

# **REQUEST FOR PROPOSAL AND APPLICATION (REQUEST)**

## **Connecticut Operator Retraining Program (ORP)**

### 1. Scope and Introduction

In accordance with the provisions of Section 14-111g of the Connecticut General Statutes (CGS), the Commissioner of Motor Vehicles (Commissioner) has the discretion to require that each person who holds a motor vehicle operator's license be subject to certain operator retraining requirements. An operator license holder who is twenty-four (24) years of age or less may be subject to retraining if he or she commits an ORP related violation on two or more occasions, within a specified period of time. An operator license holder who is over twenty-four (24) years of age may be subject to retraining if he or she commits an ORP related violation on three or more occasions, within a specified period of time. The types of violations that pertain to these requirements are defined and listed in Section 14-111g CGS. Operators are notified of their responsibility to attend retraining by notices prepared and mailed by the Department of Motor Vehicles (DMV). An operator who has been notified and who fails to attend and successfully complete the ORP is subject to a suspension of his or her operator's license, until ORP requirements are met.

DMV is authorized by Section 14-111g CGS to use the services of one or more qualified organizations to conduct the ORP. Such an organization must be capable of presenting an ORP that is certified by the Commissioner. In

accordance with the statute, the ORP must include: (a) principles of motor vehicle operation; (b) development of alternative attitudes for those attitudes of individuals that cause or contribute to aggressive driving behavior; and (c) a focus and emphasis on the need to practice safe driving behavior at all times. Also, in accordance with the governing statute, a fee may be charged to each operator required to take the ORP. The fee cannot exceed sixty dollars (\$60) per person per retraining class. If an outside entity conducts the ORP, the ORP Provider (Provider) may be required to remit to DMV a ten dollar (\$10) share of each ORP fee, which DMV is authorized to retain and use for administrative costs. The Commissioner has adopted administrative regulations concerning all aspects of the ORP which appear in Sections 14-111g-1 to 14-111g-14, inclusive, of the Regulations of Connecticut State Agencies (Regulations), and which are incorporated herein by reference.

The Commissioner may accept an application from any entity to become certified as a Provider for a period of two (2) years. The Commissioner may recertify a Provider at his discretion for one or more successive two-year periods. The purpose of this Request for Proposal and Application (Request) is to make a public solicitation to obtain the services of one or more qualified Providers. A second purpose is to enhance and improve the ORP by obtaining a wide range of proposals and ideas for the curriculum, manner of instruction, facilities, communications, and all other administrative aspects of the ORP.

Responses to this Request will serve as an application to become a certified Provider, but will not ensure that a potential Provider will in fact be so certified. Such certification will be solely at the discretion of the Commissioner. Any Provider certified by the Commissioner may be required to enter into a binding agreement with DMV and the State of Connecticut (State) containing such terms and conditions the Commissioner determines necessary to protect the interests of the State and the public. Each response must indicate that the Provider agrees to the terms and conditions of the ORP as detailed in the Request, as well as the above-cited regulations and statutes.

Important Note: It is possible that the above-cited laws may be modified by action of the 2005 Connecticut General Assembly. If this condition occurs, DMV will issue an amended Request for Proposal and Application, if necessary, and additional time will be allotted for potential Providers to respond.

## 2. Form of Response

Each potential Provider submitting a response to this Request must do so in writing, and must provide six (6) complete copies. Each response must be signed and dated by a duly authorized official or agent of the Provider.

Responses must be typed or computer printed and should be bound or stapled.

Additionally, the Provider is required to provide an electronic copy of the submitted document. The electronic copy must be provided on CD-ROM, in Microsoft Office Suite software.

### 3. Due Date and Manner of Submission

The due date for the responses is **July 15, 2005**. Each response must be received by Richard M. Cosgrove, Jr. at the address listed below by no later than, **July 15, 2005 at 4:00 P.M. EST**

Richard M. Cosgrove, Jr., Chief Administrative Officer

State of Connecticut

Department of Motor Vehicles

Bureau of Administration

Rowland State Government Center

55 West Main Street

Waterbury, CT 06702-2004

Postmark dates will not be considered as the basis of meeting the submission deadline. Therefore, any response received after the above-stated deadline will not be accepted. No additions or changes to any response will be allowed after the proposal due date, unless such modification is specifically requested by DMV.

