



Division of Criminal Justice Services

Vendor-Managed Civil Fingerprint Capture System

DCJS NY RFP 2025-02

Exhibits

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. Exhibits

The following exhibits are included:

Exhibit 1	Complete Proposal Requirement Checklist
Exhibit A	Contract Award Protest Procedure
Exhibit B	Standby Letter of Credit (SLOC) Form
Exhibit C	Formal Offer Letter
Exhibit D	Scope of Services Attestation Form
Exhibit E	Qualifying Attestation and Client Reference Form
Exhibit F	Technical Proposal Form
Exhibit G	Financial Proposal Form
Exhibit H	Question Template
Exhibit I	Firm Information Form and Attestation
Exhibit J	Proposed Subcontractors
Exhibit K	Key Subcontractor Certification
Exhibit L	Escrow Agreement

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Exhibit 1

COMPLETE PROPOSAL REQUIREMENT CHECKLIST

RFP# DCJS 2025-02 Vendor-Managed Civil Fingerprint Capture System

A successful proposal will be submitted in the packages and order listed below. Each Proposal Package must be submitted separately.

TECHNICAL PROPOSAL		
Volume 1 – Technical	RFP Section	Included w/ Submission (to be checked by Bidder)
Exhibit B: Standby Letter of Credit (SLOC) Form	9.12	<input type="checkbox"/>
Exhibit D: Scope of Services Attestation Form	4.3	<input type="checkbox"/>
Exhibit E: Qualifying Attestation and Client Reference Form	6.1	<input type="checkbox"/>
Exhibit F: Technical Proposal Form	6.2	<input type="checkbox"/>
Exhibit J: Proposed Subcontractors	6.12	<input type="checkbox"/>
Exhibit K: Key Subcontractor Certification	6.13	<input type="checkbox"/>
Exhibit L: Escrow Agreement	3.10	<input type="checkbox"/>
ADMINISTRATIVE REQUIREMENTS		
Volume 2 – Administrative	RFP Section	Included w/ Submission (to be checked by Bidder)
Exhibit 1: Complete Proposal Requirement Checklist	N/A	<input type="checkbox"/>
Exhibit C: Formal Offer Letter	8.1	<input type="checkbox"/>
Exhibit I: Firm Information Form and Attestation	4.1	<input type="checkbox"/>
Offerer's Proposed Extraneous terms, if applicable	8.6	<input type="checkbox"/>
Notification of Exemption from Disclosure under FOIL, if applicable	8.7	<input type="checkbox"/>
Appendix C: Encouraging Use of New York State Businesses in Contract Performance	8.4	<input type="checkbox"/>
Appendix D: Non-Collusive Bidding Certification	8.2	<input type="checkbox"/>
Appendix F: Attachment 1 - Offerer's Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b)	8.3	<input type="checkbox"/>
Appendix F: Attachment 2 - Offerer Disclosure of Prior Non-Responsibility Determinations	8.3	<input type="checkbox"/>
Appendix F: Form 4- Offerer's Certification of Compliance With State Finance Law §139-k(5)	8.3	<input type="checkbox"/>
Appendix M: EO 177 Certification	8.8	<input type="checkbox"/>
Appendix P: Sexual Harassment Prevention Certification	8.9	<input type="checkbox"/>
Appendix Q: EO 16 Certification Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia	8.10	<input type="checkbox"/>
Appendix R: Workplace and Gender Based Violence and Prevention Certification	8.11	<input type="checkbox"/>
FINANCIAL PROPOSAL		
Volume 3 – Cost	RFP Section	Included w/ Submission (to be checked by Bidder)
Exhibit G - Financial Response Form	7.0	<input type="checkbox"/>

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EXHIBIT A

DCJS Contract Award Protest Procedure

**CONTRACT AWARD PROTEST PROCEDURE
FOR CONTRACTS AWARDED BY
THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES**

Section 1	Applicability
Section 2	Definitions
Section 3	General Requirements
Section 4	Protest Procedure
Section 5	Appeals

1. Applicability

Consistent with the provisions of the Procurement Lobbying Law (State Finance Law §139-j), it is the policy of the New York State Division of Criminal Justice Services (DCJS) to identify a sole Procurement Contact to receive all inquiries during an identified procurement period. DCJS will attempt to resolve inquiries submitted to the identified sole Procurement Contact and will advise parties initiating such inquiries of the existence of this formal protest policy should the informal process fail to resolve the matter. **Final agency determinations or recommendations for award will not be reconsidered by DCJS unless a formal written protest is timely filed according to the procedures specified below. The procedures below are required and set forth the procedure to be used when an interested party challenges a contract award by DCJS.** These guidelines apply to all contract awards by DCJS, including sole source procurements, single source procurements, emergency procurements and procurements awarded after a mini-bid process.

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2. Definitions

- (a) "Offerer" or "Bidder" means an individual or entity who has submitted an offer in response to a solicitation for commodities or services issued by DCJS.
- (b) "Responsive Offerer" means a Bidder or Offerer meeting all the minimum specifications and requirements as prescribed in a solicitation for commodities or services by DCJS.
- (c) "Successful Offerer" means the responsive Bidder or Offerer which receives written notification from DCJS indicating that its bid or offer has been accepted.
- (d) "Interested party" means a participant in the procurement process and those who would be bona fide participants but whose participation in the procurement process has been foreclosed by the actions of DCJS.
- (e) "Contract award" is a written determination from DCJS to an Offerer indicating that the DCJS has accepted its bid or offer (see; State Finance Law §163(10)(a)).
- (f) "Emergency" means an urgent and unexpected requirement where health and public safety or the conservation of public resources is at risk (see; State Finance Law §163(1)(b)).
- (g) "Mini-bid process" is an abbreviated bid and selection process for individual agency projects utilizing a list of prequalified vendors on a back-drop contract
- (h) "Back-drop contract" means a contract consisting of a pool of prequalified vendors who are eligible to participate in a secondary mini-bid award process, or other specified selection process.
- (i) "Single source" means a procurement in which although two or more Offerers can supply the required commodities or services, DCJS, upon written findings setting forth the material and substantial reasons therefor, awards the contract to one Offerer over the other (see; State Finance Law §163(1)(h)).
- (j) "Sole source" means a procurement in which only one Offerer is capable of supplying the required commodities or services (see; State Finance Law §163(1)(g)).
- (k) "Protest" means a written challenge to a contract award by DCJS.
- (l) "Comptroller" means the Comptroller of the State of New York, as well as his or her designee.
- (m) "Commissioner" means the Commissioner of DCJS, as well as their designee.

