

**U.S. Department of Justice**  
Office of Justice Programs  
*Bureau of Justice Assistance*



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The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP) [Bureau of Justice Assistance](#) (BJA) seeks applications under the Tribal Civil and Criminal Legal Assistance (TCCLA) Program. The TCCLA Program supports the Department's goals by enhancing tribal-state relations, providing legal assistance, and sharing promising strategies to address public safety and respond to violent crimes in Indian Country.

## **Tribal Civil and Criminal Legal Assistance Grants, Training and Technical Assistance Fiscal Year 2018 Competitive Grant Announcement**

**Applications Due: July 2, 2018**

### **Eligibility**

#### **CATEGORY 1: TRIBAL CIVIL LEGAL ASSISTANCE GRANTS**

Eligible applicants in Category 1 are limited to nonprofit organizations as defined by 26 U.S.C § 501(c)(3), including tribal nonprofit organizations, tribal enterprises, and educational institutions (public, private, and tribal colleges and universities) with experience providing legal assistance services to eligible individuals pursuant to federal poverty guidelines, federally recognized Indian tribes (as determined by the Secretary of the Interior), or tribal justice systems. Federal poverty guidelines are updated every year by the U.S. Department of Health and Human Services at <https://aspe.hhs.gov/poverty-guidelines>.

#### **CATEGORY 2: TRIBAL CRIMINAL LEGAL ASSISTANCE GRANTS**

Eligible applicants in Category 2 are limited to nonprofit organizations as defined by 26 U.S.C § 501(c)(3), including tribal nonprofit organizations, tribal enterprises, and educational institutions (public, private, and tribal colleges and universities) with experience providing legal assistance services to eligible individuals pursuant to federal poverty guidelines, federally recognized Indian tribes (as determined by the Secretary of the Interior), or tribal justice systems. Federal poverty guidelines are updated every year by the U.S. Department of Health and Human Services at <https://aspe.hhs.gov/poverty-guidelines>.

#### **CATEGORY 3: TRIBAL JUSTICE TRAINING AND TECHNICAL ASSISTANCE**

Eligible applicants in Category 3 are limited to national or regional membership organizations and associations whose membership consist of judicial system personnel within tribal justice systems.

For purposes of this solicitation, a "tribal justice system" is defined as a federally recognized Indian tribe's entire judicial branch—including traditional methods and forums for dispute

resolution, tribal courts, appellate courts, inter-tribal courts, alternative dispute resolution systems, and circuit rider systems—established by inherent authority, whether or not it constitutes a court of record.

“Judicial system personnel” are defined as any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee (e.g., tribal defenders and tribal prosecutors), or volunteer within the tribal judicial system.

All recipients and subrecipients (including any for-profit organization) must forgo any profit or management fee.

BJA welcomes applications under which two or more entities would carry out the federal award; however, only one entity may be the applicant. Any others must be proposed as subrecipients (subgrantees).<sup>1</sup> The applicant must be the entity that would have primary responsibility for carrying out the award, including administering the funding and managing the entire project or program. Under this solicitation, only one application by any particular applicant entity will be considered. An entity may, however, be proposed as a subrecipient (subgrantee) in more than one application.

BJA may elect to fund applications submitted under this Fiscal Year (FY) 2018 solicitation in future fiscal years, dependent on, among other considerations, the merit of the applications and on the availability of appropriations.

## Deadline

Applicants must register with Grants.gov at <https://www.grants.gov/web/grants/register.html> prior to submitting an application. All applications are due by 11:59 p.m. eastern time on July 2, 2018.

To be considered timely, an application must be submitted by the application deadline using Grants.gov, and the applicant must have received a validation message from Grants.gov that indicates successful and timely submission. OJP urges applicants to submit applications at least 72 hours prior to the application due date, to allow time for the applicant 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.

OJP encourages all applicants 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.

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<sup>1</sup> For additional information on subawards, see "Budget and Associated Documentation" under [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, 606-545-5035, at <https://www.grants.gov/web/grants/support.html>, or at [support@grants.gov](mailto:support@grants.gov). The Grants.gov Support Hotline operates 24 hours a day, 7 days a week, except on federal holidays.

An applicant that experiences unforeseen Grants.gov technical issues beyond its control that prevent it from submitting its application by the deadline must email the contact identified below **within 24 hours after the application deadline** to request approval to submit its application after the deadline. Additional information on reporting technical issues appears 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 800-851-3420; via TTY at 301-240-6310 (hearing impaired only); email [grants@ncjrs.gov](mailto:grants@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.

Frequently asked questions (FAQs) about the Tribal Civil and Criminal Legal Assistance Grants, Training and Technical Assistance FY 2018 Competitive Grant Announcement may be accessed under the FAQs tab for BJA's TCCLA Program webpage at [https://www.bja.gov/ProgramDetails.aspx?Program\\_ID=102](https://www.bja.gov/ProgramDetails.aspx?Program_ID=102).

Grants.gov number assigned to this solicitation: BJA-2018-13540

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# **Tribal Civil and Criminal Legal Assistance Grants, Training, and Technical Assistance Fiscal Year 2018 Competitive Grant Announcement (CFDA # 16.815)**

## **A. Program Description**

### **Overview**

The TCCLA Program provides civil and criminal legal assistance to low-income individuals, Indian tribes, and tribal justice systems, and provides quality training and technical assistance (TTA) to TCCLA grantees and Indian tribes to support the development and enhancement of tribal justice systems and access to those systems.

TCCLA resources are important as tribes begin to implement new authorities such as enhanced sentencing authority (referred to as “felony sentencing authority”) (25 U.S.C. §1302, *et seq.*) or opt into exercising the “special domestic violence criminal jurisdiction” (referred to as “extended jurisdiction”) (25 U.S.C. §1304, *et seq.*) for the protection of due process rights, such as the right to counsel for indigent defendants.

### **Statutory Authority**

Any award under this solicitation would be made under statutory authority provided by the Consolidated Appropriations Act, 2018 and by the Indian Tribal Justice Technical and Legal Assistance Act of 2000, Title I (25 U.S.C. 3651, *et seq.*).

### **Program-specific Information**

The purpose of BJA’s TCCLA Program is to strengthen and improve the capacity of tribal justice systems that address civil and criminal causes of action under tribal jurisdiction and to ensure access to quality TTA for the development and enhancement of tribal justice systems. Specifically, this solicitation seeks: (1) civil legal assistance services; (2) criminal legal assistance services; and (3) TTA that will (a) develop, pilot, and implement a holistic defense capacity building initiative, and (b) seek a task team to explore the impact of new authorities in relation to indigent defendants under tribal jurisdiction, due process protections, efforts to address the underlying issues leading to reduction in crime and recidivism, the use of alternatives to incarceration and other programming, and make recommendations for next steps.

### **For Category 1 and 2, BJA Seeks Applicants to Support *Civil Legal Assistance, Criminal Legal Assistance and Other Types of Legal Assistance***

For Category 1, Civil Legal Assistance, and Category 2, Criminal Legal Assistance applicants are encouraged to develop their strategies to support holistic defense. For example, an applicant may use civil legal assistance to address collateral consequences of conviction and arrest and use criminal legal assistance for indigent defense services. Applicants interested in participating in the following--(1) the Holistic Defense Capacity Development Initiative, a resource development and pilot program (pilot), (2) discussion forums on the impact of new authorities (i.e., Tribal Law and Order Act [TLOA] and the Violence Against Women Act [VAWA]) on defendants, or (3) trial skills training--should express interest through their

applications and budget. For the holistic defense pilot participation, applicants are encouraged to apply for Category 1.

**For Category 1**, BJA seeks applicants interested in using civil legal assistance resources to (1) address collateral consequences of conviction and arrest and other types of legal assistance such as code development or tribal-state relations and (2) a holistic defense pilot. Also, applicants are requested to support annual veterans' clinics and legal assistance for Native American veterans, their spouses, and children See [Category 1 and 2 Requirements](#) for additional information.

**For Category 2**, BJA seeks applicants to support indigent defense resources and other types of legal assistance supporting due process protections and rights of defendants (e.g., trial skills training on criminal defense), programming for diversion programs, holistic defense pilot, and other customized requests. Also, applicants are requested to support annual veterans' clinics and legal assistance for Native American veterans, their spouses, and children. See [Category 1 and 2 Requirements](#) for more information.

Examples of previous TCCLA Programs include:

- **Yurok Wellness Court Hosts a Joint Jurisdiction Diversion Program**  
The *Hoh ku moh* Corporation, through the Yurok Tribe, developed and implemented a diversion program—the Yurok Wellness Court. Under a Memorandum of Understanding (MOU), the Yurok Tribe may petition to transfer eligible cases of nonviolent tribal adult offenders from the state court to the Yurok Wellness Court. If an offender fails to participate, the case is returned to state jurisdiction. Through this joint jurisdiction collaboration, parties agreed to co-monitor clients, establish protocols to transfer cases, secure state court recognition of tribal court orders, and meet the cultural needs of tribal offenders. As a result, the Yurok Wellness Court will expand its services to include juvenile offenders in state custody. The Yurok Wellness Court was featured in [Emerging Practices in Tribal Civil and Criminal Legal Assistance, November 2016](#), and the court and a graduate of the court were featured in the “Tribal Justice” documentary released nationally during summer 2017.
- **Assisting Tribal Courts on Right to Counsel and Due Process**  
The New Mexico Indian Legal Services, a subgrantee of the Native American Rights Fund (NARF), continues to assist tribal courts in its service area on right to counsel and due process, pursuant to the Indian Civil Rights Act (ICRA). For example, it provided research and information on right to counsel to the Zuni Constitution Revision Committee. It also represents individual Indian defendants in Pueblo tribal courts on cases involving due process violations under ICRA and provides education materials on rights afforded under ICRA.
- **Public Defender Services & Tribal Advocacy Certificate Program**  
Montana Legal Services Association (MLSA), a subgrantee of NARF, supports public defender services on the Northern Cheyenne Reservation. MLSA partnered with the Northern Cheyenne Tribal Court and Dull Knife Memorial College to establish a tribal advocacy certificate program in response to the lack of advocacy services available on the remote reservation. As a result, there are now trained tribal court advocates from the local community providing representation in tribal court. MLSA also developed a curriculum to train tribal advocates, assisting their performance in tribal courts.

These accomplishments are useful to tribes and TCCLA grantees and subgrantees that have leveraged lessons learned to implement their projects. The work continues to make communities safer by reducing crime and recidivism, while ensuring due process and equal protection for individuals in tribal criminal proceedings.

### **For Category 3, BJA Seeks Applicants to Support a *Holistic Defense Capacity-Building Initiative***

Applicants should consider the information below before developing their applications for holistic defense initiative, a culturally appropriate, resource development and capacity building pilot. Applicants are requested to develop, pilot, and implement holistic defense strategies. Applicants are expected to work with BJA grantees, partnering tribes, and other partners such as federal, state, or local agencies; universities and law schools; and family members of defendants. Current or past TCCLA grantees and subgrantees and their partnering tribe(s) may participate.

Holistic and traditional justice is inherent in tribal life ways. Tribes and public defender's offices use holistic and traditional justice, including healing principles, to achieve better outcomes for their clients and their families and communities. Some tribal public defender's offices focus on the cause(s) of criminal behavior combined with legal advocacy, a seamless access to services that meets legal and social support needs. These systems are as diverse as each tribal culture. For more information, see [Report on Holistic and Traditional Justice Roundtable](#), August 2016.

