

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

OPERATING INSTRUCTION
NUMBER 10

October 19, 2018

GRANT PROCEDURES

- 001 PURPOSE:** The Nebraska Commission on Law Enforcement and Criminal Justice (hereinafter referred to as the Crime Commission or Grantor) is designated to administer various federal and state grant programs by the Governor or by state statute. It is the responsibility of the Crime Commission to ensure that (1) the requirements for each grant program are met, and (2) fair guidelines and procedures are implemented for the administration of all grants awarded to the Crime Commission, including procedures for awarding grant funds, sub-grant adjustments, reprogramming of turn back funds, suspension and termination of awarded funds and the continued monitoring of sub-grant projects.
- 002 SCOPE:** Applicable to Crime Commission members and staff, and all agencies receiving funds.
- 003 REFERENCES:** Neb. Rev. Stat. §43-2401 to §43-2414; §81-1415 to §81-1429.01; §81-843 to §81-1851, 34 U.S.C §20110(e), and 28 C.F.R. §94.114.
- 004 DEFINITIONS OF TERMS:** The following terms and definitions will be utilized for the purpose of this operating instruction:
- 004.01 Administrator:** The individual within the Crime Commission who is the lead contact person and is responsible for the grant submission process for that specific funding source.
- 004.02 Applicant:** The agency that has submitted a grant application to the Crime Commission requesting funds from either a federal grant or state appropriated funds.
- 004.03 Business Day:** Those days when the Crime Commission is officially open for business during a traditional Monday through Friday work week, not including federal and state holidays or weekends.
- 004.04 Cash Report:** A report prepared by the sub-grantee that shows expenditures and requests for funds.
- 004.05 Commission Funding Panel:** is a three or four-person panel that consists of Crime Commission members without a conflict of interest in the grants being considered, to assist the Staff Review Committee in making funding determinations.
- 004.06 Conflict of Interest:** includes situations where the individual would be required to take any action or make any decision that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business or organization with which he or she is associated.

004.07 De-Obligated Funds: For JAG, VAWA, SASP, JAG PREA, RSAT, and other Non-VOCA federal grants, funds that are returned after a grant award contract was terminated, expired, or was voluntarily returned by a sub grantee.

004.08 Division Chief: The individuals responsible for the supervision of either the Grants Division or the Victim Assistance Division of the Commission.

004.09 Executive Director: The individual who is responsible for the supervision of the policies as established by the Crime Commission and has the powers and duties as outlined in Neb. Rev. Stat. §81-1425.

004.10 Fiscal or Financial Point of Contact: The individual on the Grant Award who is responsible to the Grantor for fiscal oversight of the grant award made to the applicant and for providing fiscal reports.

004.11 Grant Activity Summary Report: A document prepared by the sub-grantee which describes the activities which have occurred in connection with the funded project. This report includes the impact of the project, any problems encountered in the implementation of the funded project and how they were resolved, and any statistics related to the Performance Indicators listed in the grant application or as required by federal or state guidelines.

004.12 Grant Adjustment Request: For sub-grant recipients, a request by the project Point of Contact and/or the Financial Point of Contact submitted to the Grantor requesting a revision to one of more of the terms or conditions of the grant award.

004.13 Grant Award: A contractual agreement between the Crime Commission and applicant that awards funds, specifies terms, conditions and approved project period.

004.14 Grant Award Information: The Grant Award Information shall consist of the Grant Award, Special Conditions and other forms required by the Grantor.

004.15 Grantor: The Crime Commission which awards and administers funds from various state or federal grant programs.

004.16 Grant Review: The Grant Review shall be the second and final review of grant applications at a public meeting by the Grantor's grant review committee.

004.17 In-house Grant: A grant that is awarded internally by the State Administrating Agency.

004.18 Invoice: For VOCA sub-recipients, a monthly or quarterly report prepared by the sub-grantee in the online grant management system used to request reimbursement for expenses incurred.

004.19 Project Coordinator: The individual who serves as the secondary contact for an applicant/sub-grantee to the Grantor. The Project Coordinator shall be different from the Project Point of Contact.

004.20 Project Point of Contact or Primary Grantee Project Manager: The individual identified on the grant application and award as the main contact for the applicant/sub-grantee to the Grantor and responsible for all correspondence between the two agencies. The Project Point of Contact cannot also be the fiscal officer.

