

64-13d-103 Private contracts.

- (1) The department may contract with a contractor to finance, acquire, construct, lease, or provide full or partial correctional services.
- (2) Before entering into a contract, the department shall:
 - (a) hold a public hearing within the county or municipality where the facility is to be sited for the purpose of obtaining public comment;
 - (b) give consideration to the input received at the public hearing when making decisions regarding the awarding of a contract and the contract process; and
 - (c) have received written notification from the legislative body of the municipality or county where the proposed facility is to be sited, stating that the legislative body has agreed to the establishment of the facility within its boundaries.
- (3) Before entering into a contract, the department shall require that the contractor proposing to provide the services demonstrate that it has:
 - (a) management personnel with the qualifications and experience necessary to carry out the terms of the contract;
 - (b) sufficient financial resources to:
 - (i) complete and operate the facility;
 - (ii) provide indemnification for liability arising from the operation of the facility; and
 - (iii) provide reimbursement as required under Section 64-13d-105;
 - (c) the ability and resources to meet applicable court orders, correctional standards as defined by the department, and constitutional requirements; and
 - (d) liability insurance adequate to protect the state, the political subdivision where the facility is located, and the officers and employees of the facility from all claims and losses incurred as a result of action or inaction by the contractor or its employees.
- (4) A contract awarded for the operation of a facility shall be consistent with commonly accepted correctional practices as defined by the department and shall include:
 - (a) adequate internal and perimeter security to protect the public, employees, and inmates, based on the security level of the inmate population;
 - (b) work, training, educational, and treatment programs for inmates;
 - (c) a minimum correctional officer to inmate ratio;
 - (d) imposition of inmate discipline in accordance with applicable state law and department policy; and
 - (e) adequate food, clothing, housing, and medical care for inmates.

Enacted by Chapter 288, 1999 General Session