



## Vendors

This Fact Sheet explains how to evaluate vendors in order to determine if a vendor's product meets the requirements for the National Service Criminal History Check and whether approval for an Alternative Search Procedure (ASP) is required.

Vendor products may address all or some of the components of the National Service Criminal History Check. If the vendor's product deviates from the National Service Criminal History Check procedures, an ASP is required. If you are unclear about the requirements or whether use of the vendor's product requires an ASP, please contact: CriminalHistoryCheckQuestions@cns.gov.

### **I. Evaluate your Vendor's product as follows:**

1. NSOPW
  - a. Does the vendor access the NSOPW website (nsopw.gov) and conduct a nationwide search?
    - Does the vendor have a process for ensuring that if a link between the NSOPW and the state, tribe, or territory is temporarily down, that a result is not returned to you before the NSOPW check returns results from all states, tribes, and territories?
  - b. Does the vendor enter the individual's name?
  - c. Does the vendor compare a government-issued photo ID of the individual with the photos generated as a result of the search?
  - d. Does the vendor provide a dated screenshot of the results screen to you for your files?
2. State Criminal History Check Components
  - a. Does the vendor obtain state criminal history information from the CNCS designated source <sup>1</sup>in every state?
    - Is the vendor's access to information shorter than the timeframe for which you could obtain information if your organization did not use a vendor? (For example if the vendor limits the data pull to 7 years or any other restricted amount.)
    - Will the vendor provide you with the actual results returned to it by the designated source for your organization to adjudicate?
3. FBI Fingerprint National Criminal Background Check Component
  - a. Does the vendor submit fingerprints to the FBI through a CNCS designated source?
  - b. Will the vendor provide you with the actual results returned to it by the designated source for your organization to adjudicate?
4. General Information
  - a. Does the vendor maintain records for the timeframe required under the grant?

If you answer No to any of the questions above, an ASP is required in order to use the vendor's product.

Please see the next page for information on requesting an ASP.

<sup>1</sup> <http://www.nationalserviceresources.org/files/table-of-designated-state-repositories-and-alternatives-05-07-12.pdf>



**II. Requesting an Alternative Search Procedure to use a Vendor's Search Product:**

Download [<http://www.nationalserviceresources.org/files/asp-request-guidance-8-16-12.pdf>].

Email your completed request to [ASPRequests@cns.gov](mailto:ASPRequests@cns.gov) and copy your Program and Grants Officers. If you are a subgrantee, submit your request to your sponsoring prime grantee.

A vendor's product may be approved as a substantially-equivalent process; however, you must provide the information necessary for CNCS to be able to make this determination. Please include supporting documentation on any technical claims made.

In requesting an ASP, you must identify and explain how the vendor's search product differs from the process required by CNCS. Understand the details of the vendor's product you would like to purchase so that you're able to make a well-supported request. Support your assertions with documentation.

Address each National Service Criminal History Check requirement where the vendor's product differs from what is required by the regulation. Provide information applicable to your request:

- a. Explain why you cannot access the repository (if applicable).
- b. Identify the check components for which you propose to use a vendor's product.
- c. Identify from what source the vendor obtains data to provide results for each component.
- d. Explain, in detail, the scope and limitations of data obtained from the source.
- e. Describe what kind of data is provided and whether it is directly obtained (real time or extracted on a schedule), or if they purchase data from a third parties, who and on what schedule.
- f. Describe the step-by-step procedures used by the vendor to perform a check.
- g. Identify whether or not a vendor can determine an individual is registered or required to be registered on a sex offender registry and/or has a murder conviction.
- h. If the search product is a county search product, identify the percentage of counties the product covers in a given state.
- i. Identify whether the vendor will provide you the results or adjudicate the results for you based on criteria for eligibility. If the vendor is only giving you a clearance letter and you do not review the actual results in order to choose the candidate you need a written agreement in place with the vendor.
- j. If you are requesting that the vendor, rather than your organization is responsible for maintaining records, confirm that the vendor keeps records as long as required under the grant.

Please note that Social Security searches, Credit reports, Motor Vehicle reports and other common vendor offerings are not relevant to the National Service Criminal History Check. Your organization may choose to purchase these options for other reasons. Subject to state and federal civil rights and nondiscrimination laws, your organization has the discretion to identify additional eligibility criteria based on other offenses.

For the states in which your program is precluded by State law to access the designated State repository please submit an opinion from the Attorney General or your legal counsel explaining the preclusion and the applicability to your program. Please include a rejection letter from the repository as part of your ASP request.

If you have questions regarding these instructions or the requirements, contact your Program Officer.