004.21 Reverted Funds: For VOCA grants, funds that are returned after a grant award contract was terminated, expired, or voluntarily returned by a sub-grantee, or reduced by the grantor due to unexpended funds on hand.

004.22 Special Conditions: A contractual agreement that must be signed by the sub-grantee agreeing to the terms and conditions outlined by federal and state law and Crime Commission Rules and Regulations.

004.23 Staff Review: The Staff Review shall be the first review of grant applications by a committee designated by the administrator which shall include recommendations on suitability of the grant application for the requested funds, conditions of any grant award and the amount to be awarded.

004.24 Sub-Grant Closeout: For sub-grant recipients, the closeout of a sub-grant award, or sub-award, is the process by which the grantor determines that all applicable administrative actions and all required grant activities have been completed by the sub-recipient prior to completing the Federal Grant Closeout process.

004.25 Sub-grantee: The organization or entity that receives grant funds awarded by the Crime Commission.

004.26 Application Review Form: The detailed summary of a grant application through the grant review process, including recommendations and contingencies associated with the specific grant, and all other items deemed necessary by the division chief or grant administrator for JAG, SASP, VAWA, JAG-PREA and RSAT grants.

004.27 Suspension: The withholding of any unallocated funds that have yet to be disbursed to the sub-grantee based upon failure to meet any terms or conditions of the grant award.

004.28 Termination: An action by the Grantor to rescind the grant award when the sub-grantee has not complied with grant contingencies and/or the special conditions of the grant award.

004.29 Transaction: For VOCA sub-grantee recipients, a report prepared by the sub-grantee that tracks incurred expenditures in the online grant management system.

004.30 Turn back funds: Any funds that are de-obligated to the Grantor after being awarded.

004.31 Withdraw: A request by an applicant to remove its application from consideration prior to any award recommendations, or when the applicant has failed to meet all contingencies and other requirements as outlined by the administrator.

005 GRANT APPLICATION PROCESS: Notification of the availability of funds shall be made by the Grantor to the appropriate entities as defined by the funded program guidelines. Such notification will include information on how to access the program information. In house grants are not subject to the application and review process.

005.01 Grant Application: The Grantor shall prepare a grant application or solicitation that will be available to potential applicants on the Crime Commission website providing no less than six (6) weeks to submit a completed application. When possible, other means shall be attempted to announce the availability of funds to ensure widespread availability of the information. The content of all grant application documents will be reviewed and updated as necessary by Crime Commission staff.

005.02: All grant applications must be received by the Grantor on the designated date and time as specified in the grant application instructions. VOCA grant applications must be submitted in the grants online system on the designated date and time as specified in the grant application instructions. An application received after the deadline shall not be considered for funding. The Executive Director may extend the deadline for one or more grant applications if he or she determines that extenuating circumstances caused the application to be submitted after the deadline. The Executive Director shall notify the applicant within three (3) days via electronic mail of his or her decision.

006 STAFF REVIEW OF GRANT APPLICATION: All applications for programs administered by the Grantor that were received by the appropriate deadline shall be reviewed by a staff review group consisting of the administrator, and his or her designees who are knowledgeable in the particular grant area. Whenever possible, the Staff Review should consist of at least three (3) individuals.

006.01: Each member of the staff review shall assess each grant application per the requirements and guidelines for each grant program.

006.02: Members of the staff review shall meet to discuss the merits of each grant application and determine funding recommendations, or submit recommendations in writing to the administrator.

006.03: Application review forms shall be prepared for each grant application outlining strengths and weaknesses of the grant as well as the funding recommendation. If the staff review recommends denial for a particular application, the reason(s) for denial shall be included in the application review forms.

006.04: Review and funding recommendations will be based upon the following criteria:

006.04A: Eligibility of the applicant.

006.04B: Adherence to federal and/or state requirements and guidelines.

006.04C: Completeness, clarity, continuity and consistency of the written application. The written application shall include all sections and information as outlined in the grant application instructions.

006.04D: Ability and capacity of the proposed project to make an impact on the identified problem.

006.04E: Other resources available which address the problem or need of the proposed project, including an explanation of how the applicant's project proposal will work with and/or coordinate with existing resources.

006.04F: Cost effectiveness of the proposed project.

