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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 2013 Competitive Grant Announcement

### Eligibility

Eligible applicants are limited to public and non-profit organizations with missions dedicated (in whole or in part) to exonerating the innocent, state or local public defender offices, and institutions of higher learning.

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

### Deadline

Applicants must register with [Grants.gov](#) prior to submitting an application. (See "How To Apply," page 16, for more details.) All applications are due by 11:59 p.m. eastern time on February 6, 2013. (See "Deadlines: Registration and Application," page 3.)

### Contact Information

For technical assistance with submitting an application, contact the Grants.gov Customer Support Hotline at 1-800-518-4726 or 606-545-5035 or via e-mail to [support@grants.gov](mailto:support@grants.gov).

**Note:** The [Grants.gov](#) Support Hotline hours of operation are 24 hours a day, 7 days a week, except federal holidays.

For assistance with any other requirement of this solicitation, contact the BJA Justice Information Center at 1-877-927-5657, via e-mail to [JIC@telesishq.com](mailto:JIC@telesishq.com), or via live web chat at [www.justiceinformationcenter.us](http://www.justiceinformationcenter.us). The BJA Justice Information Center hours of operation are 8:30 a.m. to 5:00 p.m. eastern time, Monday through Friday, and 8:30 a.m. to 8:00 p.m. eastern time on the solicitation close date.

**Grants.Gov number assigned to announcement:** BJA-2013-3414

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# Wrongful Conviction Review Program (CFDA #16.746)

## 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.

While experts widely acknowledge that wrongful convictions constitute a small percentage of all findings of guilt by our nation's courts, irreversible damage is sustained by those who are wrongly accused, convicted, and incarcerated. This damage extends far beyond the individual wrongfully convicted citizen, as these systemic errors harm all those involved in the case in question to include the families of the wrongfully convicted person, the victim of the original crime in question, and law enforcement and prosecutorial staff involved in the case. In addition, wrongful convictions impact public safety by delaying or preventing the identification of the true perpetrators of these crimes.

BJA is committed to assisting state and local law enforcement entities in adopting evidence-based practices and accessing the necessary technologies to reduce the likelihood of a wrongful arrest, prosecution, and conviction from 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 2013 appropriation. The purpose of this program is to provide high-quality and efficient representation for potentially wrongfully convicted defendants in cases of post-conviction claims of innocence.

## Deadlines: Registration and Application

Applicants must register with Grants.gov prior to submitting an application. OJP encourages applicants to **register several weeks before** the application submission deadline. In addition, OJP urges applicants to submit applications well in advance of the application due date. The deadline to apply for funding under this announcement is 11:59 p.m. eastern time on February 6, 2013. See the "How To Apply" section on page 16 for more details. Note that while the deadline for submission is 11:59 p.m. eastern time on February 6, 2013, staff assistance through the BJA Justice Information Center is only available until 8:00 p.m. eastern time (see "Contact Information" on the title page for more information about BJA's Justice Information Center).

## Eligibility

Refer to the title page for eligibility under this program.

## **Wrongful Conviction Review 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 that fall mainly 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 are 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.

Applications are solicited to provide representation to potentially wrongfully convicted individuals in cases of post-conviction claims of innocence. Successful applicants will be non-profit organizations dedicated to exonerating the innocent, institutions of higher learning, and 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.

Depending on the needs of the applicant, possible uses of grant funds include:

- Evaluate and litigate 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.
- Evaluate and litigate cases in which forensic evidence was offered at trial involving (but not limited to): composite bullet lead analysis, fingerprints, tool marks, bite marks, hair microscopy, shaken baby, arson, time or cause of death; and/or cases involving any other potentially probative evidence of innocence.
- Help defray the costs of potentially exonerative forensic re-analysis, 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.

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

OJP places a strong emphasis on the use of data and evidence in policy making and programming in criminal justice. OJP is committed to:

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- improving the quantity and quality of evidence OJP generates;
- integrating evidence into program, practice, and policy decisions within OJP and the field; and
- 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. OJP's [CrimeSolutions.gov](http://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.

