

DIVISION 12

PERSONAL SERVICE CONTRACTS

255-012-0001

When Personal Service Contracts Are Used

The Board of Parole and Post-Prison Supervision may contract for services by use of personal service contracts or interagency or intergovernmental service agreements as authorized by the Board's legislatively approved budget when:

- (1) the work to be performed requires specialized skills, knowledge and resources in the application of highly technical or scientific expertise, or the exercise of professional, artistic, or management discretion or judgement; or
- (2) the Board's staff cannot do the work within a reasonable time; or
- (3) an independent and impartial evaluation of a situation is required; or
- (4) it is substantially less costly and more efficient, in the long run, to contract for the work and union contracts would not be impaired.

Statutory Authority: ORS 291.021

History: (5/23/89; 11/1/89; 10/9/92, 03/14/97)

Permanent effective 3/14/97

DIVISION 12

PERSONAL SERVICE CONTRACTS
ORS 291.021

When Personal Service Contracts Are Used
255-12-001

The Board of Parole and Post-Prison Supervision may contract for services by use of personal service contracts or interagency or intergovernmental service agreements as authorized by the Board's legislatively approved budget when:

- (1) needed specialized skills, knowledge and resources are not available within the Board and its staff; or
- (2) the Board's staff cannot do the work [cannot be done in] within a reasonable time [with the Board's staff]; or
- (3) an independent and impartial evaluation of a situation is required; or
- (4) it is substantially less costly and more efficient, in the long run, to contract for the work and union contracts would not be impaired.

History: (5/23/89; 11/1/89; 10/9/92)

DIVISION 12

PERSONAL SERVICE CONTRACTS

When Personal Service Contracts Are Used

255-12-001 (5/23/89)

The Board of Parole and Post-Prison Supervision may contract for services by use of personal service contracts or interagency or intergovernmental service agreements as authorized by the Board's legislatively approved budget when:

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- (2) the work cannot be done in a reasonable time with the Board's staff; or
- (3) an independent and impartial evaluation of a situation is required; or
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PERSONAL SERVICE CONTRACTS

When Personal Service Contracts Are Used
255-12-001

The Board of Parole may contract for services by use of personal service contracts or interagency or intergovernmental service agreements as authorized by the Board's legislatively approved budget when:

- (1) needed specialized skills, knowledge and resources are not available within the Board and its staff; or
- (2) the work cannot be done in a reasonable time with the Board's staff; or
- (3) an independent and impartial evaluation of a situation is required; or
- (4) it is substantially less costly and more efficient, in the long run, to contract for the work and union contracts would not be impaired.

Permanent effective 5/23/89

(1) 5/23/89

255-012-0005

Limitations

- (1) The Board shall draft and process personal service contracts in accordance with OAR Chapter 125, Divisions 20 and 22, ORS 279.005 through 279.111, ORS 291.021 and any other applicable laws.

Statutory Authority: ORS 291.021

History: (5/23/89; 10/9/92, 03/14/97)

255-012-0010

DIVISION 12

PERSONAL SERVICE CONTRACTS
ORS 291.021

Limitations
255-12-005

- (1) The Board shall draft and process [P]personal service contracts [shall be drafted and processed] in accordance with Executive Department rules, OAR 122-10-005 through 122-31-005, ORS 291.021 and any other applicable laws.
- (2) Personal service contracts shall not exceed one [fiscal year] biennium in duration.
- (3) Personal service contracts shall not exceed the [funding provided by the] legislatively approved [budget] budgeted amount.

History: (5/23/89; 10/9/92)

DIVISION 12

PERSONAL SERVICE CONTRACTS

Limitations

255-12-005

- (1) Personal service contracts shall be drafted and processed in accordance with Executive Department rules, DAR 122-10-005 through 122-31-005, ORS 291.021 and any other applicable laws.
- (2) Personal service contracts shall not exceed one fiscal year in duration.
- (3) Personal service contracts shall not exceed the funding provided by the legislatively approved budget.

- (3) an independent and impartial evaluation of a situation is required; or
- (4) it is substantially less costly and more efficient, in the long run, to contract for the work and union contracts would not be impaired.

Permanent effective 5/23/89

(1) 5/23/89

255-012-0010

Approval

- (1) The Chairperson of the Board, or a specifically designated Board Member are authorized to sign personal services contracts.

Statutory Authority: ORS 291.021

History: (5/23/89; 10/9/92, 03/14/97)

Repealed effective 3/14/97

DIVISION 12

PERSONAL SERVICE CONTRACTS
ORS 291.021

Approval and Filing

255-12-010

- (1) The Board may enter into a personal service contract for an amount up to [~~\$5000~~] \$1000 per contract per fiscal year without Executive Department approval and in an amount up to \$25,000 per contract per fiscal year without Department of Justice approval.
- (2) The Board shall submit in triplicate for Executive Department approval [P]personal service contracts, amendments or extensions of contracts exceeding the approved or delegated dollar authority [shall be submitted in triplicate originals for Executive Department approval].
- (2) Interagency and intergovernmental service agreements do not require Executive Department approval or Department of Justice review for legal sufficiency [by the Department of Justice].
- (3) The Board shall file with the Executive Department [A]all personal service contracts and interagency and intergovernmental service agreements [must be filed with the Executive Department].
- (4) The Board may submit for Department of Justice review [A]any personal service contract or agreement [may be submitted for review by the Department of Justice].

