

Idaho Department of Correction 	Standard Operating Procedure Management Services Division General Administration	Control Number: 147.06.06.002	Version: 1.4	Page Number: 1 of 20
		Title: Contract Management: Contracted Prison Operations		Adopted: 6-13-2011 Reviewed: 6-13-2011 Next Review: 6-13-2013

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Open to the general public: Yes No

If no, is there a redacted version available: Yes No

BOARD OF CORRECTION IDAPA RULE NUMBER

[None](#)

POLICY CONTROL NUMBER 147

[Contract Management](#)

DEFINITIONS

[Standardized Terms and Definitions List](#)

Contract Oversight Manual: A manual that (1) defines administrative and oversight protocols and procedures for a specific contract, and (2) includes a communication plan, requirements to be monitored, performance measures, and an escalation plan.

Division of Purchasing (DOP): A division within the State of Idaho's Department of Administration that is responsible for the oversight of all state purchasing activities.

Health Authority: The Idaho Department of Correction (IDOC) employee who is primarily responsible for overseeing or managing the IDOC's medical services. The health authority is commonly referred to as the health services director.

Virtual Prisons Program (VPP): A work unit within the Management Services Division that is responsible for the oversight of correctional facilities operated by a private contractor.

PURPOSE

The purpose of this standard operating procedure (SOP) is to establish:

- The authority and responsibilities involved in the contract administration and oversight of correctional facilities operated by a private contractor;
- Contract administration and oversight guidelines that are in accordance with federal and state law, contract requirements, and Idaho Department of Correction (IDOC) standards and procedures; and
- Responsibilities for contract management components.

Note: This SOP does not provide guidance on the specific procedures to be followed in conducting contract oversight for individual contracts. For contract management procedures involving general contracts see SOP [147.06.06.001](#), *Contract Management: General*. For

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contract management procedures involving healthcare services see SOP [147.06.06.003](#), *Contract Management: Healthcare Services*.

SCOPE

This SOP applies to any IDOC employee involved in the procurement, oversight, administration, and monitoring of those contractors who, by enforceable agreement, agree to incarcerate, manage, and care for offenders who are under the jurisdiction of the IDOC.

Note: Hereinafter, these contractors shall be referred to as 'private contractors'.

RESPONSIBILITY

Director of the IDOC

The director of the IDOC (or designee) is responsible for:

- Contracting authority;
- Monitoring the performance of private contractors; and
- Retaining clear supervisory and monitoring powers over the operation of privately managed correctional facilities to ensure that offenders housed in those facilities are properly cared for. (Idaho Code, Section 20-241A[6].)

Chief of the Management Services Division

The chief of the Management Services Division (or designee) is responsible for overseeing and monitoring the provisions provided herein.

Deputy Chief of the Contract Services Bureau

The deputy chief of the Contract Services Bureau (or designee) shall be responsible for implementing this SOP and for ensuring IDOC employees are practicing the guidelines, standards, and procedures provided herein.

Deputy Warden of the Virtual Prisons Program

The deputy warden of the Virtual Prisons Program (VPP) (or designee) shall be responsible for:

- The direct oversight of the VPP monitoring team (i.e., security operations, program operations, healthcare services, and ancillary services monitors); and
- Ensuring the guidelines, standards, and procedures provided herein are adhered to.

Contract Administrator

The contract administrator shall be responsible for the contract administration activities described herein. (For additional expectations, see [section 2](#).)

Contract Monitor

The contract monitor shall be responsible for the contract oversight duties described herein. (For additional expectations, see [section 2](#).)

Security Operations Monitor

The security operations monitor shall be responsible for monitoring private contractor contracts that pertain to correctional security. The security operations monitor is a member of the VPP monitoring team.

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Program Operations Monitor

The program operations monitor shall be responsible for monitoring private contractor contracts that pertain to education and treatment programming. The program operations monitor is a member of the VPP monitoring team.

Healthcare Services Monitor

The healthcare services monitor shall be responsible for monitoring private contractor contracts that pertain to healthcare services. The healthcare services monitor is a member of the VPP monitoring team.

Ancillary Services Monitor

The ancillary services monitor shall be responsible for monitoring private contractor contracts that pertain to correctional operations such as food service, maintenance, and administration. The ancillary services monitor is a member of the VPP monitoring team.

