Summary of the Request for Information (RFI) Results

Nine participants from the Dept. of Human Services (DHS), one from the Dept. of Health (DOH) and seven from five private organizations attended the RFI meeting held on 7/11/11. Thirteen written responses were received from private organizations. Most of the responses to the RFI notice were not input in the planning and development of the upcoming Request for Proposal (RFP) but in general, questions about the RFP and its requirements, the scope of service, and funding of the contract.

The group discussed the following:

The Background Check will involve four activities:

1. Federal Bureau of Investigation (FBI) Fingerprint Checks;
2. Hawaii State Fingerprint Checks;
3. State Name Checks; and
4. Child Abuse/Neglect (CA/N) and Adult Protective Service Registry (APS) Checks.

Note: Activities 1 & 2 are the same, prints are rolled once and results come out once.

Target Population

Benefit, Employment, and Support Services Division (BESSD) fingerprints licensed child care providers as well as license-exempt child care providers including household members receiving child care subsidies from DHS. Fingerprinting of licensed-exempt providers under the Dept. of Education (DOE) A+ program is completed by DOE, therefore, state name checks and CA/N checks only are required for the A+ program staff.

Within the Social Services Division (SSD) there are two branches, the Child Welfare Services Branch (CWSB) and the Adult and Community Care Services Branch (ACCSB). The ACCSB fingerprints operators, staff and household members of Community Care Foster Family Homes, all employees of Adult Day Care Centers, Respite Companion Program, and all employees and volunteers of the Senior Companion Program, and Foster Grandparent Program. The CWSB fingerprints resource parents who provide foster care of child welfare and foster parents for Child Placing Organizations (CPO) such as Hale Kipa, private adoption parents, staff for the child placing organizations, and child caring institutions serving the Child Welfare Services Branch. The plan is for CWSB to perform all CA/N checks for CWSB only.

Med-Quest Divison (MQD) fingerprints home and community based providers and developmentally disabled providers.

The Dept. of Health (DOH) Office of Health Care Assurance will be responsible in a few years to ensure hospitals conduct background checks for employees. There is Federal

criteria to be met by 2014. Currently, there is a state name check requirement for residential care homes and direct care providers. CA/N checks are not required, not even for facilities for children.

In addition to the criminal history check services above, a review panel is needed for the Adult Protective Community Services Branch of SSD and for MQD for those who request an exemption to the findings. The panel consists of three professional level multi-disciplinary team members. The panel shall include individuals in at least two different professions with backgrounds in criminal justice, legal and/or the therapeutic mental health field. The 3-member panel meets once a month, reviews the background check information and the provider participates in the review. The current turnaround time for a decision is 45 days. For SSD, (specifically ACCSB), the standards state that the provider has 45 days to inform the individual requesting the exemption, in writing, the results of the exemption panel review.

Current Fingerprint /Background Check Process

DHS owns the 10 LiveScan machines that the current vendor is using. Each scanning device has a corresponding portable machine. The portable scanners are mainly used for individuals who are disabled, bed-ridden, or when there are groups of individuals needing to be fingerprinted at remote locations. Six of the LiveScan machines are on Oahu, one on Kona, one on Hilo, one on Kauai and one on Maui. Nine of the scanners are located at the BESSD First To Work units and one at the SSD/CWSB unit. This means that the contracted staff reports to the designated DHS locations to conduct the fingerprinting/background checks and process the results. The current number of staff for all fingerprinting machines and to process/distribute the documents is 21 full-time contracted employees. There are two workers assigned for each of the offices at the Waianae FTW, Central Hilo and CWS offices as these are the offices with the greatest number of individuals needing background checks. There are seven appointment schedulers/processors that are located in the contractor's own office space and a supervisor overseeing all the staff.

