



ADULT COMMUNITY CORRECTIONS DIVISION STANDARD OPERATING PROCEDURES

Procedure No.: ACCD 1.1.700	Subject: COMPLIANCE MONITORING
Reference: DOC 1.1.7; DOC 1.2.9	Page 1 of 4
Effective Date: 01/25/12	Revision Dates: 02/15/13
Signature / Title: /s/ Pam Bunke, ACCD Administrator	

I. DIVISION DIRECTIVE:

The Adult Community Corrections Division will maintain a monitoring system that assures system-wide compliance with all Department policy, Division, and facility operational procedures, applicable statutory requirements, contract requirements, and staff performance standards.

II. DEFINITIONS:

Action Plan – The Department document that identifies division, facility or program policy, procedure, and operation issues of noncompliance, corrective action recommendations, assigned staff, and action timelines to ensure compliance objectives are met.

ACCD Administrator – The Administrator responsible for the overall administrative functions of the ACCD programs/facilities. The Administrator reports directly to the Department Director.

ACCD-Adult Community Corrections Division Program/Facility – The Division includes the Adult Interstate Bureau, Missoula Assessment and Sanction Center (MASC), Treasure State Correctional Training Center (TSCTC) and the Probation and Parole Bureau which provides the following programs and facilities: Day Reporting Program (DRP), Intensive Supervision Programs (ISP), and Enhanced Supervision Program (ESP). Contract facilities include Prerelease Centers (PRC), Sanction Treatment Assessment Revocation & Transition (START), Warm Springs Addiction Treatment and Change Program (WATCH), Connections Corrections Program (CCP), Passages Alcohol and Drug Treatment (Passages ADT), Passages Assessment Sanction & Revocation Center (Passages ASRC), NEXUS Correctional Treatment Center (NEXUS), and Elkhorn Treatment Center (Elkhorn).

Contract – A written or verbal agreement between a Department division/facility/program and any other governmental, public, or private entity for the procurement of goods or services of any type. The term includes all written or verbal agreement; leases; Memorandums of Understanding (MOU); letters of agreement; mutual aid agreements between the Department and other state or local government entities that define the safety and security roles of all parties in the event of an incident requiring assistance from the other governmental entities; and subsequent amendments of said documents, regardless of whether there is any Department financial obligation. The term does not include hardware/software maintenance agreements; Service Level Agreements (SLA) with the Department of Administration; service agreements for office machines or telephone systems; software licensing agreements; revenue generating agreements; or Purchase Orders issued in accordance with the procurement delegation agreement.

Contract Liaison/Contract Monitor – The staff member designated to oversee contract terms and compliance and serve as the primary contact between the Department and the contracted service provider.

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Department – The Montana Department of Corrections.

Interim Monitoring – Monitoring, review, and verification of ACCD contract compliance that occurs in between formal Department compliance monitoring reviews and conducted by the assigned contract liaison.

Prerelease Facility Contract Manager – The Department’s employee who acts as the liaison for services and monitors the contractual agreements between the Department and prerelease centers: Alpha House PRC, Gallatin County Re-entry Program, Butte PRC, Great Falls Transition Center, Helena PRC, and Missoula PRC.

Treatment Facility Contract Manager – The Department’s employee who acts as the liaison for services and monitors the contractual agreement between the Department and ACCD contracted facilities: START, CCP, Passages, Elkhorn, NEXUS and WATCH.

III. PROCEDURES:

A. Contract Manager/Liaison

The ACCD Administrator is ultimately responsible for managing contracts from the beginning to the end of the contract cycle, and the designated Contract Liaison serves as the primary contact person for all communications between the Department and the Contractor. The Contract Manager/Liaison will provide the principal contract management and monitoring function, unless the Administrator and Contract Liaison otherwise agree.