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GENERAL REQUIREMENTS

The nature of contract management varies based on the type of contract, scope of work, dollar value, complexity, level of risk, and the experience and commitment of personnel involved. The resources allocated for the administration and monitoring of an individual contract shall be commensurate with the scope of work, complexity, and level of risk.

Note: Any employee involved in the procurement, oversight, administration, and monitoring of services and commodities (provided by private contractors) is required to conduct himself ethically and professionally in accordance with policy [217](#), *Ethics and Standards of Conduct*.

1. Goal and Components

Generally stated, the goal of contract management is to ensure contracted services and commodities are evaluated for contractual compliance and satisfactory performance, and the responsibilities of all parties are discharged properly. The technical administration of a government contract is an essential activity, and its importance ensures a maximum return on the IDOC's contract dollars. Contract management activities should begin at the development of contract procurement documents and remain in effect throughout the term of a contract.

The components of contract management include, without limitation, the following:

- Definition of roles and expectations;
- Identification of primary milestones and activities from contract procurement through contract closeout;
- Establishment of contract monitoring and reporting protocols and procedures related to the specific contract;
- Verification and authorization of contract payments;
- Development of communication protocols;
- Identification of escalation procedures;
- Establishment of a quality assurance (audit) plan;
- Development of the change management process; and
- Exercise of State of Idaho remedies, as appropriate, when a private contractor's performance is deficient.

2. Essential Functions

Contract management is typically divided into the following two (2) essential functions:

Contract Administration

At the beginning of a procurement process, a contract administrator shall be identified to manage the procurement process for the IDOC. The contract administrator shall work in conjunction with the State of Idaho's Division of Purchasing (DOP).

Upon contract award and throughout the term of the contract, the contract administrator shall report (routinely and/or as requested by the deputy chief of the Contract Services

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Bureau [or designee]) to the deputy chief of the Contract Services Bureau, chief of the Management Services Division, and IDOC Leadership Team regarding contract compliance. (Also see [section 6](#).)

Note: The Leadership Team consists of the director of the IDOC, division chiefs, and the director's administrative support manager.

Contract administration duties typically include, but will not be limited to, the following:

- Managing the contract procurement process, to include Request for Information (RFI) and Request for Proposal (RFP) development and participation in the evaluation process;
- Facilitating contract pre-award and post-award activities;
- Coordinating contract implementation activities;
- Ensuring all parties meet the terms of the contract;
- Managing the change management process (see [section 9](#));
- Facilitating contract negotiations between the IDOC and a private contractor to incorporate change of scope;
- Acting as the liaison between the IDOC, DOP, and the private contractor's legal or contract representative(s);
- Developing a standardized filing system and maintaining the [Contract Records Management Guide](#);
- Providing clarification of contract language and technical assistance;
- Coordinating remedy and cure processes;
- Coordinating contract closeout activities;
- Coordinating contract audits with the Quality Assurance Unit;
- Coordinating legal reviews of all contract procurement documents, breach notifications, and amendments; and
- Managing the contract payment approval process.

Contract Oversight

At the beginning of a procurement process, the chief of the Management Services Division (or designee) shall identify at least one contract monitor to participate in the procurement process as a subject matter expert. The chief (or designee) may designate other resources as necessary. Upon contract award and throughout the term of the contract, the contract monitor(s) shall act as a liaison between the IDOC and the private contractor to facilitate and conduct contract oversight activities. The contract monitor(s) involved with the processes described herein, will report to the deputy warden of the VPP. (Also see [section 6](#).)

Contract oversight duties typically include, but will not be limited to, the following:

- Developing the Contract Oversight Manual (see [section 4](#));
- Evaluating on-site operations to determine adherence to contract terms and conditions;

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- Measuring, monitoring, and tracking performance;
- Analyzing key indicators to identify patterns and trends;
- Escalating life-safety issues or contract violations;
- Analyzing private contractor reporting **and** performance and outcome measures;
- Utilizing effective methodology for monitoring activities, to include direct observation, document and record reviews, interviews, statistical analysis, unannounced inspections, and fact-finding;
- Completing compliance reports and briefing the chain of command **and** the contract administrator on contract and operational issues; and
- Reviewing a private contractor's progress on corrective action plans.

