

 WASHINGTON STATE DEPARTMENT OF LICENSING	Commercial Driver License Program Third Party Tester Whatcom Transportation Authority	DOL Contract No. K6551 Amendment No. 4
--	---	---

AMENDMENT

Purpose:

1. Extend Period of Performance.
 2. Update Conflict of Interest paragraph.
 3. Update Contract points of contact.
 4. Update Attachment C: Compliance Matrix and Compliance Matrix Overview.
1. Paragraph 5. TERM OF CONTRACT: The Period of Performance is extended such that it will expire after 6/30/2024.
 2. Paragraph 13. CONFLICT OF INTEREST is stricken in its entirety and replaced with the following:

13. CONFLICT OF INTEREST
Any Conflict of Interest will be cause for termination. Conflicts of Interest under this contract include, but are not limited to the following conditions:

 - a. Testing Third Party Examiners. ONLY DOL may test TPEs. (*Applies to all TPEs*)
 - b. Testing a driver who has been trained by you, the Examiner, regarding commercial vehicle operation or skills test practice. (*Applies to all TPEs*)
 - c. Testing a driver who has attended a school owned or operated by the same ownership organization you work for or is employed by the same ownership organization you work for. (*Applies to independent TPEs*)
 - d. Testing any family member, relative or friend. (*Applies to Independent TPEs*)
 - e. Having another Examiner who is a family member conduct tests for your school or organization. (*Applies to Independent TPEs*)
 3. Paragraph 17. CONTRACT MANAGEMENT is updated with the information below for points of contact.
 4. ATTACHMENT C: COMPLIANCE MATRIX: Attachment C is stricken in its entirety and replaced with the Attached.

ATTACHMENT

This Amendment includes the following attachment(s):

Attachment C: Compliance Matrix

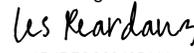
Contractor

Contract manager Magan Waltari	(Area code) Telephone 360.527.4874	E-Mail maganw@ridewta.com
--	--	--

Department of Licensing (DOL)

Contract manager Teresa Staab	(Area code) Telephone 360.902.4013	E-Mail tstaab@dol.wa.gov
---	--	--

The execution of this bilateral Amendment shall constitute a ratification of any earlier agreement between the parties, hereto, the terms and conditions of which are herein contained. The intent of the parties is that the effective date of this Agreement shall be the date of the Department of Licensing's final signature. All other terms and conditions of the original Contract and any subsequent amendments thereto remain in full force and effect. The parties hereby acknowledge and accept the terms and conditions of this Amendment which is executed by the person signing below who warrants that they have the authority to execute it on behalf of DOL and Contractor.

<small>DocuSigned by:</small> Contractor signature  Date 6/17/2022 <small>1D4DFCC93465444...</small>	<small>DocuSigned by:</small> DOL signature  Date 6/21/2022 <small>A53065CAB0E2465...</small>
Name Les Reardanz	Name Evelyne Lloyd
Title General Manager	Title Assistant Director Administrative Services Division
E-Mail lesr@ridewta.com	

ATTACHMENT C: COMPLIANCE MATRIX

COMPLIANCE MATRIX OVERVIEW

1. DOL is the authority in determining who is authorized to conduct Third Party Testing under this agreement and reserves the right to evaluate each circumstance and determine the proper course of action in all cases of contract breach. The Compliance Matrix is offered as an outline of typical responses to various breaches.
 - a) The invalidation of a Driver Test is at DOL's discretion and may not apply in all situations where an examiner violated the terms of Attachment C, Compliance Matrix.
2. Violations will generally be handled in accordance with the respective matrix for each violation, to determine the level of severity of violation and possible corrective action.
3. If a Stop-Process violation by the Contractor is observed during a Skills Performance Audit, the DOL auditor may intervene to complete the examination for the applicant and the Contractor may not be allowed to continue the examination or any other subsequent exams that day.
4. In the event the contractor violates the terms of this contract DOL may:
 - a) Issue a written corrective action notice.

The Contractor may be allocated a period of time in which to take corrective action. If the Contractor is required to submit a resolution action plan, DOL will review the plan for feasibility. If the plan is not feasible, DOL will determine the appropriate corrective action.
 - b) Suspend authorization under this contract
 - c) Terminate this contract.

DOL retains sole discretion in determining which corrective actions the contractor is required to take to correct audit findings or regain testing authorization.
5. If Contractor disagrees with violations and/or corrective action, Contractor may request a review of the findings and corrective action within ten (10) Business Days. The review will be conducted by a DOL representative within ten (10) Business Days. DOL will notify Contractor if additional time is needed.

