

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

December 8, 2023

2. Department

California Department of Corrections and Rehabilitation

3. Organizational Placement (Division/Branch/Office Name)

Division of Administrative Services, Office of Business Services

4. CEA Position Title

Associate Director, Office of Business Services

5. Summary of proposed position description and how it relates to the program's mission or purpose.
(2-3 sentences)

The Department of Corrections and Rehabilitation (CDCR) proposes to revise the existing CEA, Associate Director position in the Office of Business Services. The Associate Director, OBS is responsible for providing critical subject matter expertise related to contracts and procurement, developing and implementing contracting policies for statewide applications, as well as developing and implementing contract analyst and manager training policies. In addition, the AD has responsibility for the accurate interpretation and application of State contracting laws, rules, regulations, policies, processes, and procedures to ensure the appropriate and timely execution of contracts to care for and serve the California Department of Corrections and Rehabilitation (CDCR) incarcerated and parolee populations and employees and to comply with legislative and legal mandates.

6. Reports to: (Class Title/Level)

Deputy Director, Office of Business Services, CEA Level C

7. Relationship with Department Director (Select one)

- ☐ Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- ☒ Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

The Associate Director advises and assists the Deputy Director, OBS, the Director of Administrative Services and the Administrative Services Division with planning and administration of the Department's procurement, contracts, asset management, vehicle management, and general business services functions. In this capacity, the AD provides insight and policy recommendations to the Deputy Director, OBS; Director of Administrative Services and other members of the Executive Office.

8. Organizational Level (Select one)

- ☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Under the general direction of the Deputy Director, Office of Business Services (OBS), the Associate Director is responsible for the direct oversight over the Business Management and Procurement Branch covering Business Operations, Procurement and Fleet Management & Acquisition sections. The AD will provide subject matter expertise; developing, implementing, modifying, and enforcing compliance with contracting, procurement, and business services policies statewide; and overseeing the administration of training for OBS staff and external customers. In addition, the AD is responsible for developing, implementing, and monitoring statewide policies relative to the Small Business/ Disabled Veteran's Business Enterprise (SB/DVBE) and Public Records Act (PRA) programs. The AD advises and assists the Deputy Director, OBS and Director, Administrative Services Division with planning and administration of the Department's procurement, contracts, asset management, vehicle management, and general business services functions.

Develops, implements, and evaluates departmental policies and procedures to ensure operational effectiveness, consistency, and standardization impacting the California Department of Corrections and Rehabilitation's (CDCR) procurement, and business operations, including all training program requirements statewide. Ensures the Department attains and sustains the Administration's published goals related to the statewide SB/DVBE programs and compliance with all State laws, rules, and regulations. Establishes and implements policies and procedures for conflicts of interest, ethical and moral behavior standards, limited to brand (LTB) procurements non-competitive bids (NCB), emergency contract protocols, and service level expectations and standards.

Plans, organizes, and oversees the department's statewide fleet operations within the Business Management and Procurement Branch. Conducts workload and workflow analysis; reviews and approves Fleet Acquisition Plans (FAP); conducts quality control audits; and provides technical direction and advice on fleet management issues. Ensures fleet management and utilization goals are met per the Department of General Services' requirements. Plans, organizes, and oversees the department's telematics operations; developing and implementing policy and overseeing installation of telematics devices on CDCR's fleet assets.

Plans, organizes, and administers procurement operations within the Business Management and Procurement Branch and conducts workload and workflow analysis; reviews and approves all LTBs and NCBs ; conducts quality control audits; and provides technical direction and advice on procurement issues. Serves as the Assistant Procurement and Contracts Officer to ensure contracts and procurements are processed in compliance with the Public Contract Code; consults with departmental programs and institutions statewide to make certain that the SB/DVBE goals are meeting or exceeding requirements; and coordinates the OBS response to requests submitted under the PRA.

Provides leadership, empowerment and professional development to staff. Ensures CDCR's OBS programs and initiatives are effective, efficient, and aligned to overall departmental objectives. Identifies appropriate long-range plans and strategic initiatives to address succession planning and knowledge transfer. Manages and oversees policy development and implementation, program planning, program analysis, budget monitoring, as well as funding proposals and development.