Contract Management Team

A Contract Management Team may be assigned to a contract as designated by the chief of the Management Services Division. Typically, the team consists of the deputy chief of the Contract Services Bureau, the deputy warden of the VPP, the health authority, a contract administrator, a contract monitor(s) **or** the healthcare services monitor, the business support manager (located in the Contract Services Bureau), a DOP representative, and the private contractor's legal or contract representative(s).

The Contract Management Team shall facilitate and attend regularly scheduled meetings to discuss contract performance, compliance, and operations.

3. Activities and Lifecycles/Timelines

The following provides an outline of activities that represent the lifecycle of a contract. Each activity includes a responsible party and timeline from contract inception through closeout.

Responsible Party	Activity	Timeline
Procurement		
Contract Administrator and Contract Monitor	Development of solicitation documents (RFI, RFP)	8 to 12 months prior to contract award (or expiration/termination)
Contract Administrator	Development of proposal evaluation criteria and scoring documents	Concurrent with RFP development
Contract Administrator and Contract Monitor	Pre and post-contract award activities	90 to 120 days prior to contract commencement date
Contract Administrator and Contract Monitor	Post-award conference with private contractor	90 days prior to contract commencement date
Contract Administrator and Contract Monitor	Contract implementation and/or transition activities	90 days prior to contract commencement date until complete
Performance		
Contract Administrator and Contract Monitor	Development of the Contract Oversight Manual	90 to 120 days prior to contract commencement date and ongoing

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Responsible Party	Activity	Timeline
Quality Assurance (QA) Manager and QA Auditor	Development of a quality assurance plan	30 days prior to contract commencement date
Contract Administrator	Development of a change management process	30 days prior to contract commencement date
Performance		
Contract Administrator and Contract Monitor	Contract or operational meetings	Frequency mutually agreed upon, but no less than semi-annually
QA Auditor	Contract audit	Annually
Closeout		
Contract Administrator and Contract Monitor	Conduct contract closeout audit	90 to 120 days prior to contract expiration date
Contract Administrator and Contract Monitor	Begin contract closeout checklist and activities	60 to 90 days prior to contract expiration date
Contract Administrator	Issue final contract payment	45 to 90 days after contract completion
Contract Administrator	Archive contract records	1 year after contract completion

4. Monitoring and Reporting

Oversight responsibilities and reporting requirements will be specified within the contract **and** within a correlating Contract Oversight Manual.

Each member of the VPP monitoring team will be assigned various components of the contract and operations to monitor based on their subject matter expertise. Monitoring methodologies shall include direct observation, interviews, document or record review, statistical analysis, unannounced inspections, and fact-finding. Team members shall document and report their observations and findings to the deputy warden of the VPP.

Note: An exception to the above is that the healthcare services monitor shall report to the health authority.

Note: For a complete breakdown of the communication chain of command **and** reporting to requirements, see [section 6](#).

Contract Oversight Manual (Elements and Parts)

The Contract Oversight Manual (that correlates to the contract) shall include, but will not be limited to the following eight (8) elements and/or parts:

Incident Assessments

VPP monitoring team members shall evaluate all incidents that involve a use of force, group discord or disturbance, assault, or accident where serious injury occurs. However, the deputy warden of the VPP may require that an incident assessment be conducted as needed.

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Offender Grievances

All offender grievances shall be reviewed by VPP monitoring team members in order to ensure answers are appropriate and in accordance with SOP [316.02.01.001](#), *Grievance and Informal Resolution Procedure for Offenders*.

Note: Offender grievances are good resources to use in determining how the correctional facility operates, while identifying trends that could be a precursor to an event. The specific Contract Oversight Manual shall identify priority grievances to track.

Monthly Reporting Documents

All monthly reporting documents provided by the private contractor shall be reviewed by VPP monitoring team members, and they shall conduct trend analysis as directed.

Internal and External Stakeholder Correspondence

- VPP monitoring team members shall respond to all internal and external stakeholder correspondence in accordance with the communication plan (as defined in the specific Contract Oversight Manual).
- Copies of all internal and external stakeholder correspondence shall be maintained in accordance with the [Contract Records Management Guide](#).

Contract Monitor Daily Activities

- Daily operations shall be monitored to ensure conformance to applicable standards, policies, correctional practices, and contract requirements.
- All security and life-safety issues shall be reported to the deputy warden of the VPP (as defined in the specific Contract Oversight Manual).
- Information obtained through observations, interviews, and file or document reviews shall be followed up on for the purpose of verification and validation.
- Internal and external stakeholder correspondence received shall be responded to.
- Offender requests shall be reviewed and a response and/or referral sent to the appropriate person(s).

