

**New York State Division of Probation and Correctional Alternatives  
Provision of Ignition Interlock Services  
In New York State**

**Request for Applications Questions and Answers**

Following are responses to questions asked by manufacturers regarding New York State's Ignition Interlock Program Request for Applications.

**Q. 1.** The actual application is in "word." Therefore, I am able to answer the "yes" and "no" questions on the actual application. That being said, I am not able to expand our answers in most cases. For example, on the application itself, I am able to expand on question #1, but on question #2, 3, 7 etc. where I could at least state, "See Attachment 7" I am unable to insert any input. Do you want us to expand on a separate word document or simply answer the "yes" and "no" questions on the word application?

**A. 1.** DPCA intends the application process to be simple. On those questions with an expanding text box we would expect narrative answers. On questions with Yes or No check boxes, we are only expecting one of those boxes to be checked, with no additional narrative answers required at this time.

**Q. 2.** Am I to include BOTH the RFA and the Application in our response?

**A. 2.** No. The RFA is the guiding document to complete the application provided. Only the application and attachments required therein should be submitted.

**Q. 3.** Section 59.10 (a) – We assume this applies to any new devices and not to devices that have already achieved certification (and may be in use in New York) through DOH. Is this an accurate assumption? If not, will those previously certified devices need to go through the entire process as defined in 59.10?

**A.3.** This question pertains to the New York State Department of Health's Emergency Regulations and should be submitted to the Department of Health.

**Q.4.** In several subsections, references are made to "operational modifications". The most common modification made to interlock devices is in the device firmware (or software). In some cases, there are modifications made as a result of a request by a particular jurisdiction or state. In our case, all states and jurisdictions are handled with one version of firmware. Making any such changes would not necessarily have an operational impact on the device in terms of how it functions in the State of New York (unless the request is made by your authorities). Is it possible to provide additional clarification as to what constitutes an "operational modification"?

**A.4.** This question pertains to the New York State Department of Health's Emergency Regulations and should be submitted to the Department of Health.

**Q.5.** When a modification is made, will there be a standard request/reporting format we will utilize to gain approval?

**A.5.** This question pertains to the New York State Department of Health's Emergency Regulations and should be submitted to the Department of Health.

**Q.6.** Regarding certification of \*\*\*\*\*'s Interlock device. Per 59.10, does the application we submit on May 12<sup>th</sup> certify our device or do we need to provide our device to a testing laboratory per section (b)?

**A.6.** The application filed with DPCA on May 12<sup>th</sup> will not certify a device. DPCA does not certify devices. The New York State Department of Health statutorily has authority to certify devices. Device certification is a separate process achieved through compliance with the New York State Department of Health's Rules and Regulations. DPCA qualifies manufacturers based in part on the Department of Health certification of their device(s).

**Q.7.** Will a process be established to evenly distribute the number of indigent cases, where the cost of the device/service is to be absorbed by the vendor, to ensure the financial burden is spread across the vendor community?

**A.7.** Yes. DPCA Rule Section 358.4(d)(3) requires every county and the City of New York to establish an equitable procedure for manufacturers to provide ignition interlock devices without cost where an operator has been determined financially unable to afford the costs and has received a waiver from the sentencing court.

**Q.8.** Whereas the state estimates the volume of indigent cases to be 10% of the total, are the vendors able to decline cases if the actual percentage exceeds 10%?

**A.8.** No. However, DPCA Rule Section 358.5(b)(2) provides for a rate adjustment review six months after implementation on August 15, 2010 and then annually thereafter.

**Q.9.** I've heard that 24 counties in the state have made official requests to the Governor's Office for a 2 year delay in implementing Leandra's Law. Is that true and if so, will we be informed of the response before our applications are due May 12 as the outcome could have a material impact on the program?

**A.9.** Some counties have made requests to delay implementation of the ignition interlock provisions of Leandra's Law. At this time there is no indication that the law will not take effect as scheduled. DPCA will notify manufacturers should this occur.

