



**Federal Trade Commission  
First Amended  
Do Not Call  
Statement of Work**



**NATIONAL  
DO NOT CALL  
REGISTRY**



## STATEMENT OF WORK



### **Note: Parts C.1 through C.4 of the CIS SOW apply to the Do Not Call SOW as well**

#### **Opt.2.1. SPECIFIC TASKS**

##### **Opt.2.1.1 General Information**

The Federal Trade Commission ("FTC") through its Bureau of Consumer Protection ("BCP") is responsible for promulgating and enforcing the Telemarketing Sales Rule, 16 C.F.R. Part 310 ("TSR"). In 2003, the FTC issued final amendments to the TSR. 68 Fed. Reg. 4580 (Jan. 29, 2003). Among other provisions, these final amendments to the TSR established a national "do not call" registry, maintained by the FTC. The amendments permit consumers who prefer not to receive telemarketing calls to contact one centralized registry to effectuate this preference. Telemarketers subject to the FTC's jurisdiction are required to refrain from calling consumers who have placed their telephone numbers on this registry.

Consumer can register their telephone number through a website – [www.donotcall.gov](http://www.donotcall.gov) – or by calling a toll-free number. Since the registry was implemented in October 2003 over 130 million telephone numbers have been registered. Consumers can also use the website or toll-free numbers to confirm their registration and file complaints. Consumers can also use the toll-free numbers to alter their registration.

At [www.telemarketing.donotcall.gov](http://www.telemarketing.donotcall.gov), telemarketers and sellers can subscribe to the national registry and, after paying the appropriate fee, access consumer telephone numbers for those area codes that the telemarketer or seller has subscribed. The Amended TSR requires that telemarketers and sellers download consumer registration data every 31 days and remove from their call lists any telephone numbers on the national registry.

The national registry also provides law enforcement personnel with the ability to query and obtain consumer registration data as well as telemarketer, seller, and exempt organization application and payment data.

The contractor must develop, implement and operate a national do not call registry as defined in this Performance Work Statement ("PWS"). The contractor must perform to the standards set forth in this contract. (See Do Not Call Performance Requirements Summary.) The estimated quantities of work are listed in Technical Exhibit One,



## STATEMENT OF WORK



Workload Estimates. The initial database build will be based on existing data in the registry. The specific tasks in this contract are divided into five mandatory parts: consumer registration; telemarketer and seller access; law enforcement access; consumer complaint processing; and reports. There is also a sixth task: call log analysis. The FTC reserves the right to include this task as part of the contract. The contractor shall provide proposals and pricing for all six tasks.

### **Opt.2.1.1.1 Spanish Language Availability**

In each task set forth in the PWS in which the contractor's system must communicate with consumers, either orally or via the Internet, the contractor must provide for a Spanish language alternative for such communications.

### **Opt.2.1.1.2 Spell Check**

If a consumer may enter free text in a "comment" field, the system shall provide a spell check option.

## **Opt.2.2 Task One: Consumer Registration**

The contractor must develop and provide a secure, user friendly system to: (1) collect registration information from consumers; (2) integrate existing registry data; (3) maintain registration information in a database; (4) permit consumer confirmation or alteration of registration information; and (5) update consumer registration information.

With regard to features that exist in the current system located at [www.donotcall.gov](http://www.donotcall.gov), the contractor's system must appear to users to operate in the same or similar manner as the existing system. However, the contractor is encouraged to propose enhancements, improvements, changes, etc. that will improve usability of the system, and that will result in cost savings to the FTC.

### **Opt.2.2.1 Sub Task 1-1: Collect Registration Information from Consumers**

#### **Opt.2.2.1.1 Telephone registration system**

The contractor must develop and provide an automated, secure and user friendly system that will allow United States consumers to contact a nationwide toll free telephone number to register their preference not to receive telemarketing calls. (1-866-290-4236 will be provided for callers utilizing TTY; 1-888-382-1222 and 1-800-382-1222 will be provided for all other callers.) The only information to be obtained from consumer registrants is the consumer's telephone number. The contractor must use a system that will verify, at a minimum, that the consumer is calling from the telephone number he or she is attempting to register, using automatic number identification ("ANI") or a comparable verification system.



## STATEMENT OF WORK



### **Opt.2.2.1.2 Number of telephone registrations**

The contractor's system must have the flexibility to handle a large volume of consumer registration requests, which will include wireless telephone numbers in addition to landline telephone lines. Information relating to past registration statistics is included in Technical Exhibit One. In addition, the FTC expects a large number of consumers to renew their registrations beginning in June 2008, five years after their initial registration.

### **Opt.2.2.1.3 Website registration system**

The contractor must supplement the telephone consumer registration system with a secure, user friendly website registration system. Consumers will access the contractor's website either through [www.donotcall.gov](http://www.donotcall.gov) or through a link on the FTC's website, located at [www.ftc.gov](http://www.ftc.gov). The contractor must obtain and save only the consumer's telephone number through this website registration, but may inquire about the consumer's e-mail address for verification purposes. The contractor must identify the methods it would use to verify the identity of the person submitting the information through the website, remaining mindful that the FTC wishes to collect the minimum amount of personal identifying information from consumers. The contractor may not request a credit card or bank account number from consumers solely for this verification. Currently, the FTC uses the website verification method described in Opt.2.2.1.4.

### **Opt.2.2.1.4 Website verification method**

After entering their telephone numbers on the website, consumers will be asked to enter their e-mail address twice. Within a few minutes after that entry is made, the contractor will send an e-mail to those addresses, notifying the recipients of the pending registration and asking the recipients to return to the website to confirm their registration. (The contractor may provide an Internet link or website address in its e-mail to assist consumers in returning to the website. The contractor should be mindful of the FTC's desire to keep the URL to a minimum number of characters in order to make it easier for consumers to use the system.) If the consumers return to the website and confirm their desire to register their telephone numbers, those telephone numbers would be entered into the national registry. The contractor must also provide some monitoring system to prevent the excessive, repeated use of the same e-mail address to verify consumer registrations.

