



**DEPARTMENT OF CORRECTIONS
Chief Financial Office**



Title:	Contracts Administration	DOC Policy: 30.3.3
Effective:	12/21/22	Supersedes: 04/01/21
Applicability:	All DOC employees responsible for monitoring and approving the performance and obligations of DOC contractors and providers.	
Directives Cross-Reference:	Statute: ORS 279A.075 and 279A.159 Rule: OAR 125-246, OAR 137-046, OAR 291-026, OAR 291-164 and OAR 291-026 Policy: 30.3.4 Procurement Policy OAM: 10.40.00	
Attachments:	Attachment A: Contract Administrator Roles and Responsibilities Attachment B: Contractor Administrator Responsibility Form	

I. PURPOSE

The purpose of this policy is to establish the Department of Corrections (DOC) policy on contract administration. This policy also addresses the requirement to attend contract administration training for those DOC employees responsible for contract administration duties as required by ORS 279A.159.

II. DEFINITIONS

- A. Contract: An agreement between two or more entities which creates an obligation to do or not to do a specified activity. The essentials of a contract are competent parties, subject matter, a legal consideration, mutuality of agreement, and mutuality of obligation. For the purposes of this policy, “contract” means “public contract”.

- B. Contract Administration: All functions related to a given contract between DOC and a contractor from the time the contract is awarded until the work is completed and accepted or the contract is terminated, payment has been made, and disputes have been resolved. Contract administration includes responsibility for amendments and contract close out.

- C. Contract Administrator: A DOC employee who is assigned the duties and responsibilities of providing contract administration, either as a part of the employee’s position description, or as assigned within a particular contract. The Contract Administrator may delegate in writing a portion of the Contract Administrator's responsibilities to a technical representative for specific day-to-day administrative activities for each contract, including communications. Delegating responsibilities does not eliminate responsibility from the Contract Administrator. DOC employees assigned to

monitor contractor performance are technical representatives and not Contract Administrators. Documentation of such delegation should be maintained in the Contract Administrator's working file.

- D. **Contract Administrator Roles and Responsibilities:** Attachment A in this policy outlines the responsibilities of contract administration and serves as a reference guide for Contract Administrators.
- E. **Contract Administration Training Certificate:** A training certificate required for state employees responsible for administering a state contract which can be pulled from the Learning widget in Workday for submission to DPO.
- F. **Designated Procurement Officer (DPO):** The individual designated and authorized by the Director to perform procurement review and oversight functions and is responsible for all delegated procurement activity on behalf of the agency.
- G. **Expenditure Authority:** The authority given by an approving officer to expend state funds by review, approval, and signature of a claim of authorization document. Such documents may include purchase requests, invoices, charge or credit card invoices (SPOTS, Voyager, etc.), contract invoice, or other documents that commit state funds.
- H. **Price Agreement:** A public contract for the procurement of goods or services as a set price with:
 - 1. No guarantee of a minimum or maximum purchase; or
 - 2. An initial order or minimum purchase combined with a continuing contractor obligation to provide goods or services in which the contracting agency does not guarantee a minimum or maximum additional purchase.

III. POLICY

The agency has the responsibility to maintain the integrity of its programs by applying a high degree of professionalism, integrity, and stewardship towards its activities associated with monitoring the performance and obligations of its contractors and providers.

A. General Provisions:

- 1. All Contract Administrators must adhere to Contract Administrator roles and responsibilities (Attachment A).
- 2. The Contract Administrator is responsible for monitoring contract performance and compliance with the contract requirements.

3. The Procurement and Contracts Manager or the DPO is responsible for developing and maintaining policy to ensure effective and efficient contract administration of the agency's contracts.
4. The Procurement and Contracts Manager shall ensure all Contract Administrators complete all required contract administration training as prescribed by Department of Administrative Services (DAS) Procurement Services and DOC Procurement and Contracts Manager prior to taking on any contract responsibilities.

B. Duties and Responsibilities of Contract Administrator:

1. Manage contract budget.
 - a. The Contract Administrator will work with the Procurement and Contracts Unit to ensure adequate and appropriate encumbrances are made to the initial contract, along with subsequent amendments, within the contract's module.
 - b. The Contract Administrator will ensure sufficient current biennium funds are available, amending for consideration, when necessary, to safeguard against delay in service or contractual obligation. Although contracts and price agreements may cross biennia, proper budget management is the responsibility of the Contract Administrator.
2. Monitor progress of work and ensure contract deliverables are met in accordance with the contract.
3. Correct and remedy any problems which may interfere with completion of the work or delivery of goods. This may include, but is not limited to, initiating amendments, exercising termination provisions, or any other provisions or actions required. The Contract Administrator will document in writing all such steps taken.
4. Ensure the contractor does not perform services outside the scope and term of the contract.
5. Receive and monitor contract expiration notices and take appropriate action.
6. Initiate request forms when necessary to amend or extend the contract.
7. Ensure invoices meet the requirements specified in the contract and approve for payment as appropriate.
8. Monitor expenditures paid against the contract total and ensure DOC payment obligations do not exceed the contract maximum dollar amount.
9. Make available for review all contract records associated with the duties and activities provided upon request.
10. Contact the contracts staff for assistance related to contractor performance, corrective action remedies, and termination of contract prior to contract or price agreement expiration date.
11. Perform contract closeout functions, including but not limited to, assuring that all deliverables and work products have been received, all deliverables have been accepted and approved for payment, and that all issues have been resolved including the return of state property, if any.
12. Ensure the contractor is functioning as an independent contractor and not as a state employee.
13. Maintain a contract administration working file for each contract as outlined below. Maintain appropriate documentation and administrative practices to effectively manage the contract

and meet auditing requirements. The Contract Administrator should coordinate closely with the procurement team throughout the life of the contract to ensure the procurement file contains the appropriate contract administration documentation that must be retained according to the procurement method.

14. Maintain documentation in accordance with the requirements outlined in Attachment A.

C. Training:

1. DOC employees assigned contract administration duties for a DOC contract are required to obtain the contract administration training certificate as directed in statute.
2. Other DOC employees assigned contract administration related duties or who administer a contract shall complete the trainings offered by DAS Procurement Services that apply to their roles and responsibilities with contracts and determined by the Procurement and Contracts Manager.
3. Individuals may register for contract administration training administered by DAS Procurement Services on the Workday website.

D. Responsibilities of Managers Who Designate Individuals as Contract Administrators:

Managers who have authority to bind and obligate the agency through the execution of contracts in accordance with this policy must ensure staff assigned as Contract Administrators have attended contract administration training as prescribed by the DPO.

E. Failure to Comply:

1. The ramifications of failure to obtain the required training or appropriately administer a contract or price agreement could result in over-expenditure of state funds. Negligent or fraudulent expenditures may result in personal financial responsibility or disciplinary action, up to and including dismissal pursuant to OAR 291-026-0050.
2. Infraction letters will be issued when procurement rules are violated. While attempts may be made to support, provide additional training, and reset expectations, contract administration is a delegated authority per ORS 279A.075 and the Oregon Accounting Manual 10.40.00 Section 109, that can be revoked and reassigned when there are compliance issues.

IV. IMPLEMENTATION

This policy will be adopted immediately without further modification.

Certified: __signature on file_____

Julie Vaughn, Rules Coordinator

Approved: __signature on file_____

Heidi Steward, Acting Director