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The Recruitment / Enrollment / Training of BEP Vendors Policy was previously approved by RSA on January 5, 2016 and has been resubmitted with three (3) modifications (Addendum 1). Until revisions are approved, the revised policy has been are marked in blue font and dated.

Establishment, Maintenance and Development of BEP Locations

I. PURPOSE/SCOPE

To establish consistent procedures for establishing, maintaining, and developing BEP locations.

II. DEFINITIONS

Net Income: shall mean total earnings following adjustment costs for business operations such as set aside, equipment (phone, computer, internet, machinery, transportation, depreciation); fixed costs (taxes, licenses, pension, insurances, non-government building utility costs); and variable costs (other fluctuating costs associated with the daily site operation).

Fair Minimum Return: three (63) months of operation / 1500.00 optional per month

Fair Minimum Return Payment: shall mean, with respect to any measuring period, a payment to a Probationary Vendor in an amount equal to the difference between the a Fair Minimum Return and such Probationary Vendor's Net Income for such period, assuming such Net Income is less than the applicable Fair Minimum Return.

Unestablished Facility shall mean a facility that has no proven history defined as not achieving enough net income at or above Fair minimum Return within the previous 12-month period.

SLA shall mean the Delaware Department of Health and Social Services, Division for the Visually Impaired, the BEP state licensing authority.

BVC: Blind Vendor Committee elected Vendors by the Vendors who represent the vendors

Account: Account one (1) is the operator set aside account it is both savings and checking. Account two (2) is the Business account for operation of a new business by the SLA. Account three (3) is a money market and checking for program operations it is where unassigned money from vending and other SLA managed operations...

Satellite location: an unassigned location on the bid list of locations available as a primary facility

Probationary Vendor shall mean a licensed vendor [operating a newly licensed BEP facility during its first 12 months]

III. PROCEDURES

Probationary Vendors-First 12-Months of Operating a Facility as a Licensed Blind Vendor

- A. A Probationary Vendor is assured a Fair Minimum Return

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- B. All Fair Minimum Return Payments to vendors shall be issued monthly to qualifying Probationary Vendors, through BEP Account #3 which is established to support the vendors enrolled within the BEP.
- C. Entitlement of the Fair Minimum Return to the Probationary Vendor of an established facility is contingent on the following three criteria:
 - a. The Probationary Vendor is operating a New Facility that has no proven history of achieving a Fair Minimum Return within the prior 12-months, and/or;
 - b. The manager has never previously managed a vending facility, and/or;
 - c. The BEP Director determines, in his/her discretion, the additional support is critically important in order to establish or re-establish the viability of a facility with a recent history of failing to achieve a Fair Minimum Return for an identifiable cause other than vendor mismanagement based upon review with the Blind Vendors' Committee of prior Reports for that location over the course of the prior year. This option may only be used when reasonable expectation dictates that the facility will be restored to its previously profitable status.
- D. When a potential Probationary Vendor is ready for assignment of a facility, he/she may be offered a new site that either has no history of achieving a Fair Minimum Return or has been established but has operated without achieving a Fair Minimum Return [for a period of 12-months]. The Probationary Vendor has the discretion to either accept the offered site or decline the site in favor of an established site. The SLA has the discretion to merge two or more satellite locations, if feasible, to create a profitable primary site for the Probationary Vendor.
- E. A previously licensed vendor who left the BEP in good standing and is returning to the BEP may choose the option of receiving a Fair Minimum Return payment.
- F. Any licensed vendor shall be responsible to repay the total sum of Fair Minimum Return payments they received back to the SLA for reimbursement into BEP Account #3. If you take Fair Minimum payment will be paid in full by all take it. At 125.00 per month for 36 months. A repayment schedule shall be recorded and agreed upon between the vendor and the SLA. The payment schedule shall be no less than 12-months and no more than 36-months. Vendors may make additional payments each month; however, no less than the standard agreed upon amount shall be paid, and payments shall be made within the agreed upon timeframe.
- G. This policy shall be incorporated as an addendum into new vendor licensing agreements as an addendum. Within the new and existing vendor licensing agreements there shall also be set forth provisions for the vendor to establish goals of growing their business' net profit margin (net profit margin = net income/sales revenue) at two (2%) percent annually.
- H. The BEP Director and the Probationary Vendor shall agree upon a beginning inventory value prior to the facility being opened for business. At the end of the first full calendar month of business for the first nine (9) months of operation thereafter, a physical inventory shall be conducted and agreed upon by both parties.

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- I. If an agreement is not reached BVC and SLA will meet with operator to negotiate a fair term for contract
- J. If the BVC, SLA and Operator cannot make a satisfactory term then operator may request to speak with BVC and Director of Division. Due to Operator being a probationary operator they would not have Randolph Sheppard procedures to file an arbitration.
- K. Upon completion of the inventory at the end of each full calendar month's operation, the BEP Director shall calculate the Probationary Vendor's accumulated net income for the period and adjust it to reflect any change in the value of the inventory. If the net income for the month is below the Fair Minimum Return, the SLA will issue a check to the Probationary Vendor for the difference, so the total net income amount equals a Fair Minimum Return.
- L. All location stock, funds, equipment, and fixtures are property of the State of Delaware (SLA) and are not the property of the Probationary Vendor. The licensed vending facility manager is not allowed to take funds from the BEP vending facility income using any other process. All records of inventory, income, etc. will be maintained in the licensed vendor's BEP case file. (All distribution will be determined by the SLA after a Report has been prepared for the location)

Satelliting

- A. A satellite location is defined as an unassigned location on the bid list of locations available as a primary facility, a new site that opens and receives no bids, or a site that no one takes on as a primary site. A primary facility is defined as a licensed vendor's current location. Should a site not be at the income level of \$15,000.00 annual net profit, the site remains unassigned. An unassigned site may be considered to become a satellite operation by the SLA once the site exceeds \$15,000.00 net profits during the prior completed fiscal year. A satellite location is a temporary business operation until the site obtains a permanent operator. Prior to becoming a satellite location, the site is overseen by the SLA. Once the site becomes an operational satellite location, the site is then overseen by the vendor of said operation. The satellite location shall remain on the bid list until the site is successfully bid on as a primary location. The SLA has the discretion to merge two or more satellite locations to create a profitable primary site.
- B. In the event the SLA determines that a location is eligible for stellateing, following no submitted bids for the operation of the facility, the following considerations will be taken:
 - a. Profits from a satellite location are paid to the satellite manager for the duration of the satellite status. Two consecutive net losses (two cycles/four months) on P&Ls shall result in a formal meeting with the BEP Director in conjunction with the BVC to discuss future options/directions for the satellite location and to establish a corrective action business plan for moving forward.
 - b. A satellite location remains in "open bid" status during the satelliting period with a minimum 30-day notice of full-time manager assignment. New manager assignment will

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be effective on the first day of the next new P & L period to a satelliting manager before the location is transitioned to another licensed vendor.

