

**APPENDIX E
COMMISSION AGENT
NON-COMMERCIAL THIRD-PARTY TESTER**

Appendix E is made between the State of Alaska, Department of Administration, Division of Motor Vehicles (hereafter DMV), and City of Utqiagvik (hereafter "Commission Agent"), P.O. Box 629, Utqiagvik, AK 99723.

In addition to the provisions outlined in the Appendix H, DMV Commission Agent, the parties agree as follows:

I. GENERAL PROVISIONS

- A. **TERM.** The period of performance for Appendix E, begins **July 1, 2024**, and ends **December 31, 2025**, unless terminated earlier under Section IX of Appendix H, DMV Commission Agent.
- B. **AUTHORIZATION.** The DMV hereby authorizes the Third-Party Tester to administer Class D Road tests. The authority granted under this Contract is not transferable.
- C. **DESCRIPTION OF WORK.** Except as limited by Section I.C. of Appendix H DMV Commission Agent, the Commission Agent is authorized to provide for a Third-Party Tester to administer Class D Road tests in accordance with AS 28.17.011 – 071, 2 AAC 91.010 – 990, Alaska’s Class D Examiners manual, and the terms of this Contract.
- D. **REQUIREMENTS.** In addition to the requirements described in Appendix H, DMV Commission Agent Contract (Section I. E.), the following requirements must always be in force during the term of this Contract. OPPM may request that the Third-Party Tester provide proof of compliance with these requirements upon three business days’ notice. Failure of the Third-Party Tester to maintain these basic requirements and others as they may be further described below may constitute a basis for OPPM to suspend or terminate this contract under Section IX of the Appendix H, DMV Commission Agent Contract.
 - 1. **INSURANCE.** Without limiting the Third-Party Tester’s indemnification and required minimal limits of insurance from Appendix H, the Third-Party Tester must purchase the following insurance policies at its own expense, naming the State of Alaska DMV as additional policy holder and maintain the policies in force at all times while Appendix E is in effect. Where specific limits are shown, they shall be the minimum acceptable limits. If the Third-Party Tester’s policy contains higher limits, the State DMV shall be entitled to coverage to the extent of the higher limits.
 - i. **Commercial Automobile Liability Insurance:** covering all vehicles used by the Third-Party Tester in the performance of services under this agreement with minimum coverage limits of \$1,000,000.00 combined single limit per claim.

Notices of insurance policy renewals or cancellations must be emailed from the insurance company to Office of Procurement and Property Management (OPPM) at email address: doa.oppm.procurement@alaska.gov.
- 2. **PASS/FAIL RATE.** The Third-Party Tester must show a consistent pass/fail rate within

acceptable standards in any three months period that is audited.

3. **CURRENT ROUTE.** At the time Appendix E is executed the Third-Party tester must provide a list of current routes, examiners, instructors, and STAR users. Thereafter, the Third-Party Tester must notify DMV when an authorized representative is terminated, or a vehicle used in the exam process changes. Changes to the exam routes must receive advanced written approval from the DMV.

II. RESPONSIBILITIES OF THE DMV

In addition to the responsibilities of the DMV outlined in Section II of Appendix H, DMV Commission Agent, in order to facilitate the Commission Agent's ability to perform work under the Contract and Appendix E, DMV has the following responsibilities:

- A. **TRAINING.** DMV will provide written instructions to the Third-Party Tester for Class D Road testing procedures. The procedures will set out road test content, route selection, test forms, examiner procedures, and administrative procedures. Any revisions to the procedures will be provided to the Third-Party Tester.
- B. **WRITTEN AUTHORITY.** Upon DMV's determination that a person who applies to conduct road tests is qualified to be a Third-Party Examiner; DMV will issue a written authorization to the Third-Party Tester allowing the Third-Party Examiner to administer Class D Road tests. The application for authorization to be a Third-Party Examiner must be endorsed by both the applicant and by the Third-Party Tester, and both must attest to its accuracy and truthfulness.

III. RESPONSIBILITIES OF THE THIRD-PARTY TESTER (COMMISSION AGENT)

In addition to the responsibilities of the Commission Agent outlined in Section III of Appendix H, DMV Commission Agent, the Third-Party Tester must adhere to the following provisions:

- A. **GENERAL RESPONSIBILITIES:** The Third-Party Tester must:
 1. Not require students to retake tests from the organization as either a part of, or as a condition of, receiving training services or instruction.
 2. Perform overt and covert audits on each examiner every calendar year, spread out equally over four quarters. A supervisor and/or manager, approved by DMV, will conduct one overt audit and one covert audit on each examiner. An approved DMV form will be provided. The audit report must be provided to DMV within seven days from completing the audit via email to doa.dmv.compliance@alaska.gov.
- B. **FACILITIES.** Facilities must:
 1. Have a permanent street address within the boundaries of the State of Alaska.
 2. Have adequate space that is safe for vehicle inspection and basic skills Class D testing maneuvers.
 3. Have test areas that are safe and adequate for proper inspection and testing.

