



CENTRAL TEXAS REGIONAL
MOBILITY AUTHORITY

October 30, 2024
AGENDA ITEM #9

Discuss and consider approving a contract with Penn Credit Corporation to provide process servers to support the Mobility Authority's Habitual Violator Program

Strategic Plan Relevance:	Stewardship
Department:	Operations
Contact:	Tracie Brown, Director of Operations
Associated Costs:	Not to Exceed \$150,000
Funding Source:	FY25 Operations Operating Budget
Action Requested:	Approve a contract with Penn Credit to provide Unpaid Tolls Enforcement Processing Services

Project Background / Description: The Central Texas Regional Mobility Authority invited bids to provide processing services for unpaid tolls to support the Mobility Authority's toll violation enforcement program. These services include the identification and location of registered vehicle owners, serving a Notice of Intent to Impound to these vehicle owners, and providing a sworn declaration to the Authority that the Notice was served.

Section 372.112 of the Texas Transportation Code authorizes the impoundment of motor vehicles observed by a peace officer to be operated in violation of a Prohibition Order. Impoundment can only be enforced if personal notice is given to the registered owner of the vehicle stating the toll project entity's intent to have the vehicle impounded on a second or subsequent violation of Section 372.110(a). The notice can be provided at the time of an appeals hearing under Section 372.107; at the time of the previous traffic stop involving a violation of Section 372.110(a); or by personal service.

Previous Actions & Brief History of the Program/Project: The Mobility Authority has taken steps to capture traffic stop information related to vehicles stops on roadways in violation of the Prohibition Notice. Based on the Texas Transportation Code and data

available, the Mobility Authority is able to determine vehicles owners that are eligible to be served and as a result, impounded.

Current Action: The Mobility Authority prepared the Invitation to Bid (ITB) for Unpaid Tolls Enforcement Processing Services. The ITB included information about requirements, certifications, and preferences. The selected vendor must be certified by the Texas Judicial Branch Certification Commission and eligible to serve notices in Bastrop, Bell, Burnet, Hays, Travis, and Williamson counties. The Authority sought pricing for up to three (3) personal service attempts for identified registered passenger vehicle owners and up to five (5) attempts for vehicles registered to commercial entities. The selected vendor will be required to submit a sworn Declaration confirming delivery of the impound notice or provide information if the service attempt is unsuccessful.

The ITB was provided to five (5) vendors for response. Two updates were made to the ITB, and one clarification email was provided to proposers

- 7/12/2024 – ITB v1.0 sent via email to proposers
- 8/15/2024 – ITB v1.1 with updated due date and simplified response form.
- 8/20/2024 – ITB v1.2 with updated due date
- 8/23/2024 – Clarifications sent via email

One response was received from Penn Credit, listing Sparre Processing as a subcontractor. All expectations of the invitation to bid were met with the response.

The initial term for these services is one (1) year and may be extended for one additional 1-year renewal. The contract's total not to exceed value is \$150,000.

Financing: FY25 Operating Budget

Action Requested/Staff Recommendation: Staff recommends approving a contract with Penn Credit to provide unpaid tolls enforcement processing service to support CTRMA's toll violation enforcement program.

Backup provided: Draft Resolution
CTRMA Process Services ITB v1.2
CTRMA Process Services ITB v1.1 Exhibits

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 24-0XX

**APPROVE AN AGREEMENT WITH PENN CREDIT TO PROVIDE PROCESS
SERVERS TO SUPPORT THE MOBILITY AUTHORITY'S HABITUAL VIOLATOR
PROGRAM**

WHEREAS, Section 372.112 of the Texas Transportation Code authorizes the Mobility Authority to impound motor vehicles observed by a peace officer to be operated in violation of a prohibition order issued by the Mobility Authority as part of the Mobility Authority's Habitual Violator Program; and

WHEREAS, the Mobility Authority requires process servers to serve personal notice to the registered owner of a vehicle of the Mobility Authority's intent to have a vehicle impounded, as required under Section 372.112 of the Texas Transportation Code; and

WHEREAS, the Mobility Authority extended an invitation to bid ("ITB") to five (5) qualified firms to provide process servers to support the Mobility Authority's Habitual Violator Program; and

WHEREAS, the Mobility Authority received one (1) response to the ITB from Penn Credit Corporation ("Penn Credit"); and

WHEREAS, the response was reviewed by the Executive Director and staff, and all expectations of the ITB were met with the response; and

WHEREAS, the Executive Director recommends that the Board of Directors approve an agreement with Penn Credit to provide process servers to support the Mobility Authority's Habitual Violator Program for an initial term of one (1) year with an optional one (1) year extension, and a not to exceed amount of \$150,000, in the form or substantially the same form as set forth in Exhibit A attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby approves the agreement with Penn Credit to provide process servers to support the Mobility Authority's Habitual Violator Program for an initial term of one (1) year with an optional one (1) year extension, and a not to exceed amount of \$150,000 in the form or substantially the same form as set forth in Exhibit A attached hereto; and

BE IT FURTHER RESOLVED that the Executive Director is authorized to execute the agreement with Penn Credit on behalf of the Mobility Authority.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 30th day of October 2024.