### **Opt.2.2.1.5 Registrations expire after five years**

The consumer's registration in the national registry will expire after five years. The contractor's system must incorporate existing registry data, must maintain the expiration date for each consumer registration, must provide only current consumer registrations to telemarketers and sellers, and must provide expiration information to law enforcement personnel. Consumers will be required to re-register at the end of their registration period, if they wish their telephone number(s) to remain in the national registry.



## STATEMENT OF WORK



### **Opt.2.2.1.6 Consumer education messages**

The contractor's telephone registration system must allow for a brief consumer education message, not to exceed twenty seconds, to be played to consumers following the successful completion of their registration request. The FTC will develop this educational message in coordination with the contractor. This message could change up to four times per year. In addition, the contractor's website registration system must provide for the capability to link to and to post consumer education materials that will be provided by the FTC. These consumer education materials must be displayed prominently on the first page of the website.

### **Opt.2.2.1.7 Information pages**

The contractor's system must provide consumers with information to help them use the system and understand the do not call laws. The contractor's system will use the information currently available on the website. In addition, the "Frequently Asked Questions" material must be able to be updated with new information provided by the FTC. Such updates will not occur more than four times per year.

### **Opt.2.2.1.8 Website banners**

The contractor's system must also allow the FTC to post banners with important information on the website. These banners must be displayed prominently on the first page of the website as well as other selected pages. In addition, these banners should be able to be changed within one day from the date of request.

### **Opt.2.2.1.9 FTC approval**

The contractor must obtain the FTC's approval of the design, content and functionality of any consumer registration system developed by the contractor under Sub Task 1-1 prior to deployment.

### **Opt.2.2.2 Sub Task 1-2: Integrate Existing Registry Data**

The contractor must develop and provide a system that will accept and integrate into the national registry all existing consumer registration data, telemarketer and seller data, and the "do not call" complaint data. This process should maintain the integrity of the data – no data may be lost, altered, or added. All records shall maintain their unique reference numbers, original load date, and, where applicable, original load time.

### **Opt.2.2.3 Sub Task 1-3: Maintain Registration Information in a Database**

The contractor must develop and provide a secure database that includes the telephone numbers imported from the existing registry, telephone numbers collected from



## STATEMENT OF WORK



consumers during the registration process, the date of the registration, and the date of expiration of the registration. For records imported from the existing registry, the date of registration will be the date reflected in the existing registry data. The contractor must ensure that information in the database is capable of being sorted, at a minimum, by area code, by telephone number prefix and by full telephone number. Finally, the contractor must maintain all information collected for a period of three years from the date the information was collected or altered in any manner, or three years after the expiration of the consumer's registration, whichever is later.

### **Opt.2.2.3.1 Copy of the consumer registration data set**

The contractor must provide the FTC with a monthly copy of the consumer registration data set on DVD in both Oracle and XML formats. The data must be an export of the database, password protected, encrypted using software approved by the FTC, and must comply with the relevant NIST guidelines regarding the protection of personally identifiable information.

### **Opt.2.2.4 Sub Task 1-4: Permit Consumer Confirmation or Alteration of Registration Information**

The automated registration systems developed by the contractor must be capable of permitting consumers to confirm if and when their telephone numbers were registered in the system, and when their registrations will expire. The system must also be capable of permitting consumers to remove their telephone numbers from the registry or to re-register their telephone numbers.

#### **Opt.2.2.4.1 Consumer confirmation and alteration options**

The consumer confirmation option set forth in paragraph Opt.2.2.4 must be performed over both the automated telephone registration system and website registration system described in Sub Task 1-1. Consumers will only be permitted to remove their telephone numbers from the registry through the automated telephone system. Any confirmation or alteration procedure used by the contractor must have at least the same level of verification of the consumer's identity as the original registration process. See paragraphs Opt.2.2.1.1 and Opt.2.2.1.4.

### **Opt.2.2.5 Sub Task 1-5: Update Consumer Registration Information**

The contractor must, on a periodic basis, remove from the national registry the telephone numbers that have been disconnected and have been reassigned. This applies to wireless telephone numbers as well as landline telephone lines.



## STATEMENT OF WORK



### **Opt.2.2.5.1 FTC and law enforcement review**

The contractor must maintain for FTC and law enforcement review, in the law enforcement access website developed pursuant to Task Three, the consumer registration information that had been removed from the national registry under Sub Task 1-5, as well as the date when the information was removed, for a period of three years from the date the information was removed.

### **Opt.2.3 Task Two: Telemarketer and Seller Access to Registry**

The contractor must develop and provide a system that: (1) develops a website to provide telemarketer and seller access to the consumer telephone numbers in the registry; (2) obtains telemarketer and seller application information; (3) provides for the collection and deposit of fee payments; (4) provides telemarketers and sellers access to appropriate data; and (5) provides assistance to telemarketers and sellers.

With regard to features that exist in the current system located at [www.telemarketing.donotcall.gov](http://www.telemarketing.donotcall.gov), the contractor's system must appear to users to operate in the same or similar manner as the existing system. However, the contractor is encouraged to propose enhancements, improvements, changes, etc. that will improve usability of the system, and that will result in cost savings to the FTC.

