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<b>CHAPTER 2: FISCAL MANAGEMENT</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b>  <b>Approved by Commissioner:</b> 	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VII</b>
<b>EFFECTIVE DATE:</b> November 1, 2004	<b>LATEST REVISION:</b> January 12, 2017	<b>CHECK ONLY IF</b> APA [ ]

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

**II. APPLICABILITY**

Entire Maine Department of Corrections

**III. POLICY**

It is the policy of the Department of Corrections that all expenditures of State funds for personal services be made in full compliance with Maine law.

**IV. CONTENTS**

- Procedure A: General Requirements for Procuring Contracted Services
- Procedure B: Contract Procedures
- Procedure C: Requirements for the Monitoring of Contracts
- Procedure D: Complaints of Discrimination (Providers Receiving Federal Funds)

**V. ATTACHMENTS**

None

**VI. PROCEDURES**

**Procedure A: General Requirements for Procuring Contracted Services**

1. Any acquisition of personal services must be made in accordance with Maine statutes (5 M.R.S.A., Ch. 155) and rules adopted by the Department of Administrative and Financial Services, Division of Purchases. Compliance with these statutes and rules is a prerequisite to the execution of any contract for personal services.

2. No Department staff may authorize or ratify payment of State funds for personal services without a contract that is duly executed and approved in accordance with State law and this policy. This requirement applies to any acquisition of personal services.
3. Any Department staff proposing to acquire personal services shall consult with the Deputy Commissioner, the applicable Associate Commissioner, the Department's Manager of Correctional Operations, or designee, to determine the type of contract appropriate for the proposed acquisition of personal services and to determine appropriate procurement procedures and time requirements.
4. The staff shall consult with the Deputy Commissioner, the applicable Associate Commissioner, the Department's Manager of Correctional Operations, or designee, prior to the selection of any provider of personal services to determine compliance with all State law requirements.
5. The Agreement Administrator shall initiate and submit in a timely manner the necessary contract documents as set forth in State law, and shall consult with the Deputy Commissioner, the applicable Associate Commissioner, the Department's Manager of Correctional Operations, or designee.
6. The Agreement Administrator shall direct questions of contract signature authority and validity, to the Deputy Commissioner, the applicable Associate Commissioner, or the Department's Manager of Correctional Operations, or designee.
7. The Deputy Commissioner, the applicable Associate Commissioner, the Department's Manager of Correctional Operations, or designee, may consult with the Division of Purchases and other appropriate State agencies, including the Attorney General's Office, or may direct the staff to consult directly with these agencies.

**Procedure B: Contract Procedures**

1. Contract forms shall consist of the updated forms approved by the Division of Purchases for personal services contracts. Forms are frequently updated and can be found at <http://www.maine.gov/purchases/info/forms.html>.
2. Prior to obtaining signatures to a contract, staff shall submit the proposed contract to the Department's Manager of Correctional Operations, or designee, and to the Department's Service Center Director, or designee, for review. The proposed contract shall represent a complete work product (i.e., it must fully describe the performance required of both the Department and the service provider; it shall contain all necessary and applicable fiscal and routing information, including the 3-digit agency designation; and it shall contain any special provisions as required by State of Maine, Division of Purchases).
3. Once approved by the Department's Manager of Correctional Operations, or designee, and the Department's Service Center Director, or designee, all contracts must be submitted in electronic format, validly signed by the service

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provider, or a person legally authorized to bind the service provider and by the Commissioner, or designee, to the Department's Service Center Director, or designee. The submission must include all attachments required by the Division of Purchases. In order to ensure that all required attachments are submitted, the Commissioner, or designee, may require the completion of a contract checklist.

4. The Department's Service Center Director, or designee, acting as the routing agent, shall forward the contract to the Division of Purchases. A single insurance certificate indicating the service provider's compliance with the contract's insurance requirements must be included, where applicable.
5. Validly signed contracts must be submitted to the Department's Service Center Director, or designee, no later than one (1) week prior to the service commencement date. Contracts submitted after this period may only be accepted with the approval of the Commissioner, or designee. If a contract has not previously been submitted to the Corrections Service Center Director, or designee, the Department's Service Center Director must be notified of the contract prior to its encumbrance.
6. The Department's Service Center Director, or designee, shall process all acceptable and validly signed contracts. Processing involves logging the contract information on a contract log, and routing the contract to the Division of Purchases.

**Procedure C: Requirements for the Monitoring of Contracts**

1. The Agreement Administrator shall monitor performance under each contract. Such monitoring shall assure that all requirements of each contract are being fully met. The Agreement Administrator, or other designated staff, shall meet annually with each service provider to review the program or services described in the contract. The parties shall review goals for the program or services and their respective responsibilities. Noncompliance issues shall be addressed and a plan developed and implemented to correct performance deficiencies. If the service provider receives federal funds through the Department, the monitoring shall include an on-site visit.
2. The Agreement Administrator shall monitor expenditures under each contract. Under no circumstances may the Department's fiscal liability exceed the dollar limit set by the contract. If the demand for personal services exceeds the dollar limit set by a contract, a new contract (or a contract amendment in appropriate cases) may be submitted to provide for additional services and compensation. Any amendment or new contract must be submitted and approved in accordance with State law, and must adhere to the procedures referenced in this policy.

**Procedure D: Complaints of Discrimination (Providers Receiving Federal Funds)**

1. The Department's Manager of Correctional Operations shall be responsible for overseeing the Department's complaint process with respect to complaints of discrimination against service providers receiving federal funds except for

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complaints from persons in the custody or under the supervision of the Department of Corrections.

2. The Department's Director of Classification shall be responsible for overseeing the Department's complaint process with respect to complaints of discrimination against service providers receiving federal funds from persons in the custody or under the supervision of the Department of Corrections.
3. All contracts with service providers receiving federal funds through the Department shall include a provision prohibiting the service provider from engaging in discrimination based on sex, race, color, religion, ancestry or national origin (including limited English proficiency), age, marital status, genetic information, physical or mental disability, sexual orientation, or whistleblower activity, requiring that the service provider notify employees, clients, and other persons involved with the service provider that they may submit complaints of discrimination either to the service provider itself or to the Department's Manager of Correctional Operations or Director of Classification, as applicable, and that the complainant may also file a complaint directly with the federal Office for Civil Rights and shall provide the address for that office.
4. The Department's Manager of Correctional Operations shall, after consultation with the Department's legal representative in the Attorney General's Office, refer any complaint received to the appropriate federal or state agency for investigation and resolution and shall also notify the complainant that he or she may also file a complaint directly with the federal Office for Civil Rights and shall provide the address for that office.
5. The Department's Director of Classification shall, after consultation with the Department's legal representative in the Attorney General's Office, investigate and attempt to resolve any complaint received and shall also notify the complainant that he or she may also file a complaint directly with the federal Office for Civil Rights and shall provide the address for that office.

## **VII. PROFESSIONAL STANDARDS**

### **ACA:**

- ACI - 4-4039** Funds are available for purchasing community services to supplement existing programs and services.
- 4-ACRS-7D-26** Where needed, funds are available for purchasing community services to supplement existing programs and services.
- 4-JCF-5C-02** Social service programs are provided that make available a wide range of resources appropriate to the needs of juveniles, including individual, group, and family counseling, as well as treatment based on assessed risk and need. Special programs are provided to meet the needs of juveniles with specific types of problems. Facility staff identify the collective service needs of the juvenile population at least annually.

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