Contract Monitor Weekly Activities

- Meetings shall be attended, as requested.
- Correctional facility living areas, work activities, program activities, recreational activities, medical services, and support service areas shall be toured and observed.
- Offender disciplinary processes shall be reviewed to ensure compliance with SOP [318.02.01.001](#), *Disciplinary Procedures: Offender*, and all related appeals made to the VPP shall be researched.
- Offender classifications shall be reviewed to ensure compliance with SOP [303.02.01.001](#), *Classification: Offender*.
- All serious incidents reported through the 105 notification process in accordance with SOP [105.02.01.001](#), *General Reporting and Investigation of Major Incidents*, shall be summarized, and trends and areas of concern reported.

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- All offender grievances shall be reviewed (noting the issue, facility response, and timeline) to ensure compliance with SOP [316.02.01.001](#), *Grievance and Informal Resolution Procedure for Offenders*, and all trends and areas of concern reported.
- Practices in restrictive housing shall be reviewed and assessed to ensure compliance with SOP [319.02.01.001](#), *Restrictive Housing*.
- Training records and reports shall be reviewed to ensure compliance with the contract **and** Peace Officer Standards and Training (POST) requirements.
- Scheduled office hours for offender contact shall be adhered to.
- Visiting applications shall be reviewed and approved.
- *Background Investigation Questionnaires* (for employees) shall be reviewed and processed.
- Bi-weekly Reports shall be completed in accordance with [table 4-2](#).

Contract Monitor Monthly Activities

- Assigned contract oversight responsibilities (as defined in the specific manual) shall be completed.
- Requests for policy revisions shall be reviewed.
- IDOC policy and SOP revisions shall be distributed as required.

Healthcare Services Monitor Activities

- All medical grievances and private contractor responses shall be reviewed, and concerns reported to the health authority.
- After-incident medical care and follow up shall be assessed, and a written summary provided to the health authority.
- Routine scheduled healthcare services to include chronic care, sick call, outpatient clinic, and dental services shall be assessed.
- Complaints pertaining to healthcare services shall be investigated.
- Bi-weekly Reports shall be completed in accordance with [table 4-2](#).

Table 4-1: Developing a Correlating Contract Oversight Manual

A Contract Oversight Manual (that correlates to the contract) will be developed as follows:

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Functional Roles and Responsibilities	Step	Tasks
Contract Monitor and Healthcare Services Monitor and Contract Administrator and Health Authority and Deputy Warden, VPP	1	Develop a list of contract requirements to be monitored. Note: The priorities must be based on the requirements risk to the IDOC.
Contract Monitor and Healthcare Services Monitor and Contract Administrator and Health Authority and Deputy Warden, VPP	2	Define the standards or performance measures for each requirement.
Contract Monitor and Healthcare Services Monitor and Contract Administrator and Health Authority and Deputy Warden, VPP	3	Develop the process for evaluation of performance measures.
Contract Monitor and Healthcare Services Monitor and Contract Administrator and Health Authority and Deputy Warden, VPP	4	Determine the monitoring frequency.

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Functional Roles and Responsibilities	Step	Tasks
Contract Monitor and Healthcare Services Monitor and Contract Administrator and Health Authority and Deputy Warden, VPP	5	Develop an escalation plan in accordance with section 7 of this SOP.
Contract Monitor and Healthcare Services Monitor and Contract Administrator and Health Authority and Deputy Warden, VPP	6	Develop a communication plan. Note: The plan must outline the chain of command, points of contact, and reporting protocols.
Contract Monitor and Healthcare Services Monitor and Contract Administrator and Health Authority and Deputy Warden, VPP	7	Submit a completed plan to the business support manager (Contract Services Bureau) and deputy chief of the Contract Services Bureau.
Business Support Manager (Contract Services Bureau) and Deputy Chief, Contract Services Bureau	8	<ul style="list-style-type: none"> • Review the Contract Oversight Manual; <i>and</i> • Approve if complete; or • Return to the contract monitor, healthcare services monitor, contract administrator, health authority, or deputy warden of the VPP for revision.
Contract Monitor and Healthcare Services Monitor and Contract Administrator and Health Authority and Deputy Warden, VPP	9	<p>If the Contract Oversight Manual:</p> <ul style="list-style-type: none"> • Requires revision – revise as instructed and return to step 7. • Was approved – (Contract administrator or deputy warden of the VPP task only) – Provide a copy to the private contractor, and meet with the contractor to explain how to use it.