#### **Opt.2.3.1 Sub Task 2-1: Develop Website to Provide Telemarketer and Seller Access**

The contractor must develop and provide a secure, user friendly Internet website that will allow telemarketers, on their own behalf or on behalf of their clients, and sellers to request and download selected consumer telephone numbers included in the registry. The URL for the website is [www.telemarketing.donotcall.gov](http://www.telemarketing.donotcall.gov). In addition, the contractor must be able to accomplish all of the tasks involving any interaction with telemarketers and sellers, as required by Task Two of this PWS, through this website.

##### **Opt.2.3.1.1 Number of telemarketers and sellers accessing the system**

The contractor's system must have the flexibility to handle a large volume of telemarketer and seller access requests. Telemarketers will be able to access the national registry on their own behalf and on behalf of their clients. For example, a single telemarketer may have hundreds of clients. Sellers will also be able to access the registry directly, as well as obtaining consumer registration information through their telemarketers. In addition, the amended TSR currently requires telemarketers and sellers to access the national registry every 31 days. However, many telemarketers and sellers access the national registry more frequently. The contractor's system must have the flexibility to handle the



## STATEMENT OF WORK



current requirement for telemarketer and seller access to the website, as well as any future changes to that time period. Information relating to past subscription statistics is included in Technical Exhibit One.

### **Opt.2.3.1.2 Information pages**

The contractor's system must provide telemarketers with information to help them use the system and understand the do not call laws. The contractor's system will use the information currently available on the website. In addition, the "Frequently Asked Questions" material must be able to be updated with new information provided by the FTC. Such updates will not occur more than four times per year.

### **Opt.2.3.1.3 Website banners**

The contractor's system must also allow the FTC to post banners with important information on the website. These banners must be displayed prominently on the first page of the website as well as other selected pages. In addition, these banners should be able to be changed within one day from the date of request.

### **Opt.2.3.1.4 Web services**

The contractor's system should, at a minimum, provide the same or similar web services as the existing system. However, the contractor is encouraged to propose enhancements, improvements, changes, etc. that will improve usability of the system, and that will result in cost savings to the FTC. In addition, the system must enable telemarketers and sellers to access client subscription information in an automated manner.

### **Opt.2.3.1.5 FTC approval**

The contractor must obtain the FTC's approval of the design, content and functionality of the telemarketer access website developed under Sub Task 2-1.

## **Opt.2.3.2 Sub Task 2-2: Obtain Telemarketer and Seller Application Information**

The contractor must obtain limited identifying information from telemarketers or sellers on their first visit to the website and before permitting access to any registration data. Such information is to include company name and address, either an Employer Identification Number ("EIN") or Social Security Number ("SSN"), company contact person, that person's telephone number and e-mail address, and the company's electronic payment information. If the telemarketer is accessing the database on behalf of clients, the contractor must obtain similar identifying information about each of its clients. This information must be included as part of the Telemarketer and Seller Application Data Set Report and be accessible to law enforcement through querying. See Paragraphs Opt.2.3.2.9 and Opt.2.4.2.2. The contractor must also obtain, prior to permitting





## STATEMENT OF WORK



telemarketer or seller access to any registration data, a certification from the telemarketer or seller that it is accessing the registry solely to comply with the TSR or otherwise to prevent telephone calls to telephone numbers in the national registry, and/or its clients are using the information gathered on their behalf solely for the same purposes. Such certification must be requested each time a telemarketer or seller accesses the system. The FTC will provide the contractor with the appropriate language for the certification prior to the implementation of this task.

### **Opt.2.3.2.1 Area code(s) that the telemarketer or seller wishes to access**

The contractor must obtain from the telemarketer or seller information regarding the portion of the database, by area code, that the telemarketer or seller wishes to access on its own behalf and/or on behalf of any clients. The contractor's system shall allow telemarketers and sellers to order all area codes within a State or the entire nation by selecting those options.

### **Opt.2.3.2.2 Adding area codes**

The contractor's system must have the ability to add new area codes, *e.g.*, as a result of an area code overlay or split. For those telemarketers or sellers that subscribe to access all the area codes in the national registry, the system must automatically add the new area code to the subscription. For those telemarketers and sellers that subscribe to all area codes within a given State where the area code is being added, the system must provide those telemarketers and sellers with notice that a new area code will be added. The contractor can review information regarding the frequency of such events on the North American Numbering Plan Administration's website – [www.nanpa.com](http://www.nanpa.com).

### **Opt.2.3.2.3 Calculating the appropriate fee**

The contractor must calculate the appropriate fee to charge to the telemarketer or seller for the requested level of registry access, based upon the fee regulations established by the FTC. *See* 16 C.F.R. 310.8, as amended. FTC rules are published in the Federal Register; the current fee structure can be found at 71 Fed. Reg. 43048 (July 31, 2006). The fee structure as well as the amount of the fees may be changed each year. The contractor's system shall be able to handle such changes.

### **Opt.2.3.2.4 Annual fees**

Telemarketers and sellers must pay the fee on an annual basis. Each telemarketer and seller that pays the fee will be provided access to selected area codes in the national registry for a period of twelve months from the month in which it pays the fee (the telemarketer's "annual period"). Thus, the contractor must collect the appropriate fee from each telemarketer and seller each year, and maintain a record of each telemarketer's and seller's annual period, as well as the area codes of data for which the telemarketer and seller has paid for access.



## STATEMENT OF WORK



### **Opt.2.3.2.5 Telemarketer updates of area codes to be accessed**

If a telemarketer needs to access registration data from more area codes than those initially selected, either for itself or on behalf of its clients, the telemarketer must pay the appropriate additional fee for the additional area codes. For purposes of these additional payments, the telemarketer's and seller's annual period is divided into two semi annual periods of six months each. The amount of the fee for the additional area codes varies on which semi annual period the additional area codes are requested. Thus, the contractor must maintain a record of these additional requests for data, and collect the appropriate fee for any supplemental access requests. These procedures are discussed in the final rule for the Amended TSR, 68 Fed. Reg. 4580 (January 29, 2003).

