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The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [Bureau of Justice Assistance](#) (BJA) is seeking applications for funding for the Wrongful Conviction Review Program. This program furthers the Department's mission by providing assistance to public and non-profit entities that seek justice for those who have been wrongfully convicted.

## **Wrongful Conviction Review Program FY 2015 Competitive Grant Announcement**

### **Eligibility**

For Category 1, applicants are limited to public and non-profit organizations (including tribal nonprofit or for-profit organizations) dedicated to exonerating the innocent, institutions of higher learning (including tribal institutions of higher education), and state or local public defender offices. For Category 2, applicants are limited to public and non-profit organizations and for-profit entities that agree to waive all profits and fees who have experience and expertise in providing representation to wrongfully convicted defendants in post-conviction claims of innocence cases.

BJA may elect to make awards for applications submitted under this solicitation in future fiscal years, dependent on the merit of the applications and on the availability of appropriations.

For additional eligibility information, see Section [C. Eligibility Information](#).

### **Deadline**

Applicants must register with [Grants.gov](#) prior to submitting an application. All applications are due to be submitted and in receipt of a successful validation message in Grants.gov by 11:59 p.m. eastern time on April 8, 2015.

All applicants are encouraged to read this [Important Notice: Applying for Grants in Grants.gov](#).

For additional information, see [How To Apply](#) in section D. Application and Submission Information.

### **Contact Information**

For technical assistance with submitting an application, contact the Grants.gov Customer Support Hotline at 800-518-4726 or 606-545-5035, or via e-mail to [support@grants.gov](mailto:support@grants.gov). The [Grants.gov](#) Support Hotline hours of operation are 24 hours a day, 7 days a week, except federal holidays.

Applicants that experience unforeseen Grants.gov technical issues beyond their control that prevent them from submitting their application by the deadline must e-mail the Bureau of Justice Assistance contact identified below **within 24 hours after the application deadline** and request approval to submit their application. Additional information on reporting technical issues is found under “Experiencing Unforeseen Grants.gov Technical Issues” in the [How To Apply](#) section.

For assistance with any other requirement of this solicitation, contact the National Criminal Justice Reference Service (NCJRS) Response Center: toll-free at 1-800-851-3420; via TTY at 301-240-6310 (hearing impaired only); email [responsecenter@ncjrs.gov](mailto:responsecenter@ncjrs.gov); fax to 301-240-5830; or web chat at <https://webcontact.ncjrs.gov/ncjchat/chat.jsp>. The NCJRS Response Center hours of operation are 10:00 a.m. to 6:00 p.m. eastern time, Monday through Friday, and 10:00 a.m. to 8:00 p.m. eastern time on the solicitation close date.

Grants.gov number assigned to this announcement: BJA-2015-4098

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# Wrongful Conviction Review Program (CFDA #16.746)

## A. Program Description

### Overview

One of BJA's guiding principles is to promote a fair criminal justice system. Over the past two decades, the American justice system has been confronted with a steady stream of post-conviction exonerations, and the issue of wrongful convictions has emerged as a critical area for examination, innovation, and reform of criminal justice practices and policies.

BJA is committed to assisting state and local law enforcement entities in adopting evidence-based practices and accessing the necessary technologies to improve outcomes for victims and to reduce the likelihood of a wrongful conviction occurring from the outset of each criminal investigation. BJA is also committed to ensuring that wrongful convictions are expeditiously detected and addressed when they occur.

In support of the latter goal, BJA established the Wrongful Conviction Review Program, the funding for which is anticipated through the FY 2015 appropriation. While experts widely acknowledge that wrongful convictions constitute a small percentage of all findings of guilt by our nation's court systems, irreversible damage is sustained by those who are wrongly convicted. This damage extends far beyond the individual wrongfully convicted, as systemic errors cause harm to all those involved in the case, including the families of the wrongfully convicted person, the victims of the original crime, and confidence in the criminal justice system. In addition, wrongful convictions impact public safety by delaying or preventing the identification of the true perpetrators of these crimes.

### Program-Specific Information

The purpose of the Wrongful Conviction Review Program is to provide high-quality and efficient representation for defendants in post-conviction claims of innocence. Post-conviction innocence claims are likely to include complex challenges to the reliability and/or accuracy of evidence presented at trial and generally fall into three categories: 1) eyewitness identification evidence; 2) confession evidence; and 3) forensic evidence. In some cases, post-conviction DNA testing alone can establish innocence, but the majority of cases will rely on other forms of evidence, and many will involve DNA testing together with additional sources of proof and/or expert testimony, the costs of which may be prohibitive.

### Goals, Objectives, and Deliverables

The goals of this initiative: to provide quality representation to those who may have been wrongfully convicted of crimes they did not commit; alleviate burdens placed on the criminal justice system through costly and prolonged post-conviction litigation; and identify, whenever possible, the actual perpetrator of the crime.

There are two application/funding categories under this solicitation.

**For Category 1**, BJA is seeking applications to provide representation to potentially wrongfully convicted individuals in cases of post-conviction claims of innocence. Successful applicants will

be: 1) non-profit organizations whose principal mission is dedicated to the exoneration of individuals wrongfully convicted of crimes; 2) institutions of higher learning; and 3) state or local public defender offices. All applicant organizations should have in-house post-conviction programs with demonstrable experience and competence in litigating post-conviction claims of innocence and which devote at least one full-time employee to the screening and/or representation of post-conviction innocence claims.

The objectives of this initiative are for applicants to focus on cases of potentially flawed investigative and/or representation processes, such as key eyewitness identification, unreliable confession evidence, and deficient forensic evidence.

**For Category 2**, BJA is seeking applications to provide national training and technical assistance (TTA) to existing and future funded grantees under the wrongful conviction program. Applicants are limited to national public and nonprofit organizations and for-profit entities who have experience and/or expertise in providing representation to wrongfully convicted defendants in post-conviction claims of innocence cases. For-profits organizations must agree to waive all profits and fees.

The objective of the TTA is to deliver existing and future grantees in the wrongful conviction program two stages of assistance:

- The first stage of assistance is to provide a national training session for existing and potential grantees that focuses on litigating post-conviction claims of innocence cases. This training is to increase the ability and expertise of attorneys representing individuals in post-conviction proceedings to efficiently and effectively evaluate and litigate cases involving claims of innocence. The specifics of this national session should be responsive to the needs of practitioners and should be demonstrated within the application. Final training topics will be determined in conjunction with BJA and the grantee.
- The second stage of assistance for the TTA effort is to provide ongoing direct technical assistance to grantees and attorneys representing individuals in post-conviction cases. Employing the assistance provided as well as examining the needs of grantees is important to the TTA efforts in the future.

### **Evidence-Based Programs or Practices**

OJP strongly emphasizes the use of data and evidence in policy making and program development in criminal justice, juvenile justice, and crime victim services. OJP is committed to:

- Improving the quantity and quality of evidence OJP generates
- Integrating evidence into program, practice, and policy decisions within OJP and the field
- Improving the translation of evidence into practice

OJP considers programs and practices to be evidence-based when their effectiveness has been demonstrated by causal evidence, generally obtained through one or more outcome evaluations. Causal evidence documents a relationship between an activity or intervention (including technology) and its intended outcome, including measuring the direction and size of a change, and the extent to which a change may be attributed to the activity or intervention. Causal evidence depends on the use of scientific methods to rule out, to the extent possible, alternative explanations for the documented change. The strength of causal evidence,

based on the factors described above, will influence the degree to which OJP considers a program or practice to be evidence-based. The [OJP CrimeSolutions.gov](http://OJP.CrimeSolutions.gov) web site is one resource that applicants may use to find information about evidence-based programs in criminal justice, juvenile justice, and crime victim services.

## **B. Federal Award Information**

### **Award Amount, Length, and Categories**

BJA anticipates that it will make up to six awards of up to \$250,000 each for Category 1, for a 24-month project period. For Category 2, one award will be made for up to \$100,000, for a 24-month project period. The projects start date should be on or after October 1, 2015.

All awards are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by law.