3. General Requirements

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- (a) Any solicitation issued by DCJS with respect to a contract award subject to these guidelines, including an Invitation for Bid, a Request for Proposal (RFP), or other similar document, shall provide notice that any interested party may protest the contract award. Such notice shall indicate that a protest of a contract award is to be filed with the DCJS Deputy Commissioner of the Office of Budget and Finance (OBF) at:

Deputy Commissioner, Office of Budget and Finance

New York State Division of Criminal Justice Services

Alfred E. Smith Office Building, 10th Floor

80 South Swan Street

Albany, NY 12210

The solicitation must include a copy of these guidelines or advise Offerers that a copy of these guidelines will be provided to the Offerer upon request.

- (b) All Offerers shall be given written notice of the contract award or of a proposed award. Any unsuccessful Offerer, upon request, must be afforded an opportunity for a debriefing at least five business days prior to the date by which any protest must be filed. Notwithstanding the foregoing, in any case where DCJS has reduced the time period for the filing of a protest in accordance with section 4(a) of these guidelines, DCJS shall provide in the solicitation for a reasonable and appropriate method to debrief the Offerers in a timely manner. An Offerer's failure to request a debriefing in a timely fashion shall not cause an extension of the time period within which a protest must be filed.
- (c) A protest must be in writing and must contain specific factual and/or legal allegations setting forth the basis on which the protesting party challenges the contract award by the DCJS. A formal protest must include:
- (i) a statement of all legal and/or factual grounds for disagreement with a DCJS specification or purchasing determination;
 - (ii) a description of all remedies or relief requested; and
 - (iii) copies of all applicable supporting documentation.
- (d) Any interested party will be given the opportunity to participate in the protest procedure.
- (e) The DCJS Deputy Commissioner of OBF may, in their sole discretion, waive any deadline or requirement set forth in these guidelines, or consider any materials, submitted in writing, beyond the time periods set forth in these guidelines.

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- (f) Where the DCJS Deputy Commissioner of OBF deems appropriate, the DCJS Deputy Commissioner of OBF may require the protesting party, the procuring unit of DCJS, DCJS staff involved in the procurement, the successful Offerer, or any other interested party, to address and/or submit further information with respect to additional issues raised by the DCJS Deputy Commissioner of the OBF review of the procurement.
- (g) Nothing herein shall preclude the DCJS Deputy Commissioner of OBF from obtaining information relevant to the procurement from any other source, as he or she deems appropriate.

4. Protest Procedure

- (a) Any interested party may file a protest with the DCJS Deputy Commissioner of OBF within ten business days from the date of the notice by DCJS of the contract award, except that:
 - (i) any protest concerning the terms and conditions of the solicitation or other matters that would be apparent to an interested party prior to the date set in the solicitation for the receipt of bids including but not limited to matters concerning errors, omissions or prejudice in the bid specifications or documents must be filed on or before the date set in the solicitation for the receipt of bids or proposals; and
 - (ii) where DCJS determines that sufficient circumstances exist DCJS may set forth a different time period for filing protests in the solicitation.

Any filing deadlines may be waived by the DCJS Deputy Commissioner of OBF pursuant to section 3(e) of these guidelines. A formal protest must be submitted in writing to DCJS, by surface mail addressed to the DCJS Deputy Commissioner of OBF pursuant to section 3(a) above, or, where permitted in the solicitation, by facsimile or e-mail transmission. The following statement must be clearly and prominently displayed on the envelope or package or header of electronic or facsimile transmittal: "Bid Protest of DCJS Solicitation (Reference Number)".

- (b) The DCJS Deputy Commissioner OBF shall refer any protest either to an individual employee or group of employees of DCJS, or to an independent hearing officer who is not an employee of DCJS. The decision regarding to whom the bid protests is referred shall be in the sole discretion of the DCJS Deputy Commissioner of OBF. Where the protest is referred to a DCJS employee or a group of DCJS employees, no such employee may have been actively involved in the procurement process being protested.
- (c) The DCJS Deputy Commissioner of OBF will provide a copy of any protest filed to the successful Offerer.