### **Opt.2.3.2.6 Direct access to the database**

The contractor must establish a procedure to permit direct access to the database by telemarketers and sellers on subsequent visits. For example, a telemarketer or seller may be provided a unique account number and/or password that would allow it to download immediately the registered consumers' telephone numbers from the list of area codes requested and paid for by the telemarketer (including any clients) or seller during its first visit (or requested and paid for in any subsequent visit). However, the contractor must restrict the telemarketer's or seller's access to any other area codes of data. The contractor must also ensure, on each subsequent visit by the telemarketer or seller to the website, that the telemarketer's or seller's fees are current.

### **Opt.2.3.2.7 System shall include exempt organizations**

The contractor shall design the system to include exempt organizations in addition to telemarketers and sellers. Exempt organizations shall be able to subscribe to area codes but shall not be required to pay. The system shall require exempt organizations to wait three business days before being allowed to download telephone numbers. Information about exempt organizations must be included as part of the Telemarketer and Seller Application Data Set Report and be accessible to law enforcement through querying. See Paragraphs Opt.2.3.2.9 and Opt.2.4.2.2. The contract must also implement functionality that allows the FTC to update the status of exempt organizations.

### **Opt.2.3.2.8 Telemarketer and seller renewal**

The contractor must develop and implement a user friendly process that will enable telemarketers and sellers to renew their subscriptions. The system must ensure that the telemarketers and sellers are charged the appropriate fee. The system will also provide the following:

- Individualized messages to telemarketers upon login notifying them of their expiration date.
- Renewals up to one month before the telemarketer's expiration date.



## STATEMENT OF WORK



- Ability for telemarketers to have area codes from the prior subscription selected automatically.

### **Opt.2.3.2.9 Copy of the telemarketer and seller application data set**

The contractor must provide the FTC with a monthly copy of the telemarketer and seller application data set on DVD in both Oracle and XML formats. The data must be an export of the database, password protected, encrypted using software approved by the FTC, and must comply with the relevant NIST guidelines regarding the protection of personally identifiable information.

### **Opt.2.3.3 Sub Task 2-3: Provide for the Collection and Deposit of Fee Payments**

The contractor must collect and deposit fees for the FTC and provide refunds and chargebacks for credit card and ACH transactions according to federal statute and regulation. For examples, see 31 U.S.C. 3302 and 31 C.F.R. Part 206. In addition, all fee transactions and deposits must comply with and use established United States Treasury ("Treasury") cash management policies and systems.

#### **Opt.2.3.3.1 Protect fees from fraud and abuse**

The contractor must protect fees from fraud and abuse, and deposit all fees without delay or deduction into a depository designated by the Treasury. The FTC currently uses Pay.gov for fee transactions. Technical data describing Pay.gov is attached as Technical Exhibit Two, Pay.gov Open Collections Interface (OCI) Reference Manual. The contractor must use Pay.gov to transact all fees. Telemarketers must not be permitted to download consumer registration data until a proper fee has been collected and the deposit has been confirmed.

#### **Opt.2.3.3.2 Maintain accurate and timely records of each fee transaction**

The contractor must keep an accurate and timely record of each fee transaction (debits and credits) and record the user's identification as part of the transaction record. The contractor must also maintain daily reconciliations of individual fee transactions to daily deposits. All records of fee transactions must strictly comply with generally accepted accounting principles and standards. The contractor must keep records to verify that the fee paid is consistent with the fee schedule established by the Commission. Proper controls must be established to prevent the creation of duplicate transactions.

#### **Opt.2.3.3.3 Daily fee reconciliation records**

The contractor must maintain daily fee reconciliation records at the transaction and deposit level sufficient to provide audit trails and support research activities. Audit trails must trace transactions from their initial source through all stages of system processing,



## STATEMENT OF WORK



including refunds and chargebacks. The initial source may be source documents, transactions initiating from other systems, or internal system generated transactions. These records will support daily accounting transactions in the FTC's core financial accounting system. The contractor must provide reconciled transaction data with the FTC's Financial Management Office on a daily basis. The contractor must sort settled transactions by type, grouping credit card payments and direct debit payments. The contractor must permit the audit of fee transaction and deposit data by FTC and other appropriate federal employees or contractors. All reports of fee transactions and deposits must be provided as an electronic spreadsheet. All transaction records must be maintained for not less than 6.5 years from the date of the transaction.

### **Opt.2.3.3.4 Quarterly reconciliation with U.S. Treasury**

The contractor must provide a report demonstrating that the contractor's records can be reconciled with those maintained by Pay.gov. The report shall, at a minimum, reconcile payment status and the amount of the transaction; highlight any differences between the contractor's records and those maintained by Pay.gov and provide the reason, if any, for the discrepancy; and be provided to the FTC no later than two weeks after the end of the quarter.

### **Opt.2.3.3.5 Minimize loss**

The contractor must make every effort to minimize any loss caused by the dishonest or fraudulent acts of its full and/or part time employees. At a minimum, the contractor must obtain an employee dishonesty bond that provides sufficient coverage and protection in an amount which equals at least one hundred percent of the principal amount of annual user fees anticipated to be collected under this contract. The surety on the bond must represent and warrant that it holds a Federal Certificate of Authority as Accepted Surety On Federal Bond and Reinsuring under, and in full compliance with, 31 U.S.C. 9304 and 9308 and Treasury Circular 570. The bond must apply to all employees performing services related to this contract. The bond must cover errors and omissions, as well as employee dishonesty.

### **Opt.2.3.3.6 Payment receipt**

The system must display a payment receipt to telemarketers and sellers when their payments are complete.