For one tribe, the Office of Public Defender (Tribal Defenders) of the Confederated Salish and Kootenai Tribes implemented a holistic defense strategy to address recidivism and many direct and collateral issues experienced by their clients. Sponsored by BJA, through intensive capacity building assistance, the Tribal Defenders planned and implemented a criminal/civil legal assistance partnership with the western traditional public defender's office. Together, they addressed the cause of criminal behavior and the collateral consequences of criminal prosecution, such as child custody, housing, and employment, in order to achieve better outcomes for their clients. The Bronx Defenders, a former BJA grantee, began providing TTA nationally through the [Center for Holistic Defense](#), with one tribe initially accessing TTA.

The Tribal Defenders, like others, experienced many issues such as:

- High recidivism rates,
- High incidence of co-occurring mental health and chemical dependency among their clients,
- Lack of resources, treatment, and coordination, and
- Need for capacity building expertise.

For more information and examples, see [Emerging Practices In Tribal Civil and Criminal Legal Assistance](#).

### **Goals, Objectives, and Deliverables**

The overall goals of TCCLA are to: (1) enhance the operations of tribal justice systems and improve access to those systems; and (2) provide TTA for the development and enhancement of tribal justice systems.

**Category 1: Civil Legal Assistance: Grant maximum: \$300,000: Project period: 24 months. Competition ID: BJA-2018-13962.**

The goal of this category is to enhance the civil legal operations of tribal justice systems and improve access to those system by tribal members. The objectives are to provide:

- Civil legal assistance services for tribal members, pursuant to federal poverty guidelines, federally recognized Indian tribes, and tribal justice systems.
- Other legal assistance services (i.e., project-based) to support tribes enhancing their capacity, operations, or legal infrastructure. Project-based services, other than legal representation, include, but are not limited to, capacity- building services and special institutional projects (e.g., implement authorities under TLOA and 2013 Reauthorization of VAWA), or other activities described in Chapter 38A of the 25 U.S.C. 3651 *et seq.*3662.

Award recipients are expected to provide civil legal assistance services that may include guardian ad-litem appointments, court-appointed special advocates, and development and enhancement of tribal court policies, procedures, and code. Award recipients are expected to coordinate and collaborate at the local level to effectively utilize resources and engage the tribal justice system community, educational institutions, community-based organizations, and neighboring jurisdiction(s), when appropriate. They are also expected to produce project and educational material (reports, publications, webinars, etc.) that document individual project-based activities and/or TTA efforts and highlight issues of local and/or national importance from a policy, legal or implementation standpoint.

See Requirements below.

**Category 2: Criminal Legal Assistance: Grant maximum: \$300,000: Project period: 24 months. Competition ID: BJA-2018-13963.**

The goal of this category is to enhance the criminal legal operations of tribal justice systems and improve access to those systems by tribal citizens. The objectives are to provide:

- Criminal defense counsel services at tribal criminal proceedings to individuals, pursuant to federal poverty guidelines, federally recognized Indian tribes, and tribal justice systems.
- Other legal assistance (i.e., project-based) to support tribes enhancing their criminal legal capacity, operations, or legal infrastructure. Project-based services, other than legal representation, include, but are not limited to, capacity-building services, special institutional projects (e.g., implement authorities under TLOA and VAWA), or other activities in 25 U.S.C. 3663.

Award recipients are expected to provide criminal defense counsel services that may include adult criminal actions, juvenile delinquency actions, and guardian ad-litem appointments arising out of criminal delinquency acts, or development and enhancement of tribal court policies and procedures and codes. Award recipients are expected to coordinate and collaborate at the local level to effectively utilize resources and engage the tribal justice system community, educational institutions, community-based organizations, and neighboring jurisdiction(s), when appropriate. They are also expected to develop project and educational material (reports, publications, webinars, etc.) that document individual project-based activities and/or TTA efforts and highlight issues of local and/or national importance from a policy, legal or implementation standpoint.

### **Category 1 and 2 Deliverables and Requirements:**

An applicant and any subrecipients under this award shall have the legal and technical knowledge, skills, and experience to provide, in a tribal justice system, civil legal assistance for Category 1 or criminal defense services for Category 2. Following are the expectations for knowledge, skills, and experience, including information on entry-level personnel:

- Knowledge includes demonstrated expertise in federal, state, and tribal laws, ordinances, regulations, and case law. For Category 2 applicants only, particular knowledge of the Sixth Amendment and ICRA, in relation to TLOA and VAWA and other tribal justice system challenges and practices, is expected. For all applicants, equally important is knowledge of the history, culture, and customs of tribal people.
- Skill set demonstrates expertise in delivering, managing, and planning civil or criminal legal assistance services and project-based assistance at national, regional, and local levels. Skill must be demonstrated in oral and written communication, as well as establishing and maintaining effective working relationships with the community, tribal government, and other community-based organizations and service providers. The applicant must be able to apply knowledge and experience to initiate, implement, and manage intergovernmental relations impacting Indian tribes, tribal justice systems, and American Indian and Alaska Natives (AI/AN).
- Experience includes effective problem solving within tribal settings.. Experience that includes working with or within tribal justice systems and understanding their operational and organizational structure, culture, and environment, including an understanding of a legal services organization's role in tribal justice systems, are encouraged. Further, an applicant must demonstrate experience in working effectively with Indian tribes, community dynamics, and tribal culture.
- For entry-level positions, an applicant will provide the necessary training on working effectively with Indian tribes and education about current tribe(s) and tribal justice system(s) in the service area those positions will serve.

An applicant is also required to:

- Develop and implement cost-efficient, project-based activities such as capacity building, legal infrastructure development, and program development. Collaboration is strongly encouraged for all project-based activities. Post award, the applicant is expected to coordinate locally with tribes to obtain tribal agreements. For each project, tribal agreements are requested, see "6. Tribal Authorizing Resolution" of ["What an Application Should Include."](#)
- Provide information on how it determines which Indian tribe(s) and tribal justice system(s) receive civil and/or criminal legal services and project-based services.
- Include the amount of \$20,000 in the budget for travel for training, if the application includes more than five subgrantees. Travel resources are to attend DOJ-sponsored trainings (e.g., TCCLA-sponsored training events) and other training events.
- Develop and circulate a fact sheet in the tribal community announcing resources for legal services and project-based services that includes eligibility information.
- Develop and collect client satisfaction surveys and develop a plan to increase the volume of surveys completed.
- Develop and provide BJA with a one-page summary of BJA-funded activities by fiscal year (i.e., FY 2018, FY 2019) and project period. Include types of legal services (e.g.,

conflict counsel) and project-based activities, followed by the point of contact. BJA may request updates of this summary for coordination, grant management, and briefing materials. Develop a one- to two-page summary of each completed grant project that BJA can use to communicate to DOJ and the public about grantee accomplishments using grant funds.

- Participate in BJA coordination and collaborative activities such as holistic defense and, when requested, collaborative conference calls and other activities.
  - Where appropriate, coordinate with federal agencies.
  - Establish an advisory committee to foster collaboration and cooperation and minimize duplication among TCCLA Program grantees and subgrantees. The committee may also serve as peer reviewers for curriculum development or how-to manuals.
  - Hold annual veterans' clinics for Native American veterans, their spouses and children that may include both civil and criminal legal assistance resources.
  - If applying for the holistic defense pilot, provided below is general guidance on resources to include in your application for participation.
    - First phase will focus on national planning to define holistic defense with input from the field and curriculum development. Include budget to: attend a 2-day national roundtable and an additional 2-day curriculum development session held in the Western U.S. for your tribal justice team; hire an evaluator as a team member throughout this initiative; and conduct pilot activities (e.g., internal planning, educating leadership).
    - Second phase will focus on pilot implementation and training. Include budget for your team to attend two 2-day development sessions and to conduct pilot activities (e.g., map resources, review of codes and policies and procedures, review collateral consequences and related activities, etc.).
    - Third phase will focus on curriculum revisions and distribution and implementation of final curriculum. Include budget for your team to attend one, 2-day development session and to conduct pilot activities or next steps in your plan.
  - If interested in participating in discussion forums on impact of new authorities (i.e. TLOA and VAWA) on: (1) defendant's rights and protections in tribal courts and other tribal justice systems; and (2) the underlying causes of crime, conviction, and recidivism, including the direct and collateral consequences and strategies implemented to reduce crime and recidivism, include budget for your team to attend up to three, two-day discussion forums held in the Western U.S.
  - If interested in attending trial skills training, include budget for your attorneys/tribal advocates to attend up to three trial skills training sessions held in the Western U.S.
- Post award, to assist TTA partner(s) and the BJA Policy Advisor in current and future planning and coordination activities, develop and submit three one-page reports on:
  - Emerging issues (e.g., description of the increase in cases where opioid abuse is present) to identify opportunities and challenges.

- TTA needs to accomplish the work described in the application.
- Information from clients, tribes, and the tribal justice system using creative and innovative methods to capture their viewpoints. The information will help to better define “quality legal services and training and technical assistance” identified in the TCCLA authorization.
- Deliver all products, other than legal representation, to BJA after an editorial review has been conducted, including:
  - Hire an editor, who has professional writing skills, to conduct editorial reviews of deliverables under this award. Reviews will include, but are not limited to, the following parameters: scope, content, grammar, desktop published products, 508 compliance, and progress reports.
  - Deliverables include, but are not limited to: projects, publications, presentations, distance learning products, codes, websites, policies, and procedures.
- Keep a log of activities and outcomes and provide regular reports to the BJA Policy Advisor in order to determine the effectiveness of editorial review. This task focuses on improving “quality” TTA for grantees, subgrantees, legal services, and Indian tribes consistent with the “Purposes” described in 25 U.S.C. 3652.
- Factor in an approximate 120-day pre-approval time period for training delivery; the approval request should be submitted 120 days prior to the proposed meeting/training delivery date.

**Category 3: Tribal Justice Training and Technical Assistance. Grant maximum: \$600,000: Project period: 24 months. Competition ID: BJA-2018-13964.**

The purpose of this category is to improve the capacity and the quality of indigent criminal defense services and defense strategies for tribal justice systems. Successful applicant(s) will propose a TTA strategy that focuses on the following activities:

- Identify needs and deliver customized TTA, including trial skills training, to grantees and subgrantees, Indian tribes working with grantees or subgrantees, and, if resources allow, other BJA grantees and interested Indian tribes.
- Develop, pilot, and implement a holistic defense initiative.
- Explore the impact of current authorities (i.e., TLOA and VAWA) on defendants in tribal courts and on other tribal justice systems, identify policy issues, and make recommendations.
- Hold annual veterans’ clinics for veterans, their spouses, and children.

***Category 3 Deliverables and Requirements***

In coordination with BJA, the award recipient will provide the following:

- Legal and technical knowledge, skills, and experience to plan, manage, and deliver a national TTA program to support grantees, legal services, and Indian tribes; provide regular written and verbal updates; and coordinate with other TTA providers (public, private, or tribal). The TTA will target TCCLA grantees and justice systems and provide other criminal legal assistance services in a tribal setting.
  - Knowledge includes, but is not limited to, demonstrated expertise in federal, state, and tribal laws, ordinances, regulations, and case law. In particular knowledge of the Constitution, Bill of Rights, and ICRA in relation to TLOA and VAWA and other tribal justice systems challenges and practices is expected.

Equally important is knowledge of the history, culture, and customs of tribal people.