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- (d) The DCJS Deputy Commissioner of OBF may summarily deny a protest that fails to contain specific factual or legal allegations or raises only issues of law that have already been decided by the Courts or by the Comptroller of the State of New York.
- (e) Except where the DCJS Deputy Commissioner of OBF summarily denies the protest, the procuring Division of DCJS shall file an answer to the protest within seven business days of the filing of the protest. The answer to the protest should address all the factual and legal allegations contained in the protest. A copy of the answer filed by the procuring unit of DCJS shall be delivered to the protester and the successful Offerer. The successful Offerer may, but shall not be required to, file an answer to the protest. Any answer by the successful Offerer must be filed with the DCJS Deputy Commissioner of OBF no later than the date that the procuring unit of DCJS is required to file its answer. If the successful Offerer chooses to file an answer, it must deliver a copy of such answer to the procuring unit of DCJS and the protester, and its answer must contain an affirmation as to such delivery.
- (f) The protesting party may, but is not required to, file a reply to the answer of the procuring unit of DCJS and the successful Offerer. Such reply shall be filed with the DCJS Deputy Commissioner of OBF no later than five business days after the date that the procuring unit of DCJS answer is filed. A copy of such reply shall also be delivered to the successful Offerer, and the protester's reply must contain an affirmation as to such delivery.
- (g) Upon the DCJS Deputy Commissioner of OBF's own initiative, or upon request of any participant in the protest process, the DCJS Deputy Commissioner of OBF may in their sole discretion act on an expedited basis, upon written notification to the interested parties, in which case the DCJS Deputy Commissioner of OBF will advise all participants of filing deadlines.
- (h) During the time period in which a protest may be filed, or during the resolution of a pending protest, DCJS may negotiate terms and conditions of the contract with the successful Offerer. However, a contract will not be approved by the Office of the State Comptroller Bureau of Contracts before the expiration of the time period for filing a protest, or, if a protest has been filed, before the resolution of the protest.
- (i) The person or persons designated by the DCJS Deputy Commissioner of OBF to consider the protest shall review all of the filings submitted by the parties, and the procurement record, and shall prepare a written recommendation to the DCJS Deputy Commissioner of OBF, or their designee, addressing all of the issues that have been raised by the protest.
- (j) The person or persons designated by the DCJS Deputy Commissioner of OBF to consider the protest shall determine whether, in addition to the review of the filings submitted by the parties and the procurement record, it is necessary to conduct a fact finding hearing. The person or persons so designated shall decide the level of formality of such a hearing.

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- (k) The DCJS Deputy Commissioner of OBF or their designee, may accept, modify or reject such recommendation.
- (l) In making his or her determination with regard to the protest, the DCJS Deputy Commissioner of OBF, or their designee, may, in his or her sole discretion, consider any additional material and relevant information from any source relating to the allegations set forth in the protest.
- (m) All parties that have participated in the protest, as well as the original successful Offerer, shall be provided with a copy of the final determination of the DCJS Deputy Commissioner of OBF, or his or her designee. The determination shall be made part of the procurement record.

5. Appeals

- (a) The protest determination of the DCJS Deputy Commissioner of OBF shall be deemed a final and conclusive agency determination unless a written notice of appeal is received no more than five business days after the date the final protest decision is sent to the Offerer. Such notice of appeal must be filed in writing at the address set forth below:

Commissioner

New York State Division of Criminal Justice Services

Reference: Bid Protest of DCJS Solicitation (provide procurement reference number)

Alfred E. Smith Office Building, 8th Floor

80 South Swan Street

Albany, NY 12210

- (b) The Commissioner shall hear and make a final written determination on all appeals within ten business days of the date the Appeal is received. The Commissioner may designate a person or persons to act on their behalf.
- (c) A formal protest appeal may not introduce new facts unless responding to issues newly raised as a result of the final protest determination.

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Exhibit B

Standby Letter of Credit (SLOC) Form

Instructions for Submission

The Prime Contractor must furnish a Standby Letter of Credit (SLOC) as required at RFP **Section 9.12** in the same form, or a substantially similar form, as set forth below.

Standby Letter of Credit, to be issued on ISSUER's letterhead

Beneficiary:

State of New York
Division of Criminal Justice Services
Alfred E. Smith Office Building
80 South Swan Street
Albany, NY 12210-8001

Customer/ Applicant:

[Insert Prime Contractor's Name/Address]

Issuer:

Confirming Bank Information and Address

To whom it may concern:

By order of our client, _____ ("Prime Contractor") located at _____, ("Customer/Applicant"), we hereby establish in favor of the State of New York Division of Criminal Justice Services ("Beneficiary"), Alfred E. Smith Office Building, 80 South Swan Street, Albany, New York 12210-8001 our Irrevocable Standby Letter of Credit No. _____, for an aggregate amount of one hundred thousand dollars and no cents (\$100,000 USD), established at the office of _____, ("Issuer") at _____. The effective date of this Letter of Credit shall be the date of approval of New York State Contract #C-_____ by the Comptroller of the State of New York. ("effective date").

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The purpose of this Standby Letter of Credit is to irrevocably indemnify the Beneficiary in connection with New York State Comptroller's Contract # C-_____, executed between the Applicant and the State of New York for the design, development, deployment, integration with DCJS systems and procedures, customization and installation of Vendor-Managed Civil Fingerprint Capture System the requirements for which are more fully set forth in DCJS RFP 2025-02 and any Contract which may result in connection therewith, together the RFP and the Contract to be known as Contract ("Contract"). Performance under the Contract includes the requirement that the Applicant will further maintain, service, support, provide customer service, payment processing and customization as approved by DCJS, and at the State's option expand and update the system through the life of the Contract and any extensions which the State may elect. The Issuer, for value received, hereby stipulates and agrees that the obligations of said Issuer and its Irrevocable Standby Letter of Credit shall be in no way impaired or affected (i) by any extensions of the times within which: (a) Beneficiary may receive, review, accept or pay for deliverables under the Contract, or (b) within which the Customer/Applicant may furnish a Standby Letter of Credit, or (ii) by any waiver by the Beneficiary of any of the requirements of said Contract. The term "Beneficiary" includes any successor by operation of law of the named Beneficiary including without limitation, any liquidator, rehabilitator, receiver of conservator.

Funds under this Standby Letter of Credit are available to the Beneficiary, in whole or in part, upon presentation of the Beneficiary's current dated demand, signed by the Executive Deputy Commissioner of the Division of Criminal Justice Services of the State of New York, stating:

"The undersigned hereby draws the amount of \$_____ (United States Dollars) against Issuer Standby Letter of Credit No._____, which represents the amount due to us according to the terms of the Contract between the State of New York Division of Criminal Justice Services and _____ ("Applicant") under the agreement bearing New York

State Comptroller's Contract No. C - _____, dated _____, 2025, for the design, development, deployment, integration with DCJS systems and procedures, customization and installation of a Vendor-Managed Civil Fingerprint Capture System.