- c. The following conditions shall apply when selecting a licensed vendor among multiple applicants seeking to satellite a single location. When a management position is to be filled at a vending facility within the BEP Program, the BEP Director shall solicit applications from all (licensed) vendors who are qualified. The Division may then fill this management position with the applicant of its choice. Factors which the Division shall consider in choosing an applicant include, but may not be limited to seniority, experience, managerial skills, administrative skills, training, education and suitability of the applicant to any special requirements of the vending facility. The Seniority is not a sole determining factor in the choice The Delaware Committee of Blind Vendors shall be consulted (IAW Delaware Active Participation Policy) concerning the Division's proposed decision.
 - i. If There is no agreement between the BVC and SLA, then the first step is to take to the DVI Director for a decision.
 - ii. Then is to use the Grievance Process as outlined in Delaware Rules and policy.

Annexation

In order to annex combined locations, all the following conditions shall apply:

- A. If a vendor is making below \$35K net profit per year, then that vendor may pursue an annexation site. If, however, a vendor is exceeding \$35K net income per year, then the vendor may not pursue an additional site under annexation. This shall be done prior to the beginning of the federal fiscal year so that the RSA15 report can be completed efficiently. Following the bid process, the SLA, in conjunction with the BVC, shall decide for apartment of the annexed site. This shall be followed by a public meeting to inform interested parties of the decision(s) and garner any public comment pertaining to the process followed and decision(s) rendered. Response to public comment shall be rendered by the BEP Director in conjunction with the BVC via the State of Delaware's public meeting policies.
- B. The licensed vendor must be in good standing with the BEP (no delinquent payroll or set aside obligations or written citations within their annual evaluations) with a minimum of 48-months experience continuous service within the BEP.
- C. Within those prior 48-months the licensed vendor must have achieved the objectives and goals set forth in their operator agreement.
- D. Final annexation of any satellite site shall be approved by the BEP Director in conjunction with the BVC by majority vote after approval from the Division for the Visually Impaired (DVI) Director.

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Bid Process

- A. When a BEP vending facility becomes available for bid, a Notice of Vending Facility Opportunity is sent by the BEP Director to all licensed BEP vendors, at which time, an interested licensed vendor must submit an electronic response via E-mail stating their intent of interest within fourteen (14) calendar days of the BEP Director’s E-mail.

- B. When a management position is to be filled at a vending facility within the BEP Program, the SLA shall solicit applications from all (licensed) vendors who are qualified. The SLA may then fill this management position with the applicant of their choosing. The SLA will use information provided -. Factors which shall be considered in choosing an applicant include but may not be limited to: , experience, managerial skills, administrative skills, training, education, seniority and suitability of the applicant to any special requirements of the vending facility. The Delaware Committee of Blind Vendors shall be consulted concerning the proposed decision of the SLA.

DRAFT-INT DELIBERATION

Probationary Vendor Site Assignment Acceptance Form

I, _____, understand that I am being offered the _____ as my assignment site under the State Licensing Agency (SLA) of the Business Enterprise Program (BEP). I further acknowledge and understand that this assignment site has either no history of profitability or has a history of net income less than a Fair Minimum Return (as defined in BEP Policies).

By signing this Vendor Site Acceptance Form, I am accepting this site as my assigned BEP location.

BEP Vendor (Print Name) _____

BEP Vendor (Signature) _____ Date _____

BEP Director/Designee Signature _____ Date _____

This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

DRAFT-INT DELIBERATION

Dress Code Guidelines for BEP Vendors

I. PURPOSE/SCOPE

To establish consistent and clearly defined guidelines regarding appropriate dress and appearance in the business. This policy applies to all BEP Vendors and trainees and should be followed as applicable to the given work-day schedule and situation; i.e.; meetings, tours of the operation, etc.

II. PROCEDURES

Professional judgment, safety standards, and common sense should be exercised when choosing appropriate dress for your business. The below offers guidance for choosing the appropriate attire. Should a vendor and/or vendor employees fail to adhere to proper dress code standards, the individual(s) in question shall be issued a verbal warning in the form of an e-mail which shall not be placed in the individual's employment file. Should the issue continue, a written warning which shall be placed in the individual's employment file shall be issued. Continual violation of standard dress code requirements shall result in additional written warnings; placed in the individual's file; and may result in further disciplinary action. Additionally, written warnings shall become part of the employee's formal bi-annual review sessions with the BEP Director and the BVC and shall remain a part of the review file for a statutory limitation period of three (3) years.

This policy shall be effective on upon documented approval from the Rehabilitation Services Administration.

BEP Processes for Producing RSA 15

I. PURPOSE/SCOPE

To provide standardized policies and practices for the BEP Process for Producing RSA 15 as well as an invoice system for all BEP charge services. This policy shall apply to all locations of the BEP.

II. DEFINITIONS

Quinquennial: Occurring or being done every five years.

III. PROCEDURES

- A. The Division for the Visually Impaired SLA shall ensure that the BEP is independently audited by an outside auditor on a Quinquennial basis, (this cost of the audit would be split between the program and state at 75%/25% ratio state/program) the end of the federal fiscal year to ensure the fiscal integrity of the BEP (If any other audits are requested it would be at the cost of the requesting entity). It is the responsibility of The Division for the Visually Impaired SLA to provide a copy of the findings to the BVC in a timely basis not to exceed 30 days past publication of the report.
- B. All probationary and licensed vendors will turn in their report to the DVI fiscal officer no later than the 10th day of each month. All probationary and licensed vendors shall receive an e-mail, as needed, from the DVI fiscal officer notifying them of their responsibility for timely submission of the report. Vendors will still be required to submit their monthly reports; however, supporting receipt documentation shall not be required.
- C. The DVI accountant shall revise the report to include charges for set-aside payments, and fringe contributions.
- D. Within each calendar month the DVI accountant shall also be responsible for reconciling and documenting the reconciliation of all BEP bank accounts to be incorporated on the report.
- E. With all corresponding source documentation as applicable (e.g. receipts, checks, deposit slips, financial statements). On a semi-annual basis (twice per program year) all vendors will participate in a random audit of their financial statements which shall include the requirement to submit all receipts for the requested month to the DVI Fiscal Officer in addition to the draft Report no later than the tenth (10th) day of each month. If findings are substantiated where receipts are not properly accounted for, the SLA shall continue to request receipts in each successive pay period until the draft Reports are submitted correctly. The SLA shall notify vendors of their audit dates with a minimum of at least five (5) business days prior to the audit start-date. Receipts shall be randomly requested for timeframes within the previous six (6) months for audit purposes.