History: (5/23/89; 10/9/92)

10/9/92

9

Personal Service Contracts

Permanent effective 10/9/92

DIVISION 12

PERSONAL SERVICE CONTRACTS

Approval and Filing
255-12-010

- (1) The Board may enter into a personal service contract for an amount up to \$5000 per contract per fiscal year without Executive Department approval and in an amount up to \$25,000 per contract per fiscal year without Department of Justice approval.
- (2) Personal service contracts, amendments or extensions of contracts exceeding the approved or delegated dollar authority shall be submitted in triplicate originals for Executive Department approval.
- (2) Interagency and intergovernmental service agreements do not require Executive Department approval or review for legal sufficiency by the Department of Justice.
- (3) All personal service contracts and interagency and intergovernmental service agreements must be filed with the Executive Department.
- (4) Any personal service contract or agreement may be submitted for review by the Department of Justice.

(2) 5/23/89

Permanent effective 5/23/89

255-012-0015
Statement of Work

Statutory Authority: ORS 291.021
History: (5/23/89; 10/9/92; 03/14/97- repealed)

Repealed effective 3/14/97

DIVISION 12

PERSONAL SERVICE CONTRACTS
ORS 291.021

Statement of Work
255-12-015

When the Board establishes the need for a personal service contract [is established], the Board, or its designee, [will] shall draft a Statement of Work which:

- (1) describes specific services that are to be delivered; and
- (2) the conditions or circumstances under which services will be delivered, accepted and expensed.

History: (5/23/89; 10/9/92)

10/9/92

9

Personal Service Contracts
Permanent effective 10/9/92

DIVISION 12

PERSONAL SERVICE CONTRACTS

Statement of Work
255-12-015

When the need for a personal service contract is established, the Board, or its designee, will draft a Statement of Work which:

- (1) describes specific services that are to be delivered; and
- (2) the conditions or circumstances under which services will be delivered, accepted and expensed.

Permanent effective 5/23/89

5/23/89

255-012-0020

Procurement

Statutory Authority: ORS 291.021

History: (5/23/89; 10/9/92, 03/14/97 - repealed)

Repealed effective 3/14/97

DIVISION 12

PERSONAL SERVICE CONTRACTS
ORS 291.021

Procurement
255-12-020

- (1) The Board, or its designee, [will] shall request price quotations, proposals, resumes, or vitae from at least three prospective contractors, who are qualified and interested, selected from a list maintained by the Board [of Parole] or Executive Department, by mailing:
- (a) a Statement of Work or a proposed contract; and
 - (b) a Request for Proposals.
- (2) If the Chairperson is satisfied that only a single source is available or practical, the Chairperson may waive subsection (1) of this section and shall submit the appropriate justification to the Executive Department.

History: (5/23/89; 10/9/92) Permanent effective 10/9/92
10/9/92 10 Personal Service Contracts

DIVISION 12

PERSONAL SERVICE CONTRACTS

Procurement
255-12-020

- (1) The Board, or its designee, will request price quotations, proposals, resumes, or vitae from at least three prospective contractors, who are qualified and interested, selected from a list maintained by the Board of Parole or Executive Department, by mailing:
- (a) a Statement of Work or a proposed contract; and
 - (b) a Request for Proposals.
- (2) If the Chairperson is satisfied that only a single source is available or practical, the Chairperson may waive subsection (1) of this section and shall submit the appropriate justification to the Executive Department.

Permanent effective 5/23/89

(1) 5/23/89

255-012-0025
Contractor Selection

Statutory Authority: ORS 291.021
History: (5/23/89; 10/9/92, 03/14/97 - repealed)

Repealed effective 3/14/97

Contractor Selection

255-12-025

- (1) The Chairperson [will] shall screen the contractors and present those [chosen] selected for further consideration to the Board for a decision.
- (2) The Chairperson shall select [C]contractors [will be chosen] based on the following criteria:
 - (a) submission of a proposal, resume or vitae within 90 days of mailing the Request for Proposals;
 - (b) contractor agrees to the terms and conditions of the Statement of Work;
 - (c) contractor has adequate prior experience and education or special expertise in the type of service requested;
 - (d) contractor provides three positive business references or the contractor has a past history of good performance for the Board;

History: (5/23/89; 10/9/92)

Permanent effective 12/8/92

12/8/92

11

Personal Service Contracts

DIVISION 12

PERSONAL SERVICE CONTRACTS

Contractor Selection
255-12-025

- (1) The Chairperson will screen the contractors and present those chosen for further consideration to the Board for a decision.