Submitted and reviewed by:

Approved:

James M. Bass
Executive Director

Robert W. Jenkins, Jr.
Chairman, Board of Directors

Exhibit A



Central Texas Regional Mobility Authority

Invitation to Bid for Unpaid Tolls Enforcement Processing Services

Procurement Executive Summary

CTRMA and AtkinsRéalis prepared the Invitation to Bid (ITB) from qualified Contractors to provide processing services to support CTRMA's toll violation enforcement program. These services include the identification and location of registered vehicle owners, serving a *Notice of Intent to Impound* to these vehicle owners, and providing a sworn declaration to the Authority that the *Notice* was served.

The initial term for these services is one (1) year and may be extended for one additional 1-year renewal. The maximum contract value is \$150,000 annually.

Information provided in the ITB

- Contractor will be required to submit a sworn Declaration confirming delivery of the impound notice or provide information if the service attempt is unsuccessful. A sample Process Server Declaration was included in the ITB.
- Contractor must be certified by the Texas Judicial Branch Certification Commission and eligible to serve notices in Bastrop, Bell, Burnet, Hays, Travis, and Williamson counties.
- Preference is given to firms who can receive notices and submit delivery confirmation and status updates electronically. A copy of CTRMA's Impoundment Remedy Workflow was included with the ITB.

Requested Responses from Proposers

- Letter from proposer confirming their understanding of the request and confirmation of their ability to deliver.
- Company profile information (form with specific questions)
- Bid Tabulation Sheet (form to complete)
 - Unit cost for up to three (3) personal service attempts of CTRMA's Notice of Intent to Impound for identified registered passenger vehicle owners
 - Unit cost for each additional registered passenger vehicle owner attempt
 - Unit cost for up to five (5) personal service attempts of CTRMA's Notice of Intent to Impound for identified registered commercial vehicle owners
 - Unit cost for each additional registered commercial vehicle owner attempt
- Signed Conflict of Interest Form

Schedule Two updates were made to the ITB, and one clarification email was provided to proposers of Events

- 7/12/2024 – ITB v1.0 sent to three vendors
- 8/15/2024 – ITB V1.1 sent to four vendors with Updated updated due date and simplified response form
- 8/20/2024 – ITB V1.2 sent to five vendors with Updated due date
- 8/23/2024 – Clarification meeting held with Penn Credit to hear their questions
- 8/23/2024 – Clarifications sent to five vendors via email
- 9/5/2024 – Due date for responses



One response was received from Penn Credit, listing Sparre Processing as a subcontractor. All expectations of the proposers were met with the response.

Procurement Order of Events

7/12/2024	Extension of Invitation to Bid sent to three proposers: <ul style="list-style-type: none">▪ Austin Process LLC▪ Professional Civil Process▪ Sparre Process Serving, LLC▪ Professional Civil Process Bid Proposal Packages Due Date – 8/13/2024
7/19/2024	Sparre Process Serving sent pricing via email, but will not formally respond.
7/26/2024	Last Day to Receive Questions; no questions received
8/13/2024	Bid Proposal Packages Due; no responses received.
8/15/2024	Updated ITB Documents <ul style="list-style-type: none">▪ CTRMA Process Services ITB v1.1.pdf<ul style="list-style-type: none">○ Updated Bid Proposal Packages Due Date – 8/22/2024▪ CTRMA Process Services ITB v1.1 Exhibits.docx<ul style="list-style-type: none">○ Simplified response forms Emailed updated ITB v1.1 documents: <ul style="list-style-type: none">▪ Emailed to original three proposers▪ ITB also sent to Penn Credit
8/19/2024	Penn Credit requested a clarification phone call; scheduled for 8/23/2024. <u>Emailed updated ITB v1.1 documents:</u> <ul style="list-style-type: none">▪ ITB sent to Wyatt Process Service
8/20/2024	Updated ITB Documents sent to all proposers <ul style="list-style-type: none">▪ CTRMA Process Services ITB v1.2.pdf<ul style="list-style-type: none">○ Updated Bid Proposal Packages Due Date – 9/9/2024
8/23/2024	Clarification phone call held with Penn Credit <ul style="list-style-type: none">▪ Clarification Email sent to all proposers
9/9/2024	Bid Proposal Packages Due – one response received from Penn Credit