- Demonstrate skill and experience in planning, developing, delivering, and managing services and TTA on a national level. The applicant is expected to be skilled in oral and written communication. Establishing and maintaining effective working relationships with the tribal justice community, tribal government, and other community-based organizations and service providers is required. The applicant is expected to apply knowledge and experience to initiate, implement, and manage tribal-federal-state-local intergovernmental relations impacting Indian tribes and AI/ANs.
- Experience including problem solving quickly to rescue a project or address other matters. Experience either working with or within tribal public defense systems of courts and understanding their operational and organizational structures, culture, and environment, including understanding of the role of legal services organizations in tribal justice systems are encouraged. Further, the applicant must demonstrate experience working in or with tribal governments and have experience in working effectively with Indian tribes, community dynamics, and tribal culture.
- Customized TTA for FY 2016 through FY 2018 TCCLA award recipients. This includes one grantee with 24 subgrantees implementing civil legal assistance, and one grantee with 21 subgrantees implementing criminal legal assistance. The applicant may use, but is not limited to, a variety of methods such as distance learning, publications, needs assessment, onsite TTA, or other methods. Also, conduct training sessions on due process protections and trial skills training with instructor(s) who meet the criteria described above, in the first bullet. For legal skills-based training sessions, legal instructor(s) must be licensed.
- Develop, pilot, and implement a holistic defense capacity-building initiative. Specifically, through a collaborative approach, coordinate and develop resources, pilot initial resources targeting three to five teams of BJA award recipients and appropriate partners, revise resources, and then implement this capacity-building pilot. Past and present TCCLA award recipients, subgrantees, and partnering tribes may be considered. Applicants are expected to:
  - Submit a plan for BJA approval to develop and implement a pilot holistic defense capacity-building initiative. Include a collaborative approach to developing resources and deliverables. For example, prior to BJA publication review, a publication outline and final product will be developed with input from DOJ TTA providers, federal agency representatives, tribes, grantees and defendants.
  - Include an evaluator with tribal public defense experience or knowledge to assist in planning and delivery.
  - Conduct a national roundtable (up to 40 attendees) to define holistic defense elements for a tribal setting; discuss underlying causes of crime, conviction, and recidivism; identify coordination points that connect to national holistic defense efforts; and provide a roundtable report. The roundtable will be held in the Western United States at a location to be determined that will accommodate attendees who may drive rather than fly commercial airlines.

- Establish a peer review panel or advisory council to peer review deliverables before submitting to BJA for review and approval.
- Develop performance measures for selected sites and support ongoing measurement of performance and outcomes.
- Develop curriculum, training, publications, and other materials, as needed.
- Consider engaging current and past tribal defendants and their family members, tribal public defender offices that have implemented a holistic defense strategy or holistic justice strategy, and the Center for Holistic Defense.
- Identify a team of experts (task team) to gather information for a report on the impact of new authorities (i.e., TLOA and VAWA) on: (1) defendant's rights and protections in tribal courts and other tribal justice systems; and (2) the underlying causes of crime, conviction, and recidivism, including the direct and collateral consequences and strategies implemented to reduce crime and recidivism. This will include:
  - A report that will include, but not be limited to, policy and programs barriers and issues, successful responses (e.g., strategies, programming, coordination), needs, and recommendations.
  - The task team should propose methods of collaboration that will enable peers to communicate regarding emerging practices and common threats. This may include collaborative conference calls sponsored by BJA with DOJ components, other federal agencies, grantees, tribes and others to identify their problems, needs, and interests.
  - The task team may use various methods (e.g., meetings, conference calls) to collect information.
  - Information from the report identified in the first sub-bullet of this section will be used to develop a primer for tribal leadership and executives and other publications. All publications will be coordinated using a collaborative process for development, then a final, edited product will be delivered to BJA for review and approval.
  - Develop products, as needed, such as publications or webinars.
  - **Funding of \$100,000 dedicated to support the task team and to implement this project.**
- Plan, coordinate, and report annual veterans' clinics and Continuing Legal Education training sessions. Coordination will include: U.S. Department of Veterans' Affairs; U.S. Department of Interior's Bureau of Indian Affairs; and U.S. Department of Health and Human Services' Indian Health Services. Provide resources to support up to four posters or a unique design (e.g., logo) developed by veteran(s) for BJA grantees and tribes to promote the clinic and training via posters, flyers, and online.
- Develop a one-page fact sheet announcing services and how to access them, and update other TCCLA Program publications (e.g., An Overview of TCCLA Program and Resources), if needed.
- Develop and submit to Senior Policy Advisor, who manages TCCLA Program, regular updates on public defense activities and legal cases impacting the rights of Indian tribes and Indian people. Coordinate with BJA to develop a primer on public defense in Indian Country.

- Develop a one-to-two page summary of each completed grant project or deliverable to communicate to DOJ and public audiences what each grantee accomplished with TTA.
- Provide scholarships to support tribes with inadequate resources to attend TCCLA-sponsored TTA events and holistic defense initiatives. The budget should consider travel from remote regions of Alaska.
- Coordinate with other DOJ and other federally funded TTA providers, federal agencies, and other partners. Participate in BJA coordination and collaborative activities, including conference calls and other designated activities.
- Hire an editor, who has professional writing skills, to review all deliverables, progress reports, and desktop published products under this award for scope, content, grammar, and, where appropriate, 508 compliance, and offer services to review deliverables for grantees and other BJA-funded TTA providers. Deliverables include but are not limited to publications, presentations, distance learning products, and websites.
- Keep a log of activities and outcomes and provide regular reports to the BJA Policy Advisor to determine the editor's effectiveness. This set of tasks focuses on improving "quality" TTA for grantees, legal service providers, and Indian tribes consistent with the "Purposes" described in 25 U.S.C. 3652.
- Factor in an approximate 120-day pre-approval time period for training delivery; the approval request should be submitted 120 days prior to the proposed training delivery date.

The Goals, Objectives, and Deliverables are directly related to the performance measures that demonstrate the results of the work completed, as discussed in [Section D. Application and Submission Information](#), under Program Narrative.

### **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 website at <https://www.crimesolutions.gov> is one resource that applicants may use to find information about evidence-based programs in criminal justice, juvenile justice, and crime victim services.

### **Information Regarding Potential Evaluation of Programs and Activities**

The Department of Justice has prioritized the use of evidence-based programming and deems it critical to continue to build and expand the evidence informing criminal and juvenile justice programs to reach the highest level of rigor possible. Therefore, applicants should note that OJP may conduct or support an evaluation of the programs and activities funded under this solicitation. Recipients and sub-recipients will be expected to cooperate with program-related assessments or evaluation efforts, including through the collection and provision of information or data requested by OJP (or its designee) for the assessment or evaluation of any activities and/or outcomes of those activities funded under this solicitation. The information or data requested may be in addition to any other financial or performance data already required under this program.

## **B. Federal Award Information**

BJA expects to make three awards totaling approximately \$1,200,000:

### **CATEGORY 1: Civil Legal Assistance**

BJA expects to make one award up to \$300,000, for a 24-month performance period, beginning October 1, 2018.

### **CATEGORY 2: Criminal Legal Assistance**

BJA expects to make one award up to \$300,000, for a 24-month performance period, beginning October 1, 2018.

### **CATEGORY 3: Tribal Justice Training and Technical Assistance**

BJA expects to make one award up to \$600,000, for a 24-month performance period, beginning October 1, 2018.

BJA may, in certain cases, provide additional funding in future years to awards made under this solicitation, through continuation awards. In making decisions regarding continuation awards, OJP will consider, among other factors, the availability of appropriations, when the program or project was last competed, OJP's strategic priorities, and OJP's assessment of both the management of the award (for example, timeliness and quality of progress reports), and the progress of the work funded under the award.

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

### **Type of Award**

BJA expects to make any award under this solicitation for Category 1: Civil Legal Assistance and Category 2: Criminal Legal Assistance in the form of a grant. See [Administrative, National Policy, and Other Legal Requirements](#), under [Section F. Federal Award Administration Information](#), for a brief discussion of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants.

BJA expects to make one award under this solicitation for Category 3: Tribal Justice Training and Technical Assistance in the form of a cooperative agreement, which is a type of award that provides for OJP to have substantial involvement in carrying out award activities. See [Administrative, National Policy, and Other Legal Requirements](#), under [Section F. Federal Award Administration Information](#), for a brief discussion of what may constitute substantial federal involvement.

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

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities<sup>2</sup>) must, as described in the Part 200 Uniform Requirements<sup>3</sup> as set out at 2 C.F.R. 200.303:

- (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that [the recipient (and any subrecipient)] 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 recipient’s (and any subrecipient’s)] compliance with statutes, 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 recipient (or any subrecipient)] considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

To help ensure that applicants understand the applicable administrative requirements and cost principles, OJP encourages prospective applicants to enroll, at no charge, in the DOJ Grants Financial Management Online Training, available at <https://ojpfgm.webfirst.com/>. (This training is required for all OJP award recipients.)

Also, applicants should be aware that OJP collects information from applicants on their financial management and systems of internal controls (among other information) which is used to make

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<sup>2</sup> For purposes of this solicitation, the phrase “pass-through entity” includes any recipient or subrecipient that provides a subaward (“subgrant”) to a subrecipient (subgrantee) to carry out part of the funded award or program. Additional information on proposed subawards is listed under [What an Application Should Include](#), Section D of this solicitation.

<sup>3</sup> The “Part 200 Uniform Requirements” means the DOJ regulation at 2 C.F.R Part 2800, which adopts (with certain modifications) the provisions of 2 C.F.R. Part 200.

award decisions. Under [Section D. Application and Submission Information](#), applicants may access and review a questionnaire—the [OJP Financial Management and System of Internal Controls Questionnaire](#)—that OJP requires **all** applicants (other than an individual applying in his/her personal capacity) to download, complete, and submit as part of the application.

## **Budget Information**

### **Cost Sharing or Matching 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.

For additional information on cost sharing and match, see the DOJ Grants Financial Guide at <https://ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.3b.htm>.

### **Pre-agreement Costs (also known as Pre-award Costs)**

Pre-agreement costs are costs incurred by the applicant prior to the start date of the period of performance of the federal award.

OJP does **not** typically approve pre-agreement costs; an applicant must request and obtain the prior written approval of OJP for all such costs. All such costs incurred prior to award and prior to approval of the costs are incurred at the sole risk of the applicant. (Generally, no applicant should incur project costs *before* submitting an application requesting federal funding for those costs.) Should there be extenuating circumstances that make it appropriate for OJP to consider approving pre-agreement costs, the applicant may contact the point of contact listed on the title page of this solicitation for the requirements concerning written requests for approval. If approved in advance by OJP, award funds may be used for pre-agreement costs, consistent with the recipient's approved budget and applicable cost principles. See the section on Costs Requiring Prior Approval in the DOJ Grants Financial Guide at <https://ojp.gov/financialguide/DOJ/index.htm> 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, a recipient may not use federal funds to pay total cash compensation (salary plus cash bonuses) to any employee of the 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>4</sup> The 2018 salary table for SES employees is available on the Office of Personnel Management website at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/18Tables/exec/html/ES.aspx>. 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. (Non-federal funds used for any such additional compensation will not be considered matching funds, where match requirements apply.) If only a portion of an employee's time is charged to an OJP award, the maximum allowable compensation is equal to the percentage of time worked times the maximum salary limitation.

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<sup>4</sup> OJP does not apply this limitation on the use of award funds to the nonprofit organizations listed in Appendix VIII to 2 C.F.R. Part 200.