Contract Manager/Liaison primary functions and responsibilities include:

1. Serve as primary contact for the Contractor;
2. Determine necessary contract changes and notify the Contracts Management Bureau (CMB) of requested changes;
3. Assist in negotiating contract terms, scope of service, and compensation;
4. Review invoiced services (per contract) and approve for payment, as appropriate;
5. Contract monitoring to ensure contractor compliance with contract terms;
6. Evaluation of contractor performance [every six (6) months] or more often, as necessary;
7. Submission of *DOC 1.2.9 (Attachment) Contract Justification Form* for new contracts or renewal of existing contracts;
8. Submission of quarterly contract reports to the CMB;
9. Submission of annual contractor performance evaluation reports;
10. To be intimately familiar with and fully understand the contract language, including specific contract obligations;
11. Ensure the Contractor has a clear understanding of how the contract will be managed and monitored with this procedure as a guide;
12. Provide the Contractor with guidance and technical assistance, as needed, to promote effective contract performance;
13. Monitor the Contractor’s activities through a variety of means to ensure quality service delivery;
14. Address day-to-day issues or problems that arise;
15. Identify potential contract inefficiencies and risks that, if eliminated, would result in a cost savings to the Department;

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16. Review invoices and verify the Department is being billed in accordance with the contract terms and that the billed services were provided;
17. Notify the Contractor of discrepancies in billing and contract compliance issues;
18. Share contractor performance information with appropriate Department staff;
19. Document all contract monitoring activities to validate consistent and effective contract management; and
20. Submit *DOC 1.2.9 (Attachment) Annual Evaluation of Contractor Performance* to the CMB, annually, and prior to renewal of an existing contract.

B. Interim Monitoring Process

At least every six (6) months, the Contract Manager/Liaison will conduct an interim monitoring visit or review to assure contract compliance.

The Contract Manager/Liaison will:

1. Notify the Contractor at least two (2) weeks in advance of the areas to be reviewed;
2. Schedule the interim visit or review;
3. Determine the resources, reports, and information needed to determine compliance;
4. Conduct the review based on the specific areas to be reviewed and verify contract compliance;
5. Submit a draft report to his/her supervisor for review and comment;
6. Attempt to resolve any disagreement with the Contractor regarding report findings;
7. Forward the finalized report for review to the supervisor, ACCD Administrator, Contractor, and electronic file; and
8. Provide the ACCD Administrator with a copy of the action plan and updates as action plan items are resolved.

C. Interim Monitoring Reports and Documentation

After an interim visit/review is completed within a six (6)-month period, the Contract Manager/Liaison will complete the interim monitoring report within one (1) month of the visit or review.

The interim monitoring report will outline:

1. The date the Contractor was notified of the interim visit and items to be reviewed;
2. The specific contract language that was reviewed;
3. How the contract term was reviewed, verified, and confirmed compliance; and
4. If corrective action was needed for noncompliance.

D. Interim Action Plans

The Contract Manager/Liaison will:

1. Document the monitoring report issues of noncompliance on the interim monitoring report;
2. Forward the report to his/her supervisor for review;
3. Determine appropriate resources and any technical assistance required to complete the action plan;
4. Outline a specific date for the Contractor to correct the deficiency; and
5. Review all proposed corrective actions and results to determine if issues are adequately resolved and compliance achieved.

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E. Contractor Reports and Documentation

Documentation of contractor performance shall be kept by the Contract Manager/Liaison in a designated contract file and shall include, at a minimum: a copy of the contract, as amended; invoices; memos to Contractor; a log of discussions with Contractor; actions taken by the Contractor; reports; and other documents necessary to support contract monitoring activities.

All reports, requests, or forms submitted by the Contract Manager/Liaison to the CMB will be electronically submitted and stored.

F. Annual Evaluation of Contractor Performance

DOC 1.2.9 Contracts outlines the guidelines for the *Annual Evaluation of Contractor Performance* prior to contract renewal, but not less than annually, for all division, facilities, and programs. Contract Managers/Liaisons will utilize the attached *Annual Evaluation of Contractor Performance* form and meet with the Contractor to discuss the evaluation, and have the Contractor acknowledge the review by signature.

Contract renewal requests will not be processed by the CMB without an up-do-date annual evaluation of the Contractor's performance. Contracts will not be renewed with Contractors who fail to achieve an overall rating of less than "satisfactory."

IV. CLOSING:

Any questions related to this procedure will be directed to the Contract Manager/Liaison or the ACCD Facilities Program Bureau Chief.

Forms

DOC 1.2.9 (Attachment) Annual Evaluation of Contractor Performance

DOC 1.2.9 (Attachment) Contract Justification Form