BJA may, in certain cases, provide supplemental funding in future years to awards under this solicitation. Important considerations in decisions regarding supplemental funding include, among other factors, the availability of funding, strategic priorities, assessment of the quality of the management of the award (for example, timeliness and quality of progress reports), and assessment of the progress of the work funded under the award.

### **Award Categories**

Applicants must submit a proposal that satisfies one or more of the categories described below. Applicants must clearly indicate on the front page of the Program Abstract and Program Narrative under which category or categories they are applying.

### **CATEGORY 1: REPRESENTATION OF WRONGFULLY CONVICTED DEFENDANTS IN POST-CONVICTION CLAIMS OF INNOCENCE. Grant Amount: Up to \$250,000. Grant period: 24 months. Competition ID: BJA-2015-4099**

Applications are solicited to provide representation to potentially wrongfully convicted individuals in cases of post-conviction claims of innocence. Depending on the needs of the applicant, use of grant funds may include:

- Staff salary (staff lawyers, intake/case coordinators, investigators, etc.); travel and investigation expenses; litigation expenses (document and transcript expenses, for example); funds for experts; case management systems (and related staff time) necessary to track cases from first contact through litigation; and keep relevant data and metrics.
- Evaluation and litigation claims of innocence in cases in which potentially flawed key eyewitness identification evidence was offered at trial and/or cases in which confession evidence, which appears to be unreliable or false, was offered at trial.
- Evaluation and litigation of cases in which potentially subjective forensic evidence was presented at trial involving (but not limited to): hair microscopy, bite mark comparisons, firearm tool mark analysis, shoe print comparisons, shaken baby syndrome, arson, and time or cause of death; and/or cases involving any other potentially probative evidence of innocence.

- Help defray the costs of potentially exonerative forensic testing, expert consultation and testimony, screening/evaluation, and litigation services, including hiring of qualified defenders.
- Purchase case management systems or software for the purpose of keeping detailed case management data for prospective exoneration cases, including tracking how much time is being spent on which cases and for what purpose/stage of the case.

**CATEGORY 2: NATIONAL TRAINING AND TECHNICAL ASSISTANCE PROVIDER. Grant Amount: Up to \$100,000. Grant period: 24 months. Competition ID: BJA-2015-4100**

Applications are sought to provide TTA to existing and future funded grantees under the Wrongful Conviction program. Successful applicants must possess a demonstrated ability to work collaboratively with public and non-profit entities awarded funds for the representation of wrongfully convicted defendants in post-conviction claims of innocence to support their ability to competently and efficiently litigate post-conviction claims of innocence. Grant funds must be used to produce the following two levels of assistance/deliverables:

- First, provide a national training session pertaining to litigating post-conviction claims of innocence cases, which may include such topics as evaluation/screening of cases during intake, forensic testing, expert consultation and testimony, and general litigation issues. The specifics of this national session should be proposed by the applicant based on a demonstrated need in the field but will be determined with BJA and the grantee post-award.
- Second, provide for ongoing direct technical assistance to grantees and attorneys representing individuals in post-conviction cases, especially essential in cases where it has been determined that erroneous or flawed forensic evidence was used to obtain a conviction. This may include onsite consultations and evaluations of the grantees work.
  - Applicant should anticipate hosting an orientation meeting for grantees either at the national training session or in a separate session.
  - Applicant will need to use the technical assistance provided to grantees either through a survey or a needs assessment process to determine greatest funding, training and technical assistance needs in the future.
  - Applicant will need to maintain a central online database of materials, including briefs, motions, and expert information, needed by lawyers who screen, investigate and litigate potential cases of wrongful conviction. This will assist attorneys with access to current resources regarding wrongful conviction cases.

The TTA provider may also be required to participate in BJA's GrantStat for specified grantees. Through GrantStat, BJA management and staff examine the performance of the grant programs funded by BJA by tracking grantee or program performance along several key indicators. GrantStat calls for the collection and analysis of performance data and other relevant grant-level information that enables BJA as well as our partners to be held accountable for the grantees and programs performance as measured against the program's goals and objectives.

## **Type of Award <sup>1</sup>**

BJA expects that it will make awards from this announcement in the form of a cooperative agreements, which is a particular type of grant used if BJA expects to have ongoing substantial involvement in award activities. Substantial involvement includes direct oversight and involvement with the grantee organization in implementation of the grant, but does not involve day-to-day project management. See [Administrative, National Policy, and other Legal Requirements](#), under Section [F. Federal Award Administration Information](#), for details regarding the federal involvement anticipated under an award from this announcement.

## **Financial Management and System of Internal Controls**

If selected for funding, the award recipient must:

(a) Establish and maintain effective internal control over the federal award that provides reasonable assurance that the non-federal entity is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States and the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

(b) Comply with federal statutes, regulations, and the terms and conditions of the federal awards.

(c) Evaluate and monitor the non-federal entity's compliance with statute, regulations and the terms and conditions of federal awards.

(d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.

(e) Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the non-federal entity considers sensitive consistent with applicable federal, state, and local laws regarding privacy and obligations of confidentiality.

In order to better understand administrative requirements and cost principles, award applicants are encouraged to enroll, at no charge, in the Department of Justice Grants Financial Management Online Training available [here](#).

## **Budget Information**

### **Cost Sharing or Match Requirement**

This solicitation does not require a match. However, if a successful application proposes a voluntary match amount, and OJP approves the budget, the total match amount incorporated into the approved budget becomes mandatory and subject to audit.

### **Pre-Agreement Cost Approvals**

OJP does not typically approve pre-agreement costs; an applicant must request and obtain the

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<sup>1</sup> See generally 31 U.S.C. §§ 6301-6305 (defines and describes various forms of federal assistance relationships, including grants and cooperative agreements (a type of grant)).

prior written approval of OJP for all such costs. If approved, pre-agreement costs could be paid from grant funds consistent with a grantee's approved budget, and under applicable cost standards. However, all such costs prior to award and prior to approval of the costs are incurred at the sole risk of an applicant. Generally, no applicant should incur project costs *before* submitting an application requesting federal funding for those costs. Should there be extenuating circumstances that appear to be appropriate for OJP's consideration as pre-agreement costs, the applicant should contact the point of contact listed on the title page of this announcement for details on the requirements for submitting a written request for approval. See the section on Costs Requiring Prior Approval in the [Financial Guide](#), for more information.

### **Limitation on Use of Award Funds for Employee Compensation; Waiver**

With respect to any award of more than \$250,000 made under this solicitation, recipients may not use federal funds to pay total cash compensation (salary plus cash bonuses) to any employee of the award recipient at a rate that exceeds 110 percent of the maximum annual salary payable to a member of the Federal Government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year.<sup>2</sup> The 2015 salary table for SES employees is available on the Office of Personnel Management [web site](#). Note: A recipient may compensate an employee at a greater rate, provided the amount in excess of this compensation limitation is paid with non-federal funds. (Any such additional compensation will not be considered matching funds where match requirements apply.)

The Assistant Attorney General for OJP may exercise discretion to waive, on an individual basis, the limitation on compensation rates allowable under an award. An applicant requesting a waiver should include a detailed justification in the budget narrative of the application. Unless the applicant submits a waiver request and justification with the application, the applicant should anticipate that OJP will request the applicant to adjust and resubmit the budget.

The justification should include the particular qualifications and expertise of the individual, the uniqueness of the service the individual will provide, the individual's specific knowledge of the program or project being undertaken with award funds, and a statement explaining that the individual's salary is commensurate with the regular and customary rate for an individual with his/her qualifications and expertise, and for the work to be done.

### **Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs**

OJP strongly encourages applicants that propose to use award funds for any conference-, meeting-, or training-related activity to review carefully – before submitting an application – the OJP policy and guidance on conference approval, planning, and reporting available at [www.ojp.gov/financialguide/PostawardRequirements/chapter15page1.htm](http://www.ojp.gov/financialguide/PostawardRequirements/chapter15page1.htm). OJP policy and guidance (1) encourage minimization of conference, meeting, and training costs; (2) require prior written approval (which may affect project timelines) of most such costs for cooperative agreement recipients and of some such costs for grant recipients; and (3) set cost limits, including a general prohibition of all food and beverage costs.

