

Outline of Possible Elements to Include in GOC's Legislation Regarding Quasi-independent State Agencies (QSA)

Competitive Procurement

- A. The QSA Board shall formally adopt written policy and procedure governing the selection of vendors for procurement of goods and services. Such policy and procedure shall:
- Establish competitive procurement as the standard procurement method and define the acceptable competitive procurement method at various dollar levels;
 - Specify the conditions under which competitive procurement standard may be waived (i.e. sole source procurement) – such conditions to be consistent with those set for State agencies under 5 MRSA §1825-B as applicable;
 - Establish the expectations for documentation to be maintained to support each procurement – to be consistent with any such expectations or procedures established for State agencies
 - Establish the process for documenting the justification for any sole source procurements (i.e. how each sole source procurement meets the criteria for waiver from competitive procurement) – to be consistent with any rules or procedures established by the Bureau of Purchases for State agencies
 - Require that the QSA Board formally approve any sole source procurement above an established dollar threshold (Question – do we want to establish what that is in the legislation?)
- B. The QSA Board is responsible for assuring that the agency is adhering to the adopted policy and procedure.
- C. The QSA shall report annually to the joint legislative committee of jurisdiction on the details of procurement of any goods, services or other arrangements that have been established through a sole source process. Such report will list the procurements, the vendors, time period and total dollar amount of contracts (if applicable) and amount spent in sole source procurements in the past year.

Sponsorships, Donations and Memberships

- A. The QSA Board shall formally adopt written policy and procedure governing the use of QSA resources to support outside organizations through sponsorships, donations, contributions or memberships. Such policy and procedures shall:
- Establish criteria for determining which organizations QSA will be members or contributors to and the form and amount of resources contributed to each organization. Such criteria should assure that contributions and memberships are directly related to the primary mission of the QSA and its core activities.
 - Establish the expectations for documentation to be maintained to support each contribution and membership.

- Require that contributions and memberships be separately budgeted and accounted for.
 - Require that the QSA Board formally approve the annual budget for contributions and memberships and receive periodic reports on actual contribution and membership activity.
 - Require that the QSA Board formally approve any individual contribution or membership exceeding an established dollar threshold.
- B. The QSA Board is responsible for assuring that the agency is adhering to the adopted policy and procedure.
- C. The QSA shall report annually to the joint legislative committee of jurisdiction a listing of all organizations to which QSA made a contribution or paid a membership fee in the prior year and the associated dollar amount.

Travel and Meal Expenses

- A. The QSA Board shall formally adopt written policy and procedure governing the use of QSA resources to cover travel and meal expenses for QSA employees, Board members and vendors. Such policy and procedures shall:
- Specify the situations and conditions under which the QSA will cover such expenses either directly or through reimbursement. Such situations and condition shall be limited to those that are directly related to QSA’s mission and core activities.
 - Establish the requirements for supporting documentation and approval of travel and meal expenses.
 - Require that travel and meal expenses be separately budgeted and accounted for.
 - Require that the QSA Board formally approve the annual budget for travel and meal expenses and receive periodic reports on actual expenses incurred.
 - Establish all processes and procedures necessary to ensure that all travel and meal expense activity will be incurred, documented, accounted for and reported in a manner that complies with any applicable federal or State laws and regulations including, but not limited to, any applicable regulations of the Internal Revenue Service.
- B. The QSA Board is responsible for assuring that the agency is adhering to the adopted policy and procedure.

Lobbying

- A. QSA’s are generally prohibited from engaging external consultants, including attorneys, to lobby legislators, legislative committees, (or State agencies???). Exception applies when the QSA has a need for technical expertise to appropriately address a matter before the Legislature.

- B. The QSA shall report annually to the joint legislative committee of jurisdiction on a listing of any external lobbyists engaged in the prior year, the matter on which the lobbying occurred and the amount paid for this service.

(Question – Do we want to make this a prohibition for all State agencies as well?)

Board Terms

- A. Length of terms for Board members of QSA's shall be established at a minimum of XXX years and a maximum of XXX years. (Question – are there any exceptions?)

(Question – Are there any other requirements to consider setting for QSA Boards, i.e. responsibilities of the Board particularly in regards to oversight of the performance of the Executive Director?)