Penn Credit Bid Tabulation Sheet

DESCRIPTION	UNIT COST
Up to three (3) personal service attempts of CTRMA's <i>Notice of Intent to Impound</i> for identified registered passenger vehicle owners	Service in Travis/Williamson Counties: \$95.00 Service in all other Texas Counties: \$135.00
Each additional registered passenger vehicle owner attempt	Service in Travis/Williamson Counties: \$35.00 Service in all other Texas Counties: \$50.00
Up to five (5) personal service attempts of CTRMA's <i>Notice of Intent to Impound</i> for identified registered commercial vehicle owners	Service in Travis/Williamson Counties: - First 3 attempts: \$95.00 - Attempts 4 & 5 are \$35.00 each Service in all other Texas Counties: - First 3 attempts: \$135.00 - Attempts 4 & 5 are \$50.00 each
Each additional registered commercial vehicle owner attempt	Service in Travis/Williamson Counties: \$35.00 Service in all other Texas Counties: \$50.00

	Travis / Williamson County		Other Counties Service	
	Passenger Vehicle	Commercial Vehicle	Passenger Vehicle	Commercial Vehicle
TOTAL	\$285.00	\$355.00	\$405.00	\$505.00
1st Attempt	\$95.00	\$95.00	\$135.00	\$135.00
2nd Attempt	\$95.00	\$95.00	\$135.00	\$135.00
3rd Attempt	\$95.00	\$95.00	\$135.00	\$135.00
4th Attempt	\$35.00	\$35.00	\$50.00	\$50.00
5th Attempt	\$35.00	\$35.00	\$50.00	\$50.00
6th Attempt	\$35.00	\$35.00	\$50.00	\$50.00
All after 6	\$35.00	\$35.00	\$50.00	\$50.00

	3 attempts	5 attempts	3 attempts	5 attempts
95 vehicles	\$27,075.00	\$33,725.00	\$38,475.00	\$47,975.00

380 Estimated number of vehicles
 1,520 Estimated number of attempts
 \$147,250.00 Estimated Total Cost

PennCredit

2800 Commerce Drive, Harrisburg, PA 17110
www.penncredit.com
800.800.3328

INVITATION TO BID (ITB)

UNPAID TOLLS ENFORCEMENT PROCESSING SERVICES

Respectfully submitted to:

Tracie Brown, Director of Operations
Central Texas Regional Mobility Authority
3300 N IH-35, Suite 300
Austin, TX 78705



CENTRAL TEXAS REGIONAL
MOBILITY AUTHORITY

PennCredit

2800 Commerce Drive • Harrisburg, PA 17110

September 5, 2024

Central Texas Regional Mobility Authority
Attention: Tracie Brown, Director of Operations
3300 N IH-35, Suite 300
Austin, Texas 78705

Subject: ITB Unpaid Toll Enforcement Processing Services

Dear Ms. Brown:

Having carefully examined the Bid Scope, of the above subject project, as well as the premises and the conditions affecting the work, the undersigned proposes to furnish all labor and materials called for and equipment necessary and to accomplish the entire work within the time period indicated in accordance with the said documents for the prices presented in the price schedules included on the attached Bid Tabulation Sheet.

The undersigned firm agrees to keep this offer open for acceptance for sixty (60) days after the date of the Bid Proposal Package opening. The signer of this Proposal hereby declares that the only person, persons, company, or parties interested in this Bid Proposal Package as principals are named herein, that this Bid Proposal Package is made without connection with any other person, persons, company, or parties submitting a proposal; and that it is in all respects fair and in good faith, without collusion or fraud.



Thomas Foley, Jr.
Chief Executive Officer

9/5/24

Date



CENTRAL TEXAS REGIONAL
MOBILITY AUTHORITY

EXHIBIT D: CONFLICT OF INTEREST DISCLOSURE STATEMENT

This Disclosure Statement outlines potential conflicts of interest because of a previous or current business relationship between the undersigned individual (and/or the firm for which the individual works) and an individual or firm submitting a Qualification Statement or otherwise under consideration for a contract associated with the CTRMA Process Services Procurement.

Section I of this Disclosure Statement Form describes the potential conflicts of interest.

Section II of this Disclosure Statement Form describes the Respondent's management plan for dealing with potential conflicts of interest as described in Section I of this form.

