contract or provide the service. Factors to be reviewed include:

- 4.2.1. Balance sheets.
- 4.2.2. Net working capital.
- 4.2.3. Current asset ratio.
- 4.2.4. Liquidity ratio.
- 4.2.5. Auditor(s) notes.
- 4.2.6. Any notes to the financial statements.

5. VENDOR REQUIREMENTS: The vendor shall:

- 5.1. Adhere to the TxDOT Terms and Conditions identified on the solicitation.
- 5.2. Assign an account manager to be the primary point of contact. The account manager shall remain available throughout the term of the purchase order as long as that individual is employed by the vendor. If TxDOT determines the account manager is unable to perform in accordance with the service requirements or to communicate effectively, the account manager shall be replaced at the written request of the TxDOT HRD.
- 5.3. Provide non-legal guidance and interpretation regarding criminal background checks to the designated TxDOT HR representatives in various TxDOT locations (Ref. Para. 12.2.).
- 5.4. Conform to the FCRA while performing service under this purchase order.
- 5.5. Work with TxDOT HRD to design and coordinate report formats.

6. SERVICE REQUIREMENTS: The vendor shall:

- 6.1. Provide a secure website using encryption and authentication standards to protect the confidentiality of web transactions. The website should incorporate a mechanism for detecting any alterations in transit, so that eavesdropping on or tampering with web traffic is impossible. This is essential for the safe transmission of confidential personal information. The website should be user friendly and efficient in the ordering of criminal background checks and receiving detailed reports by designated TxDOT HR representatives.
- 6.2. Maintain the website throughout the term of this purchase order and ensure that the website is available during normal TxDOT business hours. These hours are: 7:00 a.m. through 6:00 p.m. Central Standard Time.
- 6.3. Provide an interface that will allow designated TxDOT HR representatives to create user ID's for additional designated TxDOT HR representatives to access this system. The system should generate a unique password for each user ID and then require that the new user modify this password the first time they use this system. The interface should include an auditing function that allows TxDOT to identify the individual responsible for creating a user ID in the system.

- 6.4. Utilize existing databases or search individual courthouse records in the applicable county where the applicant has lived within the last seven-years or as requested in writing by the HRD or HR representative within the last ten-years on substantial authority positions.

NOTE: Applicant addresses that exceed seven-years shall not be included in the search unless vendor has received a written request from the HRD or HR representative to perform a search for the past ten years and then applicant addresses from more than the past ten years shall not be included in the search.

- 6.5. When requested in writing by the designated TxDOT HR representatives in various TxDOT locations, perform international background checks, including criminal searches, limited to the specific country or countries that the applicant has previously resided within the last seven-years or as requested in writing by the HRD or HR representative within the last ten-years on substantial authority positions. The search shall include Interpol criminal records.
- 6.6. Complete criminal background check reports within three working days of receipt of written request from TxDOT.
- 6.7. A written request for additional time to complete the service for out-of-state or international searches, which includes a justification, shall be submitted by the vendor to the designated TxDOT HR representative requesting the service. The designated TxDOT HR representative will approve the request in writing before services are performed.
- 6.8. Provide the following:
- 6.8.1. Social security number verification.
 - 6.8.2. Multi-jurisdictional searches including, but not limited to, statewide and county databases and the National Sex Offender database.
 - 6.8.3. If conducted, physical searches of criminal records shall include, but not be limited to, the state of Texas, Texas counties and out of state counties based on the known current and previous addresses of the final applicant for the last seven-years or as requested in writing by the HRD or HR representative within the last ten-years on substantial authority positions.

NOTE: Applicant addresses that exceed seven years shall not be included in the search, unless vendor has received a written request from the HRD or HR representative to perform a search for the past ten years and then applicant addresses from more than the past ten years shall not be included in the search.

- 6.9. Provide a monthly report in an Excel spreadsheet by email to the TxDOT HRD, which includes the following:
- 6.9.1. Statewide usage showing requesting districts, divisions and offices.
 - 6.9.2. The name of the requesting TxDOT HR representative.
 - 6.9.3. Final applicant's name for the criminal background check.
 - 6.9.4. An itemized cost of the criminal background checks.
 - 6.9.5. Type of conviction.
 - 6.9.6. Multi-jurisdictional search (Ref. Para. 6.8.2.).
 - 6.9.7. Name of county searched.
 - 6.9.8. Name of county with any additional cost.
 - 6.9.9. International search (Ref. Para. 6.5.).
 - 6.9.10. Number of applicant addresses searched other than those provided by TxDOT.

