

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

OPERATING INSTRUCTION
NUMBER 10

January 24, 2014

GRANT PROCEDURES

001 PURPOSE: The Nebraska Commission on Law Enforcement and Criminal (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, (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.

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 document prepared by the sub grantee that shows quarterly expenditures and requests for funds.

004.05 De-Obligated Funds: Funds that are returned after a grant award contract was terminated, expired, or was voluntarily returned by a sub grantee.

004.06 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.

004.07 Fiscal Officer: 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 quarterly fiscal reports.

004.08 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.

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

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

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

004.12 Grant Review: The Grant Review shall be the second review of grant applications at a public meeting by the Grantor's grant review committee. The Nebraska Coalition for Juvenile Justice review shall be the second review for any juvenile justice grant applications pursuant to Neb. Rev. Stat. §43-2411 at a public meeting conducted after a staff review.

004.13 Project Coordinator: The individual who serves as the secondary contact for an applicant/sub grantee to the Grantor. It is recommended this be a different person than the project director.

004.14 Project Director: 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 director cannot also be the fiscal officer.

004.15 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.

004.16 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.

004.17 Sub grant Adjustment Request: A document signed by the project director and/or the fiscal officer submitted to the Grantor requesting a revision to one or more of the terms or conditions of the grant award.

004.18 Sub grantee: The agency that receives grant funds awarded by the Crime Commission.

004.19 Summary Comments: The detailed summary of a grant application through all phases of review, including recommendations and contingencies associated with the specific grant.

004.20 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.

004.21 Termination: An action by the Grantor to rescind the grant award when the sub grantee has not complied with the special conditions of the grant award.

004.22 Turn back funds: Any funds that are returned to the Grantor after being awarded.

004.23 Withdraw: A request by an applicant to remove its application from consideration prior to any award recommendations.

005 GRANT APPLICATION PROCESS: Once federal or state funds have been received by the Grantor, 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.

005.01 Grant Application: The Grantor shall prepare grant application documents for each type of grant program it administers and shall make them available to potential applicants by posting them on the Crime Commission website. 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. 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.

006 STAFF REVIEW OF GRANT APPLICATION: All applications for programs administered by the Grantor that were received by the appropriate deadline or accepted after the deadline upon the direction of the Executive Director shall be reviewed by a staff review group consisting of the administrator, and when possible, at least three other

staff members knowledgeable in the particular grant area who are selected by the administrator.

006.01: Each member of the staff review shall assess each grant application as 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.

006.03: Summary Comments 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 Summary Comments.

006.04: Staff Review funding recommendations will be based upon the same criteria as outlined in the grant review section.

007 GRANT REVIEW COMMITTEE: After the staff review, grant applications shall be reviewed and funding recommendations will be made by the appropriate grant review committee unless otherwise specified by the Governor or statute. Procedures for establishing the grant review committee are found in Operating Instruction Number 2.

007.01: The committee shall consider staff review recommendations, but otherwise act independently to evaluate grant applications and make funding recommendations for the federal and state programs.

007.02: Evaluation and funding recommendations will be based upon the following criteria:

007.02A: Eligibility of the applicant.

007.02B: Adherence to federal and/or state requirements and guidelines.

007.02C: 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.

007.02D: Ability and capacity of the proposed program to make an impact on the identified problem.

007.02E: Other resources available to address the problem including an explanation of how the grant applicant's proposal will work with and/or coordinate with existing resources.

007.02F: Cost effectiveness of the proposed project.

007.02G: Amount of funds available.

007.02H: If previously funded, the performance and ability of the applicant to manage a grant program, including the timely submission of required reports to the Crime Commission.

007.03: Applicants shall be notified after the grant review committee meeting regarding funding recommendations in the following manner:

007.03A: Applicants who have received favorable funding recommendations shall be notified, by the Executive Director or designee, within ten (10) business days from the date of the grant review as to the funding recommendation. Notification will include information regarding recommended funding amount, summary comments stating strengths and weaknesses, and recommended conditions for funding.

007.03B: Applicants who have not been recommended for funding shall be notified in writing, via certified mail, by the Executive Director or designee, within ten (10) business days from the date of the grant review. The notification shall include the reason(s) for denial, summary comments stating strengths and weaknesses of the application, and the basis for an appeal to the Crime Commission. Notification shall include the instructions and deadline for filing an appeal.

007.03C: Notification shall include the date for the next scheduled Crime Commission meeting where final funding decisions will be determined.

007.04: The recommendations from the appropriate grant review committee, along with the summary comments, shall be forwarded to the Crime Commission for final review and funding determination at its next meeting.