006.04G: Amount of grant funds available.

006.04H: The performance and/or ability of the applicant to manage a grant program.

006.04I: For JAG, VAWA, SASP, JAG-PREA, and RSAT, notification will include information regarding recommended funding amount, application review forms stating strengths and weaknesses, and recommended contingencies for funding.

006.05: The Staff Review may:

1. Vote to fund the project as indicated in the application;
2. Modify the application which may include additional conditions or requirements that the applicant must meet in order to receive funding; or
3. Deny the application for funding.

007 COMMISSION FUNDING PANEL:

007.01: The Commission funding panel will meet within one month following the Staff Review, and will conduct a final review of the grant applications.

007.02: The Commission funding panel will be made up of three or four members of the Crime Commission who do not have a conflict of interest with any of the grants under consideration.

007.03: Applications and supporting materials will be sent to funding panel members electronically for their review no less than one week prior to the funding panel meeting.

007.04: The funding panel members will come to a consensus on funding determinations after reviewing all staff review recommendations with appropriate Commission staff.

007.05: The Commission funding panel members will report to the full Commission at the next quarterly Crime Commission meeting on the grants awarded, including any denials that were made.

008 FUNDING DETERMINATIONS:

008.01: The Staff Review Committee will present application materials and decisions made during the staff review to the Commission funding panel. The Commission funding panel will consider all information contained within the application, information

Contained in the application review forms if applicable, prior grant management, and input from the administrator.

008.02: Funding decisions made by the Commission funding panel are final.

008.03: The Executive Director will be asked to render a final decision on an award if the situation arises where there is disagreement between the Staff Review and the Commission funding panel.

008.04: Notification of final funding determinations will be made to the applicants by the division chief or grant administrator within ten (10) business days from the date of the Commission funding panel's decision.

008.04A: For applicants who received funding, the notification will inform the applicant of the final status of the application, including the requirement to meet any conditions, the need to submit a revised budget and the steps necessary to obtain the grant award.

008.04B: For applicants who were denied funding, the notification will inform the applicant of the final status of the application and the reason(s) for the denial.

009 GRANT AWARD PROCESS: Once an applicant has received funding approval, the applicant must affirmatively accept a grant award and special conditions from the Grantor. A signed and approved grant award signifies the applicant is now a sub-grantee and agrees to adhere to all special conditions.

009.01: Applicants who are required to meet specified conditions and/or are required to submit revised budgets shall have up to thirty (30) days from the date of the notification as outlined in section 008 to satisfactorily meet those requirements. Exceptions to the thirty (30) day deadline may be allowed when an extension has been approved by the grant administrator or division chief. The division chief or grant administrator will document when an extension has been granted. Applicants failing to submit required documentation by the deadline will be considered as withdrawn.

009.02: Once an applicant has satisfactorily met all conditions and/or requirements, the Grantor shall prepare the grant award and special conditions and send to the applicant as appropriate. VOCA grant awards and special conditions shall be prepared in the grant management online system for signature.

009.03: In order to affirmatively accept the grant award, the applicant must have all necessary individuals from the program sign and return the grant award within thirty (30) days from the date of provision. Exceptions to the 30-day requirement may be allowed when an extension has been approved by the administrator. The administrator will document when an extension has been granted, and for VOCA applicants, this will be documented in the grant management system. Applicants failing to submit signed documentation by the deadline will be considered withdrawn. The division chief or grant administrator will notify the applicant electronically that the funds have been withdrawn.

009.04: Once all steps have been taken to accept the grant award and all necessary documents are received by the Grantor, the sub-grantee (formerly applicant) will be eligible to receive funds from the Grantor as outlined in the grant award.

009.05: The sub-grantee shall submit all required reports electronically as outlined in the grant award special conditions.

009.06: Failure to satisfactorily meet all additional conditions and/or to submit the required reports or documents by the deadlines, may result in the termination of the sub-grantee's funds by the Executive Director. Such termination can be rescinded upon resolving the identified deficiencies. Reasonable efforts will be made by the division staff to work with the sub-grantee prior to the termination of funds.

010 MONITORING OF GRANT AWARDS: All sub-grant programs shall be monitored based upon requirements as established by the Grantor which shall include a review of the program activities and financial review of the expenditure of program dollars.