- 6.10. Provide a detailed monthly billing report of invoices directly to the requesting district, division, or designated TxDOT HR representative in an Excel spreadsheet by email or have access available on the website which includes, but is not limited to:
 - 6.10.1. Names of each county searched.
 - 6.10.2. Name of each county with any additional costs.
 - 6.10.3. Purchase order number.
 - 6.10.4. Social security number verification.
 - 6.10.5. Multi-jurisdictional search.
 - 6.10.6. International search.
7. CONFIDENTIALITY CLAUSE: TxDOT is governed by laws and regulations that make certain information confidential as well as specifying how public information is released. The vendor and vendor's personnel shall not divulge any information relative to TxDOT's business to a third party without the prior written approval of TxDOT.
8. SUBCONTRACTING
 - 8.1. Subcontractors providing service under the purchase order shall meet the same service requirements and provide the same quality of service required of the vendor.
 - 8.2. No subcontract under the purchase order shall relieve the primary vendor of responsibility for the services.
 - 8.3. The vendor shall be the primary contact for TxDOT and subcontractor(s).
 - 8.4. The vendor shall manage all, quality and performance, project management, and schedules for subcontractors. The vendor shall be held solely responsible and accountable for the completion of all work for which the vendor has subcontracted.
 - 8.5. TxDOT retains the right to check subcontractor's background and make a determination to approve or reject the use of submitted subcontractor(s). Any negative responses may result in disqualification of the subcontractor.
 - 8.6. TxDOT reserves the right to request the removal of vendor's subcontractor staff deemed unsatisfactory by TxDOT.
 - 8.7. Subcontracting shall be at the vendor's expense.
 - 8.8. During the term of the purchase order, if the vendor determines a need for a subcontractor change, TxDOT shall be notified in writing by the vendor within 30 days of any proposed change. The vendor shall be required to provide references and work history for any proposed subcontractor to TxDOT. No change will be allowed without written authorization by TxDOT.
 - 8.9. SOLICITATIONS OVER \$100,000: TxDOT will make an initial determination of whether subcontracting is probable. It is the respondent's determination if they choose to subcontract any of the work under this purchase order with a Texas Certified Historically Underutilized Business (HUB) or other businesses.
 - 8.9.1. If TxDOT has determined that subcontracting opportunities are probable, the class and items in which HUBs may be registered will be noted in the solicitation.
 - 8.9.2. The respondent shall identify all proposed HUB and other subcontractors at the time of response submittal. The required forms with video instructions can be found at the following website:

<http://www.window.state.tx.us/procurement/prog/hub/hub-subcontracting-plan/>

- 8.10. HUB SUBCONTRACTING PLAN (HSP) PRIME CONTRACTOR PROGRESS ASSESSMENT REPORT: After award of the purchase order, the vendor shall report all HUB and non-HUB subcontractor information using the HSP Prime Contractor Progress Assessment Report form. The report shall be submitted to the TxDOT contract manager monthly. The report shall be submitted monthly even during the months the vendor is not invoicing TxDOT. All payments made to subcontractors shall be reported. TxDOT may verify the amounts being reported as paid by requesting copies of cancelled checks paid to subcontractors.
9. TRAVEL: All travel and per diem shall be included in the unit price.
10. CONFLICT OF INTEREST: The vendor, vendor's personnel, and vendor's subcontractor(s) shall affirm not to have, nor acquire any interest during the term of the purchase order that would conflict in any manner with the performance of the vendor's obligations in regards to services authorized.
11. INVOICING INSTRUCTIONS: The vendor shall provide a comprehensive and detailed invoice with reference to the monthly basis for each item charged. Original documentation that validates the charges shall be attached. The original invoice shall be sent to the address shown on the purchase order or emailed to FIN_Invoices@dot.state.tx.us to ensure timely payment and shall include the following:
- 11.1. Complete 16-digit purchase order number.
 - 11.2. Vendor Employer Identification Number (EIN).
 - 11.3. Name of each county searched.
 - 11.4. Name of each county searched that incurs additional cost.
 - 11.5. Social security number verification.
 - 11.6. Multi-jurisdictional search.
 - 11.7. International search.
 - 11.8. Seven year or ten year criminal search, by county outside of Texas, county within Texas and for Texas statewide criminal records check.
 - 11.9. Number of additional addresses searched with additional cost for the additional searches.
 - 11.10. An invoice requiring correction shall be re-submitted with a new invoice date.
12. TXDOT RESPONSIBILITIES: TxDOT will:
- 12.1. Provide a point of contact for the HRD.
 - 12.2. Provide the names, phone numbers and email addresses of all designated TxDOT HR representatives in various TxDOT locations.
 - 12.3. Notify each final applicant who is refused employment based on a negative criminal background check report with a rejection letter, along with a copy of the FCRA and refer rejected applicant to the vendor for additional information.
13. RESPONSE SUBMISSION
- 13.1. Failure by the respondent to submit the documentation listed below will disqualify the respondent from further consideration. The response submission shall be submitted in the following format:
 - 13.2. GENERAL FORMAT: The respondent shall submit one signed and dated original (marked Original) and three copies (marked Copy). The submission shall be in separate loose leaf binders on one sided 8-1/2 X 11 inch paper and shall be tab-indexed corresponding to the sections listed below. Plastic spine-bound or wire bound submittals are highly discouraged. Include only the information specified for each section.

- 13.3. ORIGINAL RESPONSE: The original response shall include the following:
- 13.3.1. Section 1 – Invitation for Bid (IFB): Original signed, dated and completed IFB.
 - 13.3.2. Section 2 – Financial Standing: The respondent shall submit the most recent three years audited financial statements, or if audited financial statements are unavailable, un-audited financial statements shall be submitted and certified as true, correct and accurate by the chief financial officer or treasurer of the respondent's company (Ref. Para. 4.2.).
 - 13.3.3. Section 3 – Schedule 1 – Company Qualifications and Experience: The respondent shall demonstrate successful past performance through submission of documentation of relevant qualifications and experience:
 - 13.3.3.1. Name, address, phone number, and email address of the person TxDOT should contact with any questions regarding the response submission.
 - 13.3.3.2. Provide a brief description of related or similar services performed within the last seven-years.
 - 13.3.3.3. Managing related or similar services of comparable size and scope to the services within the solicitation.
 - 13.3.4. Section 4 – Performance Requirements: Respondent shall provide a detailed response specifying exactly how the requirements outlined in Para. 6. of the solicitation will be fulfilled. The vendor shall also provide the following:
 - 13.3.4.1. A secure internet website URL with access to be used by the TxDOT evaluation team to verify the website meets TxDOT service requirements (Ref. Para. 6.1. and Ref. Para. 6.3.).
 - 13.3.4.2. A website account for use by the TxDOT evaluation team for review and evaluation of the site. This host website account shall show the respondent's capability for conducting current criminal background checks.
 - 13.3.4.3. This website account shall also have the capability for the TxDOT evaluation team to view examples of detailed reports and findings of the criminal background checks.
 - 13.3.4.4. Describe how individual county courthouse records shall be searched.
 - 13.3.4.5. Identify additional fees that may result from individual courthouse record searches.
 - 13.3.4.6. The turnaround time to provide the results of a criminal background check requests.
 - 13.3.5. Section 5 – Schedule 2 – Respondent References: Respondent shall submit references for a minimum of three similar services, which are alike in size and scope that verify the qualifications and experience requirements for services completed within the past 36 months. References shall illustrate respondent's ability to provide the services outlined in the specification. References shall include name, point of contact, telephone number, and dates services were performed. The response will be disqualified if TxDOT is unable to verify qualification and experience requirements from the respondent's references. The response will be disqualified if TxDOT receives negative responses. TxDOT will be the sole judge of references.
 - 13.3.6. Section 6 – HUB Subcontracting Plan (if applicable).

- 13.3.7. Copies: The three reproduced copies (marked Copy) shall include only the following tab-indexed sections:
- 13.3.7.1. Section 3 – Schedule 1 – Company Qualifications and Experience.
 - 13.3.7.2. Section 4 – Performance Requirements.
 - 13.3.7.3. Section 5 – Schedule 2 – Respondent References.

14. RESPONSE EVALUATION

- 14.1. Only a complete response with the listed required submittal documents (Ref. Attachment A – Minimum Response Submission Requirements) and meeting minimum qualifications will be considered. Failure to meet the minimum qualifications and submit the required documents will result in a response being declared non-responsive.
- 14.2. EVALUATION: A TxDOT evaluation committee will evaluate and score each response based on established criteria. Respondents shall not contact members of the evaluation team. Responses will be evaluated according to the respondent's ability to best satisfy TxDOT requirements.
- 14.2.1. Respondent qualifications and response submission information will comprise 60 percent of the evaluation total.
 - 14.2.2. Pricing submitted for the solicitation requirements will be 40 percent of the evaluation total.
15. AWARD: TxDOT reserves the right to award a single purchase order to the most responsive, responsible respondent meeting the specification. TxDOT may award to a single vendor, multiple vendors, or use any combination that best serves the interest of TxDOT.
16. POST-AWARD MEETING: Vendor(s) shall be required to attend a post award meeting in the city identified on the solicitation with the TxDOT division or district responsible for the solicitation within 30 calendar days after the award of the purchase order. The purpose of the meeting is to discuss the terms and conditions of the purchase order and to provide additional information regarding the purchase order. Vendor(s) and TxDOT shall identify specific goals, strategies and activities planned for meeting particular program area objectives.
17. CONTRACT ADMINISTRATION: Administration of the purchase order is a joint responsibility of the TxDOT HRD and TxDOT Purchasing. TxDOT Purchasing staff will be responsible for administering the contractual business relationship with the vendor.
- 17.1. Any proposed changes to work to be performed, whether initiated by TxDOT or the vendor, must receive final written approval in the form of a Purchase Order Change Notice signed by the authorized TxDOT purchasing agent.
 - 17.2. Upon issuance of purchase order, TxDOT will designate an individual who will serve as the Contract Manager and point of contact between the agency and the vendor. The Contract Manager does not have any express or implied authority to vary the terms of the purchase order, amend the purchase order in any way or waive strict performance of the terms or conditions of the purchase order. This individual's contract management and contract administration responsibilities include, but are not limited to:
 - 17.2.1. Monitoring the vendor's progress and performance and ensuring services conform to established specification requirements.
 - 17.2.2. Managing the financial aspects of the contract including approval of payments.

- 17.2.3. Meeting with the vendor as needed to review progress, discuss problems, and consider necessary action.
- 17.2.4. Identifying a breach of contract by assessing the difference between contract performance and non-performance.
- 17.2.5. Other areas as identified by the Texas Comptroller of Public Accounts Contract Management Guide, latest edition.

ATTACHMENT A
MINIMUM RESPONSE SUBMISSION REQUIREMENTS
(PROVIDED FOR INFORMATION PURPOSES ONLY)

Respondent: _____

RESPONSE SUBMISSION REQUIREMENTS		YES	NO	COMMENTS
1.	Section 1 – Signed and dated Invitation For Bid (IFB) (Ref. Para. 13.3.1.).			
2.	Section 2 – Financial Standing – Submit the most recent three years audited financial statements or if audited financial statements are unavailable, un-audited financial statements shall be submitted and certified as true correct and accurate by the chief financial officer or treasurer of the respondent’s company (Ref. Para. 4. and Ref. Para. 13.3.2.).			
3.	Section 3 – Schedule 1 – Company Qualifications and Experience (Ref. Para. 4.1. and Ref. Para. 13.3.3.).			
4.	Section 4 – Performance Requirements (Ref. Para. 13.3.4.).			
5.	Section 5 – Schedule 2 – Respondent References (Ref. Para. 13.3.5.).			
6.	Section 6 – HUB Subcontracting Plan (Ref. Para. 8.10. and Ref. Para. 13.3.6.).			

Reviewed Minimum Response Submission Requirements: _____

SCHEDULE 1
COMPANY QUALIFICATIONS AND EXPERIENCE
SOLICITATION NO. QXXXXXXXXXXXXXXXXXX

Respondent shall use this schedule to clearly show how they meet the requirements set forth in the response submission (Ref. Paras. 4.1. and Ref. Para. 13.3.3.).

Respondent Name:	
Addresses: Physical: Mailing:	
Phone Number: Fax Number:	
Name: Phone Number: Email address: (Person to contact with questions regarding the solicitation.)	
Number of years in business:	
Name and title of person signing the response:	
DOCUMENTATION OF COMPANY QUALIFICATIONS AND EXPERIENCE:	
Qualifications and experience in criminal background checks for pre-employment screening. Provide documentation showing a minimum of five years experience within the last seven-years in providing criminal background checks..	

THIS PAGE OR A REASONABLE FACSIMILE SHALL BE RETURNED WITH THE RESPONSE. FAILURE TO RETURN THIS PAGE OR A REASONABLE FACSIMILE WILL RESULT IN THE RESPONSE BEING CONSIDERED NON-RESPONSIVE.

SCHEDULE 2
RESPONDENT REFERENCES
SOLICITATION NO. QXXXXXXXXXXXXXXXXXX

INCLUDE ONLY REFERENCES FOR WHICH PROJECTS WERE COMPLETED WITHIN THE LAST SEVEN YEARS.

Respondent Name: _____

Reference No. _____

Name of Client Organization:			
BUSINESS ADDRESS:			
BUSINESS CITY:			
BUSINESS STATE:		ZIP:	
CONTACT PERSON NAME:			
CONTACT PERSON TITLE:			
PHONE NUMBER:		FAX:	
E-MAIL ADDRESS:			
Date Service Performed:			
SERVICE START DATE:		SERVICE END DATE:	

This page may be reproduced as needed to document each reference.

THIS PAGE OR A REASONABLE FACSIMILE SHALL BE RETURNED WITH THE RESPONSE. FAILURE TO RETURN THIS PAGE OR A REASONABLE FACSIMILE WILL RESULT IN THE RESPONSE BEING CONSIDERED NON-RESPONSIVE. ANY NEGATIVE RESPONSE(S) MAY RESULT IN DISQUALIFICATION OF THE RESPONSE.