

# Oregon Public Defense Commission

## Chapter 404

### Division 001

#### 404-025-0100

#### Definitions for Chapter 404

Defined terms are often italicized through this chapter of rules. For this chapter, the use of "Oregon Public Defense Commission" or "OPDC" will be inclusive of both the 13-member commission and the state employee agency operational staff. The use of "commission" will refer only to the 13-member commission and the use of "agency staff" will refer only to the state employees of the Oregon Public Defense Commission.

- (1) "Accounting system" means the process used to record transactions related to revenues, expenditures, assets and liabilities; to record or control non-capital or capital assets; and to record or produce vouchers, checks, purchase orders, and invoices. The accounting system identifies and records transactions maintain accountability.
- (2) "Addendum" or "Addenda" is an addition or deletion to, a material change in, or general interest explanation of a solicitation document.
- (3) "Appointed counsel" means an attorney who is identified by agency staff to represent a person at state expense, following a judicial determination that the person is financially eligible.
- (4) "Case" means any action in this state in which an attorney has been appointed to represent or advise a client in a matter to which there is a right to appointed counsel at state expense.
- (5) "Client" means a person determined to be eligible for representation by court-appointed counsel at state expense.
- (6) "Consortium" means a legal entity that subcontracts with two or more individual attorneys or other legal entities to provide legal services pursuant to a public defense services contract.
- (7) "Contract" means an agreement between two parties for the purchase, lease, rental, or other acquisition or sale or other disposal of goods and services.

(8) "Contract administration" means all functions related to a contract between OPDC 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 any disputes have been resolved. Contract administration includes amendments.

(9) "Contract administrator" means a person responsible for administering a contract with OPDC to provide services to persons qualifying for court appoint counsel.

(10) "Contract analyst" means an employee identified as the agency's representative responsible for the contract administration and other related functions from the time a contract is signed through contract closeout.

(11) "Contractor" means a person or entity who has contracted with the Oregon Public Defense Commission to provide good or services.

(12) "Counsel" means an attorney authorized to represent a client in court, or before a judicial officer.

(13) "Counsel – Contracted" means an attorney providing legal representation to persons qualifying for court appointed counsel pursuant to a caseload contract with the OPDC.

(14) "Counsel – Hourly" means an attorney who accepts case assignments to represent persons entitled to public defense services and be compensated on an hourly rate basis.

(15) "Counsel – Retained" means an attorney who is retained by or for a defendant, rather than appointed by the court, to provide legal services in a criminal or juvenile matter.

(16) "Defendant" means a person accused of the commission of a violation, misdemeanor, or felony.

(17) "Division" means a separate unit responsible for specific program administration or business operations, who formulate related initiatives and operational plans, and whose financial activities are tracked separately.

(18) "Employee" means a person employed by state government to do state business for whom the state withholds income tax, provides worker's compensation coverage, and pays the workers' compensation hour-tax.

Under this definition, workers provided by a temporary employment services agency are not employees.

(19) "Executive team" means the Executive Director, Deputy Director, and Division administrators and any others as designed by the Executive Director.

(20) "Policy" means a set of doctrines intended to influence and determine decisions, actions, and achieve equitable outcomes, embracing the general goals of an organization. Policies indicate what needs to be done, who is responsible to execute and enforce the policy, and why the policy is required.

(21) "Procedure" means a set of established or prescribed methods to be routinely followed in the same order, to correctly perform a task by staff when executing activities of a business process. Procedures contain the details required to implement a policy.

(22) "Procurement" means the act of purchasing, leasing, renting, or otherwise acquiring goods or services. Procurement includes each function and procedure undertaken or required to be undertaken by a contracting agency to enter into a public contract, administer a public contract, and obtain the performance of a public contract.

(23) "Program" means activities sponsored or administered by local, state, or national governments. A program is the provincial standards, directs, guidelines, expectations, and requirements for that program.

(24) "Proposal" means a response to a Request for Proposal (RFP).

(25) "Public Defense Attorney" means counsel appointed to perform legal services for financially eligible individuals as required by the Oregon Revised Statute, the Oregon Constitution, or the United State Constitution.

(26) "Request for proposals" means all documents, whether attached or incorporated by reference, used for soliciting proposals using either an informal or a competitive sealed proposal process in which award is based on a variety of factors.

(27) "Section" means a portion of an agency division where there are staff considered subject matter experts who are responsible to assist in the development, review, editing, and maintenance of related policy and who are responsible for operational interpretation and administration of the policy.

(28) "Solicitation document" means a request for quotes, bids, proposals or other documents issued to invite offers from prospective contractors.

(29) “Statewide price agreement” means a contract established by the State of Oregon, Department of Administrative Services, Procurement Services for the purchase of goods or services or both by multiple state agencies.

(30) “Unrepresented person” means a person determined to be eligible for representation by court-appointed counsel at state expense who is not currently represented.

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