ATTACHMENT C - PROCEDURAL and CONTRACTUAL VIOLATIONS – Compliance Matrix
References for this section: CFR 383.75, WAC 308-100-160, Contract Statement of Work

SEVERE

Severe offenses may include any activity that can potentially create a significant and immediate public safety risk, or negligently or willfully violates the terms of the contract. Severe offenses include but are not limited to the following:

1.a.	Conducts tests outside of authority/certification under terms of contract.	<ul style="list-style-type: none"> • Conducts skills test on/with vehicle type not authorized. • Conducts test on unauthorized route. • Conducts test while on suspension status. • Conducts test with vehicle's that do not qualify for skills tests i.e., not insured/licensed, not a commercial vehicle, defective required equipment for safe operation of the vehicle(s), etc. 	<p>1st offense</p> <ul style="list-style-type: none"> • Immediate stop service until approval given by DOL • Attend scheduled recertification/ supplemental training • Invalidate Driver(s) test <p>2nd offense</p> <ul style="list-style-type: none"> • Immediate stop service • Invalidate Driver(s) test • Contract cancellation
1.b.	<p>Refusing DOL/FMCSA to conduct announced or unannounced random examinations, inspections and audits.</p> <p>Not attending required in-service trainings and/or supplemental trainings.</p>	<ul style="list-style-type: none"> • Contractor refuses entrance to auditor. • Contractor fails to attend required in-service and/or supplemental training. 	<p>1st offense</p> <ul style="list-style-type: none"> • Immediate stop service until approval given by DOL • 30 or more day suspension <p>2nd offense</p> <ul style="list-style-type: none"> • Immediate stop service • Contract Cancellation
1.c.	Intentionally falsifies documents.	<ul style="list-style-type: none"> • Listing the incorrect date of examination. • Listing incorrect test scores for examination. <p>Listing the incorrect vehicle type than what applicant tested in.</p>	<p>1st offense</p> <ul style="list-style-type: none"> • Immediate stop service until approval given by DOL • 30 or more day suspension <p>2nd offense</p> <ul style="list-style-type: none"> • Immediate stop service • Contract cancellation
1.d.	Uses discriminatory practices while interacting with driver.	<ul style="list-style-type: none"> • Refuses service based on age, gender, race, sexual orientation, etc. • Makes disparaging remarks based on age, gender, race, sexual orientation, etc. • Increases or decreases level of difficulty of skills test based on age, gender, race, sexual orientation, etc. 	<p>1st offense</p> <ul style="list-style-type: none"> • Immediate stop service until approval given by DOL • 30 or more day Suspension <p>2nd offense</p> <ul style="list-style-type: none"> • Immediate stop service • Contract cancellation

SEVERE continued			
1.e.	Illegal or negligent act	<ul style="list-style-type: none"> • Under the influence of drug/alcohol while performing examiner duties. • Accepting bribes or favors, selling or otherwise illegally providing passing results. • Using customer personal information for illegal purposes • Conducting a test with the driver who is under the influence of drugs/alcohol. 	1 st offense <ul style="list-style-type: none"> • Immediate stop service • Contract cancellation • Invalidate Driver(s) test; if applicable
1.f	Examiner does not have a current commercial driver license. Examiner has personal driver's license (PDL) suspended/revoked/cancelled in the last two years.	<ul style="list-style-type: none"> • Examiner fails to keep PDL current. • Examiner fails to keep CDL endorsements current. 	1 st offense <ul style="list-style-type: none"> • Immediate stop service • Contract cancellation • Invalidate Driver(s) test; if applicable
1.g	Unprofessional conduct/breach of Confidential Information	<ul style="list-style-type: none"> • Examiner disseminates or publishes contents of the CDL Examiner's Manual, verbally or written. • Examiner provides CDL Skills testing information to companies, training schools or applicants. • Examiner permits applicants to practice on skills test location/route. 	1 st offense <ul style="list-style-type: none"> • Immediate stop service • Contract cancellation • Invalidate Driver(s) test; if applicable
MODERATE			
Moderate offenses include breach of DOL policy, actions not consistent or in alignment with DOL contractual obligations, not maintaining professional/ethical conduct, or actions and conditions that are deemed unsafe. Moderate offenses include but are not limited to the following:			
2.a.	Conducts testing that violates conflict of interest provisions as outlined in the contract.	<ul style="list-style-type: none"> • Conducts skill test for someone they have trained. • Conducts skill test for someone within or with interests in their organization (applies only to IND TPE). • Conducts Skills test for a family member, employee, friends or acquaintances. Conducts Skills test for applicants trained by family, employee, or friend. 	1 st offense <ul style="list-style-type: none"> • Invalidate Driver(s) test • Warning letter 2 nd offense <ul style="list-style-type: none"> • Immediate stop service until approval given by DOL • Invalidate Driver(s) test • 30 or more day suspension 3 rd offense <ul style="list-style-type: none"> • Immediate stop service until approval given by DOL. • Invalidate Driver(s) test