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Table 4-2: Preparing the Bi-weekly Report to Submit to the Deputy Warden of the VPP

Contract monitors and healthcare services monitors shall document and report their monitoring findings and activities bi-weekly as follows:

Functional Roles and Responsibilities	Step	Tasks
Contract Monitor and Healthcare Services Monitor	1	Complete the Bi-weekly Report as required by the specific Contract Oversight Manual.
Contract Monitor and Healthcare Services Monitor	2	Forward the Bi-weekly Report to the deputy warden of the VPP.
Deputy Warden, VPP	3	<ul style="list-style-type: none"> Review, analyze, and assess the Bi-weekly Report; and Determine the course of action required.

Table 4-3: Preparing the Bi-weekly Report to Submit to the IDOC Leadership Team (Deputy Warden, VPP Task Only)

Functional Roles and Responsibilities	Step	Tasks
Deputy Warden, VPP	1	Develop a Bi-weekly Report that is a snapshot of incidents and activities at the correctional facility operated by the private contractor.
Deputy Warden, VPP	2	Present the Bi-weekly Report to the deputy chief of the Contract Services Bureau (or designee), and to the contract administrator.
Deputy Warden, VPP	3	Upon request, present the Bi-weekly Report to the IDOC Leadership Team.

5. Contract Payment Verification and Approval Process

The following contract payment verification and approval process will be followed to ensure payments are reviewed, verified, approved, and processed in a timely manner.

Functional Roles and Responsibilities	Step	Tasks
Contract Monitor	1	Using the director's daily count sheet and the correctional facility's daily count sheet, track and verify the facility's offender population
Contract Monitor	2	Receive the monthly invoice from the private contractor and review it for accuracy.
Contract Monitor	3	Verify with the contract administrator whether liquidated damages have been assessed. If so, attach liquidated damage documents.

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Functional Roles and Responsibilities	Step	Tasks
Contract Monitor	4	<ul style="list-style-type: none"> Return the invoice to the private contractor to address the discrepancies; or Forward the invoice and liquidated damage documents to the deputy warden of the VPP for signature approval.
Deputy Warden, VPP	5	<ul style="list-style-type: none"> Complete a review of the invoice and attached liquidated damage documents; and Approve the documents and return them to the contract monitor; or Do not approve the documents and return them to the contract monitor to have the discrepancies corrected. <p>Note: When approving the documents, ensure the accuracy of the documents and approve via signature.</p>
Contract Monitor	6	<ul style="list-style-type: none"> Return the invoice to the private contractor to address the discrepancies; or Forward the approved invoice to the Fiscal Unit (located in Central Office) for processing; and File a copy of the invoice in the contract records.

6. Communication Protocols

Communication Chain of Command

Deputy Warden of the VPP

The deputy warden of the VPP **and** the warden of the correctional facility operated by the private contractor shall be the primary points of contact between the IDOC and the private contractor.

The deputy warden of the VPP shall openly communicate with:

- The warden of the correctional facility operated by the private contractor; and
- The IDOC contract administrator, deputy chiefs, division chiefs, and director as defined in the communication plan of the correlating Contract Oversight Manual (see [section 4](#)).

The deputy warden of the VPP shall report to the deputy chief of the Contract Services Bureau (or designee).

Contract Administrator

The contract administrator shall openly communicate with:

- Private contractor staff; and
- The private contractor's regional and corporate office regarding contractual issues.

The contract administrator shall report to the business support manager (Contract Service Bureau) and as described in [section 2](#).

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Contract Monitor(s) and VPP Monitoring Team

The contract monitor(s) **and** VPP monitoring team shall openly communicate with private contractor staff, **and** report to the deputy warden of the VPP and as described in [section 2](#).

Note: An exception to the above is that the healthcare services monitor shall report to the health authority.

Health Authority

The health authority shall openly communicate issues involving healthcare services to the deputy warden of the VPP, **and** report to the director of the Education, Treatment, and Reentry Bureau.