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Format and Integrity of the BEP financial statements

- A. The BEP Report shall be initially compiled utilizing probationary and licensed vendor draft statements. What is reported is to update the RSA 15.
- B. The probationary and licensed operators' expenses and profits shall be reported on the stand 20 or RSA 15 monthly report DVI fiscal administrative officer.
- C. Total set a-side will be reported on stand 20/Monthly RSA 15 report.

Invoicing and billing practices for BEP services

- A. When a location receives a request for charge service provided by the BEP, the Vendor or designee in charge will complete all information on the BEP request form.
- B. The vendor or the designee will mail or fax the form to the requestor for review. The requestor will sign under the authorized signature confirming approval and funding of the service listed on the BEP request form.
- C. The BEP fiscal Office follows the standard **GAAP principles** pertaining to BEP/SLA staff making purchase requests which incorporates the approval of the BEP Director, the Division Director (if applicable), as well the BVC, and the BEP Fiscal Office. Because prior approval is required, it is important for the BEP/SLA staff to wait for the signed approval prior to making any purchases. This does not apply to BEP vendors.
- D. On the day of service, the vendor or designee will hand deliver the invoice/ bill for the amount recorded on the BEP request form.
- E. There will be no paper or food products returned to the location for re-use. (No credits are authorized).
- F. In preparing the invoice/ bill the following information will be recorded:
 - a. Bill To: The authorized signature on the BEP request form, including the billing address.
 - b. Date: Date of billing
 - c. Invoice number: The invoice number will be a 9-digit system, starting with the initial of the location; i.e.,
 - d. Connective Indian River will be recorded as CIR000001
 - e. The next invoice number will be CIR000002.
 - f. Date: Date of service
 - g. Description: Purpose of charge request
 - h. Total amount due: As recorded on the BEP request form
- G. Each location shall maintain a tracking sheet to record the following information for each charge request:

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- a. Bill to information
 - b. Date of service
 - c. Invoice number
 - d. Total amount due
 - e. Date billed
 - f. Date paid
- H. The actual invoice must be used for reports and recording of transactions on all documentation, not projected revenues.
- I. All locations that process their payments to vendors through the main office will approve all payments according to the below outline.
- a. All invoices/statements are date sensitive, and therefore, must be reported according to the date of the invoice/statement and in compliance with the same reporting period.
 - b. All invoices/statements must be stamped with the location stamp, or the vendor or person in charge managing the day-to-day operation shall sign the invoices/statements.
 - c. The BEP Administrative Officer will ensure that all invoices/statement dates follow the current Report.
 - d. The BEP Administrative Officer will ensure all invoices/statements are signed by the authorized person in charge.
- The BEP Administrative Officer will notify the location to revise and resubmit report.
- J. A copy of the BEP completed form will be submitted with the weekly paperwork for the SLA to record same information on the weekly mini Report.
- K. A copy of the invoice will be submitted with the weekly paperwork upon receipt of payment along with a copy of the check.

This policy shall be effective on upon documented approval from the Rehabilitation Services Administration.

Third-Party Vendor/Suppliers Misappropriation Policy

I. PURPOSE/SCOPE

This policy is established to facilitate the development of controls that will aid in the detection, prevention, and prosecution of Business Enterprise Program (“BEP”) third-party vendor/supplier misappropriation of property of the BEP vendor and the State Licensing Agency (“SLA”).

II. DEFINITION

Third Party- is anyone whom we do business with and/or provides a service.

III. POLICY

The SLA adheres to a 30-day repayment structure for misappropriation of assets. Any investigation leading to the confirmation of misappropriation by any BEP third-party vendor/supplier shall result in due process by the appropriate legal authorities. Should a second incident occur, the third-party vendor shall be restricted from the BEP vendor’s list for a period of five (5) years.

Actions constituting misappropriation:

Any irregularity that is detected or suspected must be reported immediately to the BEP Director and/or the Director’s designee, who in turn, shall coordinate all investigations in conjunction with the Division Director and the Blind Vendor’s Committee (BVC) pertaining to the Attorney General’s Office, the Better Business Bureau (BBB), the Delaware Office of Management and Budget/Government Support Services (OMB/GSS), and other appropriate entities; both internal and external. The term misappropriation refers to but is not limited to the unauthorized improper or unlawful use of funds, securities, supplies, or other assets of the SLA and/or the BEP, including without limitation any of the following acts:

- A. Imprudence in the handling or charging of money, checks, bank account transactions, or any other financial transactions; and
- B. Impropriety in the handling of equipment or other tangible items related to the vendor’s BEP business.
- C. Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation shall be made in conjunction with the SLA, the BVC, and the Division Director.

Confidentiality:

The SLA treats all information received confidentially. Any person who suspects misappropriation by a BEP third-party vendor/supplier shall notify the SLA Director or the Director’s designee immediately and should not attempt to personally conduct investigations or interviews related to any suspected misappropriation on their own. Investigation results shall not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the

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reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the SLA and the BEP from potential civil liability. Authorization for investigation shall be under the guidance of the state's Attorney General's Office.

Reporting:

A Person who discovers or suspects activity constituting misappropriation by a BEP third-party vendor/supplier shall report such activity to the BEP Director or the Director's designee. The employee or other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the BEP Director or the Director's designee. No information concerning the status of an investigation will be given out by the SLA. The proper response to any inquiry is "I am not at liberty to discuss this matter." Under no circumstances should any reference be made to "the allegation", "the crime", "the fraud", "the forgery", "the misappropriation", or any other specific reference.

Termination of Services:

Termination of any and all contracts/business agreements with any third-party vendors/suppliers shall be duly enforced should misappropriation in a BEP third-party vendor or supplier's business practices be proven. Actions which are determined to be a violation of this policy shall constitute grounds for the termination of said third-party vendor/supplier contracts/business agreements. Should restitution not be made back to the SLA within the specified time-period, legal action shall be further taken to ensure restitution is made.