4. Meet all requirements of Federal, State, and local laws including zoning ordinances.
5. Have records, training materials, forms, score sheets and other materials in a locked and secured area.
6. Have a current printed fee, refund policy and refund time frame that is available to all applicants. The policy should clearly explain the fees charged for cancellations, no-shows, improper documents, faulty equipment, and vehicle rentals, as well as refund procedures. Printed receipts bearing the organization's name must be given to every applicant.
7. Have access to the internet for entering road test schedules and reporting road test results in STAR.

C. DRIVER INFORMATION. A Third-Party Tester, instructor, examiner, or employee is prohibited from obtaining or using personal information concerning all license applicants or using personal information concerning any license applicant for purposes of surveys, marketing or solicitation, or in any way prohibited by 18 USC 2721-2725 or AS 28.10.505. Driver, vehicle information and records obtained from a state are subject to the restrictions imposed by applicable federal, state and local privacy protection laws including 18 USC 2721-2725 or AS 28.10.505. The Third-Party Tester will conform to all requirements of AS 45.48, AS 28.10.505, and 18 USC 2721-2725 in protecting personally identifiable information. As defined by AS 45.48.090 "personal information" includes an individual's first name or first initial; and last name; and one or more of the following information elements: the individual's social security number; the individual's driver's license number or state identification card number; the individual's account number, credit card number, or debit card number; and passwords, personal identification numbers, or other access codes for financial accounts. As defined by 18 USC 2725 "personal information" means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address, telephone numbers, and medical or disability information.

D. PERSONNEL. The Third-Party Tester is responsible for assuring that its Class D examiners, instructors, and employees are following the requirements of Appendix H, DMV Commission Agent, and Appendix E to ensure they are in compliance with all Contract provisions.

1. Each Examiner or Instructor must:
 - i. Be an employee of the Third-Party Tester.
 - ii. Not administer tests to family, significant others, or close friends.
 - iii. Sign and adhere to the Professional Code of Ethics.
 - iv. Sign and adhere to the STAR program requirements.
 - v. Possess a valid Alaska driver's license.
 - vi. Submit fingerprints and fee for an FBI background check at the time of application and/or renewal, if not already done by the DMV.

- vii. Have had no convictions or administrative revocations within the previous five years for reckless driving, driving while intoxicated, refusal to submit to a chemical breath test, or driving while revoked or suspended license in any state.
- viii. Within the previous five years, not had a driver's license suspended, revoked, canceled, or disqualified in any state.
- ix. Have not had any felony or fraudulent activity convictions.
- x. Have not had any convictions for a crime of moral turpitude.
- xi. Be at least 25 years of age and have five or more years of driving experience.
- xii. Be approved by DMV and be issued a certificate and examiner number.

Successfully complete a DMV approved examiner training course, including the CKE, and be able to demonstrate a comprehensive understanding of all information in the most current version of the Alaska Driver's License Manual and demonstrate the ability to conduct Class D Road tests in accordance with procedures established by DMV.

- 2. The Third-Party Tester shall require a Third-Party Examiner, at no cost to DMV, to attend a DMV approved refresher course at any time at the direction of the DMV.
- 3. The Third-Party Tester shall notify DMV in writing immediately any of the following:
 - i. Any changes of assignment and/or termination of a Class D Examiner or Instructor.
 - ii. Receipt of any complaint alleging a criminal or civil action, or any irregularity in Class D Road test administration, which is received by the Third-Party Tester regarding any examiner or instructor employed by or acting under the control of the Third-Party Tester.
 - iii. Changes in medical condition, which may disqualify an examiner or instructor from meeting minimum medical requirements per AS 28.15.031(a)(4), and AS 28.15.151(a)(1) required to operate the vehicle used for Class D Road tests, if applicable.
 - iv. Of any accident which is reportable under State Law that occurs during the administration of a Class D Road test.
 - v. Termination of an examiner or instructor or placing any limitation on the road testing conducted by an examiner or classroom instruction by an instructor.
- 4. If an examiner is not qualified to administer a road test under this Contract, that examiner must not be permitted to administer road tests or access STAR. DMV will not grant a license based on a road test conducted by the examiner after the Third-Party Tester has been notified that the examiner was not permitted to conduct road tests.