007.05: The Nebraska Coalition for Juvenile Justice will follow the procedures outlined in the preceding paragraphs of this section.

008 FINAL FUNDING DETERMINATIONS: Final funding of sub grant applications will be determined at a Crime Commission meeting.

008.01: For situations where the sub grant application has been recommended to receive funding by the grant review committee, the Crime Commission, in making its final determination, will consider the staff review committee recommendations, grant review committee recommendations, information contained in the summary comments, Commission member discussion and input from the administrator.

008.02: For situations where the sub grant application has not been recommended to receive funding by the grant review committee, the Crime Commission, in making its final determination, will consider the staff review committee recommendations, grant review committee recommendations, information contained in the summary comments,

any written statements offered by the applicant, Commission member discussion and input from the administrator.

008.03: The basis for any appeal of the grant review committee's recommendation shall be limited to those outlined in section 015 of this operating instruction.

008.04: Final funding determinations will be made by majority vote of the Commission members. The Crime Commission may:

1. Vote to adopt the funding recommendations and conditions of the grant review committee;
2. Modify the recommendations of the grant review committee which may include additional conditions or requirements that the applicant must meet in order to receive funding; or
3. Reject any recommendation made by the grant review committee.

008.05: Notification of final funding determinations will be made to the applicants by the Executive Director or designee within ten (10) business days from the date of the Crime Commission's decision.

008.05A: 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.

008.05B: 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 final funding approval by the Crime Commission, the applicant will be required to accept a grant award and special conditions from the Grantor. A completed 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 additional conditions and/or are required to submit revised budgets shall have thirty (30) days from the date of the notification as outlined in section 008 to satisfactorily meet those requirements. Exceptions to the 30 day deadline may be allowed when an extension has been approved by the administrator. The administrator will document when an extension has been granted.

009.02: Once an applicant has satisfactorily met any additional conditions or requirements, the Grantor shall prepare the grant award and special conditions and send to the applicant.

009.03: The applicant will be required to accept the award by having 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. In the event that the grant award is not received by the deadline and an extension has not been authorized by the administrator, and three contacts of the project personnel listed on the grant application have been attempted and documented, the applicant will be considered to have withdrawn from the grant application process and the funds will be considered turn back funds. The Executive Director will notify the applicant via certified mail 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 as outlined in the grant award special conditions.

009.06: Failure to satisfactorily meet any additional conditions and/or to submit the required reports or documents by the deadlines, after attempted efforts have been made by the Grantor, may result in the suspension of the sub grantee's funds by the Executive Director. Such suspension can be rescinded upon resolving the identified deficiencies. Reasonable efforts will be made by the administrator to work with the sub grantee prior to the suspension 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. Grants awarded to existing projects shall be monitored at least once every thirty-six (36) months. All subgrantees are subject to a desk review on a yearly basis.

010.02: A written report shall be prepared and maintained 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 thirty (30) days of the monitor visit.

010.03: If during the monitoring process, it appears that the conditions of the grant award/special conditions are not being fulfilled, the sub grantee shall be notified in writing regarding the results of the monitor. Failure to comply with the grant award/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/special conditions.

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

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

011 SUB-GRANT REPORTING: All sub grantees shall be required to submit activity and financial reports as prescribed by operating instructions and/or as required by the state or federal funding entity.

011.01 Cash Reports: Sub grantees shall be required to submit quarterly cash reports 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 director.

011.01A: 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 director and authorized official, via certified mail or designated electronic program of the steps necessary to correct the deficiencies.

011.01B: 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 Executive Director may suspend the payment of funds to the sub grantee.

011.01C: After reasonable efforts have been made by the Grantor to address the deficiencies, the matter will then be referred to the Crime Commission for possible termination of the grant award. In such an event, the Executive Director may suspend the payment of any additional funds to the sub grant until the Crime Commission is informed of the situation and determines what action is necessary.

011.02 Activity Reports: Sub grantees shall be required to submit quarterly activity reports 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 director.

011.02A: When applicable, sub grantees may also be required to submit specific statistical data as part of a quarterly report or in a manner and timeline as required by the federal or state funding guidelines.

011.02 B: 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 director and authorized official via certified mail or designated electronic program of the steps necessary to correct the deficiencies.

011.02C: 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 Executive Director may suspend the payment of funds to the sub grantee.

011.02D: After reasonable efforts have been made by the Grantor to address the deficiencies, the matter will then be referred to the Crime Commission for possible termination of the grant award. In such an event, the Executive Director may suspend the payment of any additional funds to the sub grant until the Crime Commission is informed of the situation and determines what action is necessary.