### 4. Applicant Qualifications

Each Provider conducting the ORP must be certified by the Commissioner. The response must also include the following information:

- The Provider shall be registered to do business in the State and be in good standing with Office of the Secretary of State, and shall continuously maintain such status. The response must include a copy of the organization's or entity's official status;

- A certified, current driving history record for each principal of the Provider organization or entity;
- A sworn (notarized) statement pertaining to whether any principal person has a criminal record and, if so, a listing of the principal's name and each criminal offense;
- The disclosure of all persons having financial interest in the Provider organization or entity, and copies of all contracts or agreements pertaining to those interests with respect to the ORP. If a Provider wishes for any financial information submitted pursuant to this requirement to be considered confidential, the Provider must indicate the areas, by clearly marking the information, as "Confidential." However, Providers must be aware that all materials associated with this request are subject to the terms of the Freedom of Information Act (FOIA) and all rules, regulations, and interpretations resulting therefrom;
- A Provider must submit evidence of its financial capability and resources to conduct the ORP as a certified Provider. Such evidence may consist of a general financial statement in the customary form, certified by a certified public accountant. The Provider shall disclose any and all facts within its knowledge that may lead to any substantial change in its financial position in the foreseeable future. Providers may request that the contents of such financial information or statement as submitted be used and maintained on a confidential basis and, to the extent allowable by applicable laws, including

the Connecticut Freedom of Information Act (FOIA), the DMV will honor such request. If a Provider wishes for any financial information submitted pursuant to this requirement to be considered confidential, the Provider must indicate the areas, by clearly marking the information, as "Confidential." However, Providers must be aware that all materials associated with this request are subject to the terms of the FOIA and all rules, regulations, and interpretations resulting therefrom; and

- A sworn (notarized) statement pertaining to the Provider's agreement to comply with all federal, State, and local legal obligations, including tax obligations.

## 5. Proposed Complete Curriculum Materials

### A. Instructor Training

The Regulation requires the Commissioner to approve each instructor, each of whom must successfully complete a Provider's thirty (30) hour instructor training course for the ORP. Given this, the response must include a proposal detailing a thirty (30) hour instructor training course for the ORP that includes:

- Identification of problem driving attitudes and behaviors;
- The development of alternative attitudes for those attitudes contributing to aggressive driving behavior;
- Recognition of highway and operating risk factors;
- Motor vehicle strategies which seek the prevention of future moving or suspension violations;

- The effects of alcohol and drugs on motor vehicle operation; and
- Connecticut's motor vehicle operation laws and any applicable motor vehicle operation regulations.

#### B. Operator Retraining Instruction

The Provider must submit in its response to this Request a detailed curriculum and lesson plan for the ORP. The Commissioner must approve the above-referenced curriculum and lesson plan prior to its use.

Additionally, the ORP shall provide a minimum of four (4) hours of classroom instruction to the operator in the following areas:

- A review of the principles of motor vehicle operation;
- The development of alternative attitudes for those attitudes contributing to aggressive driving behavior; and
- An emphasis on the need to practice safe driving behavior.

The ORP must offer, within the above-stated minimum of four (4) hours of instruction, the following:

- Appropriate driving attitudes and behavior;
- Effects of alcohol and drug use on motor vehicle operation; and
- Recognition of highway and operations risk factors.

Additionally, the Regulation stipulates that all parts of the ORP must be conducted in person by a certified Provider and by an approved instructor.

Furthermore, all parts of the ORP shall be conducted by an approved instructor

in the physical presence of the operators, and all operators are required to attend for the entire duration of the total scheduled classroom time.