Pending approval from the State Attorney General's Office, upon conclusion of any investigations, and a finding of guilty in the court of law, the BEP third-party vendor's/supplier's information regarding the violation of theft or misuse or misappropriation of funds or equipment shall be forwarded to the State of Delaware Better Business Bureau (BBB) for public record as a safeguard against future such improprieties by said vendor or said 3rd party vendor's employees.

Any action taken against the third-party vendor/supplier shall commence following consult with the SLA, the BVC, the Division Director, and the State of Delaware Attorney General's Office beginning with, during, and at the conclusion of any investigation.

The SLA shall take all action; legally, and other; to the fullest extent of the law.

This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

BEP Licensed Vendor Misappropriation Policy

I. PURPOSE/SCOPE

This policy is established to facilitate the development of controls that will aid in the detection, prevention, and prosecution of Business Enterprise Program (“BEP”) vendor misappropriation of property of the BEP and the State Licensing Authority (“SLA”). It is the intent of the SLA to promote appropriate, consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

II. POLICY:

The SLA adheres to a 30-day repayment structure for misappropriation of assets. Any investigation leading to the confirmation of misappropriation by any BEP vendor will result in six Two (6)(2) months’ probation with financial coaching and recommended additional vocational rehabilitation (“VR”) services for said vendor. The Second time will result in a four (4) probation. This course of action shall be afforded to the BEP vendor twice during said vendor’s license term. Should a third offense occur during said vendor’s license term, immediate license termination with respect to all responsible parties shall ensue.

Actions constituting misappropriation

Any irregularity that is detected or suspected must be reported immediately to the SLA Director and/or the Director’s designee, who in turn, shall coordinate all investigations in conjunction with the Division Director and the BVC pertaining to the Attorney General’s Office, and other appropriate entities. The term “misappropriation refers to, but is not limited to the unauthorized, improper or unlawful use of funds, securities, supplies, or other assets of the SLA, including without limitation any of the following acts:

- A. Non-compliance with BEP Policy in the handling or reporting of money, checks, bank account transactions, or any other financial transactions; and
- B. Impropriety in the handling of equipment or other tangible items related the vendor’s BEP business.

Other:

Irregularities subject to code of conduct and contractual due process and rights concerning moral, ethical, or behavioral conduct should be resolved by the SLA in conjunction with the BVC.

Confidentiality:

The SLA treats all information received confidentially. Any Person who suspects misappropriation shall notify the SLA Director or the Director’s designee immediately and should not attempt to personally

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conduct investigations or interviews related to any suspected misappropriation on their own. Investigation results shall not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the SLA and the BEP from potential civil liability. Authorization for investigation shall be under the guidance of the state's Attorney General's Office.

Reporting:

An employee who discovers or suspects activity constituting misappropriation shall report such activity to the SLA Director or the Director's designee. The employee or other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the SLA Director or the Director's designee. No information concerning the status of an investigation will be given out by the SLA. The proper response to any inquiry is "I am not at liberty to discuss this matter." Under no circumstances should any reference be made to "the allegation", "the crime", "the fraud", "the forgery", "the misappropriation", or any other specific reference.

Termination:

Should restitution not be made back to the SLA by the vendor and/or BEP Vendor involved by the next pay-period, legal action may be further taken to ensure restitution is made. Pending approval from the State Attorney General's Office, upon conclusion of any investigations, and a finding of guilty in court of law, the BEP vendor's and/or BEP employees found guilty information regarding the violation of theft or misuse or misappropriation of funds or equipment shall be forwarded to the State of Delaware Credit Bureau, the Federal Credit Bureau, and the Better Business Bureau for public record as a safeguard against future such improprieties by said vendor or said vendor's employees. Operator May file due process under BEP Grievance Policy.

This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

Probationary Vendor Re-payment Agreement

Probationary Vendor Name (Please Print): _____

Mailing Address: _____

Home Phone: _____	Business Phone: _____	Email Address: _____
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I, _____, agree to the following financial terms of reimbursement to the SLA as part of my probationary vendor employment:

Fair Minimum Return

Yes No

Total Amount _____

Initial Stock/Inventory

Yes No

Total Amount _____

Cash Bank

Yes No

Total Amount _____

Any licensed vendors shall be responsible to repay the total sum of fair minimum return payments to the unassigned vending savings account. The payment schedule shall be no less than 12-months and no more than 36-months. Vendors may make additional payments each month; however, no less than the standard agreed upon amount shall be paid, and payments shall be made within the agreed upon timeframe.

I understand that reimbursement to the SLA shall begin following the first 90-days of my probationary period and shall be made in accordance with the reimbursement terms agreed upon per the repayment schedule at _____ per-month and stated below based upon the following formula:

Gross Sales to Date _____

Cost of Goods Sold to Date _____

Net Proceeds to Date _____

Surplus/Deficit to Date _____

Reimbursement Amount to SLA _____

Probationary Vendor Signature: _____	Date: _____	Date: _____
Division Director Signature _____	Date: _____	

This agreement policy shall be effective upon documented approval from the Rehabilitation Services Administration.

BEP Licensed Vendor Code of Conduct

I. PURPOSE/SCOPE

This policy applies to all prospective or current employees of the BEP regardless of employment agreement or seniority.

II. PROCEDURES

Persons within the BEP are bound by the terms of their BEP Assignment to adhere to specific guidelines applicable to every work-related space and during the fulfilment of their duties. All employees are obliged to know the Employee Code of Conduct (to be a part of Blind Operators employee Handbook) and follow its prescripts.

Compliance with Law (Already taken care of) (Out)

Respect in the Workplace (training) (out)

Protection of BEP Property (Out)

Professionalism (training) (out)

Personal Appearance (Out) (Training)

Job Duties and Authority (out)

Absenteeism and Tardiness (Out)

Conflict of Interest (Out) (training)

All BEP Operators

Collaboration (Out)

Communication (out)

Harassment (out) Let law take care of this)

This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

DRAFT-INT DELIBERATION

BEP Bid Process

I. PURPOSE/SCOPE

To establish consistent procedures for the solicitation of Bids for primary and secondary BEP locations.