The Assistant Attorney General for OJP may exercise discretion to waive, on an individual basis, this limitation on compensation rates allowable under an award. An applicant that requests a waiver should include a detailed justification in the Budget Narrative of its application. An applicant that does not submit a waiver request and justification with its application should anticipate that OJP will require the applicant to adjust and resubmit the budget.

The justification should address, in the context of the work the individual would do under the award, the particular qualifications and expertise of the individual, the uniqueness of a service the individual will provide, the individual's specific knowledge of the proposed program or project, and a statement that explains whether and how the individual's salary under the award would be commensurate with the regular and customary rate for an individual with his/her qualifications and expertise, and for the work he/she would do under the award.

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

OJP strongly encourages every applicant that proposes to use award funds for any conference-, meeting-, or training-related activity (or similar event) to review carefully—before submitting an application—the OJP and DOJ policy and guidance on approval, planning, and reporting of such events, available at

<https://www.ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.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 conference, meeting, and training costs for cooperative agreement recipients, as well as some conference, meeting, and training costs for grant recipients; and (3) set cost limits, which include 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 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 "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](#)" in the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>.

## **C. Eligibility Information**

For information on eligibility, see [Title Page information](#).

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

## D. Application and Submission Information

### What an Application Should Include

This section describes in detail what an application should include. An applicant should anticipate that if it fails to submit an application that contains all of the specified elements, it may negatively affect the review of its application; and, should a decision be made to make an award, it may result in the inclusion of award conditions that preclude the recipient from accessing or using award funds until the recipient satisfies the conditions and OJP makes the funds available.

Moreover, an applicant should anticipate that an application that OJP determines is nonresponsive to the scope of the solicitation, or that OJP determines does not include the application elements that BJA has designated to be critical, will neither proceed to peer review, nor receive further consideration. For this solicitation, BJA has designated the following application elements as critical: Program Narrative, Budget Detail Worksheet and Budget Narrative, [Project Timeline and Task Plan package](#), Project Abstract, and (for Category 1 and 2 applications only) the Internal Revenue Service determination letter recognizing the applicant's 501(c)(3) tax exempt status and public charity classification.

**NOTE:** OJP has combined the Budget Detail Worksheet and Budget Narrative in a single document collectively referred to as the Budget Detail Worksheet. See "Budget Information and Associated Documentation" below for more information about the Budget Detail Worksheet and where it can be accessed.

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

Please review the "Note on File Names and File Types" under [How To Apply](#) to be sure applications are submitted in permitted formats.

#### 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 the OJP 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).

To avoid processing delays, an applicant must include an accurate legal name on its SF-424. On the SF-424, current OJP award recipients, when completing the field for "Legal Name" (box 8a), should use the same legal name that appears on the prior year award document (which is also the legal name stored in OJP's financial system.) Also, these recipients should enter the Employer Identification Number (EIN) in box 8b exactly as it appears on the prior year award document. An applicant with a current, active award(s) must ensure that its GMS profile is current. If the profile is not current, the applicant should submit a Grant Adjustment Notice updating the information on its GMS profile prior to applying under this solicitation.

A new applicant entity should enter its official legal name in box 8a, its address in box 8d, its EIN in box 8b, and its Data Universal Numbering System (DUNS) number in box 8c of the SF-424. A new applicant entity should attach official legal documents to its application (e.g., articles of incorporation, 501(c)(3) status documentation, organizational letterhead) to confirm the legal name, address, and EIN entered into the SF-424. OJP will use the System for Award Management (SAM) to confirm the legal name and DUNS number entered in the SF-424; therefore, an applicant should ensure that the information entered in the SF-424 matches its current registration in SAM. See the [How To Apply](#) section for more information on SAM and DUNS numbers.

**Intergovernmental Review:** This solicitation ("funding opportunity") **is not** subject to [Executive Order 12372](#). (In completing the SF-424, an applicant is to answer question 19 by selecting the response that the "Program is not covered by E.O. 12372.")

## 2. Project Abstract

Applications must include a high quality project abstract that summarizes the proposed project in 400 words or fewer. 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 (such as 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.

All project abstracts should follow the detailed template available at: <https://ojp.gov/funding/Apply/Resources/ProjectAbstractTemplate.pdf>.

## 3. Program Narrative

The program narrative must respond to the solicitation and the section criteria a – d listed below, in the order given. The program narrative should be doubled spaced, using a standard 12-point font (Times New Roman) with 1-inch margins, and should not exceed 15 pages. Pages should be numbered as "1 of 15", "2 of 15", 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<sup>5</sup>:

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

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<sup>5</sup> For information on subawards (including the details on proposed subawards that should be included in the application), see "Budget and Associated Documentation" under [Section D. Application and Submission Information](#).

OJP will require each successful applicant to submit regular performance data that demonstrate the results of the work carried out under the award (see “[General Information about Post-Federal Award Reporting Requirements](#)” in [Section F. Federal Award Administration Information](#)). The performance data directly relate to the goals, objectives, and deliverables identified under "Goals, Objectives, and Deliverables" in [Section A. Program Description](#).

Applicants should visit OJP’s performance measurement page at [www.ojp.gov/performance](http://www.ojp.gov/performance) for an overview of performance measurement activities at OJP.

Category 1: Civil Legal Assistance and Category 2: Criminal Legal Assistance award recipient(s) will be required to provide the relevant data by submitting quarterly performance metrics through BJA’s online Performance Measurement Tool (PMT) located at [bjapmt.ojp.gov](http://bjapmt.ojp.gov). The following measures are a sampling of the core performance measures for Category 1 and 2. A complete questionnaire with all the required performance measures can be found at [bjapmt.ojp.gov/help/TCCLAPerformanceMeasures.pdf](http://bjapmt.ojp.gov/help/TCCLAPerformanceMeasures.pdf).

For Category 3: Tribal Justice Training and Technical Assistance applicants, performance measures for this solicitation are listed in [Appendix A: Performance Measures Table](#).

The application should demonstrate the applicant’s understanding of the performance data reporting requirements for this grant program and detail how the applicant will gather the required data should it receive funding.

Please note that applicants are **not** required to submit performance data with the application. Performance measures information is included as an alert that successful applicants will be required to submit performance data as part of the reporting requirements under an award.

### **Note on Project Evaluations**

An applicant that proposes to use award funds 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.” Each applicant should provide sufficient information for OJP to determine whether the particular project it proposes would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ definition of research that appears at 28 C.F.R. Part 46 (“Protection of Human Subjects”).

“Research,” for purposes of human subjects protection 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 for purposes of human subjects protection, applicants should consult the decision tree in the “Research and the protection of human subjects” section of the [Requirements related to](#)

[Research](https://ojp.gov/funding/index.htm)" webpage of the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](https://ojp.gov/funding/index.htm)," available through the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>.

Every prospective applicant whose application may propose a research or statistical component also should review the "Data Privacy and Confidentiality Requirements" section on that webpage.

#### **4. Budget and Associated Documentation**

The Budget Detail Worksheet and the Budget Narrative are now combined in a single document collectively referred to as the Budget Detail Worksheet. The Budget Detail Worksheet is a user-friendly, fillable, Microsoft Excel-based document designed to calculate totals. Additionally, the Excel workbook contains worksheets for multiple budget years that can be completed as necessary. **All applicants should use the Excel version when completing the proposed budget in an application, except in cases where the applicant does not have access to Microsoft Excel or experiences technical difficulties.** If an applicant does not have access to Microsoft Excel or experiences technical difficulties with the Excel version, then the applicant should use the 508-compliant accessible Adobe Portable Document Format (PDF) version.

Both versions of the Budget Detail Worksheet can be accessed at <https://ojp.gov/funding/Apply/Forms/BudgetDetailWorksheet.htm>.

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

The Budget Detail Worksheet should provide the detailed computation for each budget line item, listing the total cost of each and showing how it was calculated by the applicant. For example, costs for personnel should show the annual salary rate and the percentage of time devoted to the project for each employee paid with grant funds. The Budget Detail Worksheet should present a complete itemization of all proposed costs.

For questions pertaining to budget and examples of allowable and unallowable costs, see the DOJ Grants Financial Guide at <https://ojp.gov/financialguide/DOJ/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).

An applicant should demonstrate in its budget narrative how it will maximize cost effectiveness of award 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 Budget Narrative should be mathematically sound and correspond clearly 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 those costs are necessary 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 describe costs by year.

**c. Information on Proposed Subawards (if any), as well as on Proposed Procurement Contracts (if any)**

Applicants for OJP awards typically may propose to make *subawards*. Applicants also may propose to enter into procurement *contracts* under the award.

Whether an action—for federal grants administrative purposes—is a subaward or procurement contract is a critical distinction as significantly different rules apply to subawards and procurement contracts. If a recipient enters into an agreement that is a subaward of an OJP award, specific rules apply—many of which are set by federal statutes and DOJ regulations; others by award conditions. These rules place particular responsibilities on an OJP recipient for any subawards the OJP recipient may make. The rules determine much of what the written subaward agreement itself must require or provide. The rules also determine much of what an OJP recipient must do both before and after it makes a subaward. If a recipient enters into an agreement that is a procurement contract under an OJP award, a substantially different set of federal rules applies.

OJP has developed the following guidance documents to help clarify the differences between subawards and procurement contracts under an OJP award and outline the compliance and reporting requirements for each. This information can be accessed online at <https://ojp.gov/training/training.htm>.

- [Subawards under OJP Awards and Procurement Contracts under Awards: A Toolkit for OJP Recipients.](#)
- [Checklist to Determine Subrecipient or Contractor Classification.](#)
- [Sole Source Justification Fact Sheet and Sole Source Review Checklist.](#)

In general, the central question is the relationship between what the third-party will do under its agreement with the recipient and what the recipient has committed (to OJP) to do under its award to further a public purpose (e.g., services the recipient will provide, products it will develop or modify, research or evaluation it will conduct). If a third party will provide some of the services the recipient has committed (to OJP) to provide, will develop or modify all or part of a product the recipient has committed (to OJP) to develop or modify, or will conduct part of the research or evaluation the recipient has committed (to OJP) to conduct, OJP will consider the agreement with the third party a *subaward* for purposes of federal grants administrative requirements.

This will be true **even if** the recipient, for internal or other non-federal purposes, labels or treats its agreement as a procurement, a contract, or a procurement contract. Neither the title nor the structure of an agreement determines whether the agreement—for purposes of federal grants administrative requirements—is a *subaward* or is instead a procurement *contract* under an award. The substance of the relationship should be given greater consideration than the form of agreement between the recipient and the outside entity.

**1. Information on proposed subawards**

A recipient of an OJP award may not make subawards ("subgrants") unless the recipient has specific federal authorization to do so. Unless an applicable statute or DOJ

regulation specifically authorizes (or requires) subawards, a recipient must have authorization from OJP before it may make a subaward.

A particular subaward may be authorized by OJP because the recipient included a sufficiently-detailed description and justification of the proposed subaward in the Program Narrative, Budget Detail Worksheet, and Budget Narrative as approved by OJP. If, however, a particular subaward is not authorized by federal statute or regulation, and is not approved by OJP, the recipient will be required, post-award, to request and obtain written authorization from OJP before it may make the subaward.

If an applicant proposes to make one or more subawards to carry out the federal award and program, the applicant should: (1) identify (if known) the proposed subrecipient(s), (2) describe in detail what each subrecipient will do to carry out the federal award and federal program, and (3) provide a justification for the subaward(s), with details on pertinent matters such as special qualifications and areas of expertise. Pertinent information on subawards should appear not only in the Program Narrative, but also in the Budget Detail Worksheet and Budget Narrative.