Provides recommendations to the Deputy Director, OBS on strategic organizational matters and issues; and advises executive staff and departmental management on contract activities. Meets with individuals from various State agencies and the private sector to resolve technical and procedural issues and/or negotiate settlements; responds to and confers with control agencies regarding complaints and concerns; and ensures customer service meets the needs of the Department in the area of contract services.

Travel to regional and/or HQ offices to ensure consistent application of policies and procedures in all regions and standardization of operations.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- ☐ Program is directly related to department's primary mission and is critical to achieving the department's goals.
- ☐ Program is indirectly related to department's primary mission.
- ☐ Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The Office of Business Services (OBS) supports CDCR's mission to facilitate the successful reintegration of the individuals in our care back to their communities equipped with the tools to be drug-free, healthy, and employable members of society by providing education, treatment, rehabilitative, and restorative justice programs, all in a safe and humane environment.

The Associate Director's function is critical to CDCR's mission. The AD is responsible for providing high-level subject matter expertise related to contracts and procurement; developing and implementing contracting policies for statewide application; developing and implementing analyst and manager training policies; and has responsibility for the accurate interpretation and application of State contracting laws, rules, regulations, policies, processes, and procedures to ensure the appropriate and timely execution of procurements to care for and serve the CDCR incarcerated and parolee populations and employees and to comply with legislative and legal mandates.

The success of CDCR in meeting the increased complexity of programs to reduce recidivism and prison overcrowding depends on the Department's ability to obtain procurement and contracted services on a timely basis.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

The California Department of Corrections and Rehabilitation (CDCR) Office of Business Services (OBS) is comprised of the Business Management and Procurement Branch (BMPB) and the Contracts Management Branch (CMB) and is the largest of its kind in the state. Effective policies, oversight, and direct management of the Department's contracting and procurement program is essential to support the Department's efforts to safely and securely house, feed, clothe, and care for the more than 99,110 inmates incarcerated in CDCR correctional facilities; to supervise more than 46,200 felons serving parole in California communities; and to provide supplies, equipment, and training for CDCR's 65,000 employees.

The OBS is submitting this major change revision because over the last decade, OBS has taken over new Procurement responsibilities and directives from the CDCR Secretary and Legislature, (outlined below) without receiving any additional resources to support these initiatives. Therefore, due to the significant increase in statewide Procurement activities, the essential job duties to the AD role have changed.

OBS oversees the highest priorities of CDCR as it relates to management procuring goods and managing assets. In Fiscal Year (FY) 2022/23, OBS BMPB processed 2,385 purchase orders for approximately \$35.8 million. In addition, unprecedented growth due to new legislation and court mandates for enhanced programming continues to make the Department's contracting activities highly visible with the Governor's Office and the Legislature.

The Associate Director will be responsible for the direct oversight of the following BMPB sections and business functions and provides overall administration of non-information technology (non-IT) procurement activities, property and records management programs, fleet management, headquarters' (HQ) mail center, reprographics, material master data (MMD), and correspondence control operations, Small Business (SB), Microbusiness (MB) and Disabled Veterans Business Enterprise (DVBE) activities. OBS ensures that departmental agreements are executed in compliance with State laws and regulations.

Additionally, over the last 10 years there have been significant changes to the responsibilities of BMPB including:

- Centralization of fleet management (vs each program or institution managing their own fleet responsibilities)
- Centralization of fleet acquisitions – previously programs/institutions were responsible for their own acquisitions
- Statewide mandates for reporting of fleet data
- Zero Emission vehicle purchasing mandates
- Telematics (GPS) requirements on state assets (for reporting of fleet data, although manual reporting is still required)
- Centralized and consolidated procurement of PIA clothing and chemicals for all 34 institutions (CPP)
- Consolidated/centralized procurement of toilet paper and paper towels – quarterly process implemented with the institutions.
- Increase in BMPB responsibilities and customer service level expectations
- Implementation and tracking of Assembly Bill 778 – this bill will require CDCR to achieve a goal of ensuring that at least 60% of the agricultural food products it purchases are grown in CA. CDCR will need to develop processes, tracking and reporting mechanisms, train staff etc. to implement AB 778. This will be a significant BMPB workload.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The Associate Director (AD) will be CDCR's point of contact relative to day-to-day procurement issues, including Small Business (SB) and Disabled Veterans Business Enterprise (DVBE), with the Governor's Office and the following control agencies: Department of General Services (DGS), Department of Finance (DOF), Bureau of State Audits (BSA) and the Office of the Inspector General (OIG). In the state-level policy-making process, the Associate Director will be responsible for developing, implementing and enforcing appropriate policies described below and providing critical subject matter expertise on matters related to contracting and Small Business/Disabled Veteran Business Enterprises. The success of CDCR in meeting the day to day basic needs of the inmate population depends on the Department's ability to obtain goods and services on a timely basis.