Partial and multiple drawings are permitted under this Standby Letter of Credit and such drawings will immediately reduce the then available balance of this Standby Letter of Credit. In the event of such drawing(s) under this Standby Letter of Credit, the amount(s) of such drawing(s) must be subsequently replenished by Applicant in accordance with the terms of the Contract to increase the then available balance of this Credit to the full aggregate amount.

We engage with the Beneficiary that all drafts drawn under and in compliance with the terms of this Standby Letter of Credit will be duly honored upon presentation of such drawings at the office _____, specifying Standby Letter of Credit No._____, on or prior to the current expiration date of this Standby Letter of Credit.

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This Standby Letter of Credit shall remain in effect for the period from the date on which it becomes effective until the earlier of the expiration of the Contract or until the agreement of the Parties, which shall be the maximum final expiration date of this Standby Letter of Credit.

We shall immediately provide you with a written notice, by certified mail/overnight courier service, return receipt requested, of:

1. Any failure of the Applicant to replenish the Standby Letter of Credit to the full aggregate amount within five (5) business days of any partial or multiple draws against the Letter of Credit ("unreplenished draw"), such written notice shall be provided to you by us within three (3) business days of the maximum time for the Applicant to restore any unreplenished draw to the full aggregate amount; or

2. Any failure of the Applicant to renew the Standby Letter of Credit to the full aggregate amount for any successive term(s), such written notice shall be provided to you by us at least sixty (60) days prior to the then current Standby Letter of Credit expiration date. We agree that the Applicant shall be required to provide an irrevocable notice of renewal at least ninety (90) days prior to then current expiration date.

3. Any failure(s) of the Applicant to replenish the Standby Letter of Credit to the full aggregate amount within five (5) business days of any individual draws against the Standby Letter of Credit, or any notice of a failure to renew the Standby Letter of Credit to the full aggregate amount for the duration of the agreed term(s), including extensions, shall be conclusively deemed to constitute a material breach by the Applicant that shall immediately entitle the State to call the unexpired balance of the Letter of Credit. Such unexpired balance shall be paid to the Applicant by DCJS sent via certified mail, return receipt requested, within five (5) business days of receipt of the current dated demand, signed by the Executive Deputy Commissioner or Commissioner of the State of New York Division of Criminal Justice Services stating:

"The undersigned hereby draws the remaining balance outstanding against [Issuer Name]. Standby Letter of Credit No. _____, which represents the amount due to us according to the terms of the Letter of Credit No. _____ based upon a material default in maintaining either (i) the aggregate balance or (ii) the Letter of Credit for the duration of the agreed term(s), including extensions."

The obligation of the Issuer under this Standby Letter of Credit is the individual obligation of the Issuer and is in no way contingent upon reimbursement with respect thereto.

Except so far as otherwise expressly stated, this Standby Letter of Credit is subject to the Uniform Customs and Practices for Documentary Credits (2007 Revision) International Chamber of Commerce Publication 600, and as to matters not addressed by

the UCP 600, shall be governed by the Laws of the State of New York and applicable U.S. Federal Law.

Choice of Law/Venue. The validity, interpretation, and performance of this Letter of Credit and any dispute connected therewith shall be governed and construed in accordance with the laws of the State of New York. All legal proceedings and actions brought against DCJS shall be pursued in the New York State Court system and the Venue shall be in Albany, New York.

Issuer Bank:_____

By: _____

Name (Please Print):_____

Title (Please Print):_____

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Exhibit C

Formal Offer Letter

TO BE COMPLETED ON OFFERER'S LETTERHEAD

Date

Procurement Officer, Office of Budget and Finance
New York State Division of Criminal Justice Services
Alfred E. Smith Office Building 10th Floor
80 S. Swan St,
Albany, New York 12210

Dear Procurement Officer:

RE: Vendor-Managed Civil Fingerprint Capture System RFP # DCJS 2025-02

Formal Offer to the State of New York

[INSERT OFFERER NAME] hereby submits this firm and binding offer to the State of New York in response to New York State Request for Proposals (RFP) # DCJS 2025-02 by the New York State Division of Criminal Justice Services for a Vendor-Managed Civil Fingerprint Capture System. The Bid Proposal hereby submitted meets or exceeds all terms, conditions and requirements set forth in the above-referenced RFP. This formal offer will remain firm and non-revocable for a minimum period of ten (10) years from the date proposals are due to be received by the State, or until a Contract is approved by the NYS Comptroller and executed by the State.

[INSERT OFFERER NAME] complete offer is set forth in three, separately bound volumes as follows:

Technical Proposal:

Total of 4 hard copy volumes, with 1 electronic copy on a Portable USB Drive

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Administrative Proposal: Total of 2 hard copy volumes, with 1 electronic copy on a Portable USB Drive

Financial Proposal: Total of 2 hard copy volumes, with 1 electronic copy on a Portable USB Drive

[INSERT OFFERER NAME] hereby affirms that, at the time of bid submission, Offerer knows of no factors existing at time of bid submission or which are anticipated to arise during the procurement or Contract term, which would constitute a potential conflict of interest in successfully meeting the contractual obligations set forth in the above-referenced RFP and the Bid Proposal hereby submitted, including but not limited to:

1. No potential for conflict of interest on the part of the Offerer or any Subcontractor due to prior, current, or proposed contracts, engagements, or affiliations; and
2. No potential conflicts in the sequence or timing of the proposed award under this procurement relative to the timeframe for service delivery, or personnel or financial staffing commitments of Offerer or proposed subcontractors to other projects.

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By signing, the undersigned individual affirms and represents that he has the legal authority and capacity to sign and make this offer on behalf of and has signed using that authority to legally bind **[INSERT OFFERER NAME]** to the offer, and possesses the legal capacity to act on behalf of Offerer to execute a Contract with the State of New York.

