

General DET Contract Policy 11 - Procedure for the Resolution of Substantial Findings (Youth and Adult)

This policy describes the procedure that will be followed when a “substantial finding” is determined. A Substantial Finding is one that may result in a questioned cost or a deficiency in documentation or operations that affects more than 10% of potential individuals and/or it is determined that the contractor is out of compliance with the Contract and its appendices or any policy and procedure found within the contract procedure guide (administrative finding).

1. When a finding is determined but is at or below the 10% level or there is an administrative finding, the contractor will be notified. A 15 working day voluntary compliance period begins. By the 15th day, an on-site visit is completed to determine if the appropriate actions were taken. If the correction has been satisfactorily completed, the action ends and a memo sent to the contractor documenting the successful action. If it has not been completed satisfactorily, the process continues to step 2 under substantial findings.

The process for Substantial Finding follows:

1. Visit of any type identifies/confirms a “Substantial Finding”.
2. A Notice of Corrective Action is issued with a copy sent to the Delaware Workforce Development Board (DWDB). The letter will contain a description of the problem(s), the specific remediation that is required and notice that the contractor is to respond with their “Correction Plan” to DET in writing within 10 working days.

The contractor response will describe the way that the problem(s) will be fixed and the action(s) that will be taken to prevent this from occurring again. It will describe the following:

- Who will be responsible for the correction
- What problem(s) are being addressed
- When it will be accomplished
- How the correction will be done

(In cases where the problems are multiple, each finding is to be addressed separately)

3. The Corrective Action Plan will be jointly discussed with the Provider Agency and DET Contract Management Team. Modifications to the plan will be requested if necessary to enable DET to accept the plan. A schedule for mid-point and final review will be established. The DWDB will be notified that the plan is in place and the scheduled review dates

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4. The scheduled reviews by DET Contract Management staff are conducted
 5. Following reviews the DWDB will receive one of four notifications
 - The correction is on target and continuing.
 - The corrective action has been completed successfully
 - The corrective action has made considerable progress and DET has granted additional time to complete the corrective actions steps. (In this situation, reviews are again scheduled and the work goes back to Step 5.)
 - The corrective action has failed and it is recommended that the Board end the contract. This notice will include a recommendation on the path forward to be followed
 6. Workforce Development Board Action
- Caveats
- All days referred to in this policy will be work days
 - Nothing in this policy will preclude DET from recommending termination at any time per the terms of the contract for substantive cause.
 - Nothing in this policy will prevent the DWDB from exercising their right to terminate at any time per the provisions of the contract.
 - Should egregious violations be identified, DET at its discretion may waive the 15 day voluntary compliance period
 - Notices to the DWDB will be sent to the Executive Director, President, and Chairpersons of the appropriate committees (Youth, Proposal Review)