**Q.10.** Given that individuals permitted to receive interlocks, if deemed indigent, will have not provided a security deposit of any kind and therefore have no financial exposure, what assurance can the state provide vendors that said equipment will be returned and in good working condition?

**A.10.** This should be addressed in the agreement between the manufacturer and the operator.

**Q.11.** Section 358.5 (a) (1) says that we are free to apply to conduct business in any or all of the four (4) regions of New York state as an authorized manufacturer. Is that correct?

**A.11.** Yes.

**Q.12.** Does anything in the above section preclude us from applying in less than all four regions at the outset, and then adding more regions as the contract period progresses?

**A.12.** No. Expansion of business into other regions will require an application, DPCA approval and a contract modification.

**Q.13.** Conversely, does anything in section 358.6 prohibit us from applying for all four (4) regions, and being approved, at the outset, and then withdrawing at some later date from any of the four regions, if we cannot fulfill our obligations, without losing our approval in the other regions we want to remain active in?

**A.13.** A qualified manufacturer will enter into a three year contract with DPCA with respect to service delivery. DPCA would need to agree to any change in the contract requirements prior to any changes taking place and a new modified contract would need to be developed. Manufacturers failing to abide by the contractual agreement are subject to being revoked as a qualified manufacturer (See DPCA Rule Section 358.6(a)(14)).

**Q.14.** Is it the manufacturer's responsibility to provide a servicing location in each county or simply provide servicing locations within a 50 mile radius state wide.

**A.14.** DPCA Rule Section 358.5(c)(4) requires the qualified manufacturer to "service" every county within the region in which they are qualified and to ensure that there shall be an installation/service provider with 50 miles from the operator's residence or location where the vehicle is parked or garaged. If the 50 mile radius requirement can be met without locating an installation/service provider in a given county, that would satisfy the rule requirement.

**Q.15.** DPCA rules require that "Installers/Service Providers will comply with the following requirements: screen vehicles and electrical conditions that would interfere with the functioning of the device, such as low battery or alternator voltage, defective horn, un-tuned engine, and frequent stalling. In order to perform some of these tasks, such as checking alternator voltage, un-tuned engines and frequent stalling, would take a skilled mechanic that had the proper equipment and knowledge in order to troubleshoot these problems. However 12 Aftermarket Installers can check basic horn functions, by simply blowing the horn and listen to its range. As far as low battery operation there are inexpensive easy to use meters they can use, and most do. To the best of my knowledge and experience most of the Installation Centers utilize the services of 12 Volt Automotive Aftermarket Installers to install and service Interlocks. These technicians are generally not mechanics. Albeit, you may find a couple here and there, but for the most part this does not apply. It takes specialized equipment and training to operate this diagnostic equipment, and Aftermarket Installers just do not do this type of work. So unless a Service Provider utilizes solely, garages, service stations, registered automotive repair shops or car dealers, they simply cannot check yes on this question.

**A.15.** This requirement has existed in New York State prior to the new DPCA rules and was embodied in the former NYS Department of Health Rule 10 NYCRR Section 59.12(c)(8)(i). DPCA interprets the screening of vehicles to be a lesser standard than diagnostic testing. Installers need to ensure the ignition interlock device will work properly in any car in which it is installed.

**Q. 16.** At the bottom of page 40 of the RFP (Exhibit 4) it requests that a copy of our audited financial statements be submitted to DPCA. Should that be included in the 1 original and 5 copies of the RFA response, or could we send the financial information under separate cover to you?

**A.16.** This information should be included as part of the 1 original and 5 copies RFA Response. If you are concerned about the confidentiality of a document, mark it confidential and DPCA will take that under advisement.

**Q.17.** Are we allowed to add new devices as they become available during the term of the contract by submitting additional Attachment A's and any other required supporting materials?

**A.17.** To add a new device the manufacturer would need to first obtain New York State Department of Health Certification for the device. Once obtained, the manufacturer can then file an application with DPCA to utilize the device in any region(s) in which it is qualified to operate.