### **Amount and Length of Awards**

BJA anticipates that it will make multiple awards of up to \$250,000 each for a 12-24 month project period. The project start date should be on or after October 1, 2013.

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

### **Budget 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, federal funds may not be used to pay total cash compensation (salary plus 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. The 2012 salary table for SES employees is available at [www.opm.gov/oca/12tables/indexSES.asp](http://www.opm.gov/oca/12tables/indexSES.asp). Note: A recipient may compensate an employee at a higher 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 (AAG) 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 its application. Unless the applicant submits a waiver request and justification with the application, the applicant should anticipate that OJP will request that the applicant adjust and resubmit its budget.

The justification should include the particular qualifications and expertise of the individual, the uniqueness of the service being provided, 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 that is to be done.

### **Minimization of Conference Costs**

OJP encourages applicants to review the OJP guidance on conference approval, planning, and reporting that is available on the OJP web site at [www.ojp.gov/funding/confcost.htm](http://www.ojp.gov/funding/confcost.htm). This guidance sets out the current OJP policy, which requires all funding recipients that propose to hold or sponsor conferences (including meetings, trainings, and other similar events) to minimize costs, requires OJP review and prior written approval of most conference costs for cooperative agreement recipients (and certain costs for grant recipients), and generally prohibits the use of OJP funding to provide food and beverages at conferences. The guidance also sets upper limits on many conference costs, including facility space, audio/visual services, logistical planning services, programmatic planning services, and food and beverages (in the rare cases where food and beverage costs are permitted at all).

Prior review and approval of conference costs can take time (see the guidance for specific deadlines), and applicants should take this into account when submitting proposals. Applicants also should understand that conference cost limits may change and that they should check the guidance for updates before incurring such costs.

Note on food and beverages: OJP may make exceptions to the general prohibition on using OJP funding for food and beverages, but will do so only in rare cases where food and beverages are not otherwise available (e.g., in extremely remote areas); the size of the event and capacity of nearby food and beverage vendors would make it impractical to not provide food and beverages; or a special presentation at a conference requires a plenary address where conference participants have no other time to obtain food and beverages. Any such exception requires OJP's prior written approval. The restriction on food and beverages does not apply to water provided at no cost, but does apply to any and all other refreshments, regardless of the size or nature of the meeting. Additionally, this restriction does not affect direct payment of per diem amounts to individuals in a travel status under your organization's travel policy.

### **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 by individuals with limited English proficiency may be allowable. Reasonable steps 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 of the OJP "Other Requirements for OJP Applications" web page at [www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm).

### **Match Requirement**

This solicitation does not require a match, and therefore, the inclusion of matching funds in the budget is not encouraged. However, applicants are encouraged to provide additional resources, financial or non-financial, and such resources should be described in their program narrative rather than their budget worksheets. If a successful application proposes a voluntary match amount, the match amount incorporated into the OJP-approved budget becomes mandatory and subject to audit.

## 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, to provide the data requested in the “Data Grantee Provides” column so that OJP can calculate values for the “Performance Measures” column. Performance measures for this solicitation are as follows:

Objective	Performance Measure(s)	Data Grantee Provides
Provide representation to defendants in post-conviction claims of innocence cases	<p>Number of person-hours funded</p> <p>Number of new claims initiated</p> <p>Number of claims reviewed</p> <p>Percent of outstanding claims reviewed</p> <p>Types of evidence identified during claim reviews</p>	<p>Number of person-hours funded in support of forensic expert review or testimony</p> <p>Number of person-hours funded in support of laboratory re-analysis</p> <p>Number of person-hours funded in support of screening and evaluation services</p> <p>Number of person-hours funded in support of litigation services</p> <p>Number of new post-conviction innocence claims <i>received or initiated</i> during the reporting period</p> <p>Number of post-conviction innocence claim reviews <i>completed</i> during the reporting period</p> <p>Number of post-conviction innocence claims awaiting review <i>at the beginning</i> of the reporting period</p> <p>Of the number of claims awaiting review at the beginning of the reporting period, the number of claims that have yet to be reviewed as of the last day of the reporting period.</p> <p>Of the claim reviews completed during the reporting period, the number that identified potentially probative evidence of innocence related to:</p> <ul style="list-style-type: none"> <li>• flawed eyewitness testimony</li> <li>• unreliable or false confession</li> <li>• improper evidence collection</li> <li>• forensic analysis irregularities or misinterpretation</li> <li>• other unreliable evidence</li> </ul>
Improve the effectiveness of the criminal justice system by identifying the	Number of perpetrators identified through re-examination of evidence	Number of perpetrators identified during the reporting period through a re-examination of evidence in post-conviction innocence claim cases

