§ 51.21 Contracts for program operations.

(a) An eligible P&A system should work cooperatively with existing advocacy agencies and groups and, where appropriate, consider entering into contracts for protection and advocacy services with organizations already working on behalf of individuals with mental illness. Special consideration should be given to contracting for the services of groups run by individuals who have received or are receiving mental health services or by family members of such individuals.

(b) An eligible P&A system may contract for the operation of all or part of its program with another public or private nonprofit organization with demonstrated experience in working with individuals with mental illness provided that:

1. Any organization that will operate the full program meets the requirements of section 104(a)(1), 105 and 111 of the Act (42 U.S.C. 10804(a)(1), 10805 and 10821) and has the capacity to perform protection and advocacy activities throughout the State;

2. The eligible P&A system institutes oversight and monitoring procedures which ensure that this system will be able to meet all applicable terms, conditions and obligations of the Federal grant;

3. The eligible P&A system and the contractor organization enter into a written agreement that includes at least the following:
   (i) A description of the protection and advocacy services to be provided;
   (ii) The type of personnel, their qualifications and training;
   (iii) The methods to be used;
   (iv) A timetable for performance;
   (v) A budget;
   (vi) Assurances that the contractor will meet all applicable terms and conditions of the grant;
   (vii) Assurances that the contractor has adequate management and fiscal systems in place, including insurance coverage, if appropriate.