The contracted staff is responsible for rolling the fingerprints on the LiveScan machines, retrieving the FBI results from the attached fax printer, conducting the other checks (i.e., CJIS and CA/N), sorting the results by State agency that requires the information, entering the results into the database for BESSD, distributing the results/forms to the appropriate offices, collecting and processing the fees associated with the fingerprinting costs, and making a file folder for each completed fingerprint/background check. The fingerprint results are usually received in a day or two. However, it is the other background checks, the entering of the results in the BESSD database and the manual distribution of the forms to the workers/requestors that may be slowing down the process.

Projected work volume by Division and Background Check Activity

| DIVISION | FBI | CJIS | CAN/APS | EXEMPTION PANEL |
|---|---|---|---|---|
| BESSD | 3500 | 8300 | 8300 | 0 |
| SSD ACCSB | 2250 | 300* | 5000 | 65 |
| SSD CWS | 2172 | 0 | 0 | 0 |
| MQD/DOH | 2500 | 2500 | 2500 | 110 |
| TOTAL | 10422 | 11100 | 15800 | 175 |

*Note: The CJIS name checks for ACCSB will not occur until Fiscal Year 2014 as these are only for the Foster Grandparent Program, Senior Companion Program, and maybe the Respite Companion Program.

Current Fingerrpinting Fees

BESSD - $19.25*
SSD ACCSB - $39.25
SSD CWSB - $19.25*
MQD - $39.25 + $30 administrative fee

*The statute allows for a $20.00 waived fee for child care.

Fees are collected before the individual is fingerprinted. Cashier's checks or money orders are the accepted forms of payment payable to the Hawaii Criminal Justice Data Center. Personal checks, cash, and credit cards are not accepted at this time. The $30.00 administrative fee for Med-Quest is made payable to MQD. There are billing procedures for fingerprinting that are followed by the vendor.

**Questions:**

1. What is the projected date of RFP publication?

   Late-August 2011 or September 2011.

2. What is the contract start date?

   January 1, 2012.

3. What is the length of contract?

   The initial contract is for one and a half years with an option to extend for 3 annual periods. The contract may be extended without the necessity of re-bidding, subject to the appropriation and availability of funds, and the State's determination of satisfactory Contractor performance.

4. Who may submit a proposal?

   The applicant must be in compliance with all applicable Hawaii state business and employment laws. Providers must be registered and in good standing with the Dept. of Commerce and Consumer Affairs, Business Registration Division. In addition, the contractor is required to submit a tax clearance certificate issued by the Hawaii State Department of Taxation and the Internal Revenue Service.

5. Are there multiple profiles in the database or sharing among the different Divisions?

   Currently, contracted and/or BESSD workers enter FBI federal and state fingerprint results, state name checks, and CA/N results into the Hawaii Automated Network of Assistance (HANA). Workers are able to see if an individual has been fingerprinted or cleared before, but the information in the HANA system is not shared with any other Division. However, there is an agreement to share fingerprint results between the SSD Foster Home Certification Unit and the BESSD Child Care Licensing Unit as the provider may be dually licensed.

6. Is turn around time to conduct the background checks the same?

   All checks that are required by each program are to be conducted before it's deemed complete. In addition, BESSD requires the background checks results to be entered in the HANA system.

7. Is the scope of service different for each Division?

   The work involved in conducting criminal history record checks is essentially of a clerical nature. The Contractor selected to provide the services shall recruit, hire, guide and supervise the necessary staff to operate this project. Scheduling of appointments should be the same for all agencies/offices but the type of checks required for each agency/office are different and whether an exemption panel review is needed or not. Frequency of checks would also vary by agency/office. A matrix of what background check is required for each agency/office will be made available for the Vendor. The Vendor should have a way to track all the clearances conducted.

8. Would the Department consider collaborating with a vendor to develop a new system?

   Sharing of the system within the Department will not work as the programs' requirements are all different. The Department will attempt to standardize the process across the Divisions when it can but because of statutes and regulations, this is difficult. Also, a new system would require additional funding. Due to budget constraints, this is not possible at this time.