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Objective	Performance Measure(s)	Data Grantee Provides
perpetrator(s) of crime(s) for which there was a post-conviction innocence claim (or wrongful conviction)	Number of arrests	Number of arrests made during the reporting period based upon a re-examination of evidence in post-conviction innocence claims
Increase the efficiency of the claim review process by implementing technological solutions and enhancements that reduce cost and save time	<p>Number of interventions implemented to increase efficiency</p> <p>Percent decrease in person-hours spent processing claims</p> <p>Percent decrease in dollars spent processing claims</p>	<p>Number of BJA-funded technological solutions or interventions implemented during the reporting period to reduce cost or increase the efficiency of the post-conviction litigation process</p> <p>Date(s) of implementation</p> <p>If a technological intervention or solution was implemented during the reporting period:</p> <ul style="list-style-type: none"> <li>• Number of person-hours spent during the reporting period to review and process claims.</li> <li>• Estimated number of hours that <i>would have been</i> expended during the reporting period to review and process claims <i>if the solution had not been implemented.</i></li> </ul> <p>If a technological intervention or solution was implemented during the reporting period:</p> <ul style="list-style-type: none"> <li>• Amount of dollars spent during the reporting period to review and process claims</li> <li>• Estimated amount of dollars that <i>would have been</i> spent during the reporting period to review and process claims <i>if the solution had not been implemented</i></li> </ul>

OJP does not require applicants to submit performance measures data with their applications. Instead, applicants should discuss in their application their proposed methods for collecting data for performance measures. Refer to the section “What an Application Should Include” on page 9 for additional information.

**Note on Project Evaluations**

Applicants that propose to use federal 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 “Other Requirements for OJP Applications” web page ([www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm)). Applicants whose proposals may involve a research or statistical component also should review the “Confidentiality” section on that web page.

## Notice of Post-Award FFATA Reporting Requirement

Applicants should anticipate that OJP will require all recipients (other than individuals) of awards of \$25,000 or more under this solicitation, consistent with the Federal Funding Accountability and Transparency Act of 2006 (FFATA), to report award information on any first-tier subawards totaling \$25,000 or more, and, in certain cases, to report information on the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients. Each applicant entity must ensure that it has the necessary processes and systems in place to comply with the reporting requirements should it receive funding. Reports regarding subawards will be made through the FFATA Subaward Reporting System (FSRS), found at [www.fsrs.gov](http://www.fsrs.gov).

Note also that applicants should anticipate that no subaward of an award made under this solicitation may be made to a subrecipient (other than an individual) unless the potential subrecipient acquires and provides a Data Universal Numbering System (DUNS) number.

## What an Application Should Include

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 to 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 application elements that BJA 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 Detail Worksheet and Budget Narrative in one document. However, if an applicant submits only one document, it must contain **both** narrative and detail information.

OJP strongly recommends that applicants use of 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.

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### **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 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).

### **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.

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

The abstract should identify the applicant's name, title of the project, and dollar amount requested. The abstract should include goals of the project, a description of the strategies to be used, a numerical listing of key/major deliverables, and coordination plans.

### **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.

Applicants must describe all resources that will contribute to the success of their proposed project, both financial and non-financial, in their program narrative, which must include the following sections:

- 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  
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.

e. Sustainability Plan

Further information is available under the Selection Criteria section, page 13.