Signature

[INSERT OFFERER NAME]

[INSERT TITLE]

[INSERT COMPANY NAME]

CORPORATE ACKNOWLEDGEMENT

STATE OF _____ }

:ss.:

COUNTY OF _____ }

On the _____ day of _____ in the year 20____, before me personally came:

_____, to me known,

who, being by me duly sworn, did depose and say that he/she/they reside(s) in

_____; that

he/she/they is (are) _____ (the President or other officer or director or attorney in fact duly appointed) of

_____, the corporation described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by authority of the board of directors of said corporation.

Signature and Office of Person Taking Acknowledgement

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Exhibit D
Scope of Services Attestation Form

Information Regarding the Firm

Firm Name: _____

Address: _____

Phone #: _____ Web Address: _____

Federal ID number _____

Primary Contact Concerning the Proposal Information

Name: _____

Phone #: _____

E-Mail Address: _____

The contact person provided is expected to have responsibility for communications with the State, regarding the information provided in the bid. Any change in this designation must be submitted in writing to the State.

Attestations

The Bidder agrees to the following as outlined in RFP Section 3.0 through 3.26

1. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.1 Vendor-Managed Civil Fingerprint Capture System**.

☐

Yes

☐

No

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2. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.2 New York State Agency Participation.**

☐ Yes ☐ No

3. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.3 Process Outline.**

☐ Yes ☐ No

4. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.4 Applicant Scheduling.**

☐ Yes ☐ No

5. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.5 Penalties for failure to meet time requirements for Applicant Scheduling and Availability.**

☐ Yes ☐ No

6. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.6 Fingerprinting Sites.**

☐ Yes ☐ No

7. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.7 In Person Applicant Identification.**

☐ Yes ☐ No

8. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.8 Ink and Rolled Cardscan Fingerprint Submissions.**

☐ Yes ☐ No

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9. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.9 Vendor-Managed Fee Structure.**

☐ Yes ☐ No

10. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.10 Fee Collection.**

☐ Yes ☐ No

11. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.11 Agency and Provider-Paid.**

☐ Yes ☐ No

12. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.12 Contractor Fee Schedule.**

☐ Yes ☐ No

13. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.13 Live Scan Requirements.**

☐ Yes ☐ No

14. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.14 Penalty for Failure to Meet Transaction Fingerprint Quality.**

☐ Yes ☐ No

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15. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.15 Collection of Identifying and Biographic Information.**

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Yes

☐

No

16. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.16 Customizations.**

☐

Yes

☐

No

17. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.17 Customizations.**

☐

Yes

☐

No

18. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.18 Manual Fingerprint Conversion.**

☐

Yes

☐

No

19. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.19 Work in Process at Contract End.**

☐

Yes

☐

No

20. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.20 Resubmission Processing.**

☐

Yes

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No

21. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.21 Reporting Requirements.**

☐

Yes

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No

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22. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.22 Daily Transmission Reconciliation.**

☐

Yes

☐

No

23. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.23 Agency Interfaces.**

☐

Yes

☐

No

24. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.24 Security and Control.**

☐

Yes

☐

No

25. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.25 Business Continuity.**

☐

Yes

☐

No

26. The Bidder must affirm they have an understanding of, and agree to comply with, all components listed in RFP **Section 3.26 Additional Requirements.**

☐

Yes

☐

No

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By signing this letter, I certify that this proposal meets all minimum standards established within RFP 2025-02 and are authorized to bind the firm contractually.

Name of Authorized Representative of the Firm:

Title/Position of Authorized

Representative of the Firm: _____

Signature: _____ **Date:** _____

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Exhibit E: Qualifying Attestation and Client Reference Form

Qualifying Attestation: In accordance with the qualifying criteria outlined in RFP **Section 4.2.**, your organization must meet the following requirements:

Mandatory Requirement	Yes	No
The Bidder shall represent and warrant that it possesses adequate staffing resources for successful completion of this contract.		
The Bidder shall represent and warrant that it possesses at least three (3) years of experience in the Service being proposed including operating a statewide system, placed into commerce, with multiple points of presence, and including operation of a call center and integrated web-based scheduling tool offering comprehensive management of applicant appointments.		

NOTE: RFP Requirement 4.1.c will be verified by the client reference.

Client Reference Form: In accordance with the response requirement for Client References in RFP **Section 6.1.**

<p>Provide two (2) client references as described in Section 4.2 for whom the bidder provided similar services to within the last years (3) years from the date of issuance of the RFP.</p> <p>NOTE: The Bidder may submit the information of a third reference that meets the Qualifying Requirement 4.2 as an alternative reference in the event that the primary references fail to respond to DCJS outreach.</p> <p>Clients provided will be contacted to verify information and quality and satisfaction of the work provided to the client as described in Section 6.1.</p>	<p>Client #1 Firm Name: _____ Address: _____ Client Contact Name: _____ Phone #: _____ E-mail address: _____ Alternate Contact Name: _____ Alternate Phone #: _____ Alternate e-mail address: _____</p> <p>Client #2 Firm Name: _____ Address: _____ Client Contact Name: _____ Phone #: _____ E-mail address: _____ Alternate Contact Name: _____ Alternate Phone #: _____ Alternate e-mail address: _____</p> <p>Alternate Client Firm Name: _____ Address: _____ Client Contact Name: _____ Phone #: _____ E-mail address: _____ Alternate Contact Name: _____ Alternate Phone #: _____ Alternate e-mail address: _____</p>
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Exhibit F

Technical Proposal Form

Bidding Firm Name: _____

Technical Proposal: Executive Summary: Response Requirement refer to RFP Section 6.2.

Please provide technical response in the space below. Attach additional pages as necessary.

- a) Narrative approach and plans for accomplishing the work outlined in RFP Section 3, including a high-level discussion of major points distinguishing bidder's proposal.
- b) Information relating to bidder's organization, personnel, and experience, including, but not limited to, references, together with contact names and telephone numbers, evidencing the bidder's qualifications, and capabilities to perform the services required by this RFP. DCJS plans to contact each of these contact names as a reference. Bidders are encouraged to provide up to 2 alternate contact names, in the event primary contacts cannot be reached to provide a reference.
- c) The bidder should include descriptive information for prior projects, including but not limited to Contract value, number and types of sites, applicant volume, error and resubmission rates, issues encountered and resolved, etc.