No deviation in the curriculum or lesson plan, for either the Instructor Training portion or the Operator Retraining Instruction portion, shall be made without the prior approval of the Commissioner. The Commissioner may require amendments or adjustments to the Instructor Training or ORP's curriculum and/or lesson plan as deemed advisable or appropriate.

Lastly, the Provider must detail in its response to this Request, the criteria and the standardized evaluation method(s) (e.g. testing instrument) it will deploy to measure whether an operator has attained the requisite knowledge to successfully complete the ORP instruction and class.

Please note that no class may exceed forty (40) students in size.

#### 6. Proposed Network and Facilities

Each response to this Request must state clearly whether the Provider intends to use the services and/or facilities of certified driving instructors and/or Connecticut licensed commercial drivers' schools. If the Provider intends to use a network composed in whole or in part of licensed schools, the response must contain the following information:

- (1) Approximate number of licensed schools to be used;
- (2) Description of the ORP services to be furnished by each participating school;
- (3) Terms and conditions upon which the services of schools will be obtained, including a copy (blank form) of any subcontract or agreement that will be used and a description of pertinent financial terms of each such subcontract or agreement; and
- (4) A statement of the basis on which schools will be initially chosen to participate in the Provider's network, and of the

circumstances under which schools may be dropped or added during the course of the ORP.

In addition, the Provider may wish to explain its position concerning the minimum and maximum numbers of schools that it intends to use, and its rationale for determining the size of its school-based network.

All ORP classrooms and facilities must be physically located in Connecticut. The response must, for the convenience and accessibility of operators, include classrooms located throughout the State that will permit the operator to attend the ORP at a location that is geographically convenient for the operator. For the purposes of this section, classrooms located throughout the State means, at a minimum, at least one classroom/facility per county. Nevertheless, Providers are encouraged to provide, in their responses and may be evaluated by the State on their ability to provide adequate classroom/facility coverage within the State, particularly in proportion to the State's population demographics. Additionally, the response must identify and submit a list of all proposed classrooms and facilities to be used by the Provider for the ORP, and must demonstrate that all classrooms and facilities used for the ORP meet all applicable federal, State, and municipal laws and regulations. Each classroom or facility used for the ORP shall be clean, suitably furnished, and properly equipped classroom/facility where the ORP can be presented in privacy without interruption or distraction. Lastly, the classroom or facilities used in the ORP must be able to comfortably accommodate the maximum number of students permitted.

No ORP classroom or facility may be moved to a new location without prior approval of the Commissioner. No classroom or facility shall be approved for use until the Commissioner is satisfied that it meets all of the conditions as stipulated in the Regulation. If a classroom's usage is discontinued, the Commissioner must be notified within five calendar days. Such notice shall be in writing.

#### 7. Proposed Communication System with DMV

The response must include the provision for toll free number(s) for contact by customers for scheduling and complaints. Additionally, the response may include other proposed customer service related media that would conveniently permit the operator to schedule class attendance, to seek ORP information and to file customer complaints. The response must include the Provider's proposed means of communicating to DMV any customer complaints and the subsequent resolution of such complaints, including removing instructors and/or entities from its network, if warranted and appropriate. Lastly, the Provider must acknowledge and agree in the response that it will be required to electronically submit/transmit to DMV, within seven calendar days, all class attendance and class completion information, including the required certification of those individuals who successfully completed the class (including the required final evaluation), in such format as required by the Commissioner. Additionally, the Provider agrees that any ORP related fees due to DMV and all complaints received and their subsequent resolution will be forwarded to DMV, in such format, and at such times as are required by the Commissioner.

## 8. Place of Business and Record Storage

A Provider must have a permanent place of business in Connecticut. Any change in, or discontinuance of, the location of the permanent place of business shall be reported to the Commissioner within five (5) calendar days. Such notice shall be in writing.

Any and all records and information pertaining to the administration of the ORP (including, without limitation, class locations, times, instructors, attendees, dates of attendance, class and test results, class completion and certification, complaints received and their subsequent resolution) must be complete, stored, and accessible at that permanent place of business. The Provider will be required to maintain in its ORP records all information required by the Commissioner for each person enrolled in the ORP; the identity of the approved instructor; and the time, location, and date of the ORP attended. Each Provider will be required to submit to DMV such information at such intervals and in such form as shall be directed by the Commissioner.