010.01: Grants awarded to new projects shall be monitored at least once during the first twelve (12) months of funding. All federal Grants not including VOCA awarded to existing projects shall be monitored at least once every thirty-six (36) months. These sub-grantees are subject to a desk review on a yearly basis. VOCA grants awarded to existing projects shall be monitored on-site and have a desk review according to the Monitoring plan established by the Grants Division and the Victim Assistance Division.

010.02: A written report shall be prepared and maintained electronically regarding the monitoring of each sub-grant program reflecting compliance with grant guidelines, program activities, audit requirements, accomplishments and problems encountered, and financial review and comments about the program's operations. Reports should be completed within sixty (60) days of the monitor visit.

010.03: If during the monitoring process or the performance of the award, it appears that the conditions of the grant award and/or special conditions are not being fulfilled, the sub-grantee shall be notified in writing regarding the results of the monitor and the necessary corrective actions. The notice will provide the following:

1. Identification of the issue;
2. Citation of the applicable law or regulation
3. Recommendations for remedy; and
4. Information necessary to resolve the matter.

Sub-grantees shall be given no more than thirty (30) calendar days to respond and demonstrate compliance to the corrective action notice. Extensions can be approved by the division staff not to exceed an additional ten (10) calendar days. Failure to comply with the grant award and/or special conditions may cause the Grantor to notify the respective state or federal governing agency of the sub-grantee's failure to comply with the grant award and/or special conditions.

010.04: Throughout the year, per the Administrators discretion, the following may be performed:

1. Review financial and performance reports submitted by the sub-grantee;
2. Review detailed financial and program data and information submitted by the
3. sub-grantee when no site visit is conducted. Documents to review might include timesheets, invoices, contracts, and ledgers that tie back to financial reports; and
4. Regular communication with sub-grantees and appropriate inquiries concerning program activities.

010.05: Failure of the sub-grantee to satisfactorily meet any additional conditions and/or submit the required reports or documents by the deadlines, and after reasonable efforts have been made by the Grantor to assist the sub-grantee in meeting specified requirements, may result in the termination of the sub-grantee's funds by the Executive Director.

011 SUB-GRANT REPORTING: All sub-grantees shall be required to submit activity and financial reports electronically as prescribed by operating instructions and/or as required by the state or federal funding entity, and through the grant management system for VOCA sub-grantees.

11.01 Transactions: For VOCA sub-grantees, expenditures shall be entered in the grant management system when the cost is incurred. Each transaction must be tied to an objective as indicated in the grant application.

11.02 Invoice: VOCA sub-grantees shall submit monthly invoices electronically to the Grantor via the grant management system to request reimbursement of transactions. If the sub-grantee is not submitting the expenditures as required by the grant award and/or special conditions, the project director of the sub-grantee will be contacted by the appropriate staff of the Grantor.

011.02A: The grantor shall have forty-five (45) calendar days to approve an invoice and submit for reimbursement of allowable and supported expenditures. Expenditures that are determined to be unallowable will be removed and considered denied. Expenditures that are not adequately supported will be handled as outlined in 010.02B and 010.02C below.

011.02B: The sub-grantee shall have up to ten (10) business days from the date of the correspondence of the Grantor's notice to take action to eliminate the noted deficiencies and provide proof of such action to the Grantor. During this timeframe, the division chief or grant administrator may withhold the payment of funds to the sub-grantee.

011.02C: After a total of two (2) attempts have been made by the Grantor to address the deficiencies, the matter will then be referred to the Division Chief or for suspension of grant funds to address corrective action items. Continued deficiencies will be referred to the Executive Director for possible termination of the grant award. In such an event, the grant

administrator may withhold the payment of any additional funds to the sub-grantee until the Executive Director is informed of the situation by the Division Chief or administrator and determines what action is necessary.

011.03 Cash Reports: For all other federal grants administered by the Commission including JAG, JAG PREA, VAWA, SASP, and RSAT, sub-grantees shall submit quarterly cash reports electronically to the Grantor. If the sub-grantee is not submitting the quarterly reports as required by the grant award and/or special conditions, the project director of the sub-grantee will be contacted by the appropriate staff of the Grantor.