MODERATE

continued

2.b.	Collects additional customer testing fees without DOL pre-approval per WAC 308.100.190; Fails to annotate administrative test fees collected via receipt and/or score sheet.	<ul style="list-style-type: none"> • Contractor charges driver per mile fee. • Contractor charges driver more than allowed fee by statute or rule. • Examiner charges administrative fee without prior approval from CDL Contract Manager. 	<p>1st offense</p> <ul style="list-style-type: none"> • Warning letter • Proof of customer reimbursement of unauthorized fees <p>2nd offense</p> <ul style="list-style-type: none"> • Immediate stop service until approval given by DOL • Proof of customer reimbursement of unauthorized fees <p>3rd offense</p> <ul style="list-style-type: none"> • Immediate stop service until approval given by DOL • 30 or more day suspension • Possible cancellation of contract • Proof of customer reimbursement of unauthorized fees
2.c.	Failure to ensure driver meets all administrative requirements.	<ul style="list-style-type: none"> • Conducting the skills test without the appropriate CLP endorsements. • Does not conduct all three segments of skills test in the same representative vehicle. • Conducted test with an expired CLP. • Fails to comply with mandatory waiting periods for any one of the 3 skills test segments. • Fails to wait 14 mandatory days prior to testing the customer (due to an upgrade or a new initial CLP). • Conducted skills test where Entry Level Driver Training (ELDT) has not been met. 	<p>1st offense</p> <ul style="list-style-type: none"> • Invalidate Driver(s) test • Warning letter <p>2nd offense</p> <ul style="list-style-type: none"> • Invalidate Driver(s) test • Warning letter • Supplemental training required • Required submission of resolution action plan <p>3rd offense</p> <ul style="list-style-type: none"> • DOL will determine next course of action up to and including contract termination.

MODERATE

continued

2.d.	Fails to conduct CDL skills testing per established requirements.	<ul style="list-style-type: none"> • Conducts test in a language other than English. • Conducts test not authorized to perform (Class B certified Examiner conducts Class A examination). • Conducts skills test for customer that requires special examination by DOL. • Conducts skills test before or after daylight hours. • Fails to use standardized instructions during skills test. • Conducts Skills test without verifying GVWR of vehicle and/or trailer. • Testing a loaded vehicle. 	<p>1st offense</p> <ul style="list-style-type: none"> • Invalidate Driver(s) test • Warning letter <p>2nd offense</p> <ul style="list-style-type: none"> • Immediate stop service • Up to 30 day suspension • Invalidate Driver(s) test <p>3rd offense</p> <ul style="list-style-type: none"> • Immediate stop service • Invalidate Driver(s) test • 30 or more day suspension
2.e.	Fails to follow required/established test practices.	<ul style="list-style-type: none"> • Incorrect testing of vehicle inspection, basic controls, or road test. (shortened/lengthened) • Unauthorized deviation from approved route. • Failure to follow acceptable score criteria when conducting skills test. • Examiner deletes, minimizes or expands beyond required score criteria. • Examiner provides crucial information i.e., speed limits, stop signs, Vehicle Inspection criteria, signals during Backing Controls, etc. • Fails to provide standardized instructions (CDL Cue Sheet) and Title VI documents. • Fails to stop the Skills test after observing an Equipment Failure, automatic disqualifying condition, or accumulation of errors when applicable. 	<p>1st offense</p> <ul style="list-style-type: none"> • Invalidate Driver(s) test • Warning letter <p>2nd offense</p> <ul style="list-style-type: none"> • Immediate stop service • Up to 30 day suspension • Invalidate Driver(s) test • Attend scheduled, specified supplemental training <p>3rd offense</p> <ul style="list-style-type: none"> • Immediate stop service • Invalidate Driver(s) test • 30 or more day suspension and, • Attend scheduled, supplemental training prior to reinstatement

