



POLICY NAME: CONTRACT AMENDMENT

Number: 404-070-005

DIVISION: ADMINISTRATIVE SERVICES DIVISION

Effective Date: 10/1/2023

RESPONSIBLE SECTION: TRIAL DIVISION

APPROVED: Executive Team

Approval Date: 10/24/2023

PURPOSE: Establishes time frames and process for amendments to Contracts for Public Defense Services.

AUTHORITY: ORS 151.216 (1)(d)

APPLICABILITY: This policy applies to all contracts for public defense services.

DEFINITIONS FOR PURPOSES OF THIS POLICY:

Contractor: A person or entity who has contracted with the Public Defense Services Commission to provide representation to those entitled to public defense services.

Full Time Equivalent (FTE) Attorney: A FTE Attorney is an attorney under contract with the PDSC to provide representational services.

Funded positions: Funded positions include FTE Attorneys, Supervisors, Investigators, or any other position in the contract where funding is identified for the position.

POLICY

Effective contract management requires OPDS to monitor each Contractor's performance and compliance. Changes in funded positions, contracted attorney qualification levels, funding, or other obligations must be memorialized by a formal contract amendment. Contracts for public defense services will generally be amended no more than once each quarter, in January, April, July, and October of each year. This includes changes to the funded positions under the contract or to the compensation rate associated with an FTE Attorney based on the case types the FTE Attorney is qualified for and obligated to accept under the contract. Such changes to a contract will only be made prospectively and will not be made retroactively. Exceptions may be made for circumstances that include, but are not limited to, the addition of a new FTE Attorney to a contractor the expiration of the funding period for a vacancy, which may be effectuated with a mid-quarter amendment.

To allow sufficient time to prepare amendments, any Contractor requesting a change to a contract must notify OPDS of its request as soon as practicable but no later than 30 days prior to the effective date of the proposed contract amendment, *e.g.*, by December 1 for an amendment effective starting January 1. Funding for additional FTE Attorneys under a contract

must be approved in advance by OPDS. Contractor should notify OPDS of any requested changes utilizing the Roster & Costs (ROC) spreadsheet that is incorporated into the contract.

For amendments to add, remove or change the FTE for a funded position, or to change the funding level for an FTE Attorney or Supervisor, OPDS will prepare any needed amendment and deliver the draft amendment to Contractor for review no later than the 20th day of the month prior to the contract amendment's proposed effective date. OPDS must receive the signed amendment from Contractor no later than the last business day of the month prior to the amendments proposed effective date in order to ensure that it will be effective in the next round of quarterly amendments.

For the removal of funding from a contract due to the expiration of the funding period for a vacancy, OPDS will prepare a Notice of Reduction, which will serve as an amendment to the contract that does not require Contractor's agreement. The reduction will become effective as of the date the vacancy funding expired, which will be the effective date set out in the Notice of Reduction.

Approved by: Executive Team
Prepared by: Trial Division
Reviewed by: Policy Division

Publish: Internally
 Externally