### **Opt.2.3.3.7 System enhancements**

When Pay.gov performs an upgrade that impacts the system, the contractor must make system enhancements in a timely manner.



## STATEMENT OF WORK



### **Opt.2.3.3.8 Process for handling refunds and chargebacks**

The contractor must create a process for handling refunds and chargebacks that have been approved by the FTC. The contractor's system must provide an interface to telemarketers and sellers to request refunds or chargebacks. In addition, the contractor must provide the FTC with an interface to review such requests and provide approval or disapproval.

### **Opt.2.3.3.9 Maintaining application and payment information**

The contractor must maintain, in a searchable format, for a period of 6.5 years from the date it was obtained, all application and payment information obtained from telemarketers and sellers, as well as the date, time and amount of information (i.e., area codes of data) obtained during each telemarketer or seller visit to the national registry website.

### **Opt.2.3.4 Sub Task 2-4: Provide Telemarketers and Sellers Access to Appropriate Data**

After ensuring that the telemarketer or seller has paid the appropriate fee for access to the national registry data, the contractor must allow the telemarketer or seller to access and download only the telephone numbers of registered consumers from those areas of the country for which the telemarketer or seller has paid, either for itself or on behalf of any clients, the appropriate fee to gain access. However, in the event that a telemarketer or seller has requested a refund or chargeback, the contractor shall ensure that the telemarketer or seller does not obtain access to those area codes while the request is being investigated. If the request is approved by the FTC, the contractor shall ensure that the telemarketer or seller does not obtain access to those area codes where a payment has been made and refunded. The contractor must also allow States to access registration data in a manner similar to the access provided to telemarketers and sellers. Such access will be provided at no cost and available to any State that requests access.

#### **Opt.2.3.4.1 Downloading registered telephone numbers**

After their first visit to the website, the contractor must allow telemarketers and sellers to access and download, at their request, either all of the registered telephone numbers for their requested areas of the country, or only those changes to the registered telephone numbers, through either additions or deletions, that have been made to that portion of the database since the previous time the telemarketer or seller accessed the registry ("changelist").

In the event that a telemarketer or seller has added a new area code to their subscription and that telemarketer had been performing changelist downloads, the contractor must inform the telemarketer of the change and allow the telemarketer the option of having the



## STATEMENT OF WORK



next changelist download include all changes from the prior area codes as well as the new area code.

### **Opt.2.3.4.2 Adding area codes**

When adding new area codes, *e.g.*, as a result of an area code overlay or split, the contractor's system must automatically add the new area code to the subscription of those telemarketers or sellers that subscribe to all the area codes. For all other telemarketers or sellers that choose to add the new area code to their subscription, the contractor must allow the telemarketer or seller the option of having the next changelist download include all changes from the prior area codes as well as the new area code.

### **Opt.2.3.4.3 Access to other information**

The contractor must never allow telemarketers or sellers to gain access to any other information in the national registry, other than the telephone numbers of registered consumers in those areas of the country for which the telemarketer or seller has requested information and paid the appropriate fee.

### **Opt.2.3.4.4 Ability to query small amount of numbers**

The contractor must allow telemarketers and sellers, after providing proper application and payment information, to query the website, for the area codes within their subscription, with one single telephone number or with a small group of telephone numbers (ten or less) at a time. The contractor may limit the total number of such single queries to 100 or fewer during any individual website session.

### **Opt.2.3.5 Sub Task 2-5: Provide Assistance to Telemarketers and Sellers**

The contractor must ensure that it resolves, in a timely manner, any problems telemarketers or sellers experience in accessing the national registry, downloading data from the registry, paying the appropriate fee for such access, or in obtaining a refund. Such assistance must be provided on the registry website and through web services. The contractor must provide an effective and efficient means of resolving telemarketer and seller problems. This may be done through a mix of e-mail, fax, automated responses, and live operator assistance. In the FTC's experience, e-mail responses alone are insufficient to resolve telemarketer and seller questions.

#### **Opt.2.3.5.1 Record keeping - requests for assistance**

The contractor must maintain, for a period of three years from the last date of a telemarketer's or seller's active subscription, a record of any requests for assistance from that telemarketer or seller, the date and time the requests were received, the response provided by the contractor, and the date and time of the response.



## STATEMENT OF WORK



### **Opt.2.3.5.2 Monthly data set of Help Desk requests**

The contractor must provide to the FTC on a DVD a monthly data set of Help Desk requests for assistance and the responses to such requests. The data must be an export of the database, password protected, encrypted using software approved by the FTC, and must comply with the relevant NIST guidelines regarding the protection of personally identifiable information.

### **Opt.2.4 Task Three: Law Enforcement Access to the Registry**

The contractor must develop and provide a secure system that allows appropriate FTC, State, and other law enforcement personnel access to appropriate consumer registration and telemarketer/seller access information maintained in the national registry. Each transaction must be recorded and the data made available for audit purposes.

The contractor's system must be capable of interoperating with the Consumer Sentinel® system and possibly other systems maintained and operated by the FTC or on the FTC's behalf by third parties. The end user interface will be provided by the Consumer Sentinel® system. The contractor's system must provide a programmatic interface that is consistent with industry standard technology, such as web services, and which meets the standards and interface requirements defined by the CIS SOW.

With regard to features that exist in the current system, the contractor's system must operate in a similar manner as the existing system. However, the contractor is encouraged to propose enhancements, improvements, changes, etc. that will improve usability of the system, and that will result in cost savings to the FTC.

