

NCCSD State Systems Lessons Learned Webinars
Procurement Session 10/15/2021

Kansas: “Lesson Learned” regarding Systems Contractors and the relatively new IRS Pub 1075 background check requirements:

Our lesson learned was that the time frame for IRS compliant background checks to be completed by the system vendors needs to be extremely clear in the contracts. Our expectation for state staff is that they must have successful background checks completed before they walk in the door to begin work. In our contract discussion with our first system vendor, we did not make it clear this was also the timeframe expectation for them - ideally there should be time for background checks to complete *prior* to the kickoff.

I would recommend that every state understand their specific background check process and requirements to decide what their particular date/compliance period for the contractors may be.

We remedied the understanding in our discussions with subsequent systems vendors with the following language inserted into our most recent contract. (We also attached the specific section from the IRS Publication 1075 as an amendment.)

Contractor agrees that any contractor staff (employees or contracted) must meet the background check requirements as set forth in IRS Publication 1075 and amendments thereto and (Agency) Personnel Policy and amendments thereto PRIOR to beginning any work on the contract and that their background checks and security training will remain in compliance with the provision during the contract.

Contractor agrees to complete the pre-work deliverable titled “(Vendor) Staff Background Check Complete” by supplying the following security clearance items no later than 30 days of contract acceptance for each contractor staff:

- *Submission of FBI standard fingerprint card with reason code “XXX (this is a process we have developed with KBI)” and “xxx” to (Kansas prints are processed through our statewide bureau);*
- *Submission of Waiver Agreement and FBI Privacy Act Statement completed by fingerprinting agency to Business Project Director;*
- *Completing Annual Security Awareness Training and submitting the documentation timely; and,*
- *Results recorded in the attached excel file “Completed (vendor) Fingerprint Log”;*
and,
- *Replacing any staff that do not pass the background check process.*

Note that we made the Background Check requirement a specific deliverable so that the Project Managers could more easily track progress and completion.

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