

 <p>State of Connecticut Department of Correction</p> <p>ADMINISTRATIVE DIRECTIVE</p>	Directive Number 3.13	Effective Date 8/29/2014	Page 1 of 3
	Supersedes Grants and Contracts, dated 09/01/2011		
Approved By:  Commissioner James E. Dzurenda	Title Contracts Administration		

1. Policy. The Department of Correction shall coordinate legally-binding, authorized contracts through the Fiscal Services Unit to ensure consistent and appropriate terms and processing, in accordance with all Departmental policies, state policies and state and federal laws.

2. Authority and Reference.
 - A. Public Law 108-79 Prison Rape Elimination Act of 2003.
 - B. 28 C.F.R., 115 Prison Rape Elimination Act National Standards.
 - C. Connecticut General Statutes, Sections 3-39a, 4-8, 4-28, 4-29, 4-31, 4-31a, 4-168, 4-173, 4a-60g, 18-81, and 18-101i.
 - D. State of Connecticut, Office of the State Comptroller, State Accounting Manual.
 - E. Connecticut Department of Administrative Services, Business Connections Unit, Connecticut Small Business Set Aside Directory (issued monthly).
 - F. Connecticut Office of Policy and Management, Personal Service Agreement (PSA) Guidelines.
 - G. Administrative Directives 3.3, Procurements; 6.12 Inmate Sexual Abuse/Sexual Harassment Prevention and Intervention.
 - H. American Correctional Association, Standards for the Administration of Correctional Agencies, Second Edition, April 1993, Standard 2-CO-1B-09.
 - I. American Correctional Association, Standards for Adult Correctional Institutions, Fourth Edition, January 2003, Standards 4-4038 and 4-4039.

3. Definitions and Acronyms. For the purposes stated herein, the following definitions and acronyms apply:
 - A. Contract. Any written agreement between the Department of Correction and any outside entity/individual, including a Personal Service Agreement, Purchase of Services, and Memorandum of Understanding or Letter of Agreement as described below.
 - B. Fully Executed. The status of a contract when it has been approved and signed by all parties, and authorized by statute and policy.
 - C. Letter of Agreement (LOA). A written agreement between the State of Connecticut and a municipality, another state, a non-state entity or an individual. LOAs are utilized to detail provision of services that do not require payment from the Department.
 - D. Memorandum of Understanding (MOU). A written agreement used among state agencies. Also referred to as a Memorandum of Agreement.
 - E. Personal Service Agreement (PSA). A written agreement defining the services or end product to be delivered by a personal service contractor to a state agency. PSAs may cover chaplain services, speakers, training, expert witnesses and other services required by the Department.
 - F. PREA. Prison Rape Elimination Act.
 - G. Program Manager. The person responsible to administer the programmatic guidelines of a contract.
 - H. Purchase of Services (POS). Contractual agreements for human services provided directly to inmates by a corporate entity.

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Typically utilized for residential and nonresidential community programs.

- I. Small Business. A business certified by the Department of Administrative Services as meeting the qualifications for Set-Aside program participation as a Small Business under Section 4a-60g of the Connecticut General Statutes.
 - J. Sole Source. Vendor supplying goods or services following the authorized waiver of the competitive bidding requirement.
4. Personal Service Agreements, Purchase of Service Agreements, Memoranda of Understanding, Letters of Agreement, License Agreements and Development Process.
- A. Requests for services to be acquired through a PSA, POS, MOU or LOA shall be initiated using CN 31301, Request for Contractual Services. Such requests must be originated at the Unit Administrator level or higher, and be approved at the unit and division levels. In addition, each such request must be approved by the Fiscal Services Unit, whose approval shall signify the availability and appropriate use of funds.
 - B. Selection of a proposed vendor shall be made in accordance with applicable statutes and policies. Small and Minority Business Enterprises shall be utilized in accordance with departmental goals in accordance with Administrative Directive 3.3, Procurements. If the requestor seeks an agreement with a specific contractor, CN 31301, Request for Contractual Services must so indicate, with full information on the proposed contractor.
 - C. Upon approval by all required levels, CN 31301, Request for Contractual Services shall be forwarded to the Fiscal Services Unit for preparation of the contractual agreement. The Fiscal Services Unit shall determine whether the proposed agreement shall be established as a PSA, POS, LOA or MOU, and if the service must be put out to bid or is eligible for sole source designation in accordance with relevant guidelines.
 - D. If a proposed contractor has not been identified, the Fiscal Services Unit shall work with the requestor to identify qualified contractors and issue a Request for Proposals (RFP), as needed.
 - E. Throughout the contract process, the Fiscal Services Unit shall be responsible for obtaining all required approvals from outside agencies.
 - F. The Fiscal Services Unit shall forward the full agreement package to the proposed vendor for signature and completion of documents.
 - G. Upon receiving the necessary approvals and a fully completed contract package from the proposed vendor, the Fiscal Services Unit shall forward the complete package through the Director of Fiscal Services and the appropriate Deputy Commissioner, for signature by the Commissioner or designee.
 - H. If necessary, in accordance with state guidelines, the Fiscal Services Unit shall forward the contract to the Office of the Attorney General for final signature.
 - I. No contract or agreement shall be valid until the preceding steps have been completed and required approvals have been received.
 - J. The Fiscal Services Unit shall maintain the master file on all Personal Service Agreements, Purchase of Service Agreements, Memoranda of Understanding, and Letters of Agreement excepting specific records of payment which shall be maintained by the Fiscal Services Unit.

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- K. The Fiscal Services Unit shall be available to advise all Department staff throughout the contract process.
 - L. Any contract entered into by the Department with a private entity that provides for the housing of residents in the community must include a requirement that the private entity adopt and comply with PREA standards and shall provide for monitoring by the Department to ensure the private entity's compliance with PREA standards. Only in emergency circumstances in which all reasonable attempts to find a private entity in compliance with PREA standards have failed may the Department contract with a private entity that fails to comply with PREA standards. In such a case, the unsuccessful attempts to find a private entity in compliance with PREA standards must be documented.
5. Competitive Bidding. The Fiscal Services Unit shall facilitate the competitive bidding process pursuant to all applicable state statutes, regulations and guidelines.
6. Forms and Attachments. The following form is applicable to this Administrative Directive and shall be utilized for the intended function:
- A. CN 31301, Request for Contractual Services.
7. Exceptions. Any exceptions to the procedures in this Administrative Directive shall require prior written approval from the Commissioner.