Note that applicants using the Budget Detail Worksheet may need to use a separate spreadsheet for each year.

## **2. Information on proposed procurement contracts (with specific justification for proposed noncompetitive contracts over \$150,000)**

Unlike a recipient contemplating a subaward, a recipient of an OJP award generally does not need specific prior federal authorization to enter into an agreement that—for purposes of federal grants administrative requirements—is considered a procurement contract, **provided that** (1) the recipient uses its own documented procurement procedures and (2) those procedures conform to applicable federal law, including the Procurement Standards of the (DOJ) Part 200 Uniform Requirements (as set out at 2 C.F.R. 200.317 - 200.326). The Budget Detail Worksheet and Budget Narrative should identify proposed procurement contracts. (As discussed above, subawards must be identified and described separately from procurement contracts.)

The Procurement Standards in the Part 200 Uniform Requirements, however, reflect a general expectation that agreements that (for purposes of federal grants administrative requirements) constitute procurement “contracts” under awards will be entered into on the basis of full and open competition. All noncompetitive (sole source) procurement contracts must meet the OJP requirements outlined at <https://ojp.gov/training/subawards-procurement.htm>. If a proposed procurement contract would exceed the simplified acquisition threshold—currently, \$150,000—a recipient of an OJP award may not proceed without competition unless and until the recipient receives specific advance authorization from OJP to use a non-competitive approach for the procurement. An applicant that (at the time of its application) intends – without competition – to enter into a procurement contract that would exceed \$150,000 should include a detailed justification that explains to OJP why, in the particular circumstances, it is appropriate to proceed without competition.

If the applicant receives an award, sole source procurements that do not exceed the Simplified Acquisition Threshold (currently \$150,000) must have written justification for the noncompetitive procurement action maintained in the procurement file. If a

procurement file does not have the documentation that meets the criteria outlined in 2 C.F.R. 200, the procurement expenditures may not be allowable. Sole source procurement over the \$150,000 Simplified Acquisition Threshold must have prior approval from OJP using a Sole Source Grant Adjustment Notice (GAN). Written documentation justifying the noncompetitive procurement must be submitted with the GAN and maintained in the procurement file.

**d. Pre-Agreement Costs**

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

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

Indirect costs may be charged to an award only if:

- (a) The recipient has a current (unexpired), federally approved indirect cost rate; or
- (b) The recipient is eligible to use, and elects to use, the “de minimis” indirect cost rate described in the Part 200 Uniform Requirements, as set out at 2 C.F.R. 200.414(f).

An applicant with a current (unexpired) federally approved indirect cost rate is to attach a copy of the indirect cost rate agreement to the application. An applicant that does not have a current federally approved rate may request one through its cognizant federal agency, which will review all documentation and approve a rate for the applicant entity, or, if the applicant’s accounting system permits, applicants may propose to allocate costs in the direct cost categories.

For assistance with identifying the appropriate cognizant federal agency for indirect costs, please contact the Office of the Chief Financial Officer (OCFO) 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 <https://www.ojp.gov/funding/Apply/Resources/IndirectCosts.pdf>.

Certain OJP recipients have the option of electing to use the “de minimis” indirect cost rate. An applicant that is eligible to use the “de minimis” rate that wishes to use the “de minimis” rate should attach written documentation to the application that advises OJP of both—(1) the applicant’s eligibility to use the “de minimis” rate, and (2) its election to do so. If an eligible applicant elects the “de minimis” rate, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. The “de minimis” rate may no longer be used once an approved federally negotiated indirect cost rate is in place. (No entity that ever has had a federally approved negotiated indirect cost rate is eligible to use the “de minimis” rate.) For the “de minimis” rate requirements (including information on eligibility to elect to use the rate), see the Part 200 Uniform Requirements, at 2 C.F.R. 200.414(f).

**6. Tribal Authorizing Resolution (Category 1 and 2 applicants only)**

A tribe, tribal organization, or third party that proposes to provide direct services or assistance to residents on tribal lands should include in its application a resolution, letter, affidavit, or other documentation, (i.e., tribal agreements between TCCLA grantee or subgrantee and tribe for services included in an MOU), as appropriate, that demonstrates (as a legal matter) that the applicant has the requisite authorization from the tribe(s) to implement the proposed project on tribal lands. In those instances when an organization or consortium of tribes applies for an award on behalf of a tribe or multiple specific tribes, the application should include appropriate legal documentation, as described above, from all

tribes that would receive services or assistance under the award. 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.

An applicant unable to submit an application that includes a fully executed (i.e., signed) copy of legal appropriate 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, OJP will make use of and access to award funds contingent on receipt of the fully executed legal documentation.

**Post award, tribal agreements must be approved by BJA in order to release funds.**

#### **7. Financial Management and System of Internal Controls Questionnaire (including applicant disclosure of high risk status)**

Every OJP applicant (other than an individual applying in his or her personal capacity) is required to download, complete, and submit the OJP Financial Management and System of Internal Controls Questionnaire (Questionnaire) at

<https://ojp.gov/funding/Apply/Resources/FinancialCapability.pdf> as part of its application.

The Questionnaire helps OJP assess the financial management and internal control systems, and the associated potential risks of an applicant as part of the pre-award risk assessment process.

The Questionnaire should only be completed by financial staff most familiar with the applicant's systems, policies, and procedures in order to ensure that the correct responses are recorded and submitted to OJP. The responses on the Questionnaire directly impact the pre-award risk assessment and should accurately reflect the applicant's financial management and internal control system at the time of the application. The pre-award risk assessment is only one of multiple factors and criteria used in determining funding. However, a pre-award risk assessment that indicates that an applicant poses a higher risk to OJP may affect the funding decision and/or result in additional reporting requirements, monitoring, special conditions, withholding of award funds, or other additional award requirements.

Among other things, the form requires each applicant to disclose whether it currently is designated "high risk" by a federal grant-making agency outside of DOJ. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the applicant's past performance, or other programmatic or financial concerns with the applicant. If an applicant is designated high risk by another federal awarding agency, the applicant must provide the following information:

- The federal awarding agency that currently designates the applicant high risk
- The date the applicant was designated high risk
- The high risk point of contact at that federal awarding agency (name, phone number, and email address)
- The reasons for the high risk status, as set out by the federal awarding agency

OJP seeks this information to help ensure appropriate federal oversight of OJP awards. An applicant that is considered “high risk” by another federal awarding agency is not automatically disqualified from receiving an OJP award. OJP may, however, consider the information in award decisions, and may impose additional OJP oversight of any award under this solicitation (including through the conditions that accompany the award document).

## **8. Disclosure of Lobbying Activities**

Each applicant must complete and submit this information. An applicant that expends any funds for lobbying activities is to provide all of the information requested on the form Disclosure of Lobbying Activities (SF-LLL) posted at <https://ojp.gov/funding/Apply/Resources/Disclosure.pdf>. An applicant that does not expend any funds for lobbying activities is to enter “N/A” in the text boxes for item 10 (“a. Name and Address of Lobbying Registrant” and “b. Individuals Performing Services”).

## **9. Additional Attachments**

### **a. Project Timeline and Task Plan Package Includes Résumés and Letters of Support**

All applicants must attach a project timeline and task plan package with each category of task, expected completion dates, responsible person(s) or organization(s), and identify the percentage of time that will be dedicated by the individuals responsible for the tasks. Résumés for the key positions and letters of support that outline the partners’ responsibilities must also be attached.

### **b. IRS Determination Letter**

For Category 1 and 2 applications only, attach the IRS determination letter recognizing the applicant’s 501(c)(3) tax exempt status and public charity classification.

### **c. Applicant Disclosure of Pending Applications**

Each applicant is to disclose whether it has (or is proposed as a subrecipient under) any pending applications for federally funded grants or cooperative agreements that (1) include requests for funding to support the same project being proposed in the application under this solicitation, **and** (2) would cover any identical cost items outlined in the budget submitted to OJP as part of the application under this solicitation. The applicant is to disclose applications made directly to federal awarding agencies, and also applications for subawards of federal funds (e.g., applications to state agencies that will subaward (“subgrant”) federal funds).

OJP seeks this information to help avoid 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.

Each applicant that has one or more pending applications as described above is 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 federal or state funding agency

Federal or State Funding Agency	Solicitation Name/Project Name	Name/Phone/Email for Point of Contact at Federal or State Funding Agency
DOJ/Office of Community Oriented Policing Services (COPS)	COPS Hiring Program	Jane Doe, 202/000-0000; <a href="mailto:jane.doe@usdoj.gov">jane.doe@usdoj.gov</a>
Health and Human Services/Substance Abuse and Mental Health Services Administration	Drug-Free Communities Mentoring Program/ North County Youth Mentoring Program	John Doe, 202/000-0000; <a href="mailto:john.doe@hhs.gov">john.doe@hhs.gov</a>

Each applicant should include the table as a separate attachment to its application. The file should be named “Disclosure of Pending Applications.” The applicant’s Legal Name on the application must match the entity named on the disclosure of pending applications statement.

Any applicant that does not have any pending applications as described above is to submit, as a separate attachment, a statement to this effect: “[Applicant Name on SF-424] does not have (and is not proposed as a subrecipient under) any pending applications submitted within the last 12 months for federally funded grants or cooperative agreements (or for subawards under federal grants or cooperative agreements) that request funding to support the same project being proposed in this application to OJP and that would cover any identical cost items outlined in the budget submitted as part of this application.”

**c. Research and Evaluation Independence and Integrity**

If an application proposes research (including research and development) and/or evaluation, the applicant must demonstrate research/evaluation independence and integrity, including appropriate safeguards, before it may receive award funds. The applicant must demonstrate independence and integrity regarding both this proposed research and/or evaluation, and any current or prior related projects.

Each application should include an attachment that addresses **both** i. and ii. below:

- i. For purposes of this solicitation, each applicant is to document research and evaluation independence and integrity by including one of the following two items:
  - a. A specific assurance that the applicant has reviewed its application to identify any actual or potential apparent conflicts of interest (including through review of pertinent information on the principal investigator, any co-principal investigators, and any subrecipients), and that the applicant has identified no such conflicts of interest—whether personal or financial or organizational

(including on the part of the applicant entity or on the part of staff, investigators, or subrecipients)—that could affect the independence or integrity of the research, including the design, conduct, and reporting of the research.

OR

- b. A specific description of actual or potential apparent conflicts of interest that the applicant has identified—including through review of pertinent information on the principal investigator, any co-principal investigators, and any subrecipients—that could affect the independence or integrity of the research, including the design, conduct, or reporting of the research. These conflicts may be personal (e.g., on the part of investigators or other staff), financial, or organizational (related to the applicant or any subrecipient entity). Some examples of potential investigator (or other personal) conflict situations are 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 would not be given an award 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), because the organization in such an instance might 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, each applicant is to address 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 actual or potential apparent conflicts of interest (personal, financial, or organizational) exist, then the applicant should provide a brief narrative explanation of how and why it reached that conclusion. The applicant also is to include an explanation of the specific processes and procedures that the applicant has in place, or will put in place, to identify and prevent (or, at the very least, mitigate) any such conflicts of interest pertinent to the funded project during the period of performance. Documentation that may be helpful in this regard may include organizational codes of ethics/conduct and policies regarding organizational, personal, and financial conflicts of interest. There is no guarantee that the plan, if any, will be accepted as proposed.