### **Costs Associated with Language Assistance (if applicable)**

If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services or benefits for individuals with limited English proficiency may be allowable. Reasonable steps

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<sup>2</sup> This limitation on use of award funds does not apply to the non-profit organizations specifically named at Appendix VIII to 2 C.F.R. part 200.

to provide meaningful access to services or benefits may include interpretation or translation services where appropriate.

For additional information, see the "Civil Rights Compliance" section under "Solicitation Requirements" in the [OJP Funding Resource Center](#).

## **C. Eligibility Information**

For additional eligibility information, see Title page.

### **Cost Sharing or Match Requirement**

For information on cost sharing and match requirement, see Section [B. Federal Award Information](#).

For additional information on cost sharing and match requirement, see Section [B. Federal Award Information](#).

### **Limit on Number of Application Submissions**

If an applicant submits multiple versions of the same application, BJA will review only the most recent system-validated version submitted. For more information on system-validated versions, see [How To Apply](#).

## **D. Application and Submission Information**

### **What an Application Should Include**

This application and submission information is to be followed for both Category 1 and Category 2. Applicants should anticipate that if they fail to submit an application that contains all of the specified elements, it may negatively affect the review of their application; and, should a decision be made to make an award, it may result in the inclusion of special conditions that preclude the recipient from accessing or using award funds pending satisfaction of the conditions.

Moreover, applicants should anticipate that applications that are determined to be nonresponsive to the scope of the solicitation, or that do not include the application elements that the Bureau of Justice Assistance has designated to be critical, will neither proceed to peer review nor receive further consideration. Under this solicitation, BJA has designated the following application elements as critical: Program Narrative, Budget Detail Worksheet, and Budget Narrative. Applicants may combine the Budget Narrative and the Budget Detail Worksheet in one document. However, if an applicant submits only one budget document, it must contain **both** narrative and detail information. Please review the "Note on File Names and File Types" under [How To Apply](#) to be sure applications are submitted in permitted formats.

*OJP strongly recommends that applicants use appropriately descriptive file names (e.g., "Program Narrative," "Budget Detail Worksheet and Budget Narrative," "Timelines," "Memoranda of Understanding," "Resumes") for all attachments. Also, OJP recommends that applicants include resumes in a single file.*

### 1. Information to Complete the Application for Federal Assistance (SF-424)

The SF-424 is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. Grants.gov and OJP's Grants Management System (GMS) take information from the applicant's profile to populate the fields on this form. When selecting "type of applicant," if the applicant is a for-profit entity, select "For-Profit Organization" or "Small Business" (as applicable).

**Intergovernmental Review:** This funding opportunity (program) **is not** subject to [Executive Order 12372](#). (In completing the SF-424, applicants are to make the appropriate selection in response to question 19 to indicate that the "Program is not covered by E.O. 12372.")

### 2. Project Abstract

Applications should include a high-quality project abstract that summarizes the proposed project in 400 words or less. Project abstracts should be—

- Written for a general public audience
- Submitted as a separate attachment with "Project Abstract" as part of its file name
- Single-spaced, using a standard 12-point font (Times New Roman) with 1-inch margins
- Indicate the category to which the applicant is applying

As a separate attachment, the project abstract will **not** count against the page limit for the program narrative.

All project abstracts should follow the detailed template available at [ojp.gov/funding/Apply/Resources/ProjectAbstractTemplate.pdf](http://ojp.gov/funding/Apply/Resources/ProjectAbstractTemplate.pdf).

**Permission to Share Project Abstract with the Public:** It is unlikely that BJA will be able to fund all promising applications submitted under this solicitation, but it may have the opportunity to share information with the public regarding promising but unfunded applications, for example, through a listing on a webpage available to the public. The intent of this public posting would be to allow other possible funders to become aware of such proposals.

In the project abstract template, applicants are asked to indicate whether they give OJP permission to share their project abstract (including contact information) with the public. Granting (or failing to grant) this permission will not affect OJP's funding decisions, and, if the application is not funded, granting permission will not guarantee that abstract information will be shared, nor will it guarantee funding from any other source.

**Note:** OJP may choose not to list a project that otherwise would have been included in a listing of promising but unfunded applications, should the abstract fail to meet the format and content requirements noted above and outlined in the project abstract template.

### 3. Program Narrative

The Program Narrative should respond to the solicitation and Selection Criteria (1-5) listed below in the order given. The Program Narrative should be double-spaced, using a standard 12-point font (Times New Roman is preferred) with 1-inch margins, and must not exceed 10 pages. Please number pages "1 of 10," "2 of 10," etc.

If the program narrative fails to comply with these length-related restrictions, *BJA* may consider such noncompliance in peer review and in final award decisions.

The following sections should be included as part of the program narrative:

- a. Statement of the Problem
- b. Project Design and Implementation
- c. Capabilities and Competencies
- d. Plan for Collecting the Data Required for this Solicitation’s Performance Measures

To assist the Department with fulfilling its responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 103-62, and the GPRA Modernization Act of 2010, Public Law 111–352, applicants that receive funding under this solicitation must provide data that measure the results of their work done under this solicitation. OJP will require any award recipient, post award Category 2 recipients will be required to submit performance metric data quarterly through BJA’s online Training and Technical Assistance Reporting Portal located at [www.bjatrainiq.org](http://www.bjatrainiq.org). Category 1 recipients will report performance data as part of their semiannual report.

Below are some sample performance measures:

Objective	Performance Measure(s)	Data Grantee Provides
<p><b>CATEGORY 1:</b> Provide effective representation to defendants in post-conviction claims of innocence through efficient, effective evaluation and litigation of cases</p>	<p>Number of subject matter experts consulted</p> <p>Number of hours of forensic testing services provided</p> <p>Number of legal service hours provided</p> <p>Percent increase in number of cases reviewed for potential wrongful convictions</p> <p>Number of actual perpetrators identified through re-examination of evidence in handling post-conviction innocence claims</p> <p>Percent of cases in which actual perpetrators are identified through re-examination of evidence in post-conviction innocence claims</p>	<p>Number of forensic experts consulted</p> <p>Number of hours of forensic testing services provided</p> <p>Number of legal service hours provided</p> <p>Number of post-conviction claims of innocence reviewed for potential wrongful convictions during previous reporting period</p> <p>Number of post-conviction claims of innocence reviewed for potential wrongful convictions during current reporting period</p> <p>Number of actual perpetrators identified through re-examination of evidence in handling post-conviction innocence claims</p> <p>Number of cases in which actual perpetrators are identified through re-examination of evidence in post- conviction innocence claims</p> <p>Total number of cases in which evidence is re-examined as a result of post-conviction innocence claims</p>

<p><b>Category 2:</b> Increase the knowledge and capacity of criminal justice practitioners to litigate post-conviction claims of innocence through in person training and technical assistance.</p>	<p>Number of trainings conducted</p> <p>Number of participants who attend the training</p> <p>Percentage of participants who successfully completed the training</p> <p>Percentage of participants who rated the training as satisfactory or better</p> <p>Percentage of participants trained and subsequently demonstrated performance improvement</p> <p>Percentage of scholarship recipients surveyed who reported that the training provided information that could be utilized in their job</p> <p>Number of curricula developed</p> <p>Number of curricula that were pilot tested</p> <p>Percentage of curricula that were revised after pilot testing</p>	<p>For the current reporting period:</p> <p>Number of trainings (by type):</p> <ul style="list-style-type: none"> <li>• In-person</li> <li>• Web-based</li> <li>• CD/DVD</li> <li>• Peer-to-peer</li> <li>• Workshop</li> </ul> <p>Number of individuals who:</p> <ul style="list-style-type: none"> <li>• Attended the training (in-person) or started the training (web- based)</li> <li>• Completed the training</li> <li>• Completed an evaluation at the conclusion of the training</li> <li>• Completed an evaluation and rated the training as satisfactory or better</li> <li>• Completed the post-test with an improved score over their pre-test</li> </ul> <p>For the current reporting period, number of individuals who:</p> <ul style="list-style-type: none"> <li>• Received a scholarship</li> <li>• Completed the training</li> <li>• Completed a survey at the conclusion of the training</li> <li>• Reported the training provided information that could be utilized in their job</li> </ul> <p>Number of training curricula:</p> <ul style="list-style-type: none"> <li>• Developed</li> <li>• Pilot tested</li> <li>• Revised after being pilot tested</li> </ul>
	<p>Percentage of requesting agencies who rated services as satisfactory or better</p> <p>Percentage of requesting agencies that were planning to implement one or more recommendations</p> <p>Percentage of peer visitors who reported that the visit to the other</p>	<p>For the current reporting period:</p> <ul style="list-style-type: none"> <li>• Number of onsite visits completed</li> <li>• Number of reports submitted to requesting agencies after onsite visits</li> <li>• Number of requesting agencies who completed an evaluation of services</li> <li>• Number of agencies who rated the services a satisfactory or better <ul style="list-style-type: none"> <li>○ a) in terms of timeliness</li> <li>○ b) quality</li> </ul> </li> <li>• Number of follow-ups with requesting agencies completed 6 months after onsite visit</li> <li>• Number of agencies that were planning to implement at least one or more recommendations 6 months after the onsite visit</li> <li>• Number of peer-to-peer visits completed</li> </ul>

