

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1877

By: Hickman

AS INTRODUCED

An Act relating to Office of Juvenile Affairs; authorizing Office of Juvenile Affairs to enter into certain contracts; stating list of priority facilities; providing for identification and establishment of standards for contracted services; establishing requirements and procedures for certain files; providing procedures for notification and consideration; establishing contractual guidelines; requiring submission of certain report; authorizing establishment of transition team; providing time limitation and certain restrictions for contracts; establishing insurance requirements; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7302-6.11 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Office of Juvenile Affairs is hereby authorized to contract for services to provide for placement, supervision, and residential treatment of juveniles currently housed at facilities operated by the Office of Juvenile Affairs.

B. The contract for service shall be for five (5) years, with one-year renewal periods. These services shall be contracted for in the following order of priority to ensure the safety of staff and residents in these identified facilities:

1. Lloyd E. Rader Children's Center located in Sand Springs, Oklahoma, to be contracted for management and supervision of all services, with an implementation date of July 1, 2005;

2. Central Oklahoma Juvenile Center located in Tecumseh, Oklahoma, to be contracted for management and supervision of all services, with an implementation date of July 1, 2006; and

3. Southwestern Oklahoma Juvenile Center located in Frederick, Oklahoma, to be contracted for management and supervision of all services, with an implementation date of July 1, 2007.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7302-6.12 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Office of Juvenile Affairs shall identify and establish the standards for the contracted services and for implementing such a program, including but not limited to standards concerning discipline of juveniles, educational and vocational training programs, safety and security of juveniles, proper food, clothing, housing, transportation, treatment and program requirements, applicable licensing and accreditation requirements, maintaining successful accreditation with the American Correctional Association, adherence to stipulations under the Terry D. Consent Decree and medical care. The private contractor shall provide services with positive program outcomes and demonstrate a fiduciary responsibility to the taxpayers of this state. In relationship to the existing programs, the recidivism rate shall be reduced, resident-on-staff assaults shall be reduced, resident-on-resident assaults shall be reduced, physical restraints shall be reduced, and overall per-bed per-day resident costs shall be reduced by twenty percent (20%). These additional savings to the agency and to this state shall be used to provide newly implemented wraparound services. A private contractor shall also provide the identified wraparound services.

B. A comprehensive file for all private contractors interested in and capable of operating a juvenile facility with the Office of Juvenile Affairs or providing for the housing, care, education, and treatment programs for residents in a facility owned and operated by

the contractor shall be maintained by the Office of Juvenile Affairs. These files shall include:

1. Completed application forms;
2. Resumes of the staff of the contractor;
3. A list of past contracts and experiences with this state;
4. A detailed description of similar services provided to this state, other states, or to the United States; and
5. The mailing address of each private contractor.

C. Any person or firm wishing to be a private contractor may request at any time to be included in the comprehensive file, and shall be provided necessary forms within thirty (30) days of the request. The Office of Juvenile Affairs shall add the contractor to the list within thirty (30) days of receipt of a properly completed application.

D. The Office of Juvenile Affairs may solicit references of work done by private contractors from members of the private sector. Any information derived from the references shall be part of the comprehensive file.

E. When the Office of Juvenile Affairs intends to secure the services of a private contractor, all persons and firms included in the file shall be notified through the mail of such intent. The notification shall contain the following information:

1. Description and scope of the project or projects;
2. Estimated time schedule for the project;
3. Last date for submitting notice of interest in performing services to the Director; and
4. Other pertinent data.

F. Private contractors desiring consideration shall meet the requirements of this section and to be considered, shall submit a letter expressing interest in the project to the Office of Juvenile Affairs within fifteen (15) days of the postmark date of the letter of notification mailed by the Office of Juvenile Affairs.

Contractors shall file an updated application form at the request of the Office of Juvenile Affairs.

G. The Office of Juvenile Affairs shall define the scope of a privatization project, determine the various program components, phases, and timetables within the identified implementation periods as described in Section 1 of this act. The Office of Juvenile Affairs shall prepare detailed project descriptions to guide prospective contractors. Before the Office of Juvenile Affairs awards a contract to a private contractor, the plans shall be approved by the Board of Juvenile Affairs.

H. The Office of Juvenile Affairs shall review the files of the private contractors desiring consideration for the contract. After performing the analysis, the Office of Juvenile Affairs shall select no less than two and no more than four contractors for more detailed consideration. This initial screening should consider the requirements of the privatization project, as well as the following factors to be determined from the comprehensive file and replies to inquiries from references:

1. Specialized experience in the type of work requested;

2. Capacity of the contractor to accomplish the work in the required time; and

3. Past performance and references.

I. A full report of the evaluation procedures and recommendations of the Office of Juvenile Affairs shall be prepared by the Office of Juvenile Affairs and submitted to the Board of Juvenile Affairs for the independent review of the entire process.

1. The Office of Juvenile Affairs shall select the contractor whose qualification and project proposal most substantially meet the criteria of the project description.

2. The Office of Juvenile Affairs shall execute the contract with the selected private contractor. The contract shall include a designated fee of at least twenty percent (20%) less than the

current per diem rate. These additional savings to the agency and to this state shall be used to provide newly implemented wraparound services. A private contractor shall also provide these wraparound services.

3. The negotiated scope and fee shall be reported to the Board of Juvenile Affairs for the approval of the award of the contract.

J. The Office of Juvenile Affairs shall establish a transition team to assist in implementing the transfer of management services to the private contractor.

1. The Office of Juvenile Affairs shall provide ongoing monitoring and performance evaluation of the contracted program. The monitoring guidelines shall be established by the Office of Juvenile Affairs and established by the contract.

2. The Office of Juvenile Affairs shall conduct necessary resident investigations and provide juvenile advocacy through the Office of the Attorney General and their designee.

K. Contracts awarded to private contractors pursuant to the provisions of this section shall be entered into for a period of five (5) years with one-year renewals, subject to availability of funds annually appropriated by the Legislature for that purpose. No contract awarded pursuant to this section shall provide for the encumbrance of funds beyond the amount available for a fiscal year.

L. No contract authorized by the provisions of this section shall be awarded until the private contractor demonstrates to the satisfaction of the Board of Juvenile Affairs and the Director of the Office of Juvenile Affairs:

1. That the contractor possesses the necessary qualification and experience to provide the services specified in the contract;

2. That the contractor can provide the necessary qualified personnel to implement the terms of the contract;

3. That the financial condition of the contractor is such that the terms of the contract can be fulfilled;

4. That the contractor has the ability to comply with applicable court orders and juvenile justice standards; and

5. That in the case of a contractor who will be providing the services in a nondepartmental facility operated by the contractor, the contractor shall be able to meet accreditation standards and receive accreditation as required by the terms of the contract.

M. No contract authorized by the provisions of this section shall be awarded until the private contractor demonstrates to the satisfaction of the Board that the contractor can obtain insurance or provide for self-insurance to:

1. Indemnify the state against possible lawsuits arising from the operation of juvenile facilities by the contractor; and

2. Compensate the state for any property damage outside of normal wear and tear or expenses incurred due to the operation of the juvenile facilities.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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