OR

- b. If the applicant has identified actual or potential apparent conflicts of interest (personal, financial, or organizational) that could affect the independence and integrity of the research, including the design, conduct, or reporting of the research, the applicant is to provide a specific and robust mitigation plan to

address each of those conflicts. At a minimum, the applicant is expected to explain the specific processes and procedures that the applicant has in place, or will put in place, to identify and eliminate (or, at the very least, mitigate) any such conflicts of interest pertinent to the funded project during the period of performance. Documentation that may be helpful in this regard may include organizational codes of ethics/conduct and policies regarding organizational, personal, and financial conflicts of interest. There is no guarantee that the plan, if any, will be accepted as proposed.

OJP will assess research and evaluation independence and integrity based on considerations such as the adequacy of the applicant's efforts to identify factors that could affect the objectivity or integrity of the proposed staff and/or the applicant entity (and any subrecipients) 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.

### **How To Apply**

Applicants must register in and submit applications through Grants.gov, a primary source to find federal funding opportunities and apply for funding. Find complete instructions on how to register and submit an application at <https://www.grants.gov/web/grants/support.html>. Applicants that experience technical difficulties during this process should call the Grants.gov Customer Support Hotline at **800-518-4726** or **606-545-5035**, which operates 24 hours a day, 7 days a week, except on federal holidays.

**Important Grants.gov update.** Grants.gov has updated its application tool. The legacy PDF application package was retired on December 31, 2017. Grants.gov Workspace is now the standard application method for applying for grants. OJP applicants should familiarize themselves with the Workspace option now. For complete information and instructions on using Workspace (and other changes), go to the Workspace Overview page at <https://www.grants.gov/web/grants/applicants/workspace-overview.html>.

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 of registration and a user password. OJP encourages applicants to **register several weeks before** the application submission deadline. In addition, OJP urges applicants to submit applications at least 72 hours prior to the application due date, in order to allow time for the applicant 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.

OJP strongly encourages all prospective applicants to sign up for Grants.gov email notifications regarding this solicitation at <https://www.grants.gov/web/grants/manage-subscriptions.html>. If this solicitation is cancelled or modified, individuals who sign up with Grants.gov for updates will be automatically notified.

**Browser Information:** Grants.gov was built to be compatible with Internet Explorer. For technical assistance with Google Chrome, or another browser, contact Grants.gov Customer Support.

**Note on Attachments:** Grants.gov has two categories of files for attachments: "mandatory" and "optional." OJP receives all files attached in both categories. Attachments are also labeled to

describe the file being attached (e.g., Project Narrative, Budget Narrative, Other). Please ensure that all required documents are attached in the correct Grants.gov category and are labeled correctly. **Do not embed “mandatory” attachments within another file.**

**Note on File Names and File Types:** Grants.gov only permits the use of certain specific characters in the file names of attachments. Valid file names may include only the characters shown in the table below. Grants.gov rejects any application that includes an attachment(s) with a file name that contains any characters not shown in the table below. Grants.gov forwards successfully submitted applications to the OJP Grants Management System (GMS).

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 ( . )			

**\*When using the ampersand (&) in XML, applicants must use the “&amp;” format.**

**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:

**Unique Entity Identifier (DUNS Number) and System for Award Management (SAM)**

Every applicant entity must comply with all applicable System for Award Management (SAM) and unique entity identifier (currently, a Data Universal Numbering System [DUNS] number) requirements. SAM is the repository for certain standard information about federal financial assistance applicants, recipients, and subrecipients. A DUNS number is a unique nine-digit identification number provided by the commercial company Dun and Bradstreet. More detailed information about SAM and the DUNS number is in the numbered sections below.

If an applicant entity has not fully complied with the applicable SAM and unique identifier requirements by the time OJP makes award decisions, OJP may determine that the applicant is not qualified to receive an award and may use that determination as a basis for making the award to a different applicant.

**Registration and Submission Steps**

- 1. Acquire a unique entity identifier (currently, a DUNS number).** In general, the Office of Management and Budget requires every applicant for a federal award (other than an individual) to include a "unique entity identifier" in each application, including an application for a supplemental award. Currently, a DUNS number is the required unique entity identifier.

This unique entity identifier is used for tracking purposes, and to validate address and point of contact information for applicants, recipients, and subrecipients. It will be used throughout

the life cycle of an OJP award. 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 <https://www.dnb.com/>. A DUNS number is usually received within 2 business days.

- 2. Acquire or maintain registration with SAM.** Any applicant for an OJP award creating a **new** entity registration in SAM.gov must provide an original, signed notarized letter stating that the applicant is the authorized Entity Administrator before the registration will be activated. To learn more about this process change, read the FAQs at <https://www.gsa.gov/about-us/organization/federal-acquisition-service/office-of-systems-management/integrated-award-environment-iae/sam-update>. Information about the notarized letter is posted at [https://www.fsd.gov/fsd.gov/answer.do?sysparm\\_kbid=d2e67885db0d5f00b3257d321f96194b&sysparm\\_search=kb0013183](https://www.fsd.gov/fsd.gov/answer.do?sysparm_kbid=d2e67885db0d5f00b3257d321f96194b&sysparm_search=kb0013183).

All applicants for OJP awards (other than individuals) must maintain current registrations in the SAM database. Applicants will need the authorizing official of the organization and an Employer Identification Number (EIN). An applicant must be registered in SAM to successfully register in Grants.gov. Each applicant must **update or renew its SAM registration at least annually** to maintain an active status. SAM registration and renewal can take as long as 10 business days to complete (2 more weeks to acquire an EIN).

An application cannot be successfully submitted in Grants.gov until Grants.gov receives the SAM registration information. Once the SAM registration/renewal is complete, **the information transfer from SAM to Grants.gov can take as long as 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 <https://www.sam.gov/portal/SAM/#1>.

- 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. An applicant entity's "unique entity identifier" (DUNS number) must be used to complete this step. For more information about the registration process for organizations and other entities, go to [www.grants.gov/web/grants/register.html](http://www.grants.gov/web/grants/register.html).
- 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. The E-Biz POC will need the Marketing Partner Identification Number (MPIN) password obtained when registering with SAM to complete this step. 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) numbers for this solicitation is: 16.815 titled "Tribal Civil and Criminal Legal Assistance Grants, Training and Technical Assistance" and the funding opportunity number is BJA-2018-13540.
- 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:

Category 1: Civil Legal Assistance, Competition ID: BJA-2018-13962

Category 2: Criminal Legal Assistance, Competition ID: BJA-2018-13963

Category 3: Tribal Justice Training and Technical Assistance Competition ID: BJA-2018-13964

7. **Access Funding Opportunity and Application Package from Grants.gov.** Select “Apply for Grants” under the “Applicants” column. Enter your email address to be notified of any changes to the opportunity package before the closing date. Click the Workspace icon to use Grants.gov Workspace.
8. **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. The second will state whether the application has been validated and successfully submitted, or whether it has been 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 an application well ahead of the deadline provides time to correct the problem(s) that caused the rejection. **Important:** OJP urges each applicant to submit its application **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. Applications must be successfully submitted through Grants.gov by 11:59 p.m. eastern time on July 2, 2018.

Go to <https://www.grants.gov/web/grants/applicants/organization-registration.html> for further details on DUNS numbers, SAM, and Grants.gov registration steps and timeframes.

#### **Note: Application Versions**

If an applicant submits multiple versions of the same application, OJP will review only the most recent system-validated version submitted.

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

An applicant that experiences unforeseen Grants.gov technical issues beyond its control that prevent it from submitting its application by the deadline must contact the Grants.gov Customer Support Hotline at <https://www.grants.gov/web/grants/support.html> or the SAM Help Desk (Federal Service Desk) at <https://www.fsd.gov/fsd-gov/home.do> to report the technical issue and receive a tracking number. The applicant must email the contact identified in the Contact Information section on the title page **within 24 hours after the application deadline** to request approval to submit its application after the deadline. The applicant's email must describe the technical difficulties, and must 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: OJP does not automatically approve requests to submit a late application.** After OJP reviews the applicant's request, and contacts the Grants.gov or SAM Help Desks to verify

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 untimely application submission was due to the applicant's failure to follow all required procedures, OJP will deny the applicant's request to submit its application.

The following conditions generally are insufficient to justify late submissions:

- Failure to register in SAM or Grants.gov in sufficient time (SAM registration and renewal can take as long as 10 business days to complete. The information transfer from SAM to Grants.gov can take up to 48 hours.)
- Failure to follow Grants.gov instructions on how to register and apply as posted on its website
- Failure to follow each instruction in the OJP solicitation
- Technical issues with the applicant's computer or information technology environment, such as issues with firewalls or browser incompatibility

**Notifications regarding known technical problems with Grants.gov, if any, are posted at the top of the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>.**

## **E. Application Review Information**

### **Review Criteria**

Applications that meet basic minimum requirements will be evaluated by peer reviewers using the following review criteria.

1. Description of the Issue (20 percent)

For Category 1: Civil Legal Assistance and Category 2: Criminal Legal Assistance:

- Demonstrate an understanding of the complex issues and needs confronting individuals, Indian tribes, and tribal justice systems and access to legal assistance in tribal communities and native villages. Provide data to show the nature and scope of the problem and explain previous or current efforts to address the issue. Include the size and demographic makeup of the population that will be candidates for proposed services. Include how the applicant determines which Indian tribe(s) receive(s) services in their respective service area(s). Identify the number of tribes in that service area. Describe the challenges tribal jurisdictions and legal services face in assessing need, identifying and adopting new practices, and implementing system change, including the implementation of felony sentencing authority and extended criminal jurisdiction.

For Category 3: Tribal Justice Training and Technical Assistance

- Demonstrate an understanding of the complex legal and jurisdictional issues confronting tribal justice systems and access to legal assistance experienced by low income individuals and families. Identify the challenges for getting resources to sustain fair and impartial administration of justice in tribal justice systems. Discuss the need for tribal capacity development, enhancement of tribal justice systems, and access to improved civil and criminal legal assistance by Indian tribes and related organizations.

- Clearly define the scope of the problem that the proposed project seeks to impact. Discuss the breadth and depth of the problem.
- Identify the targeted audiences; include grantees, subgrantees, Indian tribes, tribal justice systems, and others. Describe the size and demographic makeup of the population that will be a candidate for the proposed services. Include how the applicant determines which Indian tribe(s) receives services in its respective service area(s).
- Describe coordination and collaboration opportunities and identify current and future partners to leverage resources and provide quality TTA.

## 2. Project Design and Implementation (30 percent)

For Categories 1 and 2:

- Describe services and strategies (i.e., legal representation, legal services other than legal representation, or other activities) that are responsive to the scope of the problem(s). Provide an estimate number of new cases, number of legal services projects other than legal representation, and other activities. Describe strategies that improve the effectiveness and efficiency of the delivery of service.
- Describe sustainment strategies and implementation.
- Describe expected outcomes of the proposed services, strategies, and projects. Describe the applicant's strategy to collect client satisfaction surveys and the strategy to increase the volume of completed surveys.
- Describe a communication plan to inform individuals, tribal communities, tribal government, and tribal justice systems of available resources and, within that plan, describe the strategy to obtain signed tribal agreement(s) that the applicant has the requisite authorization from the tribe(s) to implement the proposed project(s) on tribal lands.
- Describes strategies to assess the TTA needs of grantees, subgrantees, and tribes that receive services, and entry-level personnel.
- Describe the establishment of an advisory committee that regularly convenes tribal leadership, legal service organizations, legal aid, and public defenders with the goal of fostering collaboration and cooperation and minimizing duplication.
- Provide a [project timeline and task plan package](#) for completing the tasks and identify the percentage of time that will be dedicated by the individuals responsible for the tasks. Attach résumés for the key positions and letters of support that outline the partners' responsibilities.
- Describe how the applicant will participate in BJA's coordination and collaborative activities, which include, but are not limited to, conference calls, the Tribal-Federal-State-local Intergovernmental Collaboration Team, and other activities. Also describe how the applicant will coordinate with DOJ TTA partners to leverage resources, where appropriate, and lessen the risks of duplication of efforts.
- Describe how the applicant will ensure deliverables other than legal representation are "quality" products and services. See "editor" sentence in Category 1 and 2 Deliverables and Requirements section.