The AD develops, implements, and evaluates departmental policies and procedures to ensure operational effectiveness, consistency, and standardization impacting the California Department of Corrections and Rehabilitation's (CDCR) procurement, and business operations, including all training program requirements statewide. Ensures the Department attains and sustains the Administration's published goals related to the statewide SB/DVBE programs and compliance with all State laws, rules, and regulations. Establishes and implements policies and procedures for conflicts of interest, ethical and moral behavior standards, limited to brand (LTB) procurements non-competitive bids (NCB), emergency contract protocols, and service level expectations and standards.

The AD supports the Deputy Director, who is designated as the Procurement and Contracting Officer (PCO) for the department, in developing and full responsibility for implementing the appropriate policies and procedures for all procurement and contract related activities. The PCO is responsible for ensuring that all public contract code and State Contract Manual (includes procurement) requirements are complied with and that all administrative processes are in place, which ensure the objective and fair administration of the contracting and procurement processes. Lastly, the Associate Director will ensure the Office of Business Services fully complies with the Public Records Act (PRA).

The AD is responsible for crafting and implementing policies and procedures and ensuring compliance with statewide mandates related to fleet asset purchasing, utilization, reporting and telematics. CDCR utilizes fleet assets to support statewide operations, the majority of which are used to support operations at institutions. Institutions utilize fleet assets to support all operations, including transporting inmates to court and medical appointments ensuring compliance to Armstrong, Coleman, Farrell, etc. lawsuits.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

CDCR is constantly under scrutiny by the public, labor unions, and the media. Effective management of the Department's massive Business Management and Procurement Branch is paramount to the Department's success and reputation. In addition, unprecedented growth due to new legislation and court mandates for enhanced programming continues to make the Department's contracting activities highly visible with the Governor's Office and the Legislature. The Associate Director will be the Department's primary contact relative to all CDCR contracts and day-to-day operational issues relative to other contracting, SB/DVBE, and PRA activities and will have routine contact with the Governor's Office, DOF, DGS, BSA, the Office of the Inspector General (OIG), legislative representatives, departmental executive staff, local government representatives, contractors, and other external stakeholders on sensitive matters.

The Associate Director develops and implements departmental procurement policies and procedures that include sensitive issues such as conflicts of interest or expected standards of ethical and moral behavior, non-competitively bid (NCB) and emergency contracting protocols, and service level expectations and standards. In addition, the Associate Director is responsible for crafting and implementing policies and procedures, ensuring compliance with court mandated procurement requirements, i.e., Armstrong, Farrell, Valdivia, Coleman, etc., legislative directives, and in support of CDCR's Strategic Plan.

The Associate Director will be the adjudicator for formal appeals submitted to CDCR by contractors attempting to resolve disputes with the Department as prescribed in CDCR's dispute resolution section of its contract boilerplate language.

OBS policies and procedures impact all CDCR programs, institutions, facilities and offices statewide, as well as the general public, State employees, offenders, private contractors, other governmental agencies, community organizations and both internal and external control agencies.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The Associate Director continues to develop, recommend, and implement new policy as well as interpret, modify and execute existing policy. New policy will be developed as required to meet the operational need of CDCR, in response to State and federal law/regulation changes impacting OBS; legislative or court mandates, audit findings and resultant corrective action plans, and/or collective bargaining agreements. Existing policy will be reviewed and updated as required, commensurate with program changes within CDCR, and external changes impacting California state government.

The Associate Director advises with planning and administration of the Department's procurement, contracts, asset management, vehicle management, and general business services functions. In this capacity, the AD provides insight and policy recommendations to the Deputy Director, OBS; Director of Administrative Services; and other members of the Executive Office, as well as develops and maintains a positive business relationship with a wide variety of staff contacted in the course of the work.