II. PROCEDURES

- A. When a BEP Vending Facility becomes available, a notice of *Vending Facility Opportunity* is sent to all Licensed Blind Vendors VIA Email. Each Blind Vendor will reply to the SLA their interest prior to the final filing date specified in the notification.
- B. Selection Process is conducted by a member of the Blind Vendors Committee (BVC) in conjunction with the BEP director and/or designee. With-in ten business days SLA will notify the Blind vendor of the award.
- C. Bid announcements for a facility shall be sent to all licensed BEP vendors within the state. Only licensed BEP vendors are eligible to Bid on an open site announcement. No individual currently enrolled in training, on provisional license status, or who does not possess a current valid full license shall be eligible to apply for an open Bid solicitation.
- D. All Bid announcements shall be sent electronically via e-mail.
- E. BEP vendors shall electronically submit Bids via e-mail directly to the BEP Director's state e-mail account as a secondary measure. The BEP Recourse Account electronic. The Bid announcement shall remain open for a period of ten (10) business days.

Eligibility for Bid Consideration:

The BEP vendor is not eligible to have his Bid considered if at the time of the Bid announcement;

- 1. the BEP vendor is delinquent with respect to the filing of any reports required by the State of Delaware or is delinquent with respect to any financial obligations owed to the State of Delaware; *
 - 2. the BEP vendor does not possess the certification required by the facility announced for Bid;
- A. After the closing of Bids and the review and certification of the BVC with respect to seniority and certification of all Bidding BEP vendors, qualified BEP vendors from those submitting Bids shall be selected to compete for the open site. The basis for this selection shall be seniority provided the BEP vendor possesses the necessary certification(s). The Agency shall contact the top candidates to determine their interest in the interview process. If one or more of these candidates decline, the BEP vendor or BEP vendors having the next greatest amount of seniority and the required certification(s) shall be selected.

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- B. After the selection process is complete, the qualified candidates shall be interviewed by a Panel consisting of the Director of the Business Enterprise Program (or designee, and the member of the BVC. Upon completion of the interview process, the successful BEP vendor shall be awarded the Bid within ten (10) working days from the date the Agency receives certification from the BVC. This verbal certification shall not be sought until after the candidates have been cleared by the Division's Fiscal Unit as eligible to interview.
- C. On the date the interviews are conducted, the SLA representative shall share with other Panel members the record of performance of the candidates to be interviewed. All information provided to Panel members including the interview is of a confidential nature and all Panel members are precluded from discussing the interview with persons outside of the Panel.
- D. Candidates shall be interviewed individually and should be prepared to answer questions posed by the interview Panel in the following areas:
1. Work History
 2. Business Planning
 3. Record Keeping
 4. Merchandising and displaying techniques
 5. Handling of complaints
 6. Refund Policy
 7. Pricing Philosophy
 8. Dealing with competition
 9. Training
- E. The above are general categories and no Panel member is required to ask questions in a specific area. Panel members may ask questions in other areas as well provided that the questions do not pertain to matters relating to the BEP vendor's personal life or questions related to race, color, national origin, religion, disability, age, political affiliation or gender. IAW State Human Rights statute Tit. 19 §710, et seq. (Employment).
- F. The Panel shall rate each candidate based upon his/her records of performance (including years of service), responses received to questions, as well as personal appearance, demeanor, and attitude. To demonstrate one's record of performance, a BEP vendor who is being interviewed shall be allowed to submit letters of recommendation written on their behalf, as well as, any other documentation they would like to provide. However, it would be improper for a Committee representative or an SLA staff person to write a letter on behalf of any candidate. If in the opinion of a Panel member, two or more candidates are equal, the Panel member shall give the highest rating to the candidate possessing the greatest amount of seniority. If once a decision is made and an offer extended, the candidate elects not to accept the award, the candidate receiving the next highest rating shall be awarded the facility. In the event two candidates receive the same rating, the BEP vendor having the greatest seniority shall be awarded the facility.

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- G. In the event only one BEP vendor Bids on a vacant facility, and said vendor meets the qualifications for Bid, the SLA shall advise the BEP vendor that the facility is being awarded to them. The BEP vendor shall be given forty-eight (48) hours to either accept or reject the award. If the BEP vendor elects not to accept the award, there shall be no consequences in the way of penalties.
- H. When though the awarding of the facility may have been made, the BEP vendor must be current with respect to all financial obligations owed to the State before assuming the operation of the facility as a permanent assignment. If delinquencies are identified, the BEP vendor shall have thirty (30) days to liquidate the indebtedness. Failure to do so within the prescribed period shall result in the SLA revoking the award of the facility and proceeding to award the facility to the BEP vendor possessing the next highest rating from the interviewing Panel. If no additional BEP vendors submitted a Bid, the site shall be placed for open Bid again.

This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

Recruitment/Enrollment/Training of BEP Vendors

I. PURPOSE/SCOPE

To establish consistent procedures for recruiting, enrolling, and training blind individuals to serve as vendors of vending facilities on federal, state, and other properties.

II. PROCEDURES

Recruitment and Enrollment

The path for an individual who is blind to become a BEP licensed vendor begins with the Vocational Rehabilitation (VR) Counselor. The Division for the Visually Impaired recommends that individuals go through the VR Program to be referred to BEP. The BEP Director shall review potential candidates and communicate with the VR Counselors and clients to ensure the referral is an appropriate candidate for BEP; and if not; aid in determining what additional training or other opportunities might be better suited for the candidate.

¹Addendum 11/16: Because a BEP vendor must be able to establish credit in good standing with third-party vendors for the purchase of products; should an applicant to the BEP have a bankruptcy on their record dating back to the last five (5) years and/or a credit score of below Good Credit, the VR Counselor shall refer them to the State of Delaware's Stand By Me Program (a financial counseling program) for financial planning services. Upon the removal of the bankruptcy and/or the improvement of their credit score to at least Good Credit, they may reapply for acceptance into the BEP.

- A. The VR Counselors make referrals of qualified clients who are interested in careers as BEP licensed blind vendors based upon the VR Unit staff's testing and certifying verification to the BEP Director. Applicants will be asked to submit an eye exam from an ophthalmologist or optometrist certifying the applicant meets the minimum eligibility as defined below:
- B. Not more than 20/200 central visual acuity in the better eye with corrective lens;
- C. An equally disabling loss of vision, as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

Minimum 18 years of age (internships may begin as early as age 16);

Addendum 5/11/17: Computer proficiency testing to include Microsoft Office (Word/Excel), use of e-mail, Job Access with Speech (JAWS), and any additional technology-based programs that they (the individual) might currently be using. VR Provides the Technology and the money for training. Until Blind Operator Candidate has completed. DVI provides all training in Technology prior to being

¹ Policy originally approved by RSA on 1/5/16. Policy amendments were resubmitted on 6/17

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referred. If Candidate is unable to obtain these requirements, they will receive additional training from VR and then apply to become BEP Vendor.

