

Attachment B – Contract Discrepancy Report

CONTRACT DISCREPANCY REPORT		1. CONTRACT NUMBER 70CDCR19DIG000009	
Report Number: CDR 12-21-2020		Date: 12/21/2020	
2. TO: (Contractor and Manager Name) Torrance County Detention Facility Torrance County Core Civic Michael Sedgwick - Warden		3. FROM: (Name of COTR) <div style="border: 1px solid black; padding: 2px;">(b)(6); (b)(7)(C)</div> Contract Officers Representative	
DATES			
CONTRACTOR NOTIFICATION 12/21/2020	CONTRACTOR RESPONSE DUE BY 12/30/2021	RETURNED BY CONTRACTOR	ACTION COMPLETE
4. DISCREPANCY OR PROBLEM (Describe in Detail: Include reference in PWS Directive: Attach continuation sheet if necessary.) The Torrance County Detention Facility (TCDF) located in Estancia, NM has been identified as being in violation of the Performance Basic National Detention Standards 2011 (PENBS 2011) and the signed ICE/ERO contractual agreement 70CDCR19DIG000009, which includes the standards of the IGSA articles, PWS, QCP, and QASP. It has been discovered that the facility medical staffing is not in line with the agreed upon contractual staffing plan and the facility has critical medical staffing shortages. It has also been discovered that the Chief Medical Officer has not been dedicated to the Torrance contract and has been supporting multiple facilities at the same time, which has resulted in very limited coverage. The following PENBS standards are in violation PENBS 4.3, Medical Care. The following IGSA Articles that are in violation are Article 6 - Medical Services, Article 20 - Incident Reporting, and Article 32 - QASP.			
5. SIGNATURE OF CONTRACTING OFFICER'S TECHNICAL REPRESENTATIVE (COTR) <div style="border: 1px solid black; padding: 2px;">(b)(6); (b)(7)(C)</div>			
<div style="border: 1px solid black; padding: 2px;">(b)(6); (b)(7)(C)</div>		7. FROM: (Contractor) <div style="border: 1px solid black; padding: 2px;">(b)(6); (b)(7)(C)</div> <i>Acting Warden Torrance County Det. Facility</i>	
8. CONTRACTOR RESPONSE AS TO CAUSE, CORRECTIVE ACTION AND ACTIONS TO PREVENT RECURRENCE. ATTACH CONTINUATION SHEET IF NECESSARY. (Cite applicable Q.A. program procedures or new A.IV. procedures.) <p style="text-align: center; font-size: 1.2em;">- Attached -</p>			
9. SIGNATURE OF CONTRACTOR REPRESENTATIVE <div style="border: 1px solid black; padding: 2px;">(b)(6); (b)(7)(C)</div>			10. DATE 12-29-2020
11. GOVERNMENT EVALUATION OF CONTRACTOR RESPONSE/RESOLUTION PLAN: (Acceptable response plan, partial acceptance of response plan, rejection: attach continuation sheet if necessary) The Government does not accept the CoreCivic response dated 12/29/2020 as a proper remedy to the medical staffing shortfalls and has provided a Rejection Notice response dated 01/26/2021 (See Attachment #2 Below).			
12. GOVERNMENT ACTIONS (Payment withholding, cure notice, show cause, other.) In accordance with IGSA 70CDCR19DIG000009, Attachment 7(a), Performance Requirements, p. 2 "Workforce Integrity," the Government shall deduct 10% from each monthly invoice beginning from December 2020 until a minimal staffing amount of 85% is achieved in accordance with the IGSA, Staffing Plan and until the Government is otherwise satisfied that the staffing requirements set forth in this CDR have been satisfactorily addressed, to include dedicated facility staffing.			
CLOSE OUT			
CONTRACTOR NOTIFIED	NAME AND TITLE	SIGNATURE	DATE
	<div style="border: 1px solid black; padding: 2px;">(b)(6); (b)(7)(C)</div> - Warden	<div style="border: 1px solid black; padding: 2px;">(b)(6); (b)(7)(C)</div>	2-2-2021
COTR	<div style="border: 1px solid black; padding: 2px;">(b)(6); (b)(7)(C)</div> - COR		01/27/2021
CONTRACTING OFFICER	<div style="border: 1px solid black; padding: 2px;">(b)(6); (b)(7)(C)</div> - Contracting Officer		2/10/2021