#### **Opt.2.4.1 Sub Task 3-1: Develop System to Provide Law Enforcement Access**

The contractor must develop and provide a secure, user friendly system dedicated solely to the purpose of allowing appropriate FTC, State, and other law enforcement personnel access to both the consumer registration information and telemarketer/seller access information included in the registry. Access will occur only after authentication by an FTC approved system. The contractor's system must be capable of interoperating with FTC systems and/or systems maintained and operated on the FTC's behalf by third parties. The contractor will provide law enforcement access to information via programmatic interfaces that comply with industry standards, such as web services, and which meet the standards and interface requirements defined by the CIS SOW.

##### **Opt.2.4.1.1 Consumer Sentinel®**

Currently, the Consumer Sentinel® system is operated by the FTC via a secure Internet website, which provides law enforcement personnel access to a large consumer complaint



## STATEMENT OF WORK



database, as well as a host of other information. Access to the Consumer Sentinel's site is limited to law enforcement personnel who have applied to the FTC and have been provided a user ID and password. The communication between the FTC and registered law enforcement users relies on digital certificates to encrypt data using SSL technology.

### **Opt.2.4.1.2 Firewall**

The FTC anticipates that, to gain access to the system developed by the contractor under this PWS, law enforcement personnel will first have to pass through the Consumer Sentinel's firewall. Thus, the contractor need not develop its own screening mechanism to allow law enforcement access to this website. The contractor must, however, ensure that no other unauthorized access to the system is permitted.

### **Opt.2.4.2 Sub Task 3-2: Provide Law Enforcement Access to Appropriate Data**

The contractor must develop and provide a programmatic interface that allows law enforcement personnel to query and obtain appropriate registry information that includes the following:

#### **Opt.2.4.2.1 Consumer registration data**

Law enforcement personnel must be able to determine if and when a particular telephone number has been registered by a consumer (and the period of time when the registration was valid).

#### **Opt.2.4.2.2 Telemarketer, seller, and exempt organization application data**

Law enforcement personnel must also be able to determine if and when a particular telemarketer or seller had accessed the registry, as well as the scope of the data that the telemarketer or seller accessed. The system must allow law enforcement queries to the telemarketer/seller access information based on information provided during the subscription process (*e.g.*, the telemarketer's or seller's name, address, city, state, EIN/SSN, etc.). In addition, the system must allow law enforcement personnel to determine all of the telemarketers or sellers who have obtained access to the telephone numbers in the registry for any particular area code or range of area codes, when such access was exercised, and provide a count of the records returned.

#### **Opt.2.4.2.3 Logging and auditing access requests**

The FTC requires that there be logging and auditing of any request of access to information contained in the registry, to comply with the Privacy Act. The following information must be logged and audited: the identity of the person accessing the information; the date the information was accessed; and the query request used to access the data.





## STATEMENT OF WORK



### **Opt.2.4.2.4 FTC approval**

The contractor must obtain the FTC's approval of the design, content and functionality of the system developed under Task Three prior to deployment.

## **Opt.2.5 Task Four: Consumer Complaint Processing**

The contractor must provide a system to gather consumer complaint information concerning alleged do not call violations automatically over the telephone and over the Internet, and to transfer that information to the Consumer Sentinel® system.

With regard to features that exist in the current system, the contractor's system must operate in a similar manner as the existing system. However, the contractor is encouraged to propose enhancements, improvements, changes, etc. that will improve usability of the system, and that will result in cost savings to the FTC. The contractor may propose to integrate Task Four into the CRC SOW.

### **Opt.2.5.1 Sub Task 4-1: Gather Consumer Complaint Information**

The contractor must develop a system, as part of its consumer telephone and Internet registration systems, that accepts consumer complaints concerning alleged do not call violations. Internet based transactions must be secured using industry standard techniques such as Secure Sockets Layer (SSL) and use certificates.

#### **Opt.2.5.1.1 Valid complaints**

While the consumer is submitting his or her complaint, the contractor's system must determine four factors: (1) the consumer had properly registered his or her telephone number; (2) the consumer's telephone number had been registered for the appropriate period of time for the alleged complaint to be valid; (3) the consumer knows the name and/or telephone number of the company that called him or her; and (4) the consumer enters different numbers for the consumer telephone number and the telephone number of the company. If any of these factors is negative, the complaint is considered invalid. For all such invalid complaints, the system must explain to the consumer the reasons why the complaint is invalid, and not accept the complaint. (However, the contractor must keep information on the number of such invalid complaints received, and the reasons why the complaint was deemed invalid, and provide that information to the FTC upon request.) At the same time, if it is determined that the consumer's telephone number is not registered, the system must offer the consumer the opportunity to register.

#### **Opt.2.5.1.2 Information obtained from valid complaints**

For all valid complaints, the system would be required to obtain the following information from the consumer: (1) the consumer's telephone number (which can be obtained from a national database lookup, or directly from the consumer, depending on



## STATEMENT OF WORK



which method is most cost effective); (2) the name and/or telephone number of the company that called the consumer (whichever the consumer can remember); and (3) the date and time of the call (if the consumer can remember). The consumer may provide their name and address but are not required to. If the consumer does not provide an address, the system must determine what state the consumer lives in, based on the area code, and the system must store that state as part of the complaint record. The contractor shall derive the telemarketer's state or other location from the telephone number of the company. The system should also provide consumers the opportunity (for telephone and Internet) to provide additional comments. In collecting this complaint information, the system must also provide consumers with a privacy notice and/or other disclosures prescribed by the FTC before the system collects the complaint information from consumers. Consumer complaint information should be gathered from the consumer automatically, without a live operator involvement.

### **Opt.2.5.1.3 Processing consumer complaint calls**

Given the limited amount of information that is to be collected during a consumer complaint call, the FTC anticipates that such calls can be processed in a short period of time; at most, the calls should be processed in less than three minutes. No verification of consumer information is necessary for either telephone or Internet complaints other than as defined in Opt.2.5.1.1.