The Provider shall take reasonable steps to assure the physical security of all DMV-owned data and correspondence in its possession including, but not limited to, protection against damage from fire, smoke, and water, and provide for the appropriate security measures for DMV and ORP related confidential/personal information.

All ORP information required by the Commissioner shall be kept at the permanent place of business for three (3) years from the date of the completed ORP class.

The Provider will be required to identify all approved ORP instructors and their qualifications, and must retain a list of all instructors and their qualifications at its permanent place of business.

#### 9. Performance Bond Requirement

The Provider must file and continuously maintain a performance bond in the amount of one hundred thousand dollars (\$100,000) executed by a surety company licensed to do business in the State guaranteeing the Provider's compliance with all promises and conditions of this Request and of any agreement with the State resulting therefrom. In addition, the Provider warrants that it will comply with all State and federal law or respective regulations relating to the conduct of the ORP and that the performance bond is provided as indemnity for any loss or expense sustained by the State and/or DMV, or any person by reason of any acts or omissions of the Provider. The performance bond shall be subject to forfeiture in the event of any material failure by the Provider under any provision of this Request, or agreement with the State.

#### 10. Additional Legal Requirements

In addition to any other requirements contained in the agreement that each certified Provider may be required to enter into with the State, the following shall apply:

- The Provider will provide an Affidavit that warrants compliance with all federal, State, and local laws and regulations.
- The Provider will comply with all nondiscrimination and affirmative action provisions as required of sections 4a-60 and 4a-60a of the Connecticut General Statutes, as amended, and with Executive Order Numbers 3 and 17 of Governor Thomas J. Meskill and Executive Order Number 16 of Governor John G. Rowland.
- The Provider will comply with all applicable provisions of the American Disabilities Act, 42 U.S.C. Section 12101 et. seq., as amended, and the Provider agrees to defend, indemnify and hold harmless the State and DMV, its offices and employees, from any suits, claims or liability of any kind arising, or alleged to arise, out of any violation, or alleged violation, of said Act.
- The Provider agrees that in the performance of the ORP it shall comply with the provisions of section 4-61dd(e) Connecticut General Statutes, as amended.
- The Provider warrants that it will comply fully with the provisions of Section 14-10 CGS, as amended, and the federal Driver's Privacy Protection Act, 18 U.S.C. 2721, et seq., as amended and all other applicable laws and regulations respecting access and use of motor vehicle records and the personal information contained therein. No

information furnished by DMV to the Provider shall be sold, transferred, reproduced, or conveyed to another person, organization, or entity.

- The Provider is solely responsible for the scheduling, supplying and compensation of language interpreter services for those individuals requesting such services.
- The Provider must submit to the Commissioner a copy of the standard contract or agreement to be entered into between the Provider and operators attending the ORP and a copy of the Certificate of Completion, as required by the Regulation.
- The Provider shall not assign in whole or in part or otherwise transfer, or delegate, any liability, responsibility, obligation or any other interest in this ORP without prior written approval of the Commissioner.
- The Provider will be required to agree that the ORP and any agreement for ORP services, or interpretation of laws for such shall be governed, interpreted, and construed under and in accordance with the laws of the State and without regard to its conflict of laws principles. The Provider irrevocably consents with respect to any claims or remedies at law or in equity, arising out of or in connection with its performance of said ORP to the jurisdiction of the Connecticut Superior Court, except as otherwise provided by law or herein, and with respect to any claim between the Parties, to venue in Judicial District of Hartford-New Britain at Hartford or the United States Federal Court, District of Connecticut, and irrevocably

waive any objections it may have to such jurisdiction on the grounds of lack of personal jurisdiction of such court or the laying of venue of such court or on the basis of forum non conveniens or otherwise. Nothing herein shall be construed to waive any of the State's immunities.