Deputy Attorneys General (DAG)

The DAGs (who represent the IDOC) shall be the point of contact for IDOC staff regarding contractual and legal issues. DAG consultation services include, but are not limited to the:

- Application of state and federal law governing privately managed correctional facilities and contracts;
- Drafting of contract procurement documents, contract amendments, and other legal documents;
- Determination of non-compliance or breach of contract;
- Availability and use of legal or contractual remedies;
- Interpretation of contract language;
- Communication of non-compliance, breach, violations of state or federal law, remedies, and any other legal issue to the private contractor's legal or contract representative(s); and
- Determination of potential legal liability or risk arising out of the private contractor's operation.

Correspondence

All correspondence with the private contractor shall be made, maintained, and retained in accordance with the [Contract Records Management Guide](#).

Correspondence sent from VPP staff to the private contractor that communicates (1) normal, daily work activities may be delivered via electronic mail (email) or memorandum, and (2) approval, formal request, or notification shall be delivered via letter (using IDOC letterhead paper).

Correspondence sent from the contract administrator to the private contractor may be delivered via letter (preferably, using IDOC letter head) **or** email.

Working papers, activity reports, internal correspondence, and notes created by VPP staff shall be retained in accordance with the [Contract Records Management Guide](#).

Note: All formal contracts (or corporate correspondence) shall be reviewed and signed by the deputy chief of the Contract Services Bureau (for the purpose of IDOC contract oversight).

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7. Escalation Procedures

Escalation procedures will be specifically defined in the Contract Oversight Manual (that correlates to the contract). When performance or non-compliance issues are identified, the findings shall be reported in accordance with the process steps in the following tables (as applicable).

Note: In addition to the process steps below, the deputy warden of the VPP is responsible for preparing a Bi-weekly Report (see [table 4-3](#)) for communication purposes with the IDOC Leadership Team.

Table 7-1: Non Life-safety Issues

Functional Roles and Responsibilities	Step	Tasks
Contract Monitor	1	Report to the deputy warden of the VPP via: <ul style="list-style-type: none"> The process described in table 4-2; or The monitoring tool.
Deputy Warden, VPP	2	<ul style="list-style-type: none"> Review, assess, and analyze the performance deficiencies; and As needed, consult with the contract administrator.
Deputy Warden, VPP and Contract Administrator	3	Determine the appropriate course of action based on the situation, circumstance, and contract parameters.
Deputy Warden, VPP	4	Provide a written notice to the warden of the correctional facility operated by the private contractor that outlines the performance deficiency, IDOC expectations to address the issue, and require an action plan.
Deputy Warden, VPP	5	Advise the deputy chief of the Contract Services Bureau of the performance deficiency and the steps taken to address or resolve the deficiency.
Warden of the Correctional Facility Operated by the Private Contractor	6	Submit a plan of action and resolution timeframe to the deputy warden of the VPP.
Contract Monitor	7	Evaluate and identify whether the private contractor (or facility) satisfactorily addressed the performance deficiency. <ul style="list-style-type: none"> The deficiency was addressed satisfactorily – report your finding to the deputy warden of the VPP. (The issue will be documented and considered resolved. The process ends here.) The deficiency was not addressed satisfactorily – report your finding to the deputy warden of the VPP, and notify the contract administrator. (The process will continue with step 8.)

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Functional Roles and Responsibilities	Step	Tasks
Contract Administrator	8	<ul style="list-style-type: none"> • Gather all necessary documentation to support a formal determination of contract non-compliance and/or breach; • Consult with the deputy chief of the Contract Services Bureau to develop an action plan; • Brief the DAG who represents the IDOC, internal IDOC stakeholders, and the DOP; • Facilitate the decision-making process; and • Correspond with the private contractor's legal or contract representative(s) on formal notifications and remedies.

Table 7-2: Life-safety Issues

If the contract monitor observes a serious security breach, or any other incident that may pose a risk to the safe, secure operation of the correctional facility operated by the private contractor, **or** constitutes a life-safety issue, he shall begin the following process steps:

Functional Roles and Responsibilities	Step	Tasks
Contract Monitor	1	Immediately notify the warden of the correctional facility operated by the private contractor or the highest ranking supervisory personnel within the facility. Note: This notification must be verbal and in writing.
Contract Monitor	2	Immediately notify the deputy warden of the VPP.
Deputy Warden, VPP	3	Send a formal notification to warden of the correctional facility operated by the private contractor requesting an action plan to resolve the life-safety issue within 24 to 48 hours.
Deputy Warden, VPP	4	Report life-safety issues to the deputy chief of the Contract Services Bureau. Note: The deputy chief will inform the chief of the Management Services Division and the director of the IDOC.
Deputy Warden, VPP	5	<ul style="list-style-type: none"> • Monitor the private contractor's response and progress; and • If the private contractor does not comply, notify the deputy chief of the Contract Services Bureau.
Deputy Warden, VPP and Deputy Chief, Contract Services Bureau	6	Contact the private contractor's corporate office to discuss the life-safety issue and a resolution. <ul style="list-style-type: none"> • Private contractor indicates they will comply – monitor the progress. (The process skips to step 8.) • Private contractor indicates they will not comply – the process continues at step 7.
Deputy Chief, Contract Services Bureau	7	Meet with the IDOC Leadership Team and a DAG (who represents the IDOC) to determine a course of action.

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Functional Roles and Responsibilities	Step	Tasks
Deputy Warden, VPP	8	Document the follow-up action and report to the director of the IDOC, chief of the Management Services Division, and deputy chief of the Contract Services Bureau.

8. Quality Assurance (Audit) Plan

Private contractor contracts shall be audited no less than annually through a formalized quality assurance process. Pursuant to Idaho Code, Section 20-241A, the IDOC shall conduct a contract compliance audit, with a scope that encompasses all terms and conditions of the contract, IDOC policy and procedures, and other practices and standards (as appropriate). The audit shall be separated into two (2) components: healthcare services, which will be based on healthcare services performance measures; **and** all remaining terms and conditions of the contract, and operational practices. Both components test contract compliance, but the differentiation is made based on the need for medical expertise in healthcare services audits. The audit units and responsibilities are as follows:

- The Quality Assurance Unit (located at Central Office) shall be responsible for leading and facilitating contract compliance audits; and
- The Medical Unit (located at Central Office) shall be responsible for planning and conducting contract compliance audits that are specific to healthcare services.

At the commencement of each audit, the lead auditor shall conduct an entrance briefing with other assigned auditors and facility staff to discuss the audit's scope, logistics, timeframes, and reporting procedures.

Upon conclusion of each audit, the lead auditor shall conduct an exit briefing with facility staff to discuss the preliminary findings and provide facility staff the opportunity to respond with any clarifying information. The lead auditor shall then finalize an audit report and that report will be presented to the IDOC's Leadership Team. The report will then be distributed to the private contractor's legal or contract representative(s), along with a request for a corrective action plan (if necessary). As necessary, a follow-up audit shall then be conducted to determine whether non-compliance, unsatisfactory performance, and potential contract breach findings were remedied (see [section 10](#)).

All audit documentation shall be maintained by the contract administrator and filed in a centralized record-keeping area.

9. Change Management Process

Throughout the term of a contract, it may become necessary to make changes to the contract's terms and conditions **or** the scope of work. Contract changes are made through a formal contract amendment process in which the private contractor, the IDOC, and the DOP agree that a modification is necessary because of the scope of work, the term of the contract, or some other provision needs to be altered. Failure to manage and control contract changes can result in an unintentional modification to the scope of work, extension of the term, increase in cost, circumvention of management controls, or lessened private contractor accountability.

The contract administrator is responsible for:

- Ensuring formal, written approval of all changes occur prior to the change taking place;

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- Evaluating the impact of each change to the contract objectives and deliverables;
- Facilitating negotiations;
- Drafting the amendment and attaining internal review and approval before attaining external review and approval;
- Maintaining documentation of all changes and approvals;
- Distributing the amendment to the contract monitor(s);
- Retaining an amendment for inclusion in the contract file; and
- Ensuring contract extensions are approved by the IDOC Leadership Team.

Change requests can be initiated by the IDOC, DOP, or private contractor in accordance with the process steps in the following tables (as applicable).