011.03A: in the event that the sub-grantee does not respond to the initial inquiries of the Grantor or fails to promptly correct noted deficiencies by the deadline assigned by the Grantor, the Grantor shall provide notice to the Project Point of Contact and authorized official, via electronic mail or designated electronic program of the steps necessary to correct the deficiencies.

011.03B: The sub grantee shall have ten (10) business days from the date of the correspondence of the Grantor's notice to take action to eliminate the noted deficiencies and provide proof of such action to the Grantor. During this ten (10) day timeframe, the Division Chief or grant administrator may suspend the payment of funds to the sub grantee.

011.03C: After reasonable efforts have been made by the Grantor to address the deficiencies, the Executive Director may consider termination of the grant award. In such an event, the Division Chief or his or her designee may suspend the payment of any additional funds to the sub-grantee until a final determination has been made by the Executive Director.

011.04 Activity Reports: VOCA sub-grantees shall report on outcomes and objectives in the grant management system. Other Federal grant sub-grantees including JAG, JAT PREA, and RSAT shall report on outcomes and objectives in the Performance Management Tool (PMT) system as directed by the Grants Division Chief. Sub grantees shall submit quarterly activity reports electronically to the Grantor. If the sub-grantee is not submitting the quarterly reports as required by the grant award/special conditions, a staff person of the Grantor shall contact the sub-grantee's Project Point of Contact.

011.04A: When applicable, sub-grantees may also be required to submit specific statistical data electronically as part of a quarterly report or as required by the federal or state funding guidelines. VOCA sub-grantees shall report as required by the federal funding guidelines via the federal data reporting system. Sub-grantees shall have a policy to identify how information is tracked and maintained for federal reporting purposes.

011.04B: If the sub-grantee does not submit the information as required by the grant award or special conditions, a staff person of the Grantor shall contact the sub-grantees Project Point of Contact. In the event that the sub grantee does not respond to the initial inquiries of the Grantor or fails to promptly correct noted deficiencies by the deadline assigned by the Grantor, the Grantor shall provide

notice to the Project Point of Contact and authorized official via electronic mail or designated electronic program of the steps necessary to correct the deficiencies.

011.04C: The sub-grantee shall have ten (10) business days from the date of the correspondence of the Grantor's notice to take action to eliminate the noted deficiencies and provide proof of such action to the Grantor. During this ten (10) day timeframe, the Division Chief or his or her designee may withhold the payment of funds to the sub grantee.

011.04D: After a total of two (2) attempts have been made by the Grantor to address the deficiencies, the matter will then be referred to the Division Chief or his or her designee for suspension of grant funds to address corrective action items. Continued deficiencies will be referred to the Executive Director for possible termination of the grant award. In such an event, the Division Chief or his or her designee may withhold the payment of any additional funds to the sub-grantee until the Executive Director is informed of the situation by the Division Chief or his or her designee and determines what action is necessary.

012 SUB-GRANT ADJUSTMENTS:

012.01A: For VOCA sub-grantees, a grant adjustment request must be submitted to the Grantor via the grant management system when any of the following has or will occur:

- a. The focus of the funded project changes;
- b. There is a change in the start or end date of the funded project;
- c. A new Project Point of Contact or Fiscal Point of Contact is named for the awarded project; or
- d. A transfer of dollars between categories is needed which affects awarded dollars and any matching dollars above 5% of the total amount awarded.

No budget revisions (awarded or matching dollars) are to be made by the sub-grantee receiving funds without prior approval from the appropriate grant division staff unless otherwise provided by law.

012.01A (1): The division staff shall review the grant adjustment notice and if approved, the request will be processed in the grant management system. The approved request will then be treated as an amendment to the grant award.

012.01A (2): If the grant adjustment notice is denied after review by the division staff, the program will be notified in the grant management system in order to determine what options, if any, exist for further consideration.

012.01B: For all other Federal sub-grantees including JAG, JAG PREA, VAWA, SASP, and RSAT, a grant adjustment notice request must be submitted to the Grantor electronically when any of the following has or will occur:

- a. the focus of the funded project changes;
- b. there is a change in the start or end date of the funded project;
- c. a new Project Point of Contact or fiscal officer is named for the awarded project; or
- d. a transfer of dollars between categories is needed which affects awarded dollars and any matching dollars.

No budget revisions (awarded or matching dollars) are to be made by the sub grantee receiving funds without prior approval from the administrator unless otherwise provided by law.