	<p>agency was useful in providing information on policies or practices</p> <p>Percentage of peer visitors that were planning to implement one or more policies or practices 6 months after they were observed at the visited site</p> <p>Percentage of requesting agencies of other onsite services who rated the services provided as satisfactory or better</p> <p>Number of conferences or advisory/focus groups held</p> <p>Percentage of advisory/focus groups evaluated as satisfactory or better.</p> <p>Number of publications developed</p> <p>Number of publications disseminated</p> <p>Number of web sites developed and maintained.</p> <p>Percent increase in the number of visits to web sites</p> <p>Percentage of information requests responded to</p>	<ul style="list-style-type: none"> <li>• Number of peer visitors who completed an evaluation</li> <li>• Number of peer visitors who reported that the visit was useful in providing information on policies or practices</li> <li>• Number of follow-ups with the requesting peer visitor completed 6 months after the peer-to-peer visit</li> <li>• Number of peer visitors who were planning to implement at least one or more recommendations 6 months after the onsite visit</li> <li>• Number of other onsite services provided</li> <li>• Number of requesting agencies who completed an evaluation of other onsite services</li> <li>• Number of agencies who rated the services a satisfactory or better</li> </ul> <p>For the current reporting period:</p> <ul style="list-style-type: none"> <li>• Number of conferences or advisory/focus groups held</li> <li>• Number of conference or advisory/focus group attendees who completed an evaluation</li> <li>• Number of conference or advisory/focus group attendees who rated the advisory/focus group as satisfactory or better</li> <li>• Number of publications/resources developed</li> <li>• Number of publications/ resources disseminated</li> <li>• Number of web sites developed</li> <li>• Number of web sites maintained</li> <li>• Number of visits to web sites during the current reporting period</li> <li>• Number of visits to web sites during the previous reporting period</li> <li>• Number of information requests</li> <li>• Number of information requests responded to.</li> </ul>
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BJA does not require applicants to submit performance measures data with their application. Performance measures are included as an alert that BJA will require successful applicants to submit specific data as part of their reporting requirements. For the application, applicants should indicate an understanding of these requirements and discuss how they will gather the required data, should they receive funding.

**Note on Project Evaluations**

Applicants that propose to use funds awarded through this solicitation to conduct project evaluations should be aware that certain project evaluations (such as systematic investigations designed to develop or contribute to generalizable knowledge) may

constitute “research” for purposes of applicable DOJ human subjects protection regulations. However, project evaluations that are intended only to generate internal improvements to a program or service, or are conducted only to meet OJP’s performance measure data reporting requirements likely do not constitute “research.” Applicants should provide sufficient information for OJP to determine whether the particular project they propose would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ regulatory definition of research.

Research, for the purposes of human subjects protections for OJP-funded programs, is defined as, “a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge” 28 C.F.R. § 46.102(d). For additional information on determining whether a proposed activity would constitute research, see the decision tree to assist applicants on the “Research and the Protection of Human Subjects” section of the [OJP Funding Resource Center](http://www.ojp.gov/funding/Explore/SolicitationRequirements/EvidenceResearchEvaluationRequirements.htm) Web page ([www.ojp.gov/funding/Explore/SolicitationRequirements/EvidenceResearchEvaluationRequirements.htm](http://www.ojp.gov/funding/Explore/SolicitationRequirements/EvidenceResearchEvaluationRequirements.htm)). Applicants whose proposals may involve a research or statistical component also should review the “Data Privacy and Confidentiality Requirements” section on that web page.

- e. Sustainability Plan (Category 1 applicants only)

#### **4. Budget Detail Worksheet and Budget Narrative**

##### **a. Budget Detail Worksheet**

A sample Budget Detail Worksheet can be found at [www.ojp.gov/funding/Apply/Resources/BudgetDetailWorksheet.pdf](http://www.ojp.gov/funding/Apply/Resources/BudgetDetailWorksheet.pdf). Applicants that submit their budget in a different format should include the budget categories listed in the sample budget worksheet.

For questions pertaining to budget and examples of allowable and unallowable costs, see the Financial Guide at [www.ojp.gov/financialguide/index.htm](http://www.ojp.gov/financialguide/index.htm).

##### **b. Budget Narrative**

The budget narrative should thoroughly and clearly describe every category of expense listed in the Budget Detail Worksheet. OJP expects proposed budgets to be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities).

Applicants should demonstrate in their budget narratives how they will maximize cost effectiveness of grant expenditures. Budget narratives should generally describe cost effectiveness in relation to potential alternatives and the goals of the project. For example, a budget narrative should detail why planned in-person meetings are necessary, or how technology and collaboration with outside organizations could be used to reduce costs, without compromising quality.

The narrative should be mathematically sound and correspond with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how the applicant estimated and calculated all costs, and how they are relevant to the completion of the proposed project. The narrative may include tables for clarification purposes but

need not be in a spreadsheet format. As with the Budget Detail Worksheet, the Budget Narrative should be broken down by year.

**c. Non-Competitive Procurement Contracts In Excess of Simplified Acquisition Threshold**

If an applicant proposes to make one or more non-competitive procurements of products or services, where the non-competitive procurement will exceed the simplified acquisition threshold (also known as the small purchase threshold), which is currently set at \$150,000, the application should address the considerations outlined in the [Financial Guide](#).

**d. Pre-Agreement Cost Approvals**

For information on pre-agreement costs, see Section [B. Federal Award Information](#).

**5. Indirect Cost Rate Agreement (if applicable)**

Indirect costs are allowed only if the applicant has a current federally approved indirect cost rate. (This requirement does not apply to units of local government.) Attach a copy of the federally approved indirect cost rate agreement to the application. Applicants that do not have an approved rate may request one through their cognizant federal agency, which will review all documentation and approve a rate for the applicant organization, or, if the applicant's accounting system permits, costs may be allocated in the direct cost categories. For the definition of Cognizant Federal Agency, see the "Glossary of Terms" in the [Financial Guide](#). For assistance with identifying your cognizant agency, please contact the Customer Service Center at 1-800-458-0786 or at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov). If DOJ is the cognizant federal agency, applicants may obtain information needed to submit an indirect cost rate proposal at [www.ojp.gov/funding/Apply/Resources/IndirectCosts.pdf](http://www.ojp.gov/funding/Apply/Resources/IndirectCosts.pdf).

**6. Tribal Authorizing Resolution (if applicable)**

Tribes, tribal organizations, or third parties proposing to provide direct services or assistance to residents on tribal lands should include in their applications a resolution, a letter, affidavit, or other documentation, as appropriate, that certifies that the applicant has the legal authority from the tribe(s) to implement the proposed project on tribal lands. In those instances when an organization or consortium of tribes applies for a grant on behalf of a tribe or multiple specific tribes, then the application should include appropriate legal documentation, as described above, from all tribes that would receive services/assistance under the grant. A consortium of tribes for which existing consortium bylaws allow action without support from all tribes in the consortium (i.e., without an authorizing resolution or comparable legal documentation from each tribal governing body) may submit, instead, a copy of its consortium bylaws with the application.