### **Opt.2.5.1.4 Number of consumer complaints**

The contractor's system must have the flexibility to handle a large volume of consumer complaints. The number of complaints that the FTC has received has varied; information relating to past complaint statistics is included in Technical Exhibit One.

### **Opt.2.5.2 Sub Task 4-2: Transfer Consumer Complaint Information to the FTC**

The contractor must develop a system that transfers all valid processed consumer complaints to the FTC's Consumer Sentinel® system in a format that is compatible with the FTC's Consumer Sentinel® system. See Sections Opt.2.2.3.1 and Opt.2.3.2.9.

#### **Opt.2.5.2.1 Transferring valid processed consumer complaints**

All valid processed consumer complaints must be transferred to the FTC's Consumer Sentinel® system no later than five business days following the date that the complaint is received. Consumer complaints should be transferred to the FTC's Consumer Sentinel® system in a manner that is consistent with the industry standard technology, such as web services, which meets the standards defined by the CIS SOW.



## STATEMENT OF WORK



### **Opt.2.5.2.2 FTC approval**

The contractor must obtain the FTC's approval of the design, content and functionality of the consumer complaint system developed under Task Four prior to deployment.

## **Opt.2.6 Task Five: Reports**

The contractor must create a secure system that FTC personnel designated by the COTR could log onto and view reports concerning information gathered by the national registry. The reports must either be able to be manipulated (*e.g.*, sorted and filtered) on the contractor's system or be able to be downloaded by the FTC and accessed using commonly available end user software packages (*e.g.*, Microsoft Access or Excel). The contractor's system must also be able to incorporate previously created reports so that all reports relating to the registry can be viewed by FTC personnel at a single location. Such previously created reports will be provided by the FTC. At a minimum, the reports must include the following:

### **Opt.2.6.1 Summary Reports**

The contractor must provide, before noon Eastern Standard Time, a daily summary report indicating the total number of consumers who registered during the previous day and their method of registering (either telephone or Internet).

The contractor must also provide, before noon Eastern Standard Time on the first business day of every week, a weekly summary report providing: (1) the total number of consumers who registered during the previous week and since initiation of the registry; (2) their method of registering (either telephone or Internet); (3) the number of consumer registrations for the top 10 area codes during the previous week (by area code); (4) the total number of registration e-mails sent; and (5) the total number of consumers who did not respond to the registration e-mail. The report shall also include trending data. This trending data shall include the averages for the prior week, month, quarter, year, and since initiation of the registry as well as comparing the current weekly data to the same week in the previous year.

The contractor must also provide, before noon Eastern Standard Time on the first business day of each month, a monthly summary report providing: (1) the total number of consumers who registered during the previous month and since initiation of the registry; (2) their method of registering (either telephone or Internet); (3) the number of consumer registrations for the top 10 area codes during the previous month (by area code); and (4) the total number of consumers who deleted or changed their registrations. The report shall also include trending data. This trending data shall include the averages for the prior month, quarter, year, and since initiation of the registry as well as comparing the current monthly data to the same month in the previous year.



## STATEMENT OF WORK



For telemarketer and seller data, the contractor must develop a set of summary reports, which will provide the COTR with a high level view of registry activity as of (1) the end of the previous day, (2) the end of the previous week, (3) the end of the previous month, (4) the end of the previous quarter, (5) the end of the previous calendar year, (6) the end of the previous fiscal year (October 1<sup>st</sup> thru September 30<sup>th</sup>), (7) the end of the previous subscription year (September 1<sup>st</sup> thru August 31<sup>st</sup>). These reports shall include information regarding the following: (1) organization types; (2) profile activity; (3) subscription activity; (4) download activity; (5) payment and refund information; and (6) Help Desk requests. These reports shall also include appropriate trending information, to provide users of the report with useful comparisons (e.g. same period from the previous year, daily average, rolling 12-month daily average, subscription year average, etc.). These reports shall be provided to the FTC before noon Eastern Standard Time on the day after the end of the applicable period (e.g., the daily summary report will be provided before noon each day; the week-end summary report shall be provided before noon on the first business day of every week; the month-end summary report shall be provided before noon on the first business day of the month; etc.).

### **Opt.2.6.2 Scheduled Reports**

#### **Opt.2.6.2.1 Weekly and monthly call analysis reports**

The contractor must provide a weekly report, before noon Eastern Standard Time on the first business day of every week, and a monthly report, before noon Eastern Standard Time on the first business day of each month, indicating (1) the total number of telephone calls received from consumers under this contract during the previous week or month (aggregate and by toll-free number); (2) the total number of calls transferred from the network to the IVR; (3) the total number of calls that were unable to be transferred to the IVR; (4) the total number of calls abandoned before hearing the complete main menu message; (5) the average time callers heard ringing before the call was answered; (6) the number of time(s) the switch was at capacity; (7) the services and/or information that were accessed during each call; (8) the average length of calls; and (9) the distribution of calls by the time during a 24-hour day and by distribution by day of the week received.

#### **Opt.2.6.2.2 Weekly website analysis reports**

The contractor must provide, before noon Eastern Standard Time on the first business day of every week, a report indicating the number of consumers that visit each website page by time and date. The report shall also include trending data. This trending data shall include the averages for the prior week, month, quarter, year, and since initiation of the registry as well as comparing the current weekly data to the same week in the previous year.



## STATEMENT OF WORK



### **Opt.2.6.2.3 Weekly complaint reports**

The contractor must provide, before noon Eastern Standard Time on the first work day of every week, a report indicating the total number of complaints (by each type – telephone and Internet – and the aggregate) by the top ten (a) area codes, (b) violators, and (c) individual consumer phone number and/or ANI.

