

**§214. Performance-based contracts**

In addition to other applicable requirements and unless precluded by other restrictions on the use of funds, the commissioner shall manage all funds available for the provision of social services in accordance with the provisions of this section. [PL 2007, c. 539, Pt. N, §53 (NEW).]

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Agreement" means a legally binding written document between 2 or more parties, including such documents as are commonly referred to as accepted application, proposal, prospectus, contract, grant, joint or cooperative agreement, purchase of service or state aid. [PL 2007, c. 539, Pt. N, §53 (NEW).]

B. "Performance-based contract" means an agreement for the purchase of direct client services employing a client-centered, outcome-oriented process that is based on measurable performance indicators and desired outcomes and includes the regular assessment of the quality of services provided. [PL 2007, c. 539, Pt. N, §53 (NEW).]

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**2. Performance-based contract.** The commissioner shall ensure that all agreements to purchase social services are performance-based contracts.

[PL 2007, c. 539, Pt. N, §53 (NEW).]

**3. Rules.** The commissioner shall adopt rules to implement this section, including, but not limited to, the establishment of program goals, outcome measures, an information management system to collect and manage contract data, a system of ongoing assessment of program effectiveness and hold-harmless guidelines for provider agencies during the first contract period or 12 months, whichever is greater.

[PL 2007, c. 539, Pt. N, §53 (NEW).]

**4. Procedures.** The procedures in this subsection apply whenever the commissioner commences a request-for-proposal procedure.

A. The commissioner may hold at least one informational meeting at least 14 days before the due date for submission of the notice of intent to bid. The commissioner shall provide detailed information to any interested party about the contract to be bid or rebid, provide notice of anticipated major changes from any previous contract and respond to questions. [PL 2019, c. 590, §3 (AMD).]

B. The commissioner may require any interested party to submit a notice of intent to bid at least 7 days before the date bids will be accepted as a precondition to submitting a formal bid. The notice of intent must contain minimal requirements that demonstrate a prospective bidder's competence and ability to comply with the requirements of the contract. [PL 2019, c. 590, §4 (AMD).]

C. If only one community service provider submits a notice of intent to bid, the commissioner may enter into negotiations concerning a contract with that provider in accordance with the procedures established for performance-based contracts. [PL 2007, c. 539, Pt. N, §53 (NEW).]

D. For purposes of this section, the commissioner retains the right to reject any bids submitted and any proposals made during negotiations pursuant to paragraph C. [PL 2007, c. 539, Pt. N, §53 (NEW).]

[PL 2019, c. 590, §§3, 4 (AMD).]

**SECTION HISTORY**

PL 2007, c. 539, Pt. N, §53 (NEW). PL 2019, c. 590, §§3, 4 (AMD).

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