Applicants unable to submit an application that includes a fully-executed (i.e., signed) copy of appropriate legal documentation, as described above, consistent with the applicable tribe's governance structure, should, at a minimum, submit an unsigned, draft version of such legal documentation as part of its application (except for cases in which, with respect to a tribal consortium applicant, consortium bylaws allow action without the support of all consortium member tribes). If selected for funding, BJA will make use of and access to funds contingent on receipt of the fully-executed legal documentation.

## 7. Applicant Disclosure of High Risk Status

Applicants are to disclose whether they are currently designated high risk by another federal grant making agency. This includes any status requiring additional oversight by the federal agency due to past programmatic or financial concerns. If an applicant is designated high risk by another federal grant making agency, you must email the following information to [OJPComplianceReporting@usdoj.gov](mailto:OJPComplianceReporting@usdoj.gov) at the time of application submission:

- The federal agency that currently designated the applicant as high risk
- Date the applicant was designated high risk
- The high risk point of contact name, phone number, and email address, from that federal agency
- Reasons for the high risk status

OJP seeks this information to ensure appropriate federal oversight of any grant award. Unlike the Excluded Parties List, this high risk information does not disqualify any organization from receiving an OJP award. However, additional grant oversight may be included, if necessary, in award documentation.

## 8. Additional Attachments

### a. Project Timeline

Attach a project timeline with each project goal, related objective, activity, expected completion date, and responsible person or organization;

### b. Position Descriptions/Resumes

Attach position descriptions for key positions and resumes for current staff in addition to job posting descriptions for anticipated new hires. If you are hiring attorneys, please detail in your timeline when you anticipate the hiring process to be complete and when the new hires' efforts will commence.

### c. Applicant Disclosure of Pending Applications

Applicants are to disclose whether they have pending applications for federally funded grants or sub grants (including cooperative agreements) that include requests for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation. The disclosure should include both direct applications for federal funding (e.g., applications to federal agencies) and indirect applications for such funding (e.g., applications to State agencies that will sub award federal funds).

OJP seeks this information to help avoid any inappropriate duplication of funding. Leveraging multiple funding sources in a complementary manner to implement comprehensive programs or projects is encouraged and is not seen as inappropriate duplication.

Applicants that have pending applications as described above are to provide the following information about pending applications submitted within the last 12 months:

- The federal or state funding agency
- The solicitation name/project name
- The point of contact information at the applicable funding agency

Federal or State Funding Agency	Solicitation Name/Project Name	Name/Phone/E-mail for Point of Contact at Funding Agency
DOJ/COPS	COPS Hiring Program	Jane Doe, 202/000-0000; jane.doe@usdoj.gov
HHS/ Substance Abuse & Mental Health Services Administration	Drug Free Communities Mentoring Program/ North County Youth Mentoring Program	John Doe, 202/000-0000; john.doe@hhs.gov

Applicants should include the table as a separate attachment, with the file name “Disclosure of Pending Applications,” to their application. Applicants that do not have pending applications as described above are to include a statement to this effect in the separate attachment page (e.g., “[Applicant Name on SF-424] does not have pending applications submitted within the last 12 months for federally funded grants or sub grants (including cooperative agreements) that include requests for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation.”).

**d. Research and Evaluation Independence and Integrity**

If a proposal involves research and/or evaluation, regardless of the proposal’s other merits, in order to receive funds, the applicant must demonstrate research/evaluation independence, including appropriate safeguards to ensure research/evaluation objectivity and integrity, both in this proposal and as it may relate to the applicant’s other current or prior related projects. This documentation may be included as an attachment to the application which addresses BOTH i. and ii. below.

- i. For purposes of this solicitation, applicants must document research and evaluation independence and integrity by including, at a minimum, one of the following two items:
  - a. A specific assurance that the applicant has reviewed its proposal to identify any research integrity issues (including all principal investigators and sub-recipients) and it has concluded that the design, conduct, or reporting of research and evaluation funded by BJA grants, cooperative agreements, or contracts will not be biased by any personal or financial conflict of interest on the part of part of its staff, consultants, and/or sub-recipients responsible for the research and evaluation or on the part of the applicant organization;

OR

- b. A specific listing of actual or perceived conflicts of interest that the applicant has identified in relation to this proposal. These conflicts could be either personal (related to specific staff, consultants, and/or sub-recipients) or organizational (related to the applicant or any subgrantee organization). Examples of potential investigator (or other personal) conflict situations may include, but are not limited to, those in which an investigator would be in a position to evaluate a spouse’s work product (actual conflict), or an investigator would be in a position to evaluate the work of a former or current colleague (potential apparent conflict). With regard to potential organizational conflicts of interest, as one example, generally an organization could not be given a grant to evaluate a project if that

organization had itself provided substantial prior technical assistance to that specific project or a location implementing the project (whether funded by OJP or other sources), as the organization in such an instance would appear to be evaluating the effectiveness of its own prior work. The key is whether a reasonable person understanding all of the facts would be able to have confidence that the results of any research or evaluation project are objective and reliable. Any outside personal or financial interest that casts doubt on that objectivity and reliability of an evaluation or research product is a problem and must be disclosed.

- ii. In addition, for purposes of this solicitation applicants must address the issue of possible mitigation of research integrity concerns by including, at a minimum, one of the following two items:
  - a. If an applicant reasonably believes that no potential personal or organizational conflicts of interest exist, then the applicant should provide a brief narrative explanation of how and why it reached that conclusion. Applicants **MUST** also include an explanation of the specific processes and procedures that the applicant will put in place to identify and eliminate (or, at the very least, mitigate) potential personal or financial conflicts of interest on the part of its staff, consultants, and/or sub-recipients for this particular project, should that be necessary during the grant period. Documentation that may be helpful in this regard could include organizational codes of ethics/conduct or policies regarding organizational, personal, and financial conflicts of interest.

OR

- b. If the applicant has identified specific personal or organizational conflicts of interest in its proposal during this review, the applicant must propose a specific and robust mitigation plan to address conflicts noted above. At a minimum, the plan must include specific processes and procedures that the applicant will put in place to eliminate (or, at the very least, mitigate) potential personal or financial conflicts of interest on the part of its staff, consultants, and/or sub-recipients for this particular project, should that be necessary during the grant period. Documentation that may be helpful in this regard could include organizational codes of ethics/conduct or policies regarding organizational, personal, and financial conflicts of interest. There is no guarantee that the plan, if any, will be accepted as proposed.

Considerations in assessing research and evaluation independence and integrity will include, but are not be limited to, the adequacy of the applicant's efforts to identify factors that could affect the objectivity or integrity of the proposed staff and/or the organization in carrying out the research, development, or evaluation activity; and the adequacy of the applicant's existing or proposed remedies to control any such factors.

## **9. Financial Management and System of Internal Controls Questionnaire**

In accordance with [2 CFR 200.205](#), federal agencies must have in place a framework for evaluating the risks posed by applicants before they receive a Federal award. To facilitate

part of this risk evaluation, **all** applicants (other than an individual) are to download, complete, and submit this [form](#).

**10. Disclosure of Lobbying Activities**

All applicants must complete this information. Applicants that expend any funds for lobbying activities are to provide the detailed information requested on the form Disclosure of Lobbying Activities (SF-LLL). Applicants that do not expend any funds for lobbying activities are to enter “N/A” in the text boxes for item 10 (“a. Name and Address of Lobbying Registrant” and “b. Individuals Performing Services”).

**How To Apply**

Applicants must register in, and submit applications through Grants.gov, a “one-stop storefront” to find federal funding opportunities and apply for funding. Find complete instructions on how to register and submit an application at [www.Grants.gov](http://www.Grants.gov). Applicants that experience technical difficulties during this process should call the Grants.gov Customer Support Hotline at **800-518-4726** or **606-545-5035**, 24 hours a day, 7 days a week, except federal holidays. Registering with Grants.gov is a one-time process; however, **processing delays may occur, and it can take several weeks** for first-time registrants to receive confirmation and a user password. OJP encourages applicants to **register several weeks before** the application submission deadline. In addition, OJP urges applicants to submit applications 72 hours prior to the application due date to allow time to receive validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification.