- The Provider will be required to agree to appoint an agent in the State to receive service of process and to make known the identity of such agent to DMV.
- If the application is approved and the Provider certified, this Request and the Provider's response to it will be incorporated into the formal contract or agreement between the parties.
- Due regard will be given for the protection of proprietary information contained within all responses received. Providers must indicate those areas of their responses, by clearly marking the information as confidential, that they believe are confidential and/or contain proprietary information. However, Providers must be aware that all materials associated with this request are subject to the terms of the Freedom of Information Act (FOIA) and all rules, regulations, and interpretations resulting therefrom.
- The Provider will be required to complete and execute an Affidavit substantially in compliance with the provisions of section 4-250 CGS, et seq.

All responses to the Request received by DMV will be the sole property of the State.

#### 11. Instructors Approval and Qualifications

All ORP instructors must be approved by the Commissioner prior to instruction. In order to be an approved ORP instructor, an individual must, at a minimum, meet the following criteria:

An approved instructor must successfully complete a thirty-hour (30) instructor's retraining class, provided by a Provider certified by the Commissioner. The instructors' class must be no less than thirty (30) hours of instruction and shall include:

1. Identification of problem driving attitudes and behaviors;
  2. Development of appropriate motor vehicle operation driving attitudes and behaviors;
  3. Recognition of highway and operating risk factors;
  4. Motor vehicle strategies which seek the prevention of future moving or suspension violations;
  5. The effects of alcohol and drugs on motor vehicle operation; and
  6. Connecticut's motor vehicle operation laws and any applicable motor vehicle operation regulations.
- Must have a minimum of one year of instruction experience in either driver training education or operator retraining.

- Must be physically and mentally able of discharging the duties required notwithstanding a high level of physical fatigue and mental stress on the job.
- Must adhere to a written ethics policy as may be worked out between the Provider and the Commissioner, or the Commissioner's designee(s) that is aimed at avoiding any actual or perceived improprieties.
- Must submit:
  1. A certified, current driving history record;
  2. Information pertaining to any criminal record, if applicable; and
  3. Three character references.

The Commissioner, or the Commissioner's designee(s), reserves the right to access an instructor's criminal and/or driving history record at any time .

Lastly, an approved instructor, in order to retain the Commissioner's approval, must successfully complete an additional instructor retraining program biennially, consisting of not less than three (3) hours.

## 12. Indemnification of State

Each certified Provider will be required to indemnify and save harmless the State and DMV, its officers, agents and employees from claims, suits, damages and costs of every name and description arising out of the work performed by the Provider and such indemnity shall not be limited by reason of any insurance coverage.

Each Provider shall agree to be solely responsible for the handling and disposition of complaints and claims made by operators or by any other parties arising out of any aspect performance of the ORP, unless otherwise directed by the Commissioner.

Additionally, for the purpose of compliance with this section, the Provider shall maintain a policy or policies of public liability insurance in the amount of not less than two (2) million dollars, combined single limit, which policy or policies shall name DMV and the State as additional insureds. Satisfactory evidence of such insurance coverage shall be furnished to the Commissioner in the customary form.

### 13. Contract Requirement and Performance

Each successful Provider shall be certified by the Commissioner as a Provider and shall be required to enter into a binding agreement for ORP services with the Commissioner and the State. The Provider, over the course of its performance of the ORP, shall provide all of the services required by all applicable statutes, regulations, this Request, any agreement for services, and any other matters reasonably requested or directed by the Commissioner, or the Commissioner's designee(s).

### 14. Right to Reject Proposals

The Commissioner reserves the right to accept or reject any or all responses submitted to this Request, for consideration in whole or in part; and to waive any minor technical defects, irregularities, or omissions, if, in his sole judgment,

the best interests of the State will be served. Additionally, the Commissioner may reject any response that deviates significantly from the requirements stipulated in this Request.

The Commissioner may reject any response from any Provider and void any agreement for ORP services resulting from this Request to a Provider that makes any material misrepresentation or defaults on any State contract.