For Category 3:

- Describe a plan for assessing the TTA needs of grantees and tribes to provide indigent defense counsel services and the development and implementation of project-based services. Consider using helpful information from the Bureau of Justice Statistics' Tribal Data Collection, the National Institute of Justice's tribal crime research and evaluation portfolio, DOJ Office on Violence Against Women-sponsored consultation and listening session reports, or other relevant information to further inform TTA needs. Add citations where necessary.
  - Describe strategies for prioritizing and arranging training events identified by multiple jurisdictions for grantees and holistic defense participants. And describe how the logistical arrangements associated with that training will be handled (e.g., identification of cost-effective training sites) in accordance with OJP's conference cost requirements, work plan development and approval, and follow-up reporting.
  - Identify strategies to disseminate onsite training, distance learning broadcasts, and other cost-effective ways to transfer knowledge and information about emerging practices.
  - Describe strategies to recruit qualified and capable experts with the legal and technical knowledge, skills, and experience to assist the applicant team to deliver TTA services to grantees, subrecipients, and Indian tribes.
  - Identify strategies for designing and implementing TTA, including the provision of distance learning, conference calls, roundtables, and other cost-effective ways to disseminate information.
  - Describe a communication plan to inform grantees, other tribal grantees, and other interested tribes on the availability of TTA.
  - Provide a [project timeline and task plan package](#) for completing the tasks and identify the percentage of time that will be dedicated by the individuals responsible for the tasks. Attach résumés for the key positions and letters of support that outline the partners' responsibilities.
  - Describe how the applicant will participate in BJA's coordination and collaborative activities, which include but are not limited to, conference calls, the Tribal-Federal-State-local Intergovernmental Collaboration Team, and other activities. Also describe how the applicant will coordinate with DOJ TTA partners to leverage resources, where appropriate, and lessen the risks of duplication of efforts.
  - Describe how the applicant will ensure deliverables other than legal representation are "quality" products and services. See "editor" sentence in the Category 3 Deliverables and Requirements section.
3. Capabilities and Competencies (30 percent)
- For Categories 1 and 2:
- Describe the management structure, staffing, and in-house or contracted capacity to complete each of the potential projects and the outlined delivery of legal services.
  - Describe the capabilities of current and recruited project staff to implement this project. The applicant's and any subrecipient(s)'s capabilities must meet both of the following criteria:

- (a) Refer to [legal and technical knowledge, skills, and experience](#) section in Category 1 and 2 Deliverables and Requirements.
- (b) Attach résumés or curriculum vitae (CV) to timeline and task plan.

For Category 3:

- Describe the management structure, staffing, and in-house or contracted capacity to complete TTA.
  - Describe the qualifications and/or capabilities of the applicant and any proposed subrecipients, including contracted personnel, to perform services. The applicant's and any subrecipient(s)'s capabilities must meet both of the following criteria:
    - (a) Refer to [legal and technical knowledge, skills, and experience](#) in Category 3 Deliverables and Requirements section.
    - (b) Attach résumés or CVs to project timeline and task plan package.
  - Describe the applicant's ability to manage complex TTA program(s) and project(s) effectively. Describe the ability to coordinate and collaborate with federally funded TTA providers, grantees, tribes, federal agencies or other entities.
  - Outline how the applicant will recruit and partner with consultants and/or experienced organizations to provide TTA or projects.
  - Detail the applicant's experience to support successful completion of training programs and projects.
  - Describe how the applicant will coordinate with other partnering agencies to identify emerging issues, common trends, and themes within the authorization (25 U.S.C. 3651, *et. seq.*) and direct assistance to practitioners to respond to those needs.
4. Plan for Collecting the Data Required for this Solicitation's Performance Measures (10 percent)

For all applicants:

- Describe the process the applicant will use to measure the performance of the project. This should include measures for adhering to project timelines, meeting deliverables schedules, obtaining input from customers, and seeking feedback from stakeholders. Identify the person or group who will be responsible for collecting and reporting the required performance measurement data outlined in the Performance Measure section.
- Describe any baseline data that will be used, the method the applicant will use to store data, and any safeguards the applicant will put in place to protect personally identifiable information (PII). Describe how the applicant will use the findings to improve its program or project, and finally describe how the applicant will share the measurable results of its program with its customers and stakeholders.

5. Budget (10 percent):

For all applicants:

- Budgets should be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). Budget narratives should demonstrate generally 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>6</sup>

- If applicant has more than five subgrantees, include the amount of \$20,000 in the budget. Travel resources are to attend DOJ-sponsored events (e.g., TCCLA-sponsored training events) and other training events.

For Category 3 applicants:

- For the requirements and deliverables, [funding of \\$100,000 is dedicated for a task team](#) to gather information for a report on the impact of new authorities (i.e., TLOA and VAWA) on (1) defendant's rights and protections in tribal courts and other tribal justice systems and (2) the underlying causes of crime, conviction, and recidivism, including the direct and collateral consequences and strategies implemented to reduce crime and recidivism. Refer to the budget information throughout [Category 3 Deliverables and Requirements section](#).

### **Review Process**

OJP is committed to ensuring a fair and open process for making awards. 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 an application meets basic minimum requirements and should proceed to further consideration, OJP screens applications for compliance with those requirements. Although specific requirements may vary, the following are common requirements applicable to all solicitations for funding under OJP programs:

- The application must be submitted by an eligible type of applicant.
- The application must request funding within programmatic funding constraints (if applicable).
- The application must be responsive to the scope of the solicitation.
- The application must include all items designated as "critical elements."
- The applicant must not be identified in SAM as excluded from receiving federal awards.

For a list of the critical elements for this solicitation, see "What an Application Should Include" under [Section D. Application and Submission Information](#).

Peer review panels will evaluate, score, and rate applications that meet basic minimum requirements. BJA may use internal peer reviewers, external peer reviewers, or a combination, to assess applications on technical merit using the solicitation's review 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. Peer reviewers' ratings and any resulting

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<sup>6</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.

recommendations are advisory only, although reviewer views are considered carefully. Other important considerations for BJA include geographic diversity, strategic priorities, and available funding, as well as the extent to which the Budget Detail Worksheet and Budget Narrative accurately explain project costs that are reasonable, necessary, and otherwise allowable under federal law and applicable federal cost principles.

Pursuant to the Part 200 Uniform Requirements, before award decisions are made, OJP also reviews information related to the degree of risk posed by the applicant. Among other things to help assess whether an applicant that has one or more prior federal awards has a satisfactory record with respect to performance, integrity, and business ethics, OJP checks whether the applicant is listed in SAM as excluded from receiving a federal award.

In addition, if OJP anticipates that an award will exceed \$150,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the non-public segment of the integrity and performance system accessible through SAM (currently, the Federal Awardee Performance and Integrity Information System, FAPIIS).

**Important note on FAPIIS:** An applicant, at its option, may review and comment on any information about itself that currently appears in FAPIIS and was entered by a federal awarding agency. OJP will consider any such comments by the applicant, in addition to the other information in FAPIIS, in its assessment of the risk posed by the applicant.

The evaluation of risks goes beyond information in SAM, however. OJP itself has in place a framework for evaluating risks posed by applicants for competitive awards. OJP takes into account information pertinent to matters, such as:

1. Applicant financial stability and fiscal integrity
2. Quality of the applicant's management systems, and the applicant's ability to meet prescribed management standards, including those outlined in the DOJ Grants Financial Guide
3. Applicant's history of performance under OJP and other DOJ awards (including compliance with reporting requirements and award conditions), as well as awards from other federal agencies
4. Reports and findings from audits of the applicant, including audits under the Part 200 Uniform Requirements
5. Applicant's ability to comply with statutory and regulatory requirements, and to effectively implement other award requirements.

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 take into account not only peer review ratings and BJA recommendations, but also other factors as indicated in this section.

## **F. Federal Award Administration Information**

### **Federal Award Notices**

Award notifications will be made by September 30, 2018. OJP sends award notifications by email through GMS to the individuals listed in the application as the point of contact and the

authorizing official (E-Biz POC and AOR). The email notification includes detailed instructions on how to access and view the award documents, and steps to take in GMS to start the award acceptance process. GMS automatically issues the notifications at 9:00 p.m. eastern time on the award date.

For each successful applicant, an individual with the necessary authority to bind the applicant will be required to log in; execute a set of legal certifications and a set of legal assurances; designate a financial point of contact; thoroughly review the award, including all award conditions; and sign and accept the award. The award acceptance process requires physical signature of the award document by the authorized representative and the scanning and submission 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 OJP-approved application, the recipient must comply with all award conditions, as well as all applicable requirements of federal statutes and regulations (including applicable requirements referred to in the assurances and certifications executed in connection with award acceptance). OJP strongly encourages prospective applicants to review information on post-award legal requirements and common OJP award conditions **prior** to submitting an application.

Applicants should consult the “[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](#),” available in the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>. In addition, applicants should examine the following two legal documents, as each successful applicant must execute both documents before it may receive any award funds. (An applicant is not required to submit these documents as part of an application.)

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

The webpages accessible through the “[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](#)” are intended to give applicants for OJP awards a general overview of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants and cooperative agreements awarded in FY 2018. Individual OJP awards typically also will include additional award conditions. Those additional conditions may relate to the particular statute, program, or solicitation under which the award is made; to the substance of the funded application; to the recipient’s performance under other federal awards; to the recipient’s legal status (e.g., as a for-profit entity); or to other pertinent considerations.

As stated above, BJA expects that it will make any award under Category 3 of this solicitation in the form of a cooperative agreement. Cooperative agreements include a condition in the award document that sets out the nature of the “substantial federal involvement” in carrying out the award and program. Generally stated, under OJP cooperative agreement awards, responsibility for the day-to-day conduct of the funded project rests with the recipient. OJP, however, may have substantial involvement in matters such as substantive coordination of technical efforts and site selection, as well as review and approval of project work plans, research designs, data

collection instruments, and major project-generated materials. In addition, OJP often indicates in the award terms and conditions that it may redirect the project if necessary.

In addition to an award condition that sets out the nature of the anticipated “substantial federal involvement” in the award, cooperative agreements awarded by OJP include an award condition that requires specific reporting in connection with conferences, meetings, retreats, seminars, symposia, training activities, or similar events funded under the award.

Awardee(s) will be working closely with BJA staff in the management of this project and deliverables. For Category 3, Tribal Justice TTA, BJA will be especially involved in scoping and initiation of this work. For Category 1, Civil Legal Assistance and Category 2, Criminal Legal Assistance, BJA will meet with grantee(s) on a quarterly basis.

