DEPARTMENT OF CORRECTIONS

Policy:	**104.303**
Title:	**Professional and Technical Services Contracts and Other Agreements**
Effective Date:	**12/19/17**

PURPOSE: To provide staff general guidance and agency resources for use in completing and managing professional or technical services contracts in compliance with Minnesota law and the policies and procedures issued by the Minnesota Department of Administration.

APPLICABILITY: All staff performing contract development and maintenance functions.

DEFINITIONS:
Professional or technical (P/T) services – as defined in Minn. Stat. §16C.08, subd. 1, are services that are intellectual in character, including consultation, analysis, evaluation, prediction, planning, programming, or recommendation, and result in the production of a report or the completion of a task. Professional or technical contracts do not include the provision of supplies or materials except by the approval of the commissioner or except as incidental to the provision of professional or technical services.

PROCEDURES:

A. A business unit or facility professional or managerial level employee must manage every P/T contract or other agreement (e.g. annual plan, grant, joint powers, income, or interagency) initiated by their location. This individual serves as the DOC authorized representative for those transactions. Each business unit and facility assigns one or more staff to assist the DOC authorized representative in processing agreements.

B. Business units and facilities identify professional/technical contracting needs based on agency operations, programs, and services.

C. DOC staff must abide by state procurement laws and the policies and procedures established by the Minnesota Department of Administration, Office of State Procurement (OSP), when entering in to professional/technical contracts or other agreements. OSP policies and procedures can be found in the P/T Services Contract Manual.

D. State law requires fair and open competition for state contracts and DOC uses established statewide solicitation methods when selecting contract vendors. The DOC authorized representative and any business unit staff assisting in processing contracts must ensure an appropriate contractor selection method is used prior to executing a professional/technical contract (e.g. Direct Select, Equity Select, Single Source, Quick Call, or Request for Proposal).

E. DOC uses contract templates developed by OSP in executing P/T contracts or other agreements, unless otherwise noted on the Contracts iShare page. Staff must refer to the P/T Services Contract Manual and contract Checklists (available on the Contracts iShare page) for information on the contracting process and must discuss questions with the authorized representative.

F. The DOC authorized representative may seek guidance from finance, legal staff, and OSP as necessary throughout the process.

G. Assigned business unit staff are responsible for generating all contract documentation and are responsible to preserve the documentation according to DOC retention schedules. They must upload documentation to the statewide integrated financial tools (SWIFT) system as outlined in the contract Checklists. SWIFT serves as the primary retention location for all DOC generated contract documents, finance may maintain paper files as necessary.

H. DOC authorized representatives are responsible for monitoring contractor performance to ensure the contractor remains accountable and provides services as outlined. Business unit authorized representatives or designated staff must meet at least annually with contractors to review the services being provided. Any adjustment to terms must be done through a written amendment to the agreement.

INTERNAL CONTROLS:

A. SWIFT serves as the primary retention location for all DOC generated contract documents, finance may maintain paper files as necessary.

ACA STANDARDS: 2-CO-1B-10; 2-CO-1C-17; 4-4011

REFERENCES: Minn. Stat. § 15.061
Minn. Stat. Ch. 16A and 16C
Minn. Stat. § 43A.047
MN Rules Ch. 1230

REPLACES: Policy 106.030, "Processing Contracts and Other Agreements," 8/5/14.
All facility policies, memos, or other communication whether verbal, written, or transmitted by electronic means regarding this topic, unless specifically referenced within.

ATTACHMENTS: None

APPROVED BY:
Deputy Commissioner, Facility Services
Deputy Commissioner, Community Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Operations Support