This Disclosure Statement is being submitted in compliance with the Central Texas Regional Mobility Authority's Conflict of Interest Policy for Consultants. The undersigned acknowledges that approval of the proposed management plan is within the sole discretion of the Central Texas Regional Mobility Authority.

SECTION I. Description of Potential Conflicts of Interest.

Penn Credit is not aware of any potential conflicts of interests in our bid to provide Process Services.

SECTION II. Management Plan for Dealing with Potential Conflicts of Interest.

Not applicable

SIGNED:  DATE: September 5th, 2024

PRINTED NAME AND TITLE: Thomas Foley, Jr, Chief Executive Officer

REPRESENTING: Penn Credit Corporation

SECTION III. APPROVED BY THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY

SIGNED: _____ DATE: _____

NAME AND TITLE: _____



CENTRAL TEXAS REGIONAL
MOBILITY AUTHORITY

EXHIBIT B: COMPANY PROFILE AND SERVICE PLAN

REQUESTED INFORMATION	RESPONSE
Respondents Firm Name	Penn Credit Corporation
Firm Mailing Address	2800 Commerce Drive, Harrisburg, PA 17110
Firm Email Address	www.PennCredit.com
Primary Contact Telephone Number	888-801-4602
Primary Contact Fax Number	717-238-8441
Number of Years in Business	37 years
Major Business Lines/Markets Served	<p>Penn Credit is a leading provider of debt collection services for toll road Pay-By-Mail invoices, toll violations and toll road property damage as well as DMV registered owner skip tracing services to toll agencies throughout the country. In addition to the tolling industry, Penn Credit provides debt collection services to State, county and local governments, courts, utilities and healthcare entities. Our first-party division, Penn Billing, also provides a range of customer contact and billing solutions.</p> <p>For this opportunity, Penn Credit is proposing as a subcontractor, Sparre Process Serving, LLC (Sparre). Based in Austin (TX), Sparre's primary business line is process serving; they also offer mobile notary services.</p>
Company History	<p>Penn Credit was established in 1987 and has been providing services to the tolling industry since 1998. As a subcontractor on CTRMA's Pay-By-Mail contract with ViaPlus, Penn Credit has been providing DMV registered owner skip tracing services since late 2018 and debt</p>

	<p>collection services for delinquent Pay-By-Mail toll invoices since April 2019.</p> <p>Sparre Process Serving was founded in Austin in 2008 by Corin Sparre and has grown organically throughout the past 16 years. Their commitment to reliability, effectiveness, and superior customer service has generated a word-of-mouth campaign that has become their most valuable and effective means of advertising. Today, the firm operates not only in the Austin metro area but throughout the country.</p>
Relevant Operating Segments	<p>Penn Credit provides third party debt collection services, first party collection and contact center services (in the name of our client) as well as DMV registered owner skip tracing.</p> <p>Sparre provides process serving as well as mobile notary services.</p>
Office Locations	<p><i>Penn Credit Headquarters:</i> 2800 Commerce Dr., Harrisburg, PA 17110</p> <p><i>Sparre Process Serving Headquarters:</i> 500 E. 4th St., #143, Austin, TX 78701</p>
Any Joint Venture Partners	Penn Credit is not proposing a joint venture.
List of specific officers who are authorized to execute agreements on behalf of the Respondent	Richard Templin (President) and Thomas Foley, Jr. (CEO) are authorized to executive agreements on behalf of Penn Credit.
Confirmation of counties eligible to serve notices as certified by the Texas Judicial Branch Certification Commission	<p><i>Please answer Yes or No to each:</i></p> <p>Bastrop County - Yes Bell County - Yes Burnet County - Yes Hays County - Yes Travis County - Yes Williamson County - Yes</p> <p><i>Please list other areas eligible to serve:</i></p> <p>Sparre is able to provide process services throughout Texas and if needed, nationally. Sparre and all of its servers are certified with the Texas Judicial Branch Certification Commission.</p>