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Technical Proposal: Technology Proposal: Response Requirement refer to RFP Section 6.3.

Proposals must have ability to transmit fingerprint and non-fingerprint data in the format required by DCJS. Provide technical response in the space below. Attach additional pages as necessary.

- a) What live-scan equipment do you propose?
- b) Describe typical problems and mean time between failures for this equipment.
- c) Present a plan for maintaining this equipment. Include personnel qualifications, training and locations, maximum potential outage length in hours, notification and escalation procedures, standard maintenance schedules, and spare equipment depots.
- d) Describe proposal for meeting business continuity requirements as defined in RFP
Section 3.25 - Business Continuity
- e) DCJS expects that future requirements will expand beyond fingerprints to include palm prints and other methods of biometric identification. Describe proposal to address these future requirements.

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Technical Proposal: Applicant Service Plan: Response Requirement refer to RFP Section 6.4

Proposals must have ability to meet applicant service needs. Provide technical response in the space below. Attach additional pages as necessary.

- a) Describe your plans to address the applicant service level requirements of this RFP. Include your approach to establishing fixed/mobile sites for applicant fingerprinting services.

- b) Describe your approach to address the geographically and culturally diverse clientele aspect of this project, including foreign language support and hearing-impaired support.

- c) Present a design for a web-based appointment scheduling system. Include applicant data capture, real-time appointment availability management, confirmation code generation, MapQuest or similar capability to indicate facility locations, facility and agency appointment notification, and appointment attendance reporting.

- d) Present a design for an associated toll-free call-center operation. Discuss staffing, location, foreign language support, hearing impaired support, communications and training requirements. Explain how this facility will interact with the web-based system, clients and agency personnel.

- e) Present your plan for collection, management and reconciliation of applicant fees and cash management with the State. Include subcontracted operations such as ACH or other financial intermediaries. Subcontractors must be acceptable to the State.

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Technical Proposal: Participating Agency Service Plan: Response Requirement refer to RFP Section 6.5.

Please provide technical response in the space below. Attach additional pages as necessary.

Describe your plans to address the needs of participating agencies with respect to:

a) the initial interface to capture unique identifying information;

b) Participating agency reporting and inquiry needs; and

c) Participating agency custom programming needs.

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Technical Proposal: Mobilization and Implementation Plan Response Requirement refer to s RFP **Section 6.6.**

Provide technical response in the space below. Attach additional pages as necessary.

Proposals must address the requirement to fully implement within three months of Contract approval.

- a) Present a plan in MS Project for achieving a rollout (as defined in RFP **Section 12.3 - Glossary**) within three (3) months following Contract approval. At a minimum, the plan should include tasks, dependencies (internal and external), resource requirements by role, work effort for each task, and sufficient milestones to ensure accurate progress tracking.
- b) In support of this plan, provide a communications plan indicating audience, communication type, frequency, format and feedback mechanisms, if any.

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Technical Proposal: Risk Management: Plan Response Requirement refer to RFP Section 6.7.

Provide technical response in the space below. Attach additional pages as necessary.

Submit a Risk Management Plan that clearly articulates:

- 1) the methods to be utilized in the identification of potential risks;
- 2) the procedures utilized to predict the likelihood that a risk will occur;
- 3) the methods for quantifying the potential impact to the project;
- 4) the methods for development of action plans to mitigate the impact of that risk occurrence; and,
- 5) information regarding best practices and, if applicable, lessons learned during the implementation of other vendor managed fingerprint capture systems.

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Technical Proposal: Quality Management Plan: Response Requirement refer to RFP Section 6.8.

Please provide technical response in the space below. Attach additional pages as necessary.

The Offerer must provide a Quality Management Plan that describes:

- 1) The processes and techniques to measure, monitor and control the quality of the end product to ensure that the proposed solution meets the objectives and provides the critical system features listed throughout this RFP.
- 2) Best practices and lessons learned during the implementation of other vendor managed fingerprint capture systems.

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Experience of Bidder on Contracts of Similar Size and Scope: Response

Requirement refer to RFP Section 6.9.

Describe three (3) similar projects which have been in operation within the past five (5) years. Attach a separate page for each project. For each project, indicate

- a) Client
- b) Goals
- c) Staffing provided for implementation and post-implementation activities
- d) Original and actual schedule
- e) Impressions per (year), and highest volumes for one day, one week and one month
- f) Average uptime during agreed business hours
- g) Error rate
- h) System down time for any period over 12 hours, with reasons and remedies
- i) Security breaches, if any
- j) Present statistics indicating number of fingerprint-based transactions processed annually.

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Technical Proposal: Contract Management: Response Requirement refer to RFP Section 6.10.

- a) Describe your specific plans to manage, control and supervise the Contract to ensure satisfactory Contract completion according to the required schedule.
- b) Describe your specific approach to escalate issues as appropriate.
- c) Describe your specific approach to communicate with the State Contract Manager including, but not limited to, status meetings, status reports, etc.

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Livescan Fingerprinting Outside of New York State: (Desirable Requirement)

DCJS will allow transmission of fingerprint transactions captured at livescan fingerprint locations in other states within the continental United States boundaries. It is at the discretion of the Contractor if this capability is provided. If the Contractor offers such capability, the number of livescan fingerprinting sites, locations and hours of operation are at the sole discretion of the Contractor. In addition, upon written approval by DCJS, the Contractor shall be permitted to charge a reasonable fee as approved by DCJS for providing out-of-state livescan services.