BJA strongly encourages all prospective applicants to sign up for Grants.gov email notifications regarding this solicitation. If this solicitation is cancelled or modified, individuals who sign up with Grants.gov for updates will be automatically notified.

**Note on File Names and File Types:** Grants.gov only permits the use of certain specific characters in names of attachment files. Valid file names may include only the characters shown in the table below. Grants.gov is designed to reject any application that includes an attachment(s) with a file name that contains any characters not shown in the table below.

Characters	Special Characters		
Upper case (A – Z)	Parenthesis ( )	Curly braces { }	Square brackets [ ]
Lower case (a – z)	Ampersand (&)	Tilde (~)	Exclamation point (!)
Underscore ( _ )	Comma ( , )	Semicolon ( ; )	Apostrophe ( ‘ )
Hyphen ( - )	At sign ( @ )	Number sign ( # )	Dollar sign ( \$ )
Space	Percent sign ( % )	Plus sign ( + )	Equal sign ( = )
Period ( . )	<b>When using the ampersand (&amp;) in XML, applicants must use the “&amp;amp;” format.</b>		

Grants.gov is designed to forward successfully submitted applications to OJP’s Grants Management System (GMS).

**GMS does not accept executable file types as application attachments.** These disallowed file types include, but are not limited to, the following extensions: “.com,” “.bat,” “.exe,” “.vbs,” “.cfg,” “.dat,” “.db,” “.dbf,” “.dll,” “.ini,” “.log,” “.ora,” “.sys,” and “.zip.” GMS may reject applications with files that use these extensions. It is important to allow time to change the type of file(s) if the application is rejected.

All applicants are required to complete the following steps:

OJP may not make a federal award to an applicant until the applicant has complied with all applicable DUNS and SAM requirements. If an applicant has not fully complied with the requirements by the time the federal awarding agency is ready to make a federal award, the federal awarding agency may determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

- 1. Acquire a Data Universal Numbering System (DUNS) number.** In general, the Office of Management and Budget requires that all applicants (other than individuals) for federal funds include a DUNS number in their applications for a new award or a supplement to an existing award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and differentiating entities receiving federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and sub recipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, one-time activity. Call Dun and Bradstreet at 866-705-5711 to obtain a DUNS number or apply online at [www.dnb.com](http://www.dnb.com). A DUNS number is usually received within 1-2 business days.
- 2. Acquire registration with the System for Award Management (SAM).** SAM is the repository for standard information about federal financial assistance applicants, recipients, and sub recipients. OJP requires all applicants (other than individuals) for federal financial assistance to maintain current registrations in the SAM database. Applicants must be registered in SAM to successfully register in Grants.gov. Applicants must **update or renew their SAM registration annually** to maintain an active status.

Applications cannot be successfully submitted in Grants.gov until Grants.gov receives the SAM registration information. **The information transfer from SAM to Grants.gov can take up to 48 hours.** OJP recommends that the applicant register or renew registration with SAM as early as possible.

Information about SAM registration procedures can be accessed at [www.sam.gov](http://www.sam.gov).

- 3. Acquire an Authorized Organization Representative (AOR) and a Grants.gov username and password.** Complete the AOR profile on Grants.gov and create a username and password. The applicant organization's DUNS number must be used to complete this step. For more information about the registration process, go to [www.grants.gov/applicants/get\\_registered.jsp](http://www.grants.gov/applicants/get_registered.jsp).
- 4. Acquire confirmation for the AOR from the E-Business Point of Contact (E-Biz POC).** The E-Biz POC at the applicant organization must log into Grants.gov to confirm the applicant organization's AOR. Note that an organization can have more than one AOR.
- 5. Search for the funding opportunity on Grants.gov.** Use the following identifying information when searching for the funding opportunity on Grants.gov. The Catalog of Federal Domestic Assistance number for this solicitation is 16.746, titled "Capital Case Litigation Initiative," and the funding opportunity number is BJA-2015-4098.
- 6. Select the correct Competition ID.** Some OJP solicitations posted to Grants.gov contain multiple purpose areas, denoted by the individual Competition ID. If applying to a solicitation

with multiple Competition IDs, select the appropriate Competition ID for the intended purpose area of the application.

- 7. Submit a valid application consistent with this solicitation by following the directions in Grants.gov.** Within 24–48 hours after submitting the electronic application, the applicant should receive two notifications from Grants.gov. The first will confirm the receipt of the application and the second will state whether the application has been successfully validated, or rejected due to errors, with an explanation. It is possible to first receive a message indicating that the application is received and then receive a rejection notice a few minutes or hours later. Submitting well ahead of the deadline provides time to correct the problem(s) that caused the rejection. **Important:** OJP urges applicants to submit applications **at least 72 hours prior** to the application due date to allow time to receive validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification.

Click [here](#) for further details on DUNS, SAM, and Grants.gov registration steps and timeframes.

#### **Note: Duplicate Applications**

If an applicant submits multiple versions of the same application, BJA will review only the most recent system-validated version submitted. See Note on File Names and File Types under [How To Apply](#).

#### **Experiencing Unforeseen Grants.gov Technical Issues**

Applicants that experience unforeseen Grants.gov technical issues beyond their control that prevent them from submitting their application by the deadline must contact the Grants.gov [Customer Support Hotline](#) or the [SAM Help Desk](#) to report the technical issue and receive a tracking number. Then applicant must e-mail the BJA contact identified in the Contact Information section on page 2 **within 24 hours after the application deadline** and request approval to submit their application. The e-mail must describe the technical difficulties, and include a timeline of the applicant's submission efforts, the complete grant application, the applicant's DUNS number, and any Grants.gov Help Desk or SAM tracking number(s). **Note: BJA does not automatically approve requests.** After the program office reviews the submission, and contacts the Grants.gov or SAM Help Desks to validate the reported technical issues, OJP will inform the applicant whether the request to submit a late application has been approved or denied. If OJP determines that the applicant failed to follow all required procedures, which resulted in an untimely application submission, OJP will deny the applicant's request to submit their application.

The following conditions are generally insufficient to justify late submissions:

- Failure to register in SAM or Grants.gov in sufficient time
- Failure to follow Grants.gov instructions on how to register and apply as posted on its web site
- Failure to follow each instruction in the OJP solicitation
- Technical issues with the applicant's computer or information technology environment, including firewalls

**Notifications regarding known technical problems with Grants.gov, if any, are posted at the top of the OJP funding web page at**

**[www.ojp.gov/funding/Explore/CurrentFundingOpportunities.htm](http://www.ojp.gov/funding/Explore/CurrentFundingOpportunities.htm).**

## **E. Application Review Information**

### **Selection Criteria**

For **Category 1**, the following six selection criteria will be used to evaluate each application, with the different weight given to each based on the percentage value listed after each individual criteria. For example, the first criteria, “Statement of the Problem,” is worth 20 percent of the entire score in the application review process

#### **1. Statement of the Problem (20 percent)**

Identify the problem or challenge your office faces in handling post-conviction claims of innocence. Describe your office’s intake policy, including how cases are screened and the different stages they move through including how many cases your office has processed in the last two calendar years (2013 and 2014), if any, and the case outcomes. Detail at what stage of the process these cases were completed or closed. Describe any regional, state, or local issues pertaining to the lack of adequate representation in these cases in relation to the number of potential cases. Include details about whether your office or region has a current backlog of cases. Describe the problem around the ability to screen, evaluate, and process claims, including any problems or shortfalls in providing litigation services and quality representation to wrongfully convicted defendants. You will be required in the next section, “Project Design and Implementation” to provide details of how the project design and implementation directly relates to the Statement of the Problem.

#### **2. Project Design and Implementation (40 percent)**

Describe your strategy to address the needs identified in the Statement of the Problem. Describe how you plan to alleviate burdens (financial and operational) that result from handling post-conviction claims of innocence. Discuss how funding under this initiative will improve the quality of representation and how it will contribute to improvements in the speed and efficiency with which claims are handled and the overall administration of justice. Describe how your program differs, complements, or builds upon the efforts of other offices in your region/state/locality that are also representing potentially innocent clients in post-conviction proceedings. Also describe whether your project design seeks to build capacity by hiring/ building infrastructure to begin accepting cases, or whether your office currently has the capacity to accept cases but merely seeks to expand the current caseloads.