012 SUBGRANT ADJUSTMENTS: Sub grantees must submit a sub grant adjustment request to the Grantor when any of the following has or will occur: the focus of the funded project changes, there is a change in the start or end date of the funded project, a new project director or fiscal officer is named for the awarded project, or 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.

012.01: The administrator or his or her designee shall review the sub grant request 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.

012.02: If the sub grant request is denied after review by the administrator, the program director will be contacted in order to determine what options, if any, exist for further consideration. If changes can be made to the sub grant request, a new sub grant request may be submitted for consideration. In the event that no options can be identified, the request will be denied and processed accordingly.

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 Executive Director can suspend sub grant funding.

013.01A: The Executive Director shall notify the sub grantee of the suspension and provide the reasons for such suspension.

013.01B: The Executive Director may reinstate a suspended grant if the reason(s) for non-compliance is/are corrected prior to the next Crime Commission meeting.

013.01C: If the suspended sub grant funds are not reinstated, the matter shall be forwarded to the Crime Commission either at its next scheduled meeting or, if necessary, at a special meeting called to specifically address the situation.

013.01D: The Executive Director shall notify the Crime Commission, in writing, of all sub grant suspensions.

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. Termination of sub grant funding may only occur by a majority vote of the Crime Commission after consideration of the matter at a scheduled [public] meeting.

013.02A: The Executive Director shall notify the sub grantee of the recommended termination and provide the reasons for such recommendation.

013.02B: The sub grantee may appeal following the process outlined in Section 15 of this operating instruction.

013.02C: The matter shall be forwarded to the Crime Commission either at its next scheduled meeting or, if necessary, at a special meeting called to specifically address the situation.

014 TURNBACK FUNDS: All turn back 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 funds shall either be lapsed to the state's general fund or returned to the federal grantor agency.

014.01: The Executive Director is authorized to award turn back funds of \$10,000 or less to existing or new sub grants. This reallocation of funds by the Executive Director may be utilized in emergency situations or when the grant program is due to end before the next Commission meeting.

014.02: If the Executive Director re-awards turn back funds, this action shall be reported to the Crime Commission at its next scheduled meeting.

015 GRANT APPEAL PROCESS: Appeals from applicants or sub grantees may be taken to the Crime Commission in limited circumstances. Any appeal shall follow the procedures outlined in this section.

015.01: An appeal may be filed with the Crime Commission only when:

015.01A: A grant applicant has been recommended for denial or approved for a lesser amount than requested after the grant review.

015.01B: A sub grantee's funds have been terminated.

015.02: Any appeal must be made in writing and shall be received by the Grantor within ten (10) business days from the date of the Grantor's written notification via certified mail. The Grantor's notification shall include the date and time of the review hearing by the Crime Commission. The appeal from the denied or terminated applicant shall be in writing and shall clearly explain the grounds of the appeal. The written appeal shall also include the signature of the project director. If the written appeal is not received by the deadline, the matter will be deemed closed and not subject to further review by the Crime Commission.

015.03 Basis for Appeal: The basis of the appeal shall be limited to one or more of the following grounds:

015.03A: The appealed decision was biased, arbitrary or prejudiced against the applicant or sub grantee;

015.03B: The appealed decision was reached without following the procedures outlined in this operating instruction; and/or

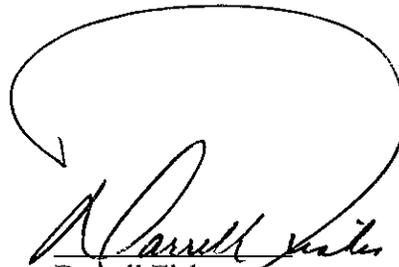
015.03C: The appealed decision was reached without following the guidelines of the specific grant program.

015.04: The Crime Commission shall review the appeal at its next scheduled meeting. The review will take into consideration the written appeal of the appellant and the written response of a designated staff person of the Grantor. Copies of both shall be provided to members of the Crime Commission prior to the hearing. At the discretion of the Crime Commission, questions may be posed by Commission members to the Appellant and/or personnel of the Grantor. At this review, the burden shall be on the appellant to demonstrate that one or more of the bases for appeal have been proven. The decision of the Crime Commission shall be final upon a majority vote of the Commission members.

016 CONFLICT OF INTEREST: Members of the Crime Commission shall recuse themselves from participating in any review of grants pursuant to Sections 07 or 08 and

appeal hearings pursuant to Section 015 that directly involve their agency, institution or personnel.

016.01A: Any member of the grant review committee or the Crime Commission may raise the issue of a conflict of interest.



Darrell Fisher
Executive Director

Distribution: Commission members and staff
Revises: OI #10, dated May 7, 2010