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

In addition to the deliverables described in [Section A. Program Description](#), any recipient of an award under this solicitation will be required to submit the following reports and data.

Required reports. Recipients typically must submit quarterly financial reports and semi-annual progress reports, final financial and progress reports, and, if applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions. Future awards and fund drawdowns may be withheld if reports are delinquent. (In appropriate cases, OJP may require additional reports.)

Awards that exceed \$500,000 will include an additional condition that, under specific circumstances, will require the recipient to report (to FAPIIS) information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either the OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Additional information on this reporting requirement appears in the text of the award condition posted on the OJP webpage at <https://ojp.gov/funding/FAPIIS.htm>.

Data on performance measures. In addition to required reports, each award recipient also must provide data that measure the results of the work done under the award. To demonstrate program progress and success, as well as to assist DOJ in 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, OJP will require any award recipient, post award, to provide performance data as part of regular progress reporting. Successful applicants will be required to access OJP’s performance measurement page at <https://ojp.gov/performance/> for an overview of performance measurement activities at OJP. Performance measures for this program are listed in [Appendix A](#).

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

For OJP contact(s), see the title page.

For contact information for Grants.gov, see the title page.

## H. Other Information

### **Freedom of Information Act and Privacy Act (5 U.S.C. 552 and 5 U.S.C. 552a)**

All applications submitted to OJP (including all attachments to applications) are subject to the federal Freedom of Information Act (FOIA) and to the Privacy Act. By law, DOJ may withhold information that is responsive to a request pursuant to FOIA if DOJ determines that the responsive information either is protected under the Privacy Act or falls within the scope of one of nine statutory exemptions under FOIA. DOJ cannot agree in advance of a request pursuant to FOIA not to release some or all portions of an application.

In its review of records that are responsive to a FOIA request, OJP will withhold information in those records that plainly falls within the scope of the Privacy Act or one of the statutory exemptions under FOIA. (Some examples include certain types of information in budgets, and names and contact information for project staff other than certain key personnel.) In appropriate circumstances, OJP will request the views of the applicant/recipient that submitted a responsive document.

For example, if OJP receives a request pursuant to FOIA for an application submitted by a nonprofit or for-profit organization or an institution of higher education, or for an application that involves research, OJP typically will contact the applicant/recipient that submitted the application and ask it to identify—quite precisely—any particular information in the application that the applicant/recipient believes falls under a FOIA exemption, the specific exemption it believes applies, and why. After considering the submission by the applicant/recipient, OJP makes an independent assessment regarding withholding information. OJP generally follows a similar process for requests pursuant to FOIA for applications that may contain law-enforcement sensitive information.

### **Provide Feedback to OJP**

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

**IMPORTANT:** This email is for feedback and suggestions only. OJP does **not** reply from this mailbox to messages it receives in this mailbox. Any prospective applicant that has specific questions on any program or technical aspect of the solicitation **must** use the appropriate telephone number or email listed on the front of this document to obtain information. These contacts are provided to help ensure that prospective applicants can directly reach an individual who can address specific questions in a timely manner.

If you are interested in being a reviewer for other OJP grant applications, please email your résumé to [ojpprsupport@usdoj.gov](mailto:ojpprsupport@usdoj.gov). (Do not send your résumé to the OJP Solicitation Feedback email account.) **Note:** Neither you nor anyone else from your organization or entity can be a peer reviewer in a competition in which you or your organization/entity has submitted an application.

## Appendix A: Performance Measures Table

To assist the Department with fulfilling its responsibilities under 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. Post-award recipients will be required to submit performance metric data semiannually through BJA’s online Training and Technical Assistance Reporting Portal. More information on reporting requirements can be found at: <https://www.bjatrainng.org/working-with-nttac/providers>.

Below are the performance measures for Category 3 applicants for this solicitation:

Objectives	Performance Measure	Data Grantee Provides
<p>Objective 1. Increase the knowledge of criminal and tribal justice practitioners through:</p> <ul style="list-style-type: none"> <li>• In-person training</li> <li>• Web-based learning</li> <li>• Distance learning, including webinars and podcasts</li> <li>• Developing or revising training curricula</li> </ul>	Number of Trainings conducted	Number of trainings (by type): <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>
	Number of participants who attend the training	Number of individuals who: <ul style="list-style-type: none"> <li>• Attend 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>
	Percentage of participants who successfully completed the training	
	Percentage of participants who rated the training as satisfactory or better	
	Percentage of participants trained and who subsequently demonstrated performance improvement	
Percentage of scholarship recipients surveyed who reported that the training provided information that could be utilized in their jobs	Number of Individuals who: <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> </ul>	

Objectives	Performance Measure	Data Grantee Provides
		<ul style="list-style-type: none"> <li>• Reported the training provided information that could be utilized in their job</li> </ul>
	Number of curricula developed	Number of training curricula: <ul style="list-style-type: none"> <li>• Developed</li> <li>• Pilot tested</li> <li>• Revised after being pilot tested</li> </ul>
	Number of curricula that were pilot tested	
	Percentage of curricula that were revised after pilot testing	
Objective 2. Increase a tribal justice agency's ability to solve problems and/or modify policies or practices through technical assistance.	Percentage of requesting agencies that rated services as satisfactory or better	<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 that completed an evaluation of services</li> <li>• Number of agencies that rated the services as satisfactory or better (in terms of timeliness and quality)</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> </ul>
	Percentage of requesting agencies that were planning to implement one or more recommendations	
	Percentage of peer visitors who reported that the visit to the other agency was useful in providing information on policies or practices	<ul style="list-style-type: none"> <li>• Number of peer-to-peer visits completed</li> <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</li> </ul>
	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	

Objectives	Performance Measure	Data Grantee Provides
		<p>recommendations 6 months after the onsite visit</p>
Objective 3. Increase information provided to BJA and the criminal and tribal justice communities.	Percentage of requesting agencies of other onsite services that rated the services provided as satisfactory or better	<ul style="list-style-type: none"> <li>• Number of other onsite services provided</li> <li>• Number of requesting agencies that completed an evaluation of other onsite services</li> <li>• Number of agencies that rated the services as satisfactory or better</li> </ul>
	Number of conferences or advisory/focus groups held	<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> </ul>
	Percentage of advisory/focus groups evaluated as satisfactory or better	
	Number of publications developed	<ul style="list-style-type: none"> <li>• Number of publications/resources developed</li> <li>• Number of publications/resources disseminated</li> </ul>
	Number of publications disseminated	
	Percentage of websites developed and maintained	<ul style="list-style-type: none"> <li>• Number of websites developed</li> <li>• Number of websites maintained</li> <li>• Number of visits to websites during the current reporting period</li> <li>• Number of visits to websites during the previous reporting period</li> </ul>
	Percent increase in the number of visits to websites	
	Percentage of information requests responded to	<ul style="list-style-type: none"> <li>• Number of information requests</li> <li>• Number of information requests responded to</li> </ul>

## Appendix B: Application Checklist

### Tribal Civil and Criminal Legal Assistance Grants, Training and Technical Assistance Fiscal Year 2018 Competitive Grant Announcement

This application checklist has been created as an aid in developing an application.

#### What an Applicant Should Do:

##### *Prior to Registering in Grants.gov:*

- \_\_\_\_\_ Acquire a DUNS Number (see page 31)
- \_\_\_\_\_ Acquire or renew registration with SAM (see page 32)

##### *To Register with Grants.gov:*

- \_\_\_\_\_ Acquire AOR and Grants.gov username/password (see page 32)
- \_\_\_\_\_ Acquire AOR confirmation from the E-Biz POC (see page 32)

##### *To Find Funding Opportunity:*

- \_\_\_\_\_ Search for the Funding Opportunity on Grants.gov (see page 32)
- \_\_\_\_\_ Select the correct Competition ID (see page 32)
- \_\_\_\_\_ Access Funding Opportunity and Application Package (see page 33)
- \_\_\_\_\_ Sign up for Grants.gov email [notifications](#) (optional) (see page 30)
- \_\_\_\_\_ Read [Important Notice: Applying for Grants in Grants.gov](#) (see page 2)
- \_\_\_\_\_ Read OJP policy and guidance on conference approval, planning, and reporting available at <http://ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm> (see page 18)

##### *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 33)

##### *If No Grants.gov Receipt, and Validation or Error Notifications are Received:*

- \_\_\_\_\_ contact NCJRS regarding experiencing technical difficulties (see page 3)

#### Overview of Post-Award Legal Requirements:

\_\_\_\_\_ Review the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](#)" in the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>.

#### Eligibility Requirement:

##### \_\_\_\_\_ CATEGORY 1: TRIBAL CIVIL LEGAL ASSISTANCE GRANTS

Applicants in Category 1 are limited to nonprofit organizations, as defined by 26 U.S.C § 501(c)(3), including and tribal nonprofit organizations, tribal enterprises, and educational institutions (public, private, and tribal colleges and universities) with experience providing legal assistance services to eligible individuals pursuant to federal poverty guidelines, federally recognized Indian tribes (as determined by the Secretary of the Interior), or tribal justice systems. Federal poverty guidelines are updated every year by the U.S. Department of Health and Human Services: (<https://aspe.hhs.gov/poverty-guidelines>).

\_\_\_\_\_ CATEGORY 2: TRIBAL CRIMINAL LEGAL ASSISTANCE GRANTS

Applicants in Category 2 are limited to nonprofit organizations as defined by 26 U.S.C § 501(c)(3), including tribal nonprofit organizations, tribal enterprises, and educational institutions (public, private and tribal colleges and universities) with experience providing legal assistance services to eligible individuals pursuant to federal poverty guidelines, federally recognized Indian tribes (as determined by the Secretary of the Interior), or tribal justice systems. Federal poverty guidelines are updated every year by the U.S. Department of Health and Human Services: (<https://aspe.hhs.gov/poverty-guidelines>).

\_\_\_\_\_ CATEGORY 3: TRIBAL JUSTICE TRAINING AND TECHNICAL ASSISTANCE

Applicants in Category 3 are limited to national or regional membership organizations and associations whose membership consist of judicial system personnel within tribal justice systems.

**Scope Requirement:**

\_\_\_\_\_ The federal amount requested is within the allowable limits of:

Category 1: \$300,000

Category 2: \$300,000

Category 3: \$600,000

**What an Application Should Include:**

_____ Application for Federal Assistance (SF-424)	(see page 19)
_____ *Project Abstract	(see page 20)
_____ *Program Narrative	(see pages 20–21)
_____ *Combined Budget Detail Worksheet and Budget Narrative	(see pages 22–24)
_____ * <a href="#">Timeline and Task Plan Package</a>	(see page 27)
_____ *I.R.S. Determination Letter (for Category 1 applicants)	(see page 27)
_____ Indirect Cost Rate Agreement (if applicable)	(see page 25)
_____ Tribal Authorizing Resolution	(see page 25)
_____ Financial Management and System of Internal Controls Questionnaire	(see page 26)
_____ <a href="#">Disclosure of Lobbying Activities (SF-LLL)</a>	(see page 27)
_____ Additional Attachments	
_____ Applicant Disclosure of Pending Applications	(see pages 27–28)
_____ Research and Evaluation Independence and Integrity	(see pages 28–30)
_____ Request and Justification for Employee Compensation; Waiver (if applicable)	(see pages 17–18)

\* Please note that the five items (above) indicated by an asterisk (\*) are designated as basic minimum requirements for this application. Applications that do not include these elements shall neither proceed to peer review nor receive further consideration for funding by BJA.