Table 9-1: IDOC and/or DOP Initiated Change Requests

Functional Roles and Responsibilities	Step	Tasks
Deputy Warden, VPP and Contract Administrator	1	Develop the scope of the change.
		Note: The DOP shall work with the deputy warden of the VPP and contract administrator to initiate a change.
Deputy Warden, VPP and Contract Administrator and DOP Representative	2	<ul style="list-style-type: none"> • Provide a letter to the private contractor outlining the scope of the change being requested; and • Request that the private contractor provide a proposal with a description of any impacts to cost, time, quality, or performance.
Contract Administrator and DOP Representative	3	Review the private contractor's proposal to determine whether it is reasonable and a benefit to the IDOC.
Contract Administrator and Business Support Manager (Contract Services Bureau) and DOP Representative	4	Negotiate any scope, cost, or terms and conditions with the private contractor.
Contract Administrator	5	Obtain approval for contract changes from the deputy warden of the VPP and the IDOC Leadership Team
Contract Administrator	6	<ul style="list-style-type: none"> • Prepare an amendment (in conjunction with the DOP); and • Submit it for approval to the business support manager (Contract Services Bureau) and deputy chief of the Contract Services Bureau.
DOP Representative	7	Submit the amendment to the private contractor for execution.
Private Contractor	8	Execute the amendment and return it to the DOP.

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Functional Roles and Responsibilities	Step	Tasks
DOP Representative and Director of the IDOC	9	Fully execute the amendment.
Contract Administrator	10	Distribute the amendment to all involved parties.

Table 9-2: Private Contractor Initiated Change Requests

Functional Roles and Responsibilities	Step	Tasks
Private Contractor	1	<ul style="list-style-type: none"> Provide a letter to the contract administrator outlining the scope of the change being requested; and Provide a proposal with a description of any impacts to cost, time, quality, or performance.
Deputy Warden, VPP and Contract Administrator and DOP Representative	2	Review the private contractor's proposal to determine whether it is reasonable and a benefit to the IDOC.
Contract Administrator and Business Support Manager (Contract Services Bureau) and DOP Representative	3	Negotiate any scope, cost, or terms and conditions with the private contractor.
Contract Administrator	4	Obtain approval for contract changes from the deputy warden of the VPP and the IDOC Leadership Team
Contract Administrator	5	<ul style="list-style-type: none"> Prepare an amendment (in conjunction with the DOP); and Submit it for approval to the business support manager (Contract Services Bureau) and deputy chief of the Contract Services Bureau.
DOP Representative	6	Submit the amendment to the private contractor for execution.
Private Contractor	7	Execute the amendment and return it to the DOP.
DOP Representative and Director of the IDOC	8	Fully execute the amendment.
Contract Administrator	9	Distribute the amendment to all involved parties.

10. Remedy and Cure Process

Remedy and cure processes shall be generally stipulated in a RFP **and** the resulting contract. The contract monitor, contract administrator, business support manager (Contract

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Services Bureau), deputy warden of the VPP, and deputy chief of the Contract Services Bureau are responsible for identifying areas of private contractor non-compliance or unsatisfactory performance **and** evaluating potential contract breach. In the event the potential for breach exists, the contract administrator will:

- Consult with the deputy chief of the Contract Services Bureau, the DOP, and DAG (who represents the IDOC);
- Formally notify the private contractor in writing; and
- Request a plan of action.

The plan of action shall be reviewed and its acceptance determined by the IDOC **and** the DOP. All formal determinations of breach will be made conjunctively by the IDOC **and** the DOP.

Remedy processes, to include remedial action or liquidated damages, shall be managed by the contract administrator. Contract terms identified as a cause for breach are considered high risk and shall be monitored on a regular basis. Incidents of breach that result in contract termination shall be administered by the DOP, in cooperation with the IDOC. Any contract termination decisions shall be approved by the IDOC's Leadership Team with consultation with the DAG (who represents the IDOC).

REFERENCES

[Contract Records Management Guide](#)

Idaho Code, Title 20, Chapter 2, Section 20-209, *Control and Maintenance of Correctional Facilities and Prisoners – Rules*

Idaho Code, Title 20, Chapter 2, Section 20-241A, *Agreements for Confinement of Inmates*
Policy [217](#), *Ethics and Standards of Conduct*

Standard Operating Procedure [105.02.01.001](#), *General Reporting and Investigation of Major Incidents*

Standard Operating Procedure [147.06.06.001](#), *Contract Management: General*

Standard Operating Procedure [147.06.06.003](#), *Contract Management: Healthcare Services*

Standard Operating Procedure [303.02.01.001](#), *Classification: Offender*

Standard Operating Procedure [316.02.01.001](#), *Grievance and Informal Resolution Procedure for Offenders*

Standard Operating Procedure [318.02.01.001](#), *Disciplinary Procedures: Offender*

Standard Operating Procedure [319.02.01.001](#), *Restrictive Housing*

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