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

**a. Budget Detail Worksheet**

See page 4 for examples of what can be funded under this initiative. Applicants must budget funding for one programmatic and one financial point of contact to travel to one DOJ-sponsored financial management training, offered regionally. For locations and dates of the trainings, see [www.esi-bethesda.com/OJPtraining/locations.html](http://www.esi-bethesda.com/OJPtraining/locations.html). Applicants who have previously received a grant award from BJA and have participated in this training as part of that previous award may seek permission to instead participate in the online version of the training if they receive an FY 2013 grant award through this solicitation.

Applicants must also budget funding to travel to one 2-day national training sponsored by BJA's national training and technical assistance provider for the Wrongful Conviction Review Program. The FY 2013 national training event is currently planned to take place in Charlotte, NC. Provide a reasonable best estimate of travel costs.

A sample budget detail worksheet can be found at [www.ojp.gov/funding/forms/budget\\_detail.pdf](http://www.ojp.gov/funding/forms/budget_detail.pdf). Applicants that submit their budget in a different format should include the budget categories listed in the sample budget worksheet. If the grant period is longer than 1 year, the applicant should ensure that the budget reflects the entire grant period, not just 1 year.

For questions pertaining to budget and examples of allowable and unallowable costs, see the OJP Financial Guide at [www.ojp.usdoj.gov/financialguide/index.htm](http://www.ojp.usdoj.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 to reflect the entire grant period; however, the budget summary page totals should reflect the entire grant period.

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

Indirect costs are allowed only if the applicant has a federally approved indirect cost rate. (This requirement does not apply to units of local government.) Attach a copy of the rate approval 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. If DOJ is the cognizant federal agency, obtain information needed to submit an indirect cost rate proposal at [www.ojp.usdoj.gov/funding/pdfs/indirect\\_costs.pdf](http://www.ojp.usdoj.gov/funding/pdfs/indirect_costs.pdf).

**6. Additional Attachments: Project Timeline and Position Descriptions/Resumes**

Attach a project timeline with each project goal, related objective, activity, expected completion date, and responsible person or organization; and 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, detail in your timeline when you anticipate the hiring process to be complete and when the new hires' efforts will commence.

**a. Applicant disclosure of pending applications.**

Applicants are to disclose whether they have pending applications for federally funded assistance 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 be subawarding 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
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Applicants should include the table as 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] does not have pending applications within the last 12 months for federally funded assistance that include requests for funding or 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.”).

**7. Other Standard Forms**

Additional forms that OJP may require in connection with an award are available on OJP’s funding page at [www.ojp.usdoj.gov/funding/forms.htm](http://www.ojp.usdoj.gov/funding/forms.htm). For successful applicants, receipt of funds may be contingent upon submission of all necessary forms. Note in particular the following forms:

- a. [Standard Assurances\\*](#)  
Applicants must read, certify, and submit this form in GMS prior to the receipt of any award funds.
- b. [Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements](#)  
Applicants must read, certify, and submit in GMS prior to the receipt of any award funds.
- c. [Accounting System and Financial Capability Questionnaire](#)  
Any applicant (other than an individual) that is a non-governmental entity and that has not received any award from OJP within the past 3 years, must download, complete, and submit this form.

\*These OJP Standard Assurances and Certifications are forms which applicants accept in GMS. They are not additional forms to be uploaded at the time of application submission.