#### **3. Capabilities and Competencies (15 percent)**

Describe the management structure for implementation of the strategy, including staffing. Specifically identify who will serve as attorneys involved in screening, evaluation, and litigation of post-conviction claims of innocence and their specific qualifications to do so.

Demonstrate the capability to implement the project successfully. If you are planning to hire attorneys, provide job posting descriptions and your anticipated recruitment efforts. Describe how this structure will be tied to the strategy identified in the Program Design and Implementation section. Provide position descriptions outlining the roles and responsibilities of key positions and resumes for current staff (as an attachment).

#### **4. Plan for Collecting the Data Required for this Solicitation’s Performance Measures (10 percent)**

Describe the process for measuring project performance. Identify who will collect the data, who is responsible for performance measurement, and how the information will be used to guide and evaluate the impact of the program.

Describe the process to accurately report implementation findings.

**5. Sustainability Plan (5 percent)**

Outline a strategy for sustaining the project when the federal grant period ends.

**6. Budget (10 percent)**

Provide a budget that is complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). Budget narratives should generally demonstrate how applicants will maximize cost effectiveness of grant expenditures. Budget narratives should demonstrate cost effectiveness in relation to potential alternatives and the goals of the project.<sup>3</sup>

**For Category 2: National TTA**, the following five selection criteria will be used to evaluate each application, with the different weight given to each based on the percentage value listed after each individual criteria. For example, the first criteria, “Statement of the Problem,” is worth 20 percent of the entire score in the application review process.

**1. Statement of the Problem (20 percent)**

Provide a thorough understanding of the need for gathering and transferring knowledge, best practices, and information to wrongful conviction grantees and future funded programs and the type of information that is needed by the field. Provide specific information on the project to include an overview of any materials that need to be developed, information, area of instruction, and/or technical assistance to be provided based on demonstrated needs of the field. Topics may include evaluation/screening of cases during intake, forensic testing, expert consultation and testimony, and general litigation issues. Applicants should consider other topics they believe that need to be addressed.

**2. Program Design and Implementation (30 percent)**

The objective of this training and technical assistance is to increase the ability and expertise of attorneys representing individuals in post-conviction proceedings to efficiently and effectively evaluate and litigate cases involving claims of innocence.

- Describe your strategy to address the needs identified in the Statement of the Problem. Fully describe how the project will reach the stated goals and objectives and deliverables outlined in Category 2 of this solicitation by providing a complete description of training and technical assistance activities and the methods of intended delivery. Please provide detailed plans for implementing the elements described under Category 2.
  - First, provide a national training session pertaining to litigating post-conviction claims of innocence cases, which may include such topics as evaluation/screening of cases during intake, forensic testing, expert consultation and testimony, and general litigation issues. The specifics of this national session will be determined with BJA and the grantee.
  - Second, provide for ongoing direct technical assistance to grantees and attorneys representing individuals in post-conviction cases, especially essential in cases where

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<sup>3</sup> Generally speaking, a reasonable cost is a cost that, in its nature or amount, does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs.

it has been determined that erroneous or flawed forensic evidence was used to obtain a conviction. This may include onsite consultations and evaluations of the grantees work.

- Applicant should anticipate hosting an orientation meeting for grantees either at the national training session or in a separate session.
- Applicant will need to capture the technical assistance provided to grantees either through a survey or a needs assessment process to determine greatest funding, training, and technical assistance needs in the future.
- Applicant will need to maintain a central online database of materials, including briefs, motions, and expert information, needed by lawyers who screen, investigate and litigate potential cases of wrongful conviction. This will assist attorneys with access to current resources regarding wrongful conviction cases.

### **3. Capabilities and Competencies (30 percent)**

- Fully describe the applicant's capabilities to implement the TTA within established timelines to enable the timely and effective delivery of the information, material, training, and assistance. Provide an overview of the competencies of the staff assigned to develop and deliver all of the information, instruction, and technical assistance specifically required by this category. Demonstrate experience in addressing wrongful conviction cases and the elements therein, as well as the delivery of TTA on a national level. **Applicants must include discussion of the organization's experience with and capacity to provide effective innovative training and technical assistance to the audiences being served.**
- Describe the capabilities, competencies, and management structure for implementation of the national training and assistance strategy to include staffing.

### **4. Plan for Collecting the Data Required for this Solicitation's Performance Measures (10 percent)**

Clearly explain how the material, instruction, and allied documents to be developed for this program will be current, comprehensive, and effective. One method of demonstrating this would be to reference prior delivery of the information, material and instruction and the resulting impact on the wrongful conviction community that it was directed to assist. Detail what will be measured (see Performance Measures), who is responsible for performance measurements, and how the information will be used to guide the program.

### **5. Budget (10 percent)**

Outline a complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities) budget. Budget narratives should generally demonstrate how applicants will maximize cost effectiveness of grant expenditures. Budget narratives should demonstrate cost effectiveness in relation to potential alternatives and the goals of the project.<sup>4</sup>

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<sup>4</sup> Generally speaking, a reasonable cost is a cost that, in its nature or amount, does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs.

## Review Process

OJP is committed to ensuring a fair and open process for awarding grants. BJA reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with the solicitation.

Peer reviewers will review the applications submitted under this solicitation that meet basic minimum requirements. For purposes of assessing whether applicants have met basic minimum requirements, OJP screens applications for compliance with specified program requirements to help determine which applications should proceed to further consideration for award. Although program requirements may vary, the following are common requirements applicable to all solicitations for funding under OJP grant programs:

- Applications must be submitted by an eligible type of applicant
- Applications must request funding within programmatic funding constraints (if applicable)
- Applications must be responsive to the scope of the solicitation
- Applications must include all items designated as “critical elements”
- Applicants will be checked against the General Services Administration’s Excluded Parties List

For a list of critical elements, see “What an Application Should Include” under [Section D. Application and Submission Information](#).

BJA may use internal peer reviewers, external peer reviewers, or a combination, to assess applications meeting basic minimum requirements on technical merit using the solicitation’s selection criteria. An external peer reviewer is an expert in the subject matter of a given solicitation who is not a current DOJ employee. An internal reviewer is a current DOJ employee who is well-versed or has expertise in the subject matter of this solicitation. A peer review panel will evaluate, score, and rate applications that meet basic minimum requirements. Peer reviewers’ ratings and any resulting recommendations are advisory only, although their views are considered carefully. In addition to peer review ratings, considerations for award recommendations and decisions may include, but are not limited to, underserved populations, geographic diversity, strategic priorities, past performance under prior BJA and OJP awards, and available funding.

OJP reviews applications for potential discretionary awards to evaluate the risks posed by applicants before they receive an award. This review may include but is not limited to the following:

1. Financial stability and fiscal integrity
2. Quality of management systems and ability to meet the management standards prescribed in the Financial Guide
3. History of performance
4. Reports and findings from audits
5. The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-federal entities
6. Proposed costs to determine if the Budget Detail Worksheet and Budget Narrative accurately explain project costs, and whether those costs are reasonable, necessary, and allowable under applicable federal cost principles and agency regulations

Absent explicit statutory authorization or written delegation of authority to the contrary, all final award decisions will be made by the Assistant Attorney General, who may consider factors including, but not limited to, peer review ratings, underserved populations, geographic diversity, strategic priorities, past performance under prior BJA and OJP awards, and available funding when making awards.

## F. Federal Award Administration Information

### Federal Award Notices

OJP award notification will be sent from GMS. Recipients will be required to log in; accept any outstanding assurances and certifications on the award; designate a financial point of contact; and review, sign, and accept the award. The award acceptance process involves physical signature of the award document by the authorized representative and the scanning of the fully-executed award document to OJP.