Addendum 5/25/17: A standardized interview with a DVI staff representative, an SLA representative, and two licensed blind vendors shall be conducted. In the event of a tie vote, the final decision on the candidate's viability for the program shall be decided by the Director's Office.

Credit check (Equifax, Experian, or Transunion accepted) to assure no prior defaults, bankruptcies or significant outstanding debts that would prevent the potential vendor from operating a business;

Demonstrated 8th grade math, writing, grammar, English, and reading levels as evidenced by results of standardized assessment results. If an individual does not meet these academic performance levels a meeting with the Division's Vocational Rehabilitation Unit will be scheduled to determine if remediation would be available to a potential candidate;

Review of psychological, medical, and vocational evaluations with VR Counselor, as well as a state and federal criminal background check with no confirmed felonies that would prohibit placement into a State Licensing Agency (SLA) established facility;

- A. Ability to perform the physical requirements of operating a BEP facility (reasonable accommodations apply);
- B. TB testing with confirmed negative results.

In addition to the above, the client shall be subject to a reference check and registry review as indicated below:

- [NSOPW](#) (National Sex Offender Registry Base)
- <https://pubsrv.deljjs.delaware.gov/WantedPublic/> (Delaware Criminal Justice Information System-Wanted Person Review).
- <http://dhss.delaware.gov/dhss/dlcrp/Default.aspx> (DHSS Adult Abuse Registry Check)

Training

Training is an on-going process divided into three phases; classroom, on-the-job training (OJT), and post training.

Classroom Training

Once the candidate successfully completes the recruitment and enrollment phases as outlined above, the BEP Director shall coordinates dates with the VR Counselor and client for the client to begin the Vendor training program through the Hadley School for the Blind (www.hadley.edu). This training prepares the client to work in a BEP established environment and learn more about the program including an in depth understanding of the Randolph Sheppard Act, , recordkeeping, and other relevant business management practices. All Candidates will be required to attend the Hadley online course.

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Certification in ServSafe, a nationally recognized food safety course. The Hadley School for the Blind only prepares the student to take the ServSafe certification at a local facility, they do not provide the ServSafe certification directly through Hadley. This is a Requirement not an option.

On-The Job Training (OJT)

OJT shall be accomplished through a minimum of 12-weeks of training funded at minimum wage rate at a set number of hours per week established in coordination with the VR program. OJT may begin after successful demonstration of completion of eight (8) out of eleven (11) of the Hadley School for the Blind module.

The BEP Director shall be engaged in the training of the following demonstrated skills and proficiencies with accommodations in place for the candidate in order to develop the candidate's skill set as a BEP operator during OJT:

- A. Independent orientation and mobility
- B. Accurate coin and bill identification with a bill reader
- C. Making correct change
- D. Working independently
- E. Communicating effectively
- F. Physical stamina

During this time frame monthly reports and meetings will be conducted with the VR counselor and candidate. In addition, during the 12-week OJT timeframe, the trainee shall learn valuable customer service skills directly from experienced licensed blind vendors or the SLA staff who operate businesses.

After a Licensee candidate completes OJT, they have a one-year probation.

After successfully completing the classroom and OJT training as well as probationary status, the trainee moves from being a "trainee" to be a certified "licensee Blind Operator, who is now eligible to apply to operate a vacant BEP location. If the trainee is unsuccessful, the BEP Director shall confer with the VR counselor to discuss the trainee's situation, and based upon mutual agreement towards the continuation or discontinuation of the trainee's participation within the program, may either extend the probationary period for an additional three (3) months, or revert the trainee back to the VR counselor for additional assessment.

Post Training

This process begins after licensee-candidate certification and includes:

- A. Obtainment of a Federal Employee Identification Number (EIN) and business registration with the State of Delaware Prothonotary's Office.
- B. Establishment of a business bank account.

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- C. Application/bid procedure for a vacant location;
- D. A minimum one-year “working test” under probationary Licensee status, with the provisional vendor and SLA adhering to a mutually signed agreement of responsibilities. A provisional vendor shall practice every facet of small business operation: inventory, cash handling safeguards and procedures, acceptable accounting practices, hiring/terminating employees, payroll, purchasing, customer service, maintenance of equipment, the establishment and Maintaining of business accounts such as with Sysco, Canteen, etc..
- E. Licensed Blind Vendor status is obtained after the successful completion of the one-year probationary period.
- F. The SLA, in coordination with the Vocational Rehabilitation Unit, shall provide upward mobility training to licensees on a continuous basis, as per the Federal Regulations, 34: C.F.R. 395.11.
- G. This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

DRAFT-INT DELIBERATION

BEP Probationary Supporting Documentation Guidelines

I. PURPOSE/SCOPE

To establish consistent procedures for both new BEP vendors on probationary status as well as current BEP vendors on disciplinary probationary status for the submission of back-up and supporting documentation to the Division's Fiscal Unit.

II. PROCEDURES

General

This policy sets-forth the guidelines and requirements for the submission of required fiscal documentation to the Division's Fiscal Unit within the required established timeframes by BEP vendors either on new-vendor probationary status or disciplinary probation status. This policy is to be used as a tool to ensure that the vendor's budgetary, accounting, and financial information regarding payroll functions remains timely, easily accessible, and accurate.

Probationary vendors are required to turn in all fiscal documentation to the Division's Fiscal Unit by the tenth(10th) of every month. This shall include all receipts (cash, check, charge) for sale revenues; expenditure receipts for product, equipment, and other such related business expenditures; time sheets and other payroll documentation, other cash disbursements; and any other transaction records applicable to the Probationary vendor's business operation.

The fact that a BEP vendor may be on probationary status; be it for new vendor status or disciplinary circumstances; does not preclude the vendor from adhering to the requirement set-forth in the *BEP Accounting Practices Policy*, as excerpted, in part, below:

"All probationary vendors will turn in their Report to the DVI fiscal officer no later than the 10th day of each month. with all corresponding source documentation as applicable (e.g. receipts, checks, bank records, financial statements). Vendors will still be required to submit their monthly reports; however, supporting receipt documentation shall not be required unless requested.

This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

BEP External Requests of Business Opportunities

I. PURPOSE/SCOPE

The purpose of this policy is to establish consistent procedures for review and response to external requests and inquiries for analyzing potential new business opportunities for the Business Enterprise Program (the “BEP”) to pursue.