ATTACHMENT #2

**CONTRACT DISCREPANCY REPORT (CDR) #12-21-2020
CDR Continuation**

January 26, 2021

From: (b)(6); (b)(7)(C) – COR

To: (b)(6); (b)(7)(C) – Acting Warden, Torrance County Detention Facility

Subject: CDR Response Rejection Notice

CDR Report Number: 12-21-2020

On December 29, 2020, a response to CDR 12-21-2020 was submitted on behalf of CoreCivic and the Torrance County Detention Facilities (TCDF) Acting Warden to the COR. The Contractor's CDR response is rejected because it does not properly address the Medical staffing issue and concerns brought up in the CDR.

1. There is no explanation for the Chief Medical Officer, another Doctor, and a Nurse Practitioner providing part time medical service at the TCDF because of shared medical care/coverage at other ICE detention facilities.
2. The staffing information provided by CoreCivic does not show all the medical staffing shortfalls and the vacancy percentages are much higher than indicated. These shortages greatly affect the overall operational capability of the facility with any Detainee population increase. The average reported Detainee numbers and percentages are much lower than indicated in the CoreCivic response. ICE is paying for a guaranteed minimum with an associated level of staff support, not a reduced staff based on current population levels. Examples of these discrepancies are as follows:
 - There are 4.75 medical staffing position vacancies that are not listed in the CoreCivic response. The Psychiatrist, 2 each Mental Health Coordinators, and 2 each Mental Health Counselors. All services are provided through tele psych services.
 - The actual medical staffing level is around 44.92% and far less than 95% staffing levels indicated in the response.
 - The total medical staff positions are supposed to be 34.77 and not the listed 33.77.
 - The daily populations have been averaging below 20 and not 43 Detainees average in the response. Currently 14/714.

**Subject: CDR Response Rejection Notice
Continuation**

- Corporate medical staff have been floating between Torrance, Cibola, and other facilities. This practice of charging full price at each facility and providing part time coverage at best leads to violations in PSU security procedures. I have been having problems with the same Corporate floating medical staff trying to come into the facility without any security clearance or a clearance assigned to another facility.
3. The pending PSU investigation are not an excuse for not filling key or any other position. The Health Services Administrator (HSA) is an example of a key medical position being cleared and granted EOD but could not come to final terms with CoreCivic. This individual was supposed to start training on January 4, 2021. This is time and effort that counts against CoreCivic for not filling this position. All CoreCivic employee PSU security screening requests are processed promptly upon receipt. Key staffing positions are processed with an expedited processing request to better support the facility operations. Multiple CoreCivic medical staff employees had successfully completed PSU processing, but declined the position after being cleared to work on the contract by PSU. The PSU screening delays come from employees starting and not finishing the process requirements or decide after the process has started, that they do not wish to continue with employment. This is a daily challenge to keep up with all the CoreCivic PSU security requests and in process status. The medical staff positions are not staffed in accordance with the contract staffing plan or currently capable of supporting the Detainee guaranteed minimum population level. The PBNDS audits do not verify staffing levels against the contract requirements and is not a valid measurement of success, which brings into question the true validity of the recent inspection results.
 4. This CDR may be expanded to include other staffing areas that are currently showing critically shortages. The TCDF is not at 95% staffing levels across the board and a comprehensive plan needs to be developed to meet these shortages.

**Subject: CDR Response Rejection Notice
Continuation**

- 5. The ability of the TCDF to provide the contracted support is critical to the overall and integrated El Paso ICE Area of Responsibility requirements. The current medical staffing shortfalls places in question the TCDF operational capability.**

(b)(6); (b)(7)(C)

COR