

General DET Contract Policy 12 - Contract Modification (Youth and Adult)

Either party may at any time during the term of this Contract request a modification. Request for modification of this Contract shall be in writing, specifying the changes sought and the reason therefore. The parties shall review the request for modification in terms of the appropriate laws, regulations, and program goals. Should the parties consent to modification of the Contract, then a modification will be drawn, approved and executed, consistent with the policies of the DET/DWDB. No modification will have effect unless executed under the terms of this paragraph.

The following are general rules for modifications:

1. All modifications require the approval of the Employment & Training Administrator or his/her designee prior to sending to the Contractor.
2. Substantial modifications will be reviewed with the Chairperson of the appropriate funding committee or Proposal Review Committee for approval as determined appropriate by the Employment & Training Administrator or his/her designee.
3. The Employment & Training Administrator may allow a letter modification to replace a signature modification, in extraordinary circumstances.
4. In no case, may expenditures exceed the total amount of the contract. The Workforce Development Board will authorize all increases in contract amounts.

No Modification is needed in the following circumstances:

1. If there is an over expenditure that exceeds the original budget line by up to \$200, as long as the expenditures are within the overall budget. In order to monitor this clause Contract Specialists will review financial reports monthly in order to identify problems with overages. In addition, at the time of the submission of the final Financial Report, the Contract Specialist will complete a final review; all overages will be noted, initialed and dated with a copy placed in the contract file. Problems with overages at any time will immediately be reported to both Fiscal and the Employment and Training Administrator.
2. Changes in assigned staff should be reported to the assigned Contract Specialist, and only require a modification if there is a change to the approved budget (which includes staff listing). In this case, a signature modification should be processed as this may impact the budget and services.
3. Changes in start dates for training/services should be reported to the assigned Contract Specialist. The Contract Specialists will document correspondence in contract file and notify the American Job Center(s). A Letter Modification should be processed if start dates for training/services vary by more than three months from the original proposed date.

Modifications will be processed by either a Signature Modification or a Letter Modifications depending on the scope of the modification and as described in this policy. The following describes the process and provides guidance on each.

Signature Modifications

This type of modifications will be considered executed when the Contractor (same signature as on original contract), Director of the Division of Employment & Training, and the Executive Director of the Delaware Workforce Development Board, has signed them.

Signature Modifications consists of three separate sections to create one document in the following order:

1. Signature page with all appropriate sections completed (Attachment A);
2. A description of the modification that included a rationalization for the approval (answers questions who, what when, where, why, and how); and
3. Copies of all contract pages affected with completed changes

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Signature Modifications will be used in the following circumstances:

1. Any budget modifications over the allowed \$200 per line.
2. Changes to contract language that impact any clause (including all appendices) or impact performance measures unless the modification corrects an error on the Administrative Entities part. In this case, a Letter Modification may be processed.
3. Changes in key performance items, service delivery methods, or partnership as described in the original proposal or any appendix. For example the population served differs from the description in proposal, a service described in the proposal is not being implemented, a decrease in the number of training/service hours or a change in the method of training/service provided during the term of the contract.
4. Other circumstances as the Employment & Training Administrator or his/her designee see fit.

Letter Modifications

This type of modifications will be considered executed when the Contractor Representative (not necessarily the same signature on the contract) has signed the modification acknowledging receipt. No signature is required by the Administrative Entity (DET) or the Delaware Workforce Development Board (DWDB).

Letter Modifications consists of three separate sections to create one document in the following order:

1. A letter that describes the modification elements requested, the modification elements approved, and a justification explaining the reasoning that supports the elements that were approved for change. This letter will also include a signature line for use by the contractor in order for the contractor to accept the modification (Attachment B);
2. Copies of any contract pages affected with completed changes; and
3. Copy of the request that was submitted by the contractor.

Letter Modifications will be used in the following circumstances:

1. Correction to an administrative error related to the contract. It corrects a situation where an item that was previously agreed upon by all parties is incorrectly represented in the contract. This includes a correction being made to all contracts or one.
2. Changes in start dates for training/services that vary by more than three months.
3. Other circumstances as the Employment & Training Administrator or his/her designee see fit.

Attachment A: Signature Modification Format Cover Page

Attachment B: Letter Modification Format Cover Page

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Attachment A

**CONTRACT/MODIFICATION SIGNATURE SHEET
PROGRAM YEAR _____**

1. Contract No.: _____
Date Prepared: _____

2. Modification No.: _____
a) Effective Date: _____
Date Prepared: _____

GRANTOR:
DEPARTMENT OF LABOR
Division of Employment & Training and
Delaware Workforce Development Board
4425 North Market Street
Wilmington, DE 19802

CONTRACTOR:
Contractor Name and Address

PROGRAM NAME/TITLE _____

(C) This Agreement is entered into by the Department of Labor, Division of Employment and Training (hereinafter referred to as DET) and _____ (hereinafter referred to as Contractor) who agrees to operate, in a satisfactory manner as determined by the DET, the project component described herein.

(D) OBLIGATIONS

1. Funds obligated by the DET/DWDB to the Contractor \$ _____
2. These funds cover the Agreement Period _____ to _____

(E) MODIFICATION

- (1) This modification () increases () decreases () does not change funds previously obligated by
- (2) Notwithstanding anything to the contrary all terms and conditions of the original Agreement are applicable to this modification, except where specifically noted herein.

PROGRAM YEAR _____	
TYPE	Blue Collar
TOTAL AWARD	\$ _____
SUPPORTIVE	\$ _____
TOTAL	\$ _____

APPROVED: DIVISION OF EMPLOYMENT AND TRAINING
BY: Stacey Laing
TITLE: Director
SIGNATURE: _____
DATE: _____

APPROVED: WORKFORCE DEVELOPMENT BOARD, INC.
BY: William J. Potter
TITLE: Executive Director
SIGNATURE: _____
DATE: _____

APPROVED: CONTRACTOR
BY: _____
TITLE: _____
SIGNATURE: _____
DATE: _____

Attachment B

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STATE OF DELAWARE
DEPARTMENT OF LABOR
DIVISION OF EMPLOYMENT & TRAINING
4425 NORTH MARKET STREET
WILMINGTON, DELAWARE 19802

LETTER MODIFICATION

TO: Contractor contact
Agency

FROM: Contract Manager

RE: Modification #
Contract #

Date Prepared:

Effective Date:

Letter that describes the modification elements requested, the modification elements approved, and a justification explaining the reasoning that supports the elements that were approved for change.

Received by Contractor's representative (printed name)

(Signature) _____ (Date) _____

cc: DET Contract Unit
DET Fiscal Unit