If the Contractor offers such capability, the Contractor shall:

- Ensure the applicant presents proper identification documents at the time of printing as outlined in RFP **Section 3.7 – In Person Applicant Identification**;
- Comply with RFP **Section 3.15 – Collection of Identifying and Biographic Information**;
- Establish sites with handicap access that are Americans with Disabilities Act (ADA) compliant and comply with all applicable State and local regulations;
- Ensure that all live-scan equipment is properly maintained and receives routine preventative maintenance in order to assure availability of services during normal working hours;
- Procure and maintain all equipment necessary for a successful operation;
- Unless otherwise approved by the State Contract Manager, provide, at each location, sufficient directional signs for applicants to easily locate the fingerprinting room or area without the need to ask for directions. In locations with multilingual populations, signage must be appropriately multilingual;
- Provide trained and background-checked personnel to take fingerprints;
- Conduct background checks of all Contractor or Subcontractor personnel who operate livescan equipment, have access to confidential information, or who exert control or influence over such personnel with access to livescan equipment or confidential information and comply with any fingerprint requirements and/or personnel restrictions in the jurisdiction where a site is located; and

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- Have sufficient site staffing to remain operational in the event of absent personnel (illness, emergency, etc.).

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Exhibit G - Financial Response Form

Provide your proposed price per applicant on a sliding scale for each of the volume breaks listed below. The Financial Proposal is worth a maximum of 25 points (25 percent) of the total RFP score and the breakdown is shown in the table below.

Annual Volume	Proposed Price per Applicant
< 450,000	
=> 450,000 and < 500,000	
=>500,000 and < 550,000	
=>550,000 and < 600,000	
=>600,000 and < 650,000	
=>650,000 and < 700,000	
=>700,000 and < 750,000	
=>750,000 and < 800,000	
=>800,000	
Provide your proposed Hourly Rate for Computer Programmer Analyst Services	\$
Maximum Financial Proposal Points	

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Exhibit H

Questions Template

Vendor Name:	
Address:	
Contact Person Name:	
Telephone #:	
E-Mail Address:	

RFP Page Number	RFP Part, Section & Paragraph Reference	Question(s)

Please submit to: DCJSprocurement@DCJS.ny.gov

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Exhibit I

Firm Information Form and Attestation

Information Regarding the Firm

Firm Name: _____

Address: _____

Phone #: _____ Web Address: _____

Federal ID number _____

Primary Contact Concerning the Proposal Information

Name: _____

Phone #: _____

E-Mail Address: _____

The contact person provided is expected to have responsibility for communications with the State, regarding the information provided in the bid. Any change in this designation must be submitted in writing to the State.

Attestations

The Bidder agrees to the following as outlined in RFP **Section 4.1**:

1. The Bidder must affirm they will provide all components contracted for in a reasonable time frame.

☐

Yes

☐

No

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2. The Bidder can respond rapidly and effectively to the requests by DCJS for the purposes of clarification of information.

☐ Yes

☐ No

3. The Bidder shall represent and warrant, that it is authorized to do business in the State of New York.

☐ Yes

☐ No

4. The Bidder represent and warrant that, as of the date of submission of its Proposal, the Bidder has completed, obtained, or performed all registrations, filings, approvals, authorizations, consents, and examinations required by any governmental authority for the provision of the services and that Bidder will, in order to perform said services during the term of the Contract, if any, comply with any requirements imposed upon it by law during said Contract term. Bidder shall notify DCJS immediately in the event that there is any change in the above corporate status during the term of the Contract.

☐ Yes

☐ No

5. If applicable, Bidder/Contractor shall notify DCJS in advance in the event that there is any proposed future change in the above corporate status.

☐ Yes

☐ No

By signing this letter, I certify that I am authorized to bind the firm contractually.

Name of Authorized Representative of the Firm:

Title/Position of Authorized

Representative of the Firm: _____

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Exhibit J

Proposed Subcontractors

List each proposed subcontractor, as defined herein, proposed for use on the Vendor-Managed Civil Fingerprint Capture System project, in descending order (largest to smallest) of scope of services provided to project.

Subcontractor Name	Team Size	Role	Contact Name/Phone No.

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Exhibit K
Key Subcontractor Certification

For each key Subcontractor (as defined in RFP **Section 12.3 - Glossary**) proposed by the Offerer in Exhibit J, submit a Key Subcontractor Certification that has been completed and executed by the proposed key subcontractor's authorized representative. Each proposed key subcontractor must complete and execute a Key Subcontractor Certification form.

An authorized representative of the Key Subcontractor who is legally authorized to certify the information requested in the name of and on behalf of the Key Subcontractor is required to complete and sign the Required Certifications. All of the requested information and certifications must be provided. Offerer's authorized representative must certify as to the truth of the representations made by signing where indicated, below.

CERTIFICATION:

The undersigned: (1) recognizes that these Required Certifications are submitted for the express purpose of assisting the State of New York in making a determination to award a Contract and/or approve a subcontract; (2) acknowledges and agrees by submitting the Certification, that the State may in its discretion, by means which it may choose, verify the truth and accuracy of all statements made herein; (3) acknowledges that intentional submission of false or misleading information may constitute a felony under Penal Law §210.40 or a misdemeanor under Penal Law §210.35 or §210.45, and may also be punishable by a fine of up to \$10,000 or imprisonment of up to five years under 18 USC Section 1001, and termination the Contract; and (4) certifies that the information submitted in this questionnaire and any attached pages is true, accurate and complete.

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Exhibit K
Key Subcontractor Certification

KEY SUBCONTRACTOR PROFILE			
Business Entity Name:			
Form of Legal Entity:	<input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Other <div style="border-bottom: 1px solid black; width: 150px; margin-top: 5px;"></div>		
State of Incorporation:			
Main Office Address:			
Federal Tax ID #:			
NYS Certifications:	<input type="checkbox"/> Minority-Owned Business <input type="checkbox"/> Enterprise (MBE)	<input type="checkbox"/> Women-Owned Business <input type="checkbox"/> Enterprise (WBE)	<input type="checkbox"/> Small Business Enterprise (SBE)
Name & Title of Contact Person Authorized to represent Offerer in all matters relating to the submission of this Bid Proposal:			
Address:			
Phone:			
Fax:			
E-Mail:			

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Exhibit L:

Escrow Agreement

The New York State Division of Criminal Justice Services (DCJS), at the Alfred E. Smith Office Building, 80 South Swan Street, Albany, New York and «Company Name» (User) at:

(address line 1)

(address line 2)

(City, State and Zip Code)

agree to establish, maintain and debit a fingerprint escrow account, hereinafter called "Account", for the payment of certain services. Both of the foregoing are collectively referred to as the "Parties".