**Selection Criteria**

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 of 100)**

Identify the problem or challenge your office faces in handling post-conviction claims of innocence. Use data to support any claims made to clearly demonstrate the extent of the problem and provide citations for all data referenced. Describe the applicant’s office’s intake policy, including how cases are screened and the different stages they move through including how many cases the office has processed in the last two calendar years (2011 and 2012), if any, and the case outcomes. Detail at what stage of the process these cases were

completed or closed. Include details about whether the office or region has a current backlog of these types of cases. 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. Describe any problems involving the ability to screen, evaluate, and process post-conviction claims of innocence, including any problems or shortfalls in providing litigation services and quality representation to wrongfully convicted defendants. The applicant 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 of 100)**

Describe the applicant's strategy to address the needs identified in the Statement of the Problem. Describe how the applicant plans 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. Provide any data available that supports the application's proposed project design. Describe how the applicant's 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. Applicants should also describe whether your project design seeks to build capacity by hiring/ building infrastructure to begin accepting additional cases, or whether the office currently is operating at capacity and merely seeks to expand the current caseload.

**3. Capabilities and Competencies (15 percent of 100)**

Describe the management structure for implementation of the strategy, including staffing. Describe how your organization's management structure will be tied to the strategy identified in the "Project Design and Implementation" section. Provide most recent position descriptions outlining the roles and responsibilities of key positions and resumes for current staff (as an attachment). 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. If the applicant is planning to hire attorneys, provide job posting descriptions and describe anticipated recruitment efforts.

**4. Plan for Collecting the Data Required for this Solicitation's Performance Measures (10 percent of 100)**

Explain how the use of funds to defray costs associated with handling post-conviction claims of innocence will be tracked, and how the applicant will assess the impact of the program's efforts. Explain how the progression of claims, including case outcomes, will be tracked. If the applicant does not have a current case management system, and plans to use grant funds to implement one, detail how this will be utilized. For attorney positions funded under this grant, describe how activities of grant-funded attorney positions will be tracked, including amount of time spent on specific cases, the nature of the work performed on said cases, and the amount of time spent on specific tasks pertaining to individual cases. Identify who will be responsible for performance measures and how the information will be used.

**5. Sustainability Plan (5 percent of 100)**

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

## **6. Budget (10 percent of 100)**

Provide a proposed budget for the entire project period that is complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). Budget narratives should demonstrate how applicants will maximize cost effectiveness of grant expenditures. Budget narratives should generally demonstrate cost effectiveness in relation to potential alternatives and the goals of the project.<sup>1</sup> See the additional budget and budget narrative requirements on page 11.

## **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. BJA may use either internal peer reviewers, external peer reviewers, or a combination to review the applications. An external peer reviewer is an expert in the field of 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. 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, and available funding.

The Office of the Chief Financial Officer (OCFO), in consultation with BJA, reviews applications for potential discretionary awards to evaluate the fiscal integrity and financial capability of applicants, examines proposed costs to determine if the budget detail worksheet and budget narrative accurately explain project costs, and determines whether 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, underserved populations, geographic diversity, strategic priorities, past performance, and available funding when making awards.

## **Additional Requirements**

Applicants selected for awards must agree to comply with additional legal requirements upon acceptance of an award. OJP encourages applicants to review the information pertaining to these additional requirements prior to submitting an application. Additional information for each requirement can be found at [www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm).

- Civil Rights Compliance

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<sup>1</sup> Generally speaking, a reasonable cost is a cost that if, 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.

- Civil Rights Compliance Specific to State Administering Agencies
- Faith-Based and Other Community Organizations
- Confidentiality
- Research and the Protection of Human Subjects
- Anti-Lobbying Act
- Financial and Government Audit Requirements
- National Environmental Policy Act (NEPA)
- DOJ Information Technology Standards (if applicable)
- Single Point of Contact Review
- Non-Supplanting of State or Local Funds
- Criminal Penalty for False Statements
- Compliance with [Office of Justice Programs Financial Guide](#)
- Suspension or Termination of Funding
- Nonprofit Organizations
- For-profit Organizations
- Government Performance and Results Act (GPRA)
- Rights in Intellectual Property
- Federal Funding Accountability and Transparency Act of 2006 (FFATA)
- Awards in Excess of \$5,000,000 – Federal Taxes Certification Requirement
- Policy and Guidance for Conference Approval, Planning, and Reporting
- OJP Training Guiding Principles for Grantees and Subgrantees

## How To Apply

Applicants must submit applications through Grants.gov. Applicants must first register with Grants.gov in order to submit an application 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 well in advance of 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.