012.01B (1): The appropriate division staff shall review the sub-grant adjustment notice and if approved, the request will be processed further for final approval. The approved request will then be treated as an amendment to the grant award. Documentation will be provided to the sub grantee.

012.01B (2): If the sub-grant request is denied after review by the appropriate division staff, the program director will be contacted in order to determine what options, if any, exist for further consideration.

013 SUSPENSION AND TERMINATIONS: Funds for sub-grants may be suspended or terminated for reasons outlined in this operating instruction. In order to suspend or terminate the funding for a sub-grant, the following procedures shall be followed:

013.01: Suspension of sub-grant funding may occur when the sub-grantee is in non-compliance with any state or federal law, state or federal guidelines or requirements, or fails to adhere to the terms of the grant award, or fails to follow the requirements of this operating instruction. Only the Division Chief or his or her designee can suspend sub-grant funding.

013.01A: The Division Chief or his or her designee shall notify the sub-grantee of the suspension and provide the reasons for such suspension.

013.01B: The Division Chief or his or her designee may reinstate a suspended grant if the reason(s) for non-compliance are corrected.

013.01C: If the suspended sub-grant funds are not reinstated, the matter shall be forwarded to the Executive Director for termination.

013.02: Termination of sub-grant funding may occur when the sub-grantee is in noncompliance with any state or federal law, state or federal guidelines or requirements, or fails to adhere to the terms of the grant award or fails to follow the requirements of this operating instruction. The Division Chief or his or her designee shall notify the sub-grantee of the termination decision by the Executive Director, and provide the reasons for the termination.

014 TURNBACK OR REVERTED FUNDS: All turn back or reverted funds will be placed back into the state or federal source from which they were awarded for reallocation to sub

grantees unless the block grant program has ended. If the grant program has ended, turn back or reverted funds shall either be lapsed to the state's general fund or returned to the federal grantor agency.

014.01: For all federal grant programs, the Executive Director is authorized to award turn back or reverted to existing or new sub grants. The expiration date of these funds is contingent on the federal funding source.

015 Sub-Grant Closeout:

015A: No later than 45 calendar days after the sub-grant's project period end date, the sub-grantee must submit their final expenditure report for obligated funds or begin the process of fund reversion.

015B: At this time, the Grantor will begin the review of the sub-grantee's file to initiate the closeout process.

014C: If deficiencies are identified during the sub-grant closeout review, division staff will work with the sub-grantee to resolve these within five (5) business days.

015D: After the sub-grant closeout is complete, the federal Project Point of Contact will close out the federal grant award no later than five (5) business days from the federal grant's closeout due date.

016 CONFLICT OF INTEREST: Pursuant to 2 C.F.R. 200.112 and 200.113, the Crime Commission is required to use Federal funds in the best interest of the awarded programs. Decisions related to these funds must be free of undisclosed personal interest both in fact and in appearance. All Crime Commission employees, Staff Review members, and anyone working in any capacity on the grant application and/or review process must disclose in writing any potential conflict in interest to the grant-making component or pass through entity as applicable. Members of the Crime Commission shall not participate or vote on any review of grants and/or appeals pursuant to 2 C.F.R 200.112 and Section 007, 008, or that directly involve their agency, institution, or personnel.

016.01A: Any one may raise the issue of a conflict of interest.

016.01B: Conflict in Fact: In the use of award funds (direct or indirect), a recipient or subrecipient should not participate in any decisions, approval, recommendations, investigation decisions, or any other proceeding concerning any of the following people or groups:

1. An immediate family member;
2. A partner;
3. An organization in which they are serving as an officer, director, trustee, partner, or employee;
4. Any person or organization with whom they are negotiating or who has an arrangement concerning prospective employment, has a financial interest, or for other reasons can have less than an unbiased transaction with the sub recipient.

016.01C: Conflict in Appearance: In the use of award funds, the following should avoid any action which might result in, or create the appearance of:

1. Using your official position for private gain;
2. Giving special treatment to any person;
3. Losing complete independence or objectivity;
4. Making an official decision outside official channels; or
5. Affecting negatively the confidence of the public in the integrity of the Government or the Program.



Darrell Fisher
Executive Director

Distribution: Commission members and staff
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