

RFQ 301288 - PLUMBING SERVICES For PUBLIC FACILITIES

ATTACHMENT # 2 – BACKGROUND CHECK REQUIREMENTS

8. PERSONNEL ASSIGNMENTS – FOR AWARDED CONTRACTOR

- (a) Contractor shall perform the Services in an orderly and workmanlike manner, and shall employ persons skilled and qualified for the performance of the Services assigned to such persons under the contract. The Authority will have the right to review the experience and personnel records of each candidate, and approve assignments of Contractor's personnel.
- (b) Contractor certifies that contractor has established a criminal history background policy that complies with guidance issued by the U.S. Equal Employment Opportunity Commission and that contractor conducts criminal history checks on its assigned personnel in accordance with such policy to identify, hire and assign personnel to work on this contract whose criminal backgrounds are appropriate for the work being performed, considering the risk and liability to the contractor and the Authority. The Authority reserves the right to require contractor to disclose any criminal or military criminal convictions of assigned personnel and the right to disapprove the use of assigned personnel with criminal or military convictions.
- (c) Contractor shall provide a list of candidates to be used to provide the Services and shall certify that a criminal history background check has been completed within the preceding 6 month period. Criminal background checks shall include the following:
- (1) State Criminal History: Contractor shall research criminal history, including driving records (where applicable), covering all jurisdictions within the state, including local counties and municipalities.
- (2) Out of State Criminal History: Contractor shall research criminal history, including state driving records (where applicable), for all 50 states.
- (3) Military Discharge: For any candidates that have served in the military, contractor shall review the DD Form 214 "Certificate of Release or Discharge from Active Duty" (Long Form).

This contract may include services in the following job categories. For each of the job categories, Contractor shall disclose the type of offense to the Authority according to the timetable below:

Personnel whose work occurs on Capital Metro property	
Crimes Against the Person (other than sex offenses)	
Felony	Submit to Capital Metro for review if less than 10 years from date of release
Class A or B Misdemeanor	Submit to Capital Metro for review if less than 7 years from date of conviction
Class C Misdemeanor	Submit to Capital Metro for review if less than 5 years from date of conviction
Crimes Against the Person - Sex Crimes	
ALL	Submit to Capital Metro for review
Crimes Against Property	
Felony	Submit to Capital Metro for review if less than 10 years from date of release
Drug Crimes	
Felony	Submit to Capital Metro for review if less than 10 years from date of release

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Class A or B Misdemeanor	Submit to Capital Metro for review if less than 7 years from date of conviction
Class C Misdemeanor	Submit to Capital Metro for review if less than 5 years from date of conviction

Contractors with Management personnel whose primary work assignment is to perform work on the Capital Metro Contract	
Crimes Against the Person (other than sex offenses)	
Felony	Submit to Capital Metro for review if less than 10 years from date of release
Class A or B Misdemeanor	Submit to Capital Metro for review if less than 7 years from date of conviction
Class C Misdemeanor	Submit to Capital Metro for review if less than 5 years from date of conviction
Crimes Against the Person - Sex Crimes	
ALL	Submit to Capital Metro for review
Crimes Against Property	
Felony	Submit to Capital Metro for review if less than 10 years from date of release
Drug Crimes	
Felony	Submit to Capital Metro for review if less than 10 years from date of release
Class A or B Misdemeanor	Submit to Capital Metro for review if less than 7 years from date of conviction
Class C Misdemeanor	Submit to Capital Metro for review if less than 5 years from date of conviction

Personnel who have one-on-one or in-person contact with Capital Metro customers or employees	
Crimes Against the Person (other than sex offenses)	
Felony	Submit to Capital Metro for review if less than 10 years from date of release
Class A or B Misdemeanor	Submit to Capital Metro for review if less than 7 years from date of conviction
Class C Misdemeanor	Submit to Capital Metro for review if less than 5 years from date of conviction
Crimes Against the Person - Sex Crimes	
ALL	Submit to Capital Metro for review

Contractor may not assign an employee to provide Services if the employee has any conviction in the applicable job categories listed above, unless an exception is granted by the Authority in accordance with subsection (d).

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- (d) Contractor may request the Authority perform an individual assessment of a candidate with a criminal conviction meeting one of the above categories. In conducting an individual assessment the Authority's review will include, but not be limited to, the following factors:
- (1) The nature and gravity of the offense or conduct
 - (2) The degree of harm caused by the offense or conduct
 - (3) The time that has elapsed since the conviction or completion of probation or jail time
 - (4) The nature of the job sought, including the job duties, environment and level of supervision
 - (5) Any incorrect criminal history
 - (6) Wrongful identification of the person
 - (7) The facts and circumstances surrounding the offense or conduct
 - (8) The number of offenses for which the candidate was convicted
 - (9) The subsequent conviction for another relevant offense
 - (10) The age of the person at the time of conviction or completion of probation or jail time
 - (11) Evidence that the person performed the same type of work, post-conviction, with the same or different employer, with no known incidents of criminal conduct
 - (12) The length and consistency of employment history before and after the conviction in a similar field as the current position sought
 - (13) Rehabilitation efforts, e.g., education, treatment, training
 - (14) Employment or character references and any other information regarding fitness for the particular position
 - (15) Whether the person is bonded or licensed under any federal, state or local program or any licensing authority
 - (16) The person's statement of the circumstances surrounding the offense and conviction and relevant factors is consistent with publicly available record related to the crime and conviction, and
 - (17) Any other factors deemed relevant in the consideration of a particular assessment.

At the time a request is made for an individual assessment, contractor must include the following documentation:

- the candidate's application/resume;
- a copy of the criminal conviction history, including those tried in a military tribunal;
- available court information related to the conviction;
- any publicly available information related to the offense and conviction;
- a statement from the candidate addressing any/all factors set forth above and explaining why the person is qualified for the assignment notwithstanding the conviction; and

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- a statement from the candidate explaining why the person is an acceptable risk for the work to be performed by the candidate.

The Authority will provide a written decision to Contractor within five (5) working days of receipt of all required documentation from Contractor.

(e) Contractor will periodically conduct new criminal history background checks on all assigned personnel to ensure the preceding criterion are still met by the assigned personnel and notify the Authority if an employee has a subsequent conviction (or change in driving record, as applicable) that requires further review by the Authority using the criterion set forth above. The Authority reserves the right to request that the assigned individual be removed from performing work under this contract.