II. PROCEDURES

Internal

In addition to the State Licensing Agency (the “SLA”) reviewing potential business opportunities for the BEP Blind Vendors Committee (the “BVC”) to consider for new business pursuit, there are occasions when external entities such as the general public, advocates, and state officials forward potential new business requests and inquiries for consideration and feedback. In these circumstances, the following process shall be followed and adhered to.

- A. The Director and/or Deputy Director of The Division for the Visually Impaired (“DVI”) receives information from an external entity with a potential new business opportunity (each a “Business Opportunity”) for the BEP to analyze and/or pursue.
- B. The DVI Director and/or Deputy Director forwards the information to the DVI employee designated as the Division point-of-contact for BEP Business Opportunities (the “POC”) for analysis.
- C. The POC thoroughly reviews the information relating to the Business Opportunity and gathers any necessary ancillary information pertaining to the requirements of the project.
- D. The POC then forwards the information relating to the Business Opportunity to the BVC and the BEP Director with a brief synopsis of the scope of work entailed, the requirements of the project, and any other information pertaining to the Business Opportunity for their review.
- E. Unless a later deadline is specified by the POC, the BVC shall respond to the POC within Three (3 2) business days as to whether they recommend that the BEP pursue the Business Opportunity. For the BVC to recommend pursuit of the Business Opportunity, at least two (2) members of the BVC must vote in favor of such a recommendation.

III. PROCEDURES

External Response

Upon response to the POC by the BVC with a recommendation, the POC shall perform the following functions:

- A. The POC shall develop a spreadsheet with the date of receipt of the request, the title of the proposed Business Opportunity, bid number if applicable, due date of project, a brief description of the Business Opportunity, and the recommendation of the BVC with a brief synopsis as to the BVC's decision should they reject the proposed Business Opportunity. This spreadsheet shall be maintained on the DVI shared file drive for employee access.
- B. The POC shall forward the comments of the BVC to the DVI Director and Deputy Director within three (3 2) business days of receipt for response back to the external requesting entity.
- C. The POC shall ensure maintenance of the spreadsheet for the DVI Director and Deputy Director to have as a presentation mechanism to any interested parties.
- D. Should the BVC recommend pursuit of a given Business Opportunity, the POC shall begin the process of formulating a proposal response for submission to the applicable entity and arrange for the attendance to any required meetings or other submission requirements. The POC shall engage the SLA, the BVC, the Director's Office, and any other entity throughout the process conducive to the successful response to said project entity.

Attached hereto are excerpts of certain applicable provisions of the Randolph-Sheppard Act.

Randolph-Sheppard Act Excerpts:

Elected Committee Mandate & Active Participation Mandate

34: C.F.R. § 395.14 The State Committee of Blind Vendors.

(a) The State licensing agency shall provide for the biennial election of a State Committee of Blind Vendors which, to the extent possible, shall be fully representative of all blind vendors in the State program on the basis of such factors as geography and vending facility type with a goal of providing for proportional representation of blind vendors on Federal property and blind vendors on other property. Participation by any blind vendor in any election shall not be conditioned upon the payment of dues or any other fees.

(b) The State Committee of Blind Vendors shall:

(1) Actively participate with the State licensing agency in major administrative decisions and policy and program development decisions affecting the overall administration of the State's vending facility program;

(2) Receive and transmit to the State licensing agency grievances at the request of blind vendors and serve as advocates for such vendors in connection with such grievances;

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(3) Actively participate with the State licensing agency in the development and administration of a State system for the transfer and promotion of blind vendors;

(4) Actively participate with the State licensing agency in the development of training and retraining programs for blind vendors; and

(5) Sponsor, with the assistance of the State licensing agency, meetings and instructional conferences for blind vendors within the State.

34: C.F.R. § 395.3 Application for designation as State licensing agency; content.

(a) An application for designation as a State licensing agency under § 395.2 shall indicate:

4) The methods to be used to ensure the continuing and active participation of the State Committee of Blind Vendors in matters affecting policy and program development and administration.

34: C.F.R. § 395.7 The issuance and conditions of licenses.

(a) The State licensing agency shall establish in writing and maintain objective criteria for licensing qualified applicants, including a provision for giving preference to blind persons who need employment. Such criteria shall also include provisions to assure that licenses will be issued only to persons who are determined by the State licensing agency to be:

(1) Blind;

(2) Citizens of the United States; and

(3) Certified by the State vocational rehabilitation agency as qualified to operate a vending facility.

(b) The State licensing agency shall provide for the issuance of licenses for an indefinite period but subject to suspension or termination if, after affording the vendor an opportunity for a full evidentiary hearing, the State licensing agency finds that the vending facility is not being operated in accordance with its rules and regulations, the terms and conditions of the permit, and the terms and conditions of the agreement with the vendor.

(c) The State licensing agency shall further establish in writing and maintain policies which have been developed with the active participation of the State Committee of Blind Vendors and which govern the duties, supervision, transfer, promotion, and financial participation of the vendors. The State licensing agency shall also establish procedures to assure that such policies have been explained to each blind vendor.

34: C.F.R. § 395.9 The setting aside of funds by the State licensing agency.

(a) The State licensing agency shall establish in writing the extent to which funds are to be set aside or caused to be set aside from the net proceeds of the operation of the vending facilities and, to the extent applicable, from vending machine income under § 395.8(c) in an amount determined by the Secretary to be reasonable.

(b) Funds may be set aside under paragraph (a) of this section only for the purposes of:

(1) Maintenance and replacement of equipment;

(2) The purchase of new equipment;

(3) Management services;

(4) Assuring a fair minimum of return to vendors; or

(5) The establishment and maintenance of retirement or pension funds, health insurance contributions, and provision for paid sick leave and vacation time, if it is so determined by a majority vote of blind

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vendors licensed by the State licensing agency, after such agency provides to each such vendor information on all matters relevant to such proposed purposes.

(c) The State licensing agency shall further set out the method of determining the charge for each of the above purposes listed in paragraph (b) of this section, which will be determined with the active participation of the State Committee of Blind Vendors and which will be designed to prevent, so far as is practicable, a greater charge for any purpose than is reasonably required for that purpose. The State licensing agency shall maintain adequate records to support the reasonableness of the charges for each of the purposes listed in this section, including any reserves necessary to assure that such purposes can be achieved on a consistent basis.

