

10A NCAC 97B .1103 REMEDIES

(a) When the Office determines on the basis of the monitoring or evaluation of a grant recipient's performance that the goals and objectives of the project are not being met, as set forth in Rule .1102(a) of this Section, the Office may take one or more of the actions authorized in Paragraph (b) of this Rule. The action taken will be designed to:

- (1) prevent a continuance of one or more of the four deficiencies set forth in Rule .1102(a) of this Section;
- (2) mitigate any adverse effects or consequences of the deficiency to the extent possible under the circumstances; and
- (3) prevent a recurrence of the same or similar deficiencies.

(b) The following is a listing of actions that the Office may take in response to a negative review of a recipient's performance:

- (1) require the grant recipient to submit additional information;
- (2) require the grant recipient to submit progress schedules for completing approved activities;
- (3) issue a letter of warning that advises the grant recipient of the deficiency and puts the recipient on notice that more serious sanctions will be taken if the deficiency is not corrected or is repeated;
- (4) instruct the grant recipient to reprogram funds from affected activities to other eligible activities;
- (5) instruct the grant recipient to reimburse the recipient's program account or the Office in any amounts improperly expended;
- (6) change the method of payment from advance payment to a reimbursement basis;
- (7) condition the approval of a succeeding year's application. In such cases, the reasons for the conditional approval and the actions necessary to remove the condition shall be as specified by the Office;
- (8) reduce the recipient's annual grant agreement by an amount equal to or less than that conditionally approved where such condition or conditions have not been satisfied; and
- (9) suspend or terminate the contract in accordance with provisions in Attachment L of Office of Management and Budget Circular A-102 or attachment L of Office of Management or Budget Circular A-110.

History Note: Authority G.S. 143B-10; 143B-276; 143B-277; 143-323(d);
Eff. December 1, 1983;
Amended Eff. June 1, 1985; October 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015.