

**Information Regarding a Change to the Upholding the Rule of Law and Preventing Wrongful  
Convictions FY 2018 Competitive Grant Announcement**

May 23, 2018

The closing date for this solicitation has been extended to June 28, 2018. It was previously June 11, 2018.

Thank you for your attention to this change.

**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) is seeking applications for the Upholding the Rule of Law and Preventing Wrongful Convictions (URLPWC) Program. The URLPWC Program furthers the Department's mission by ensuring the fair and consistent application of the rule of law in order to ensure the sustained integrity of the Criminal Justice System. The URLPWC Program seeks to evaluate specific judicial outcomes and assess prospective risk factors that might impact a conviction or acquittal. BJA will consider applications that offer an evidence-based approach to evaluating any vulnerabilities in the court system and recommend process solutions to strengthen the integrity of the Criminal Justice System.

## **Upholding the Rule of Law and Preventing Wrongful Convictions Program FY 2018 Competitive Grant Announcement**

**Applications Due: June 28, 2018**

### **Eligibility**

**Category 1:** Eligible applicants are limited to state and local governments with authority over prosecutors' offices that work to prevent, identify, and correct false or wrongful convictions, state and local public defender's offices, nonprofit organizations (including tribal nonprofit or for-profit organizations) dedicated to judicial verdicts that comport to the rule of law, and institutions of higher education (including tribal institutions of higher education). Applications **must** include a partnership between a state or local prosecutor's office and an organization or entity dedicated to ensuring just convictions and/or acquittals.

**Category 2:** Eligible applicants are limited to nonprofit organizations and for-profit entities that have experience and expertise in administering conviction integrity and review units or experience in reviewing cases of post-conviction and appeal claims of innocence such as those applicants in Category 1.

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 program.

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<sup>1</sup> For additional information on subawards, see "Budget and Associated Documentation" under [Section D. Application and Submission Information](#).

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/home.html> prior to submitting an application. All applications are due by 11:59 p.m. eastern time on June 28, 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.

## 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 unforeseen Grants.gov technical issues beyond an applicant's control that prevent it from submitting its application by the deadline, or 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.

Grants.gov number assigned to this solicitation: BJA-2018-14401

Release date: May 8, 2018

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# Upholding the Rule of Law and Preventing Wrongful Convictions Program FY 2018 Competitive Grant Announcement CFDA #16.746

## A. Program Description

### Overview

The Upholding the Rule of Law and Preventing Wrongful Convictions (URLPWC) Program is committed to protecting the unwavering integrity of the criminal justice system and the consistent application of due process for all. The URLPWC Program supports efforts by both conviction integrity or review units and entities that represent individuals with post-conviction claims of innocence to review individual cases of post-conviction and appeals claims of innocence. Where possible, the program seeks to identify and apprehend actual perpetrators of crimes who eluded prosecution and bring justice to victim(s), thereby enhancing public safety and security.

**Statutory Authority:** Awards under the URLPWC Program will be made under the statutory authority provided by the Consolidated Appropriations Act, 2018, Pub. L. 115-141, 132 Stat. 348, 420.

### Program-specific Information

The URLPWC Program supports partnerships between conviction integrity or review units (“Units”) and entities that represent individuals with post-conviction claims of innocence (“Entities”), to review cases of legitimate post-conviction and appeals claims of innocence and to enact measures to ensure justice. Where possible, the URLPWC Program seeks to identify actual perpetrators of crimes, and to bring justice to victim(s), thereby enhancing public safety.

Public safety is adversely impacted by delays in the identification and apprehension of actual perpetrators. Exonerations based on false testimony, for example, have primarily occurred in murder cases, meaning that violent perpetrators remained on the street, with the potential to continue to victimize.<sup>2</sup>

Traditionally, evaluating verdicts has been the work of Entities and legal aid clinics. Recently, however, Units have proven successful in their reviews of individual post-conviction and appeals claims of innocence and identifying the areas of risk that may give rise to wrongful convictions. In 2015, 58 of the 150 wrongful-conviction exonerations in the United States were the result of work by such Units.<sup>3</sup>

By advancing methodologies and policies that address the underlying causes of wrongful convictions, URLPWC funding will help prosecutors, law enforcement, defense counsel, and

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<sup>2</sup> [http://academyforjustice.org/wp-content/uploads/2017/10/9\\_Reforming-Criminal-Justice\\_Vol\\_3\\_Actual-Innocence-and-Wrongful-Convictions.pdf](http://academyforjustice.org/wp-content/uploads/2017/10/9_Reforming-Criminal-Justice_Vol_3_Actual-Innocence-and-Wrongful-Convictions.pdf)

<sup>3</sup> [https://www.law.umich.edu/special/exoneration/Documents/Exonerations\\_in\\_2015.pdf](https://www.law.