**Note:** BJA 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 email updates will be notified.

All applicants are required to complete the following steps:

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 to for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and subrecipients. 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 replaces the Central Contractor Registration (CCR) database** as the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. 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. (Previously, organizations that had submitted applications via Grants.gov were registered with CCR, as it was a requirement for Grants.gov registration. SAM registration replaces CCR as a pre-requisite for Grants.gov registration.) Applicants must **update or renew their SAM registration annually** to maintain an active status.

Applicants that were previously registered in the CCR database must, at a minimum:

- Create a SAM account;
- Log in to SAM and migrate permissions to the SAM account (all the entity registrations and records have already been migrated).

Applicants that were not previously registered in the CCR database must register in SAM prior to registering in Grants.gov. 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

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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 (CFDA) number for this solicitation is 16.746, titled "Capital Case Litigation/Wrongful Conviction Review Program," and the funding opportunity number is BJA-2013-3414.
6. **Complete the Disclosure of Lobbying Activities.** All applicants must complete this information. An applicant that expends any funds for lobbying activities must provide the detailed information requested on the form, *Disclosure of Lobbying Activities*, (SF-LLL). Applicants that do not expend any funds for lobbying activities should enter "N/A" in the required highlighted fields.
7. **Submit an 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 an e-mail validation message from Grants.gov. The message will state whether OJP has received and validated the application, or rejected it, with an explanation. **Important:** OJP urges applicants to submit applications **well in advance** of the application due date to allow time to receive the validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification.

**Note: Grants.gov only permits the use of specific characters in names of attachment files. Valid file names may only include the following characters: A-Z, a-z, 0-9, underscore ( \_ ), hyphen (-), space, and period. Grants.gov will forward the application 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."

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

If an applicant submits multiple versions of an application, BJA will review the most recent version submitted.

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

Applicants who experience unforeseen Grants.gov technical issues beyond their control that prevent them from submitting their application by the deadline must e-mail the BJA Justice Information Center (see page 1 for contact information) **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 DUNS number, and any Grants.gov Help Desk or SAM tracking number(s). **Note: BJA does not automatically approved requests.** After the program office reviews the submission, and contacts the Grants.gov or SAM Help Desks to validate the reported technical issues, BJA will inform the applicant whether the request to submit a late

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application has been approved or denied. If the technical issues reported cannot be validated, BJA will reject the application as untimely.

The following conditions are not valid reasons to permit late submissions: (1) failure to register in sufficient time, (2) failure to follow Grants.gov instructions on how to register and apply as posted on its web site, (3) failure to follow all of the instructions in the OJP solicitation, and (4) 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.usdoj.gov/funding/solicitations.htm](http://www.ojp.usdoj.gov/funding/solicitations.htm).

## Provide Feedback to OJP on This Solicitation

To assist OJP in improving its application and award processes, we encourage applicants to provide feedback on this solicitation, application submission process, and/or the application review/peer review process. Feedback can be provided 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, e-mail your resume to [ojppeerreview@lmbps.com](mailto:ojppeerreview@lmbps.com). The OJP Solicitation Feedback e-mail account cannot 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 has submitted an application.

# Application Checklist

## FY 2013 Wrongful Conviction Review Program

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

### Eligibility Requirement:

- Public or non-profit entity
- The federal amount requested is within the allowable limit of \$250,000

### What an Application Should Include:

- Application for Federal Assistance (SF-424) (see page 10)
- Project Abstract (see page 10)
- Program Narrative\* (see page 10)
- Budget Detail Worksheet\* (see page 11)
- Budget Narrative\* (see page 11)
- Indirect Cost Rate Agreement (if applicable) (see page 12)
- Project Timeline (see page 12)
- Position Descriptions/Resumes (see page 12)
- Other Standard Forms as applicable, including (see page 13):
  - Accounting System and Financial Capability Questionnaire (if applicable)

\*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.