This policy shall be effective upon documented approval from the Rehabilitation Services Administration. 28 January 2015 12 June 2020

DRAFT-INT DELIBERATION

Blind Entrepreneur Program Grievance Policy

I. PURPOSE

To establish consistent and clearly defined procedures for licensed BEP Operators to file a complaint with action taken by the Division for the Visually Impaired, Blind Entrepreneur Program arising from the operation or administration of the vending facility program.

II. SCOPE

This policy applies to all licensed BEP operators.

III. BACKGROUND

The Federal Code of Regulation Part - 395.13 requires the state licensing agency to specify in writing and maintain procedures whereby such agency affords an opportunity for a full evidentiary hearing to each blind vendor. In addition to 395.14 (b), (2) whereas the state committee of blind vendors shall receive and transmit to the state licensing agency grievances at the request of blind vendors and serve as advocates for such vendors in connection with such grievances. This policy shall replace State Rules & Regulations #13 Evidentiary Hearings and Arbitration of Vendor Complaints.

IV. PROCEDURES

- A. A licensed operator and the elected committee of blind vendor shall be afforded the opportunity to file a grievance if they are dissatisfied with action taken by the Division for the Visually Impaired, Blind Entrepreneur Program arising from the operation or administration of the BEP.
- B. The licensed operator shall send their complaint in writing to the elected committee of blind vendors within (15) calendar days of the action giving rise to the complaint. The complaint shall specify the item being grieved.
- C. The elected committee of blind vendors must forward to the Division for the Visually Impaired Blind Entrepreneur Program Director with a recommendation for its resolution.
- D. The recommended resolution by the committee shall be sent to the Blind Entrepreneur Program Director and the grievant within (10) calendar days of receipt of the notice of complaint.

ADMINISTRATIVE REVIEW EVIDENTIARY HEARING

- A. If the complaint is not resolved in writing to the satisfaction of the grievant within (30) calendar days of receipt of the recommended resolution, the grievant shall request an informal administrative review evidentiary hearing with the Division for the Visually Impaired Director or his/her designee within (10) calendar days. The informal administrative review evidentiary

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hearing shall be held during normal Division working hours at the main office or a place designated by the DVI Director. The purpose of an informal administrative review is to allow the grievant a quick means for resolving dissatisfaction arising from the operation or administration of the BEP.

- A. The time and place of the administrative review will be scheduled within (30) calendar days of receipt for requesting an administrative review.
- B. The administrative reviewer shall prepare brief findings of fact, conclusion and recommendations no later than (45) calendar days after the conclusion of the review. The findings shall be sent to all parties.
- C. The determination from the Blind Entrepreneur Program Director on the findings shall be sent to all parties within (15) calendar days of receipt of the findings.

FULL EVIDENTIARY HEARING

- A. When the informal review does not resolve the dispute to the satisfaction of the grievant, such grievant shall request a full evidentiary hearing within (30) calendar days.

PROCEDURES

- A. The full evidentiary hearing will be conducted by a hearing officer. The hearing officer will be an impartial official who is not involved either with the Blind Entrepreneur Program, licensed operators or the elected committee of blind vendors on issues with the administration or operation of the Blind Entrepreneur Program.
- B. The selection of a hearing officer shall be agreed upon by the Division for the Visually Impaired Blind Entrepreneur Program and the grievant within (10) calendar days of notice for a full evidentiary hearing. If a hearing officer cannot be agreed upon between the parties, the Director of the Division for the Visually Impaired or his/her designee shall select a hearing officer on the party's behalf.
- C. Reader services, if needed will be requested at least (15) calendar days prior to the hearing date.
- D. The time and place of the full evidentiary hearing will be set by the hearing officer during the division's normal business hours. The hearing officer will notify all parties of the time and place at least (30) calendar days prior to the hearing.
- E. The person bringing the complaint shall have the burden of proving their case by the preponderance of evidence. The persons bringing the complaint shall present their evidence first.
- F. The hearing officer shall issue a written report which will set forth the issues, and relevant facts from the hearing and the applicable provision of applicable laws, the Randolph-Shepherd Act,

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State Rules & Regulations, and Policies and Procedures. The report shall contain findings of fact and Conclusion with respect to each of the issues and make available to all parties no later than (30) calendar days of the conclusion of the hearing.

- G. The hearing officer in determining their conclusion, shall be limited to determine whether the Division for the Visually Impaired, Blind Entrepreneur Program actions violated applicable Laws, The Randolph-Shepherd Act, State Rules and Regulations, or Policies and Procedures.
- H. Should the hearing officer find that the actions of the Division for the Visually Impaired, Blind Entrepreneur Program violated applicable Laws, The Randolph-Shepherd Act, State Rules and Regulations, or Policies and Procedures, the hearing officer may also recommend action necessary to correct the violation
- I. The Blind Entrepreneur Program Director shall review the findings of the hearing officer and forward a decision to all parties no later than (7) calendar days after receipt of findings.

ARBITRATION

- A. If the grievant is dissatisfied with the decision of the hearing officer or the Blind Entrepreneur Program Director, the grievant must file a complaint with the Secretary Of Education no later than (30) calendar days after receipt of such decision in accordance with provisions of section 395.13 of the act.
- B. If Blind Operator is not satisfied without come operator may Request Arbitration under the provisions of 34 CFR 395.13.
- C. The filing of a complaint either the State licensing agency or the secretary shall indicate consent by the blind vendor for the release of such information as is necessary for the conduct of a full evidentiary hearing or the hearing of an ad hoc arbitration panel
- D. The arbitration panel convened by the Secretary to hear the grievance of blind vendors shall be composed of three members appointed as follows:
 - a. One individual designated by the state-licensing agency.
 - b. One individual designated by the blind vendor; and
 - c. One individual not employed by the state-licensing agency or, where appropriate, its parent agency, which shall be jointly designated by the other members of the panel and who, shall serve as chairman of the panel.
- E. If either the state licensing agency or the blind vendor fails to designate a member of an arbitration panel, the Secretary shall designate such member on behalf of such parties.
- F. The decision of an arbitration panel convened by the Secretary under section 395.13 shall be matters of public record and shall be published in the federal register.

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- G. The Secretary shall pay all reasonable costs of arbitration under section 395.13 in accordance with a schedule of fees and expenses, which shall be published in the federal register.
- H. The provisions of section 395.13 shall not require the participation of grantors of permits for the operation of vending facilities on property other than federal property.

This policy shall be effective immediately following RSA approval.

ROB A. SCHMIDLKOFER
Director
Blind Entrepreneur Program

DATE

WAYNE MARSH
Committee Chairperson
Blind Operator Committee

DATE