



**DEPARTMENT OF CORRECTIONS
PROGRAMS AND FACILITIES BUREAU
BUREAU OPERATIONAL PROCEDURE**

Procedure:	PFB 1.1.700 COMPLIANCE MONITORING
Effective Date:	01/01/2021 Page 1 of 4
Revision Date(s):	10/04/2021
Reference(s):	DOC 1.1.7; DOC 1.2.9; 53-1-203, MCA
Signature / Title:	/s/ Megan Coy, Programs and Facilities Bureau Chief

This procedure is referenced as ACCD 1.1.700 Compliance Monitoring in Section 1.G.2 Standard Contract Terms; Compensation/Billing; Billing/Payment, in the following contracts: Alternatives, Inc., Butte Prerelease, Gallatin County Reentry Program, Helena Prerelease, Passages, Nexus, and START.

This procedure is referenced as ACCD 1.1.700 Compliance Monitoring in Section 4.3 Consideration/Payment; Withholding Payment in the Connections Corrections Program (CCP) and WATCH contracts.

I. PURPOSE:

The Programs and Facilities Bureau will utilize a monitoring process that assures system-wide compliance with all Department policy and PFB contractor operational requirements, applicable state and federal requirements, contract requirements, and staff performance standards.

II. DEFINITIONS:

Corrective Action Plan – The document that identifies how risk or deficient audit objectives will be corrected, who is responsible for the correction, and the date by which the corrections will be made.

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

PFB-Programs and Facilities Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services.

Programs and Facilities Contract Manager – The Department’s employee(s) who acts as the liaison for services and monitors the contractual agreements between the Department and PFB contract facilities. For the purpose of this procedure, is also known as the Contract Liaison/Contract Monitor.

Quality Assurance Office (QA) – Is an office located within the Director’s Office, which audits to determine division, facility, or program compliance with Department policies and facility operational procedures, contract agreements, statutory language, and safety, security and emergency response requirements.

III. PROCEDURES:

A. PROGRAMS AND FACILITIES CONTRACT MANAGER (CONTRACT MANAGER):

1. The PFB is responsible for managing facility and provider contracts from the beginning to the end of the contract cycle, and the designated Contract Manager provides the principal contract management and monitoring function.

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2. The general, primary functions and responsibilities of the Contract Manager include the following:
 - a. serve as the primary contact for the contractor;
 - b. respond to day-to-day requests or issues;
 - c. collect, analyze, and summarize data regarding contract requirements and offender management information;
 - d. assist in negotiating contract terms, scope of service, and compensation;
 - e. be familiar with and fully understand the contract language, including specific contract obligations;
 - f. document all contract monitoring activities to validate consistent and effective contract management;
 - g. provide guidance and technical assistance to the contractor as needed to promote effective contract performance;
 - h. provide guidance or direction regarding population management of offenders in the custody of, or under supervision of, the Department; and
 - i. share contractor performance information with appropriate Department staff.
3. Either as part of everyday contract manager duties, or as part of a review resulting from a concern or complaint received by PFB or referred to PFB, a Contract Manager may request information or documents from a facility, or may make scheduled or unscheduled visits to the facility in order to determine contract compliance.
4. Documentation of contractor performance shall be kept by the Contract Manager in a designated contract file and shall include, at a minimum, invoices, correspondence with contractor, contractor reports, and other documents necessary to support contract monitoring activities.

B. INTERIM MONITORING PROCESS FOR FACILITY CONTRACTS:

1. The Contract Manager conducts interim monitoring activities for facility contracts through on-going remote monitoring and on-site visits to ensure contract compliance.
2. Interim compliance checks required by the Prison Rape Elimination Act of 2003 (PREA) take place only if a federal PREA audit or Quality Assurance Office (QA) audit is not being completed during the federally established time period, which begins August 20th and continues through August 19th of the following year.
3. On-going Remote Monitoring: Day-to-day contract monitoring to ensure contractor compliance with contract terms that include:
 - a. reviewing statistical and contractor reports;
 - b. reviewing facility inspection reports;
 - c. provide guidance and technical assistance for unresolved corrective action items from previous QA audits or interim monitoring activities; and
 - d. invoice processing:
 - 1) review invoiced services (per contract) and approve for payment as appropriate;
 - 2) verify the Department is being billed in accordance with the contract terms and that the billed services were provided; and
 - 3) notify contractor of discrepancies in billing and contract compliance issues.

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4. On-Site Visits to Contractor Sites:
 - a. The Contract Manager will visit each residential facility at least twice in a fiscal year.
 - b. Contract Manager will visit each Enhanced/Transitional Supervision Services (ETSS) service location at least once in a fiscal year.
5. At the beginning of each quarter, Contract Manager will identify which contract items will be reviewed during that quarter, considering findings and corrective action plans from prior QA audits, interim monitoring activities, Correctional Program Checklists (CPC) assessments, and PREA compliance checks.
6. Contract Manager will complete the following:
 - a. provide appropriate notice to the contractor prior to on-site visit of scheduled review and request information/documents necessary to review the selected remote and on-site items;
 - b. for each contract:
 - 1) develop a draft memo summarizing:
 - a) the specific contract language reviewed;
 - b) all remote and on-site monitoring activities completed;
 - c) all documented areas of compliance, partial-compliance, noncompliance; and
 - d) recommendations and requirements for improvement.
 - 2) submit the draft memo to the PFB Bureau Chief for review and comment;
 - 3) provide the draft memo to the contractor;
 - 4) provide the finalized memo to the contractor and QA; and
 - 5) the contractor will provide a written response to address deficiencies and include specific dates for the contractor to correct each deficiency.

C. ANNUAL EVALUATION OF CONTRACTOR PERFORMANCE FOR ALL CONTRACTS:

1. *DOC Policy 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.
2. Contract Manager/Liaison will complete the following as part of the annual evaluation of contractor performance:
 - a. submit quarterly contract reports to the Department Contracts Management Bureau (CMB)
 - b. identify potential contract inefficiencies and risks that, if eliminated, would result in a cost savings to the Department;
 - c. determine necessary contract changes and notify the CMB of requested changes;
 - d. submit requests for new contracts or renewal of existing contracts in accordance with *DOC Policy 1.2.9, Contracts*.
 - e. submit *DOC 1.2.9 (Attachment) Annual Evaluation of Contractor Performance* annually and prior to renewal of an existing contract.
3. Contract Manager/Liaison will review the *Annual Evaluation of Contractor Performance* form when meeting with the contractor to discuss the evaluation. Contractor will acknowledge the review by signing the form.

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IV. CLOSING:

Questions regarding this procedure shall be directed to the Programs and Facilities Bureau.

V. FORMS:

DOC 1.2.9 (Attachment) Annual Evaluation of Contractor Performance