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9. Is the burden placed on the Department to seek what type of clearance is required for each Division or the applicant's burden?

   It is the Department's responsibility to define what types of background checks are required but the Vendor would need to review the forms carefully. This is to ensure that the correct forms are completed for the various agencies/offices.

**Issues:**

1. Untimely Processing of Clearances

   The turn around time requirement to process the background check clearances in the current contract is 30 days. This timeframe must be shortened as our Child Care subsidy administrative rule states that the child care application must have a disposition within 30 days. BESSD would like a 10 to 14-calendar day turn around time instead. DHS would like to have a vendor who can make the process of returning clearance results faster. There are sufficient fingerprinting machines but the backlog may be due to the volume of clearances.

2. Lack of Storage Space for Criminal Record Files

   Criminal file records are currently stored at various BESSD and SSD offices as well as with the current vendor. BESSD has had to shred old records due to lack of space. DHS would like to have a vendor who is able to scan, archive and also able to better track all the requests that are submitted for background checks.

3. Consent Forms

   There are different requirements for each program which can be confusing as far as invoicing as well as data reporting. There are issues with the consent forms as MQD and SSD share forms. This has led to confusion, inaccurate data, and inaccurate invoicing. Plans are in place for each Division or program to have their own consent form to better capture data for statistical reporting as well as for invoicing purposes.

4. Funding

   Like in many other states, Hawaii faces significant budget constraints. BESSD is considering making this fingerprinting and background check service a no-cost contract for BESSD. BESSD would like to assess a fee for any provider that needs one. However, this may require a statutory change.

The cost reimbursement pricing structure is currently used. It reflects a purchase arrangement in which the State pays the contractor for the budgeted costs that are actually incurred in delivering the services specified in the contract, up to the stated maximum obligation. The Department may consider changing the pricing structure and make this contract a fee-for-service.

The current contract funding is a little over $1.4 million dollars. The projected background checks are expected to decrease significantly (by 50%), therefore, the funding will more than likely reduce by **at least** 20%-25%.

5. Security or Privacy Requirements

   All criminal record files shall be kept in a locked cabinet separate from the child care licensing records. There must be limited access to the criminal records. The records obtained must be used solely for the purpose requested and cannot be disseminated outside of the receiving departments, related agencies or other authorized entities. The agency must maintain a system of records which establishes appropriate administrative, technical, and physical safeguards to ensure the security and confidentiality of the records. The same rules apply if the files are stored electronically. The contractor acts as an agent of the State and is bound by all applicable Federal and State regulations that State agencies must follow.

**Comments/Suggestions by participants in preparing the upcoming RFP**

1. Collaboration among Divisions would help to organize and assist the vendor with one system.

2. Reduce the number of documents/forms: i.e. DHS Forms 948, 918, 1465, 1507, and 1673.

3. In addition to conducting criminal history search, some private agencies recommended to also conduct other types of checks including Employment and Reference Verifications, Social Security Number Verifications, State Sex Offender Registry Screen, Motor Vehicle Record Review, drug testing, Office of Foreign Assets Control Search, Professional License checks, and Fraud and Abuse Control Information Search/Office of the Inspector General Exclusions List Search. To perform additional types of background checks may not be possible without statutory change.

4. Procure two services and award two separate contracts, one for the technical/IT portion and another for the clerical portion.

5. Contract with a vendor who is able to provide and maintain all the equipment to cut costs due to budget constraints.

6. Distinguish between electronic "capture" or "collection" of fingerprints, and electronic "transmission" or "submission" of fingerprints as these are very different processes. The confusion of the two may preclude use of modern ink methods which could still be used with success. The ink method may have to be maintained for remote areas, i.e. Molokai & Lanai where there is no LiveScan machine.

7. Daily reporting to DHS was recommended to enable for the monitoring and accountability of the screened applicants.

8. "Bundled" type approach instead of á la carte type background screening was recommended to control costs of the program.