<p>Respondent's understanding of CTRMA's intent and objectives.</p>	<p>Penn Credit is knowledgeable of CTRMA's habitual violator program and the need to collect tolls from all motorists, particularly those who incur a high number of tolls on a regular basis. One of the enforcement options available to CTRMA is to impound a vehicle that continues to drive on CTRMA facilities without payment. For this to occur, personal notice must be given to the habitual violator either by a peace officer during a vehicle stop or by process service.</p> <p>CTRMA's intent through this ITB is to procure a process service and have the selected vendor establish an efficient/accurate exchange of data with CTRMA's Pay-By-Mail vendor, ViaPlus. This will include receiving details for the habitual violator to be served and receive back from the selected vendor, result of the process service and affidavit of service.</p>
<p>Respondent's plan to achieve objectives.</p>	<p>Penn Credit will establish an efficient exchange of data with ViaPlus following Attachment D:</p> <ul style="list-style-type: none"> - Receive letter records from ViaPlus and Penn Credit will then create the letters to be served as a PDF. - PDF letters for process service will be electronically submitted to our proposed Austin based subcontractor, Sparre Process Serving. - Process service attempts will be made in accordance with CTRMA requirements (e.g. 3 attempts for passenger vehicles and 5 attempts for commercial vehicles). - If delivery is successful, Penn Credit will receive an Affidavit of Service from Sparre or notification that delivery was unsuccessful. - These results will be processed by Penn Credit and exported to ViaPlus in the Acknowledgment File format listed in Attachment D. - Penn Credit's system will generate delivery result reports and invoices for

	<p>services at the frequency requested by CTRMA.</p>
<p>Respondent’s plan for implementing the described services, including any proposed approach to project management, strategies, and any additional factors that may be beneficial to CTRMA in achieving its goals.</p>	<p>Once the agreement is finalized and approved, Penn Credit will have an initial meeting with CTRMA/ViaPlus staff to review the Interface Control Document, Affidavit of Service and the timeline to start services. From there, conference calls between Penn Credit and ViaPlus’ technology teams will be established to ensure a secure exchange of data is in place and thoroughly tested before the go-live date.</p> <p>The project will be managed by the following staff at Penn Credit:</p> <ul style="list-style-type: none"> - Donald Burkhart, VP of Information Technology; Don has been with Penn Credit for nearly 35 years and has personally handled all data file exchange and custom reports requested by ViaPlus on our current CTRMA debt collection/DMV look-up subcontract. - Tim Foley, VP of Collections; Tim has been with Penn Credit for 30 years and currently oversees all debt collection operations for our work with CTRMA/ViaPlus. - Rhett Donagher, Chief Revenue Officer; Rhett has served as a project manager for Penn Credit’s subcontract with ViaPlus since the program began in 2018 and is highly experienced with all facets of our services to CTRMA. - Richard Carrier, SVP of ETC & Parking Solutions; Richard has also served as a project manager for Penn Credit’s subcontract with ViaPlus since the program began in 2018, he will be available to provide additional support for the project as needed. <p>Once all data exchange testing and impoundment letter creation processes are finalized and approved, Penn Credit will be</p>

	<p>prepared for live production. Given our over 5 years of experience working with ViaPlus' programming and information technology staff, we anticipate a quick and efficient setup for this program. All programming and data exchange work will be handled internally by Penn Credit's technology staff – these functions are not outsourced. Should CTRMA or ViaPlus request changes to processes, data files or reports during the contract, these will be quickly implemented as requested.</p>
<p>Estimated Resources Required from CTRMA for Proposed Plan Implementation – Including Facilities, Equipment, Personnel, Communication Technologies and Other Resources</p>	<p>As discussed previously, we will request an initial kick-off meeting with CTRMA/ViaPlus to review and confirm the Interface Control Document, Affidavit of Service and the timeline to start services. Thereafter, our setup/testing work will be with ViaPlus' staff and the involvement needed from CTRMA personnel should be minimal; we do not have any facilities or equipment needs from CTRMA. We would like to have an operational level contact at CTRMA that we can direct inquiries to if needed during the term of the contract; we are also agreeable to routing those through our existing ViaPlus management contacts as well.</p>



CENTRAL TEXAS REGIONAL
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EXHIBIT C: BID TABULATION SHEET
ITB UNPAID TOLLS ENFORCEMENT PROCESSING SERVICES

DESCRIPTION	UNIT COST
Up to three (3) personal service attempts of CTRMA's <i>Notice of Intent to Impound</i> for identified registered passenger vehicle owners	Service in Travis/Williamson Counties: \$95.00 Service in all other Texas Counties: \$135.00
Each additional registered passenger vehicle owner attempt	Service in Travis/Williamson Counties: \$35.00 Service in all other Texas Counties: \$50.00
Up to five (5) personal service attempts of CTRMA's <i>Notice of Intent to Impound</i> for identified registered commercial vehicle owners	Service in Travis/Williamson Counties: - First 3 attempts: \$95.00 - Attempts 4 & 5 are \$35.00 each Service in all other Texas Counties: - First 3 attempts: \$135.00 - Attempts 4 & 5 are \$50.00 each
Each additional registered commercial vehicle owner attempt	Service in Travis/Williamson Counties: \$35.00 Service in all other Texas Counties: \$50.00

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