### **Opt.2.6.2.4 Monthly State registration status reports**

The contractor must provide, before noon Eastern Standard Time on the first business day of each month, a report indicating, both in total and within each State, (1) the number of consumers who have registered during the previous week and since the initiation of the registry, their method of registering (either telephone or Internet); (2) the number of incomplete registration requests (both telephone and Internet); (3) the number of consumers who delete or change their registrations; and (4) the number of consumer registrations removed from the registry. The report shall also include trending data. This trending data shall include, both in total and within each State, the averages for the prior month, quarter, year, and since initiation of the registry as well as comparing the current monthly data to the same month in the previous year.

### **Opt.2.6.2.5 Monthly access status reports**

The contractor must provide before noon Eastern Standard Time on the first business day of each month, a report indicating the following: Section 1: Compute the numbers and averages of organizations that have profiles, have subscribed, and, of those that have subscribed, performed downloads; Section 2: For each type of organization (Seller, TM/SP with clients, TM/SP with Independent Access, and Exempt Organization), compute the number that have created a profile, the average number of area codes in their subscriptions, the total fees paid, and the average fee paid, then total the profiles and fees paid; Section 3: Compute the number of organizations with free access that have created a profile, subcategorizing into Exempt Organizations and non-exempts (Sellers, TM/SP with clients, and TM/SP with independent Access), and then provide the total of the two subcategories; Section 4: Provide counts and totals for credit card and ACH payments, categorizing by payment status (Completed, Failed, Canceled, Pending, and Refunds), and provide a total for credit card and for ACH; Section 5: Provide the total number (by category) of telemarketers and sellers that have renewed, the number of area codes purchased (by category), and the total dollar amount(s) by category, and a grand total; Section 6: Provide counts of downloads for Full List Downloads, Change List Downloads, and Interactive Phone Searches, broken down by each type of organization (Seller, TM/SP with clients, TM/SP with Independent Access, and Exempt Organization), and provide a total for each type of Download; Section 7: Provide counts of Help Requests by Problem Type: Subscription, Passwords, Ordering Area Codes, Downloads, Payments, Legal, and Other. For each section, provide the statistics for the previous



## STATEMENT OF WORK



month, quarter, year, and since inception of the registry as well as comparing the current monthly data to the same time last year.

### **Opt.2.6.2.6 Monthly invalid consumer complaint report**

The contractor must provide, before noon Eastern Standard Time on the first day of each month, a report indicating the number of invalid consumer complaints, broken down by type (Complained Too Soon, Never Registered or Unregistered, Missing Telemarketer Name and Phone Number, Matching Consumer and Telemarketer Telephone Number) and by method (by Internet and telephone).

### **Opt.2.6.3 New Reports and the Modification of Existing Reports**

The contractor's system must be able to add additional reports and modify existing reports upon request by the FTC. The FTC may request that the contractor develop and implement new reports and provide such reports on a scheduled basis. Such schedule will not be more frequently than daily. Such new reports must be developed in a timely manner, *i.e.*, not more than three months from the date of request to when the report is developed, tested, and implemented. The FTC will not request more than one additional new report a quarter.

### **Opt.2.6.4 Other Reports**

The contractor must provide, at the COTR's request, (1) ad hoc reports concerning information maintained in the registry; and (2) reports about performance of the requirements of this contract. Ad hoc reports shall be provided in a timely manner, which may include on an expedited basis (within one day from request).

### **Opt.2.6.5 FTC Approval**

The contractor must obtain the FTC's approval of the design, content and functionality of the reports developed under Task Five.

## **Opt.2.7 Task Six (Optional): Call Log Analysis**

As part of the FTC's law enforcement function, the FTC enforces the provisions of the TSR by obtaining call log data from organizations under investigation by the FTC ("targets"). The FTC compares the registration data with the target's call log data to determine whether the target has called numbers on the registry, as well as the number and types of such calls. This analysis is critical to the FTC's enforcement efforts and will be used as evidence in court.



## STATEMENT OF WORK



### **Opt.2.7.1 Develop Proposal**

The contractor shall develop a call log analysis system that will enable the FTC to compare a target's call log data to: (1) the effective historic version of the registry to generate a list of registry hits (*i.e.*, a call to a registered phone number that has been on the registry for the required period of time and whose registration has not expired); and (2) the target's own internal do not call list to determine whether the target has violated the entity specific do not call provisions of the TSR. The proposed system shall also compare the registry hits with the target's existing business relationship or express written agreement data to generate "net registry hits." The proposed system must also be able to compare the area codes in the call log data to the area codes to which the target has subscribed to determine whether there are potential fee rule violations. The system should also provide the FTC with the ability verify whether the call logs that were produced were complete by, for example, comparing any of the hit lists to the registry complaint data. In addition, the proposed system must have sufficient flexibility for the FTC to make additional data comparisons as the need may arise.

It is of utmost importance that the processes and procedures implemented and used to perform the analysis are fully documented and repeatable, and can be demonstrated in a court of law as leading to complete, accurate, and explainable results via declaration, affidavit, and/or testimony.

An overview of the current process used by the FTC is provided in Technical Exhibit Three, Call Log Analysis.

### **Opt.2.7.2 Inputs**

A central challenge of this project is that the data received from outside sources may deviate from preferred/standard forms and/or formats. While the FTC strives to obtain data in standard forms and formats, in some cases this may not be possible. Therefore, it is imperative that the proposed system have the ability to handle information in various forms, including the ability to convert and process paper documents as well as data that is provided in varying file formats, record types, file sizes, and media.

Examples of different types of inputs that the FTC has received are described in Technical Exhibit Three, Call Log Analysis.

### **Opt.2.7.3 FTC Approval**

The contractor must obtain the FTC's approval of the design, content and functionality of the call log analysis system developed under Task Six.