### Administrative, National Policy, and other Legal Requirements

If selected for funding, in addition to implementing the funded project consistent with the agency-approved project proposal and budget, the recipient must comply with award terms and conditions, and other legal requirements, including but not limited to OMB, DOJ or other federal regulations which will be included in the award, incorporated into the award by reference, or are otherwise applicable to the award. OJP strongly encourages prospective applicants to review the information pertaining to these requirements **prior** to submitting an application. To assist applicants and recipients in accessing and reviewing this information, OJP has placed pertinent information on its [Solicitation Requirements](#) page of the [OJP Funding Resource Center](#).

Please note in particular the following two forms, which applicants must accept in GMS prior to the receipt of any award funds, as each details legal requirements with which applicants must provide specific assurances and certifications of compliance. Applicants may view these forms in the Apply section of the [OJP Funding Resource Center](#) and are strongly encouraged to review and consider them carefully prior to making an application for OJP grant funds.

- [Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements](#)
- [Standard Assurances](#)

Upon grant approval, OJP electronically transmits (via GMS) the award document to the prospective award recipient. In addition to other award information, the award document contains award terms and conditions that specify national policy requirements<sup>5</sup> with which recipients of federal funding must comply; uniform administrative requirements, cost principles, and audit requirements; and program-specific terms and conditions required based on applicable program (statutory) authority or requirements set forth in OJP solicitations and program announcements, and other requirements which may be attached to appropriated funding. For example, certain efforts may call for special requirements, terms, or conditions relating to intellectual property, data/information-sharing or -access, or information security; or audit requirements, expenditures and milestones, or publications and/or press releases. OJP

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<sup>5</sup> See generally 2 C.F.R. 200.300 (provides a general description of national policy requirements typically applicable to recipients of federal awards, including the Federal Funding Accountability and Transparency Act of 2006 (FFATA)).

also may place additional terms and conditions on an award based on its risk assessment of the applicant, or for other reasons it determines necessary to fulfill the goals and objectives of the program.

Prospective applicants may access and review the text of mandatory conditions OJP includes in all OJP awards, as well as the text of certain other conditions, such as administrative conditions, via [Mandatory Award Terms and Conditions](#) page of the [OJP Funding Resource Center](#).

As stated above, BJA anticipates that it will make any award from this solicitation in the form of a cooperative agreement. Cooperative agreement awards include standard “federal involvement” conditions that describe the general allocation of responsibility for execution of the funded program. Generally-stated, under cooperative agreement awards, responsibility for the day-to-day conduct of the funded project rests with the recipient in implementing the funded and approved proposal and budget, and the award terms and conditions. Responsibility for oversight and redirection of the project, if necessary, rests with BJA.

In addition to any “federal involvement” condition(s), OJP cooperative agreement awards include a special condition specifying certain reporting requirements required in connection with conferences, meetings, retreats, seminars, symposium, training activities, or similar events funded under the award, consistent with OJP policy and guidance on conference approval, planning, and reporting.

#### **General Information about Post-Federal Award Reporting Requirements**

Recipients must submit quarterly financial reports, semi-annual progress reports, final financial and progress reports, and, if applicable, an annual audit report in accordance with 2 CFR Part 200. Future awards and fund drawdowns may be withheld if reports are delinquent.

Special Reporting requirements may be required by OJP depending on the statutory, legislative or administrative obligations of the recipient or the program.

## **G. Federal Awarding Agency Contact(s)**

For additional Federal Awarding Agency Contact(s), see the Title page.

For additional contact information for Grants.gov, see the Title page.

## **H. Other Information**

### **Provide Feedback to OJP**

To assist OJP in improving its application and award processes, we encourage applicants to provide feedback on this solicitation, the application submission process, and/or the application review/peer review process. Provide feedback to [OJPSolicitationFeedback@usdoj.gov](mailto:OJPSolicitationFeedback@usdoj.gov).

**IMPORTANT:** This e-mail is for feedback and suggestions only. Replies are **not** sent from this mailbox. If you have specific questions on any program or technical aspect of the solicitation, **you must** directly contact the appropriate number or e-mail listed on the front of this solicitation document. These contacts are provided to help ensure that you can directly reach an individual who can address your specific questions in a timely manner.

If you are interested in being a reviewer for other OJP grant applications, please e-mail your resume to [ojppeerreview@imbps.com](mailto:ojppeerreview@imbps.com). The OJP Solicitation Feedback email account will not forward your resume. **Note:** Neither you nor anyone else from your organization can be a peer reviewer in a competition in which you or your organization have submitted an application.

## Application Checklist FY 2015 Wrongful Conviction Review Program

This application checklist has been created to assist in developing an application.

### What an Applicant Should Do:

*Prior to Registering in Grants.gov:*

- \_\_\_\_\_ Acquire a DUNS Number (see page 21)
- \_\_\_\_\_ Acquire or renew registration with SAM (see page 21)

*To Register with Grants.gov:*

- \_\_\_\_\_ Acquire AOR and Grants.gov username/password (see page 21)
- \_\_\_\_\_ Acquire AOR confirmation from the E-Biz POC (see page 21)

*To Find Funding Opportunity:*

- \_\_\_\_\_ Search for the Funding Opportunity on Grants.gov (see page 21)
- \_\_\_\_\_ Select the correct Competition ID (see page 21)
- \_\_\_\_\_ Download Funding Opportunity and Application Package
- \_\_\_\_\_ Sign up for Grants.gov email notifications (optional) (see page 20)
- \_\_\_\_\_ Read [Important Notice: Applying for Grants in Grants.gov](#)

*After application submission, receive Grants.gov email notifications that:*

- \_\_\_\_\_ (1) application has been received,
- \_\_\_\_\_ (2) application has either been successfully validated or rejected with errors (see page 22)

*If no Grants.gov receipt, and validation or error notifications are received:*

- \_\_\_\_\_ contact the NCJRS Response Center regarding experiencing technical difficulties (see page 22)

### General Requirements:

- \_\_\_\_\_ Review the [Solicitation Requirements](#) in the OJP Funding Resource Center.

### Scope Requirement:

- \_\_\_\_\_ The federal amount requested is within the allowable limit(s) of \$250,000 for Category 1 and \$100,000 for Category 2.

**Eligibility Requirement:** For Category I, applicants are limited to public and non-profit organizations (including tribal nonprofit or for-profit organizations) dedicated to exonerating the innocent, institutions of higher learning (including tribal institutions of higher education); and state or local public defender offices. For Category II, applicants are limited to public and nonprofit organizations and for-profit entities that agree to waive all profits and fees who have experience and expertise in providing representation to wrongfully convicted defendants in post-conviction claims of innocence cases.

### What an Application Should Include:

- \_\_\_\_\_ Application for Federal Assistance (SF-424) (see page 11)
- \_\_\_\_\_ Project Abstract (see page 11)
- \_\_\_\_\_ \*Program Narrative (see page 11)

- \_\_\_\_\_ \*Budget Detail Worksheet (see page 15)
- \_\_\_\_\_ \*Budget Narrative (see page 15)
- \_\_\_\_\_ Employee Compensation Waiver request and justification (if applicable)  
(see page 9)
- \_\_\_\_\_ Read OJP policy and guidance on conference approval, planning, and reporting  
available at [ojp.gov/financialguide/PostawardRequirements/chapter15page1.htm](http://ojp.gov/financialguide/PostawardRequirements/chapter15page1.htm)  
(see page 9)
- \_\_\_\_\_ Disclosure of Lobbying Activities (SF-LLL) (see page 20)
- \_\_\_\_\_ Indirect Cost Rate Agreement (if applicable) (see page 16)
- \_\_\_\_\_ Tribal Authorizing Resolution (if applicable) (see page 16)
- \_\_\_\_\_ Applicant Disclosure of High Risk Status (see page 17)
- \_\_\_\_\_ Additional Attachments
  - \_\_\_\_\_ Project Timeline (see page 17)
  - \_\_\_\_\_ Position Descriptions/Resumes (see page 17)
  - \_\_\_\_\_ Applicant Disclosure of Pending Applications (see page 17)
  - \_\_\_\_\_ Research and Evaluation Independence and Integrity (see page 18)
- \_\_\_\_\_ Financial Management and System of Internal Controls Questionnaire (if applicable)  
(see page 19)

\*These elements are the basic minimum requirements for applications. Applications that do not include these elements shall neither proceed to peer review nor receive further consideration by BJA.