Pursuant to Executive Law §837(8-a) as amended, DCJS shall charge a fee when it conducts a fingerprint-based search of its criminal history records and returns a report thereon in connection with applications for employment, licenses or permits. DCJS adopted 9 NYCRR Part 6051 in its regulations, establishing the fees for conducting a fingerprint-based search of its criminal history records and returning a report thereon, which require that payment for such services shall be made by electronic transfer of funds, postal money order, Western Union, Integrated Payment Systems, bank or American Express or Travelers Express money orders, corporate check, or governmental check, except as otherwise provided by agreement. Electronic transfer is the preferred payment method and arrangements to submit such transfer may be initiated by User. The foregoing payment methods are collectively referred to as "Authorized Instrument."

When User submits fingerprint transactions, DCJS will conduct a search of the criminal history records maintained by it. User has requested the establishment of an Account so that payment may be made in a manner other than by individual

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payment affixed to each submitted card. DCJS agrees to permit payment in a manner other than by individual payment affixed to each submitted transaction under the following terms and conditions:

A. User's Duties

- 1) User agrees to make an initial deposit of \$1,216,000.00, by Authorized Instrument or domestic wire transfer payable to the order of the "New York State Division of Criminal Justice Services", which will be placed into the Account. The User agrees that, based on actual and projected submissions, User will maintain no less than one million two hundred sixteen thousand dollars (\$1,216,000) in this account at all times during the first year of the Contract. Thereafter, DCJS will adjust the minimum escrow balance amount to reflect the average weekly receipt amount of business processed by the vendor. During Contract years two (2) through ten (10), the minimum escrow amount will be adjusted at the time of fee adjustment as indicated in Section 3.10 of this RFP.
- 2) User agrees to replenish funds in the Account sufficient to maintain a one million two hundred sixteen thousand dollars (\$1,216,000) balance during contract year one (1). Such replenishment shall be by Authorized Instrument or domestic wire transfer payable in US Dollars to the order of or on account of the "New York State Division of Criminal Justice Services". If at any time the account reaches a zero or negative balance due to lack of sufficient replenishment of funds, User will be charged an immediate ten thousand dollar (\$10,000) shortfall fee, payable within 5 business days from User's account, Standby Line of Credit, or any other means available to the state.
- 3) During contract years two (2) through ten (10), user agrees to maintain a minimum balance in an amount as calculated in the above sections A.1 and A.2.
- 4) User authorizes DCJS to debit the Account in the amount set forth by Part 6051 of the regulations for each fingerprint card submitted for a fingerprint-based search of DCJS' criminal history records. User agrees that it will only provide the authorization code to those individuals who have been empowered to authorize DCJS to charge the Account.
- 5) User agrees that when requesting DCJS to process a resubmitted fingerprint card that such resubmission shall contain the Resubmit Transaction Indicator established by the NYS Criminal Justice Electronic Biometric Transmission Standard.
- 6) User agrees to provide the Office of Financial Services at DCJS with written notification regarding a change of address or change in the User's name.

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B. DCJS' Duties

1. DCJS agrees to place the funds received pursuant to this Agreement in a state agency account designated by DCJS, which does not bear interest.
2. DCJS agrees to provide User, on a periodic basis, with a statement indicating account activity.
3. DCJS agrees that if a submitted fingerprint transmission is rejected, DCJS will return an electronic rejection including the rejection reason to the User. In all cases, DCJS will retain the original payment and apply it to the processing of the resubmitted fingerprint card.
4. DCJS agrees it will provide User with a unique authorization code. Use of such code by User shall provide the necessary authorization for DCJS to debit the Account.

C. Terms and Cancellation

1. This Agreement may be terminated by either Party by serving a written notice of termination thirty (30) days in advance. In the event of termination, the User shall not make additional submissions to be charged against the Account after the effective date of the termination. DCJS shall provide a final accounting and request the issuance of a check from the Office of the State Comptroller for the balance in the Account as provided by the State Finance Law.
2. This Agreement may be immediately terminated by DCJS if the User engages in any misuse of authority, misrepresentation or conduct that may be deemed detrimental to the State of New York.

D. Miscellaneous

This Agreement sets forth the entire understanding of the Parties with respect to the Account to be established hereunder and may not be altered or amended except in writing signed by the Parties hereto.

By execution of this Letter Agreement by the appropriate officer, we have indicated our acceptance of the above conditions for the Account.

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Please indicate your acceptance by having the appropriate officer execute this document, have signature notarized, and return the original to the attention of Mr. John Clements, Director of the Office of Financial Services, 10th Floor, as part of the Administrative/Financial Proposal package.

BY: _____

TITLE: _____

COMPANY: _____

DATE: _____

FEDERAL ID#: _____

ACKNOWLEDGMENT CLAUSE

State of _____)

ss.:

County of _____)

On the _____ day of _____ in the year _____ before me personally appeared to me known, who, being by me duly sworn, depose and say that she/he is the _____ of the _____, the entity which executed the above instrument; that she/he was authorized by and did execute the same at the direction of said entity and that she/he signed her/his name thereto.

Notary Public

USER INFORMATION

Corporation: _____

Contact Person: _____

Telephone Number: _____ () _____

Fax Number: _____ () _____

Please note that the above-mentioned contact person will be considered as the primary contact for all communications regarding the Account.