#### 15. Selection Process and Criteria

The Commissioner will establish a review process for responses to this Request. The submittal of responses shall constitute, without any further act required by the Provider or the State, acceptance of the requirements, terms, and conditions of this Request.

The Commissioner, or the Commissioner's designee(s), will evaluate Request response information against all Request requirements and criteria. The criteria used to evaluate the responses will include, but not be limited to, the following:

- Understanding of the Request and that the likelihood that the proposed services will successfully address DMV business needs;
- Conformance with all requirements listed in this Request;
- Experience of the Provider in providing services listed in this Request;
- Experience and qualifications of the Provider and its partners;
- Stability and financial viability of the Provider and its partners to meet the requirements listed in this Request;

- Any information regarding current criminal and/or civil litigation and investigations and any criminal and/or civil judgments involving the Provider and its partners; and
- Any additional services the Provider has included in its response that will bring innovative and effective service delivery to the benefit of the operators, DMV, and the ORP.

The Commissioner will base the selection and certification of a Provider upon the evaluation criteria and the needs of DMV to effectively administer all statutory and regulatory requirements pertaining to the ORP. The final decision to certify any Provider to provide the requested ORP services will be made by the Commissioner. The Commissioner shall determine, based upon the needs of DMV, the number of Providers needed for certification to conduct the ORP.

#### 16. Term of Appointment and Renewals

The term of appointment, or certification of a Provider, is valid for two (2) years. Re-certification, or renewal of ORP services, shall be at the discretion of the Commissioner in such form and manner as the Commissioner may determine.

#### 17. Termination of Services and Provider Status

Each agreement entered into with a certified Provider shall contain provisions regarding termination similar to the following:

- For Change of Law or Administrative Policy. The Commissioner reserves the right to withdraw the Provider's certification and/or cancel, or terminate, the agreement for ORP services, upon giving written notice to the Provider at

least sixty (60) calendar days prior to the effective date of withdrawal and/or cancellation, or termination, or such other period as is mutually agreed upon in advance by the parties, in the event that (a) DMV becomes subject to any provisions of law which prohibits, restricts, or in any manner affects DMV's ability to govern and oversee the ORP or (b) the Commissioner believes that it is in DMV's and the State's best interest to change DMV's administrative policy pertaining to the ORP.

- For Cause. If the Provider fails to comply with any form or condition of this Request, or any statutes and/or regulations governing the ORP, or agreement for ORP services, or fails to perform or fulfill any obligations required by this Request, or any statutes and/or regulations governing the ORP, or agreement for ORP services, DMV may withdraw the Provider's certification and/or terminate, cancel, or suspend the Provider's services by giving written notice to the Provider at least seven (7) calendar days prior to the effective date of withdrawal, or termination, or cancellation, or suspension, or other such period as agreed to in advance by the parties. The notice shall state the circumstances of the alleged breach, and at DMV's option, may state a reasonable period during which the alleged breach must be cured. In the case of a ORP suspension under this section, the notice of suspension shall be accompanied by instructions from the Commissioner, or the Commissioner's designee(s), specifying requisite action(s) by the Provider during the period of suspension, a timetable to meet those

requirements, and a description by DMV of allowable activities and costs, if any, during the suspension period. Failure by the Provider to meet such requirements or to remedy any stated deficiencies according to the timetable prescribed by DMV shall be cause for immediate termination of the agreement for ORP services, and the withdrawal of the Provider's certification.

Notwithstanding the above, the Commissioner reserves the right to immediately withdraw the Provider's certification and/or terminate or suspend the Provider's services provided under the ORP, in the event of fraud committed by the Provider, substantial evidence that the Provider has engaged in criminal conduct that is relevant to its ability to perform and fulfill its responsibilities, or in the event the Provider files for bankruptcy.