MODERATE

continued

2.f.	Uses unauthorized probing & prompting methods for conducting Skills tests.	<ul style="list-style-type: none"> • Points out equipment, traffic information applicant missed. • Provides clues/hints to driver that identifies missing portion. • Examiner intentionally attempts to confuse or mislead driver. • Conducts driver training for customers that fail any portion of the skills test; Exceeds scope of examiner's responsibilities by preparing drivers for next test attempt. • Failure to provide exact instructions per que sheet provided. 	<p>1st offense</p> <ul style="list-style-type: none"> • Invalidate Driver(s) test • Warning letter <p>2nd offense</p> <ul style="list-style-type: none"> • Immediate stop service • Up to 30 day suspension • Invalidate Driver(s) test • Attend specified supplemental training <p>3rd offense</p> <ul style="list-style-type: none"> • Immediate stop service • Invalidate Driver(s) test • 30 or more day suspension and, • Attend supplemental training prior to reinstatement
2.g.	Fails to follow established data security practices.	<ul style="list-style-type: none"> • Fails to secure physical documentation/files. • Compromises data system (i.e., allows CSTIMS access to unauthorized person(s)) Fails to secure skills test information (i.e., score sheets, route information, and Examiners Manual, and receipts). 	<p>1st offense</p> <ul style="list-style-type: none"> • Warning letter <p>2nd offense</p> <ul style="list-style-type: none"> • Immediate stop service • Up to 30 day suspension <p>3rd offense</p> <ul style="list-style-type: none"> • 30 or more day suspension
2.h.	Errors that result in the issuance of a license when not entitled (incorrect license) or non- issuance of a license when entitled.	<ul style="list-style-type: none"> • Documentation reflects incorrect representative vehicle. • Documentation reflects incorrect scores. Documentation reflects incorrect endorsements. 	<p>1st offense</p> <ul style="list-style-type: none"> • Warning letter <p>2nd offense</p> <ul style="list-style-type: none"> • Immediate stop service • Up to 30 day suspension • Attend specified supplemental training <p>3rd offense</p> <ul style="list-style-type: none"> • Immediate stop service • 30 or more day suspension • Attend supplemental training prior to reinstatement

LOW			
Low offenses include lower level administrative functions such as accuracy, completeness or timeliness of paperwork and reporting. Low offenses include but are not limited to the following:			
3.a	Fails to comply with established CSTIMS scheduling rules.	<ul style="list-style-type: none"> • Conducts skills test 2 days after scheduling. • Conducts skill test without entering schedule. • Fails to submit correct test route on CSTIMS. • Schedules full test when performing partial test only. • Fails to adhere to the established waiting period(s) after previous failure. 	<p>1st offense</p> <ul style="list-style-type: none"> • Warning letter <p>2nd offense</p> <ul style="list-style-type: none"> • Warning letter • CSTIMS supplemental training required • Required submission of resolution action plan <p>3rd offense</p> <ul style="list-style-type: none"> • DOL will determine next course of action.
3.b	Failure to ensure driver meets all administrative requirements.	<ul style="list-style-type: none"> • Conducts skills without driver proof of insurance. • Fails to verify current medical DOT card. • Fails to verify, print and attach Driver Status Report to the applicant record. 	<p>1st offense</p> <ul style="list-style-type: none"> • Warning letter <p>2nd offense</p> <ul style="list-style-type: none"> • Warning letter • CSTIMS supplemental training required • Required submission of resolution action plan <p>3rd offense</p> <ul style="list-style-type: none"> • DOL will determine next course of action.
3.c.	Non-critical documentation errors.	<ul style="list-style-type: none"> • Fails to submit required documentation in a timely manner. • Fails to submit completed documentation. • Fails to enter vehicle gross weight • Fails to enter correct plate number (tractor plate number vs vehicle plate number). • Missing, conflicting, and incorrect information on score sheet. 	<p>1st offense</p> <ul style="list-style-type: none"> • Warning letter <p>2nd offense</p> <ul style="list-style-type: none"> • Warning letter • Supplemental training required • Required submission of resolution action plan <p>3rd offense</p> <ul style="list-style-type: none"> • DOL will determine next course of action up to and including contract termination
3.d.	Critical documentation errors that prevent CDL issuance.	<ul style="list-style-type: none"> • Fails to enter correct start/end times in CSTIMS • Fails to enter correct trailer length in CSTIMS • Fails to select correct Class Type in CSTIMS • Fails to enter correct vehicle type in CSTIMS 	<p>1st offense</p> <ul style="list-style-type: none"> • Warning letter <p>2nd offense</p> <ul style="list-style-type: none"> • Warning letter • Required submission of resolution action plan <p>3rd offense</p> <ul style="list-style-type: none"> • DOL will determine next course of action up to and including contract termination.

LOW continued			
3.e.	Fails to maintain proper insurance/bond per contract requirements.	<ul style="list-style-type: none"> • Allows insurance to lapse • Lowers insurance limits • Cancels insurance or bond • Allows DOT card to expire 	<p>1st offense</p> <ul style="list-style-type: none"> • Warning letter <p>2nd offense</p> <ul style="list-style-type: none"> • Warning letter • Required submission of resolution action plan <p>3rd offense DOL will determine next course of action up to and including contract termination.</p>
END OF COMPLIANCE MATRIX			