- (2) Contractors will be chosen based on the following criteria:
 - (a) submission of a proposal, resume or vitae within 90 days of mailing the Request for Proposals;

 - (b) contractor agrees to the terms and conditions of the Statement of Work;

 - (c) contractor has adequate prior experience and education or special expertise in the type of service requested;

 - (d) contractor provides three positive business references or the contractor has a past history of good performance for the Board;

Permanent effective 5/23/89

(1) 5/23/89

255-012-0030
Contract Termination

Statutory Authority: ORS 291.021
History: (5/23/89; 10/9/92, 03/14/97- repealed)

Repealed effective 3/14/97

DIVISION 12

PERSONAL SERVICE CONTRACTS
ORS 291.021

Contract Termination
255-12-030

The Board may terminate a personal service contract upon 30 days' written notice delivered by certified mail or in person when:

- (1) Funding from federal, state or other sources is not obtained and continued at levels sufficient to allow for purchase of the indicated quantity of service; or
- (2) Federal or state regulations are modified or interpreted in such a way that the services are no longer allowable or appropriate for purchase under the contract; or
- (3) Any license or certificate required of the contractor by law or regulation is for any reason denied, revoked or not renewed; or
- (4) The contractor fails to provide services called for by the contract within the time specified; or
- (5) The contractor fails to perform any other provisions of the contract or so fails to pursue the work as to endanger performance of the contract and, after written notice, fails to correct such failure within a specified period of time.
- (6) The reasons for termination of a contract listed in this rule are not exclusive of other possible reasons for termination.

History: (5/23/89; 10/9/92)

Permanent effective 12/8/92

DIVISION 12

PERSONAL SERVICE CONTRACTS
ORS 291.021

Contract Termination
255-12-030

The Board may terminate a personal service contract upon 30 days' written notice delivered by certified mail or in person when:

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- (2) Federal or state regulations are modified or interpreted in such a way that the services are no longer allowable or appropriate for purchase under the contract; or
- (3) Any license or certificate required of the contractor by law or regulation is for any reason denied, revoked or not renewed; or
- (4) The contractor fails to provide services called for by the contract within the time specified; or
- (5) The contractor fails to perform any other provisions of the contract or so fails to pursue the work as to endanger performance of the contract and, after written notice, fails to correct such failure within a specified period of time.
- (6) The reasons for termination of a contract listed in this rule are not exclusive of other possible reasons for termination.

History: (5/23/89; 10/9/92)

Permanent effective 10/9/92

DIVISION 12

PERSONAL SERVICE CONTRACTS

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255-12-030

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- (1) Funding from federal, state or other sources is not obtained and continued at levels sufficient to allow for purchase of the indicated quantity of service; or
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- (4) The contractor fails to provide services called for by the contract within the time specified; or
- (5) The contractor fails to perform any other provisions of the contract or so fails to pursue the work as to endanger performance of the contract and, after written notice, fails to correct such failure within a specified period of time.
- (6) The reasons for termination of a contract listed in this rule are not exclusive of other possible reasons for termination.

(3) 5/23/89

Permanent effective 5/23/89

255-012-0035

Contract File

The Board shall maintain a contract file, which shall contain:

- (1) statement of justification for the contract;
- (2) written justification for negotiation in lieu of competitive procurements, if applicable;
- (3) copy of the request for proposals;
- (4) list of prospective contractors who were requested to submit proposals, resumes or vitaes;
- (5) mailing list used to notify other prospective contractors which shall include where applicable Advocate for Minority, Women and Emerging Small Business.
- (6) copy of each proposal, resume or vitae submitted;
- (7) method of evaluating proposals and how contractor was selected;
- (8) record of negotiations and results;
- (9) resulting contract, including the tax compliance certification.
- (10) Department of Administrative Services Reporting Form, until notified by the Division that automation has been achieved.

Statutory Authority: ORS 291.021
History: (5/23/89, 03/14/97)

DIVISION 12

PERSONAL SERVICE CONTRACTS

Contract File
255-12-035

The Board shall maintain a contract file, which shall contain:

- (1) statement of justification for the contract;
- (2) written justification for negotiation in lieu of competitive procurements, if applicable;
- (3) copy of the request for proposals;
- (4) list of prospective contractors who were requested to submit proposals, resumes or vitae;
- (5) mailing list used to notify other prospective contractors which shall include:
 - (a) Office of Minority and Women Business Advocate; and
 - (b) Oregon Psychologists' Association; or
 - (c) Local temporary services agencies;
- (6) copy of each proposal, resume or vitae submitted;
- (7) method of evaluating proposals and how the contractor was selected;
- (8) record of negotiations and results;
- (9) resulting contract, including the tax compliance certification.

Permanent effective 5/23 / 89

(4) 5/23/89