5. If an instructor is not qualified to perform behind-the-wheel training or classroom instruction, that instructor must not be permitted to perform any training or access STAR.
6. Not engage the services of a current DMV employee, with or without compensation, as an agent, representative, or employee while they are hired with the DMV. This does not prohibit the Commission Agent from recruiting DMV employees to become prospective staff members of the Commission Agent.

E. TEST ADMINISTRATION/PROCEDURES.

The Third-Party Tester must use STAR for scheduling road tests as directed by the DMV, using the Alaska Class D Examiners manual scoring criteria. The road test must be input into STAR immediately upon scheduling the road test. Road test results must be entered into STAR within 24 hours, the next business day, and/or at the request of the DMV.

1. A minimum of three routes is required. All road testing routes must be approved by DMV. DMV must be notified immediately of any alterations to the route. Routes must be rotated between applicants, so they are not repeatedly used for all applicants throughout the same day.
2. Before an applicant takes a Class D skills test, the examiner must:
 - i. Verify the person's eligibility. General knowledge test scores must be verified in STAR, or the applicant must have an Alaska instructional permit.
 - ii. Verify the person's identity by comparing the digital image and signature on a State issued license, instruction permit, or identification card with all other documents.
 - iii. Contact DMV if the applicant has an ignition interlock device (IID) installed in the vehicle in which a road test is to be administered.
 - iv. Attach and send a copy of the IID installation letter with the score sheet.
3. Class D tests must be conducted in vehicle:
 - i. Occupied only by the Third-Party examiner, auditor, and the applicant. No interpreter is allowed in the vehicle.
 - ii. Equipped with seats and seat belts for every occupant.
 - iii. Determined to be safe based on an examiner led safety check of the vehicle and its equipment.
4. If an applicant is using their own vehicle for testing, the owner or registrant of the vehicle must produce a certificate of insurance that is in force and issued by an insurance company who meets State requirements.
5. Applicants must be informed that they may be retested by DMV at no cost to the applicant as part of the DMV audit process.

F. MAINTAINING RECORDS AT PRINCIPAL PLACE OF BUSINESS.

1. The Third-Party Tester will maintain the following examiner records, at their business location, in a secure location that is kept locked at all times.
2. During the time the examiner is performing tests, and for one year after the examiner has ceased performing tests for the Third-Party Tester:
 - i. A copy of DMV's written authorization for the examiner to conduct road tests.
 - ii. A copy of examiner's current driving record, which must be updated annually.
 - iii. A copy of examiner's current medical card if the examiner has a CDL.
 - iv. Written evidence that the examiner is/was an employee of the Third-Party Tester.
 - v. A copy of the examiner's training record.

G. INSPECTIONS, INVESTIGATIONS AND AUDITS.

1. The Third-Party Tester shall permit DMV to conduct on-site inspections and audits of its road-testing program, during normal business hours without prior notice. Inspections and audits may include:
 - i. An examination of all records relating to the road-testing program.
 - ii. Review of Class D procedures, practices, and operations.
 - iii. Review of driving routes.
 - iv. Review of requirements and road test performance of examiners.
 - v. Surveys or personal interviews of applicants who have been administered a test.
 - vi. Inspection of equipment relating to the Class D Road testing program.
 - vii. Evaluation of the effectiveness of the road test program by testing a sample of drivers who have passed the road test given by the Third-Party Tester's Examiner or, at the discretion of DMV, having a DMV employee, at no cost to DMV, take the road test from the Third-Party Tester's Examiner.
 - viii. Electronic surveillance, videotaping, or taking photos of the Class D Road tests, with or without prior notice.
 - ix. An examination of any other aspect of the Third-Party Tester's operation that the DMV determines necessary.
 - x. Verification that the Third-Party Tester meets the requirements of this Contract.

2. If an applicant is required to retest due to ineligibility at the time of the test, or an error in administering the test, the Third-Party Tester shall be responsible for retesting the applicant upon eligibility at no cost to the applicant or the DMV.

IV. COMMUNICATIONS

- A. Notices and communications required to be submitted to OPPM shall be in writing and emailed to: doa.oppm.procurement@alaska.gov .
- B. Notices and communications through OPPM to the Commission Agent shall be emailed to the email address shown on the signature page of the Contract, unless the Commission Agent provides written notice to OPPM of a change of email address.
- C. Notice shall be deemed effective within three days of receipt.

IN WITNESS WHEREOF, the parties have executed this **Appendix E** as follows.

Dated this ____ day of _____, 20____. Dated this ____ day of _____, 20____.

City of Utqiagvik

State of Alaska, Department of Administration,
Division of Motor Vehicles

Signature: _____

Signature: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Email address: _____

Email address: _____