- If the Commissioner determines that an emergency situation exists which necessitates immediate action to protect State's funds or interests, federal funds, property, or persons from injury, abuse or other harm, the Commissioner may withdraw a Provider's certification and/or may terminate, or cancel, or suspend for such time as necessary, any agreement for ORP services by providing written notice to the Provider stating the reasons for the Commissioner's action. Such withdrawal, or termination, or suspension shall be effective upon the Provider's receipt of the written notice of withdrawal, termination, or suspension. In the case of a ORP suspension under this section, the notice of suspension shall be

accompanied by instructions from the Commissioner, or the Commissioner's designee(s), specifying requisite action(s) by the Provider during the period of suspension, a timetable to meet those requirements, and a description by the Commissioner, or the Commissioner's designee(s), of allowable activities and costs, if any, during the suspension period. Failure by the Provider to meet such requirements or to remedy any stated deficiencies according to the timetable prescribed by the Commissioner, or the Commissioner's designee(s), shall be cause for immediate termination of the agreement for ORP services, and the withdrawal of the Provider's certification.

- Termination or suspension of any agreement for ORP services, or withdrawal of the Provider's certification, under this section shall not relieve the Provider of any liability of any kind to the State and/or DMV that arises under the agreement for ORP services.
- If the agreement for ORP services is terminated or suspended, or the Provider's certification is withdrawn, then the Provider shall be entitled to be paid by persons who have attended the ORP prior to the effective date of withdrawal, termination, or suspension, if a class is in fact provided. The Provider shall not be entitled to be compensated for any work performed on or after the effective date of termination or suspension of an agreement for ORP services, and/or a withdrawal of the Provider's certification.

- Nothing in this paragraph shall be construed to limit or restrict the right of the Commissioner or the State to withdraw the Provider's certification or to terminate or suspend of any agreement for ORP services for any reason or cause authorized by law.

#### 18. Audit and Inspection Rights

- The Provider shall allow, without notice, the Commissioner, or the Commissioner's designee(s), access to any ORP class, for the purpose of monitoring compliance or any other aspect of oversight of the Provider's performance. The Provider shall cooperate fully with any person designated by the Commissioner to audit and/or oversee the Provider's administration of the ORP, and shall respond in good faith to all directives and requests for information from said designee(s).
- The Commissioner, or the Commissioner's designee(s), shall have the right to inspect and review any and all of the ORP's documents and records of any kind and contained in any format or media pertaining to its performance of the ORP during normal business hours. Additionally, the Provider's records shall be retained, at a minimum, for three (3) years from the operator's ORP completion date, at the Provider's permanent place of business in the State, and shall be subject to random or periodic on-site inspection by a representative of the Commissioner.
- The Commissioner reserves the right to take prompt and appropriate remedial action against the Provider in the event that the Provider fails to

comply with any terms of this Request, or statutes and/or regulations governing the ORP, or an agreement for ORP services.

- The Provider agrees to immediately remove from service any person(s) or firm(s) performing ORP services who are, in the judgment of the Commissioner, or the Commissioner's designee(s), incapable or unfit to provide such ORP services. Such person(s) or firm(s) may be reinstated by the Provider only upon written approval of the Commissioner, or the Commissioner's designee.

#### 19. No Guarantee of Business

If any firm responding to this Request is certified as a Provider, it is understood and agreed that neither DMV nor the State is representing or guaranteeing any volume of business to the Provider.

#### 20. Conflicts of Interest

The Provider will not engage in any conduct that violates or induces others to violate laws and regulations pertaining to the conduct of public employees.

No employee of the DMV and no employee or agent of the State or any political subdivision thereof who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of this Request shall:

- Participate in any decision relating to this Request which affects his personal interest or the interest of any corporation, partnership or association in which he/she is directly interested; or

- Have any interest, direct or indirect, in this Request or the proceeds thereof.

The Provider represents and agrees that it presently does not have nor will not acquire any interest, direct or indirect, which would conflict in any manner or degree with the services to be performed under this Request or give rise to the appearance of conflict of interest.

The Provider further represents and agrees that should future work by the Provider for any other agency, institution, company or individual during the term of the administration of this ORP give rise to an interest, direct or indirect, which would conflict with the services to be performed by the Provider, the Provider will give immediate notice of the matter to the Commissioner. In addition to and not in limitation of the provisions of Paragraph 17 "Termination of Services and Provider Status", if the Commissioner determines that a conflict of interest does exist, DMV shall have the right to withdraw the Provider's certification and/or to terminate or suspend the agreement for ORP services by giving written notice to the Provider. The withdrawal of the Provider's certification and/or termination, or suspension of the agreement for ORP services shall be effective on the date set forth in the notice.

#### 21. Inclusion of Provisions of Law

Every provision of law required to be in this Request, and any agreement for ORP services, is deemed to be incorporated herein.

## 22. Ownership of Data

All data acquired by the Provider from the Commissioner, or the Commissioner's designee(s), or DMV, whether or not it is personal information, as defined in Section 14-10 CGS, shall be the property of the State. Except with the written approval of the Commissioner, or the Commissioner's designee(s), the Provider shall not use any data or information except for the purposes of the ORP, nor shall it transfer or make available such data or information to any other person or firm.

## 23. Restrictions on Contacts with State Personnel

Any and all inquiries, questions, and contacts pertaining to this Request must be formally submitted in writing to the attention of Mr. Richard M. Cosgrove, Jr., Chief Administrative Officer, at the address listed in Paragraph 3 "Due Date and Manner of Submission," by **May 27, 2005**. DMV will respond in writing to those inquiries and questions posed by **June 10, 2005** and will provide those written responses to all Providers who responded to the Notice of Intent advertised by DMV and any other Providers who submits a Notice of Intent to Mr. Richard M. Cosgrove no later than **June 10, 2005**. Oral questions will not be entertained nor answered. From the date of release of this Request until a Provider is awarded an agreement for ORP services, all contacts with personnel employed by or under contract to DMV are restricted. During the same period, no prospective Provider shall approach personnel employed by or under contract to the DMV participating in the evaluation of the proposed Requests. This stated

provision is not intended to preclude routine contacts between DMV staff and existing ORP Providers for the purposes of discussing current, ORP related operations, or other issues non-related to this Request. Given this, an exception will be given for these types of legitimate DMV business matters and/or current ORP operation issue discussions. Any violation(s) of the stipulated conditions pursuant to this paragraph may be considered sufficient cause by the Commissioner, or the Commissioner's designee(s), to reject or disqualify a Provider's proposal.

#### 24. Special Restrictions on Outside Providers

DMV will not accept a response or application for certification to be a Provider from any person, firm, organization, entity, or corporation which is a business licensee of DMV, pursuant to any provision of Title 14 of the Connecticut General Statutes. The Provider must not be a business licensee but must be a separate and distinct legal entity. The intent of this restriction is not to preclude any licensed drivers' schools from participating in the ORP but, given the large number of such licensees, the Commissioner has determined that effective administration and oversight of the ORP, consistent with all existing legal requirements, requires that there be a limited number of certified Providers with the necessary expertise. Consequently, drivers' schools and other licensees may participate in the submission of any response but may not be a primary or principal Provider. This restriction does not preclude any Provider from using

facilities of a licensee, from using certified driving instructors as instructors for driver retraining, or from being associated in any manner with a licensee.

25. Provider's Proposed ORP Fee

In its response to this Request, a Provider shall indicate the proposed fee to be charged or assessed by the Provider for each operator/attendee required to participate in the ORP. The Provider may provide additional information to explain its proposed fees or charges.

26. Recommendations and Suggestions for Future ORP Classroom Hours of Instruction (OPTIONAL RESPONSE)

DMV will accept recommendations for increasing the ORP's current four (4) hour classroom instruction to not more than eight hours of ORP classroom instruction. Given this, the Provider, in its response to the Request, may include any recommendations and suggestions for providing not more than eight (8) hours of ORP classroom instruction. Additionally, if the Provider responds to this optional requirement, the Provider shall provide in its response the concomitant per attendee/per class fees that would be charged by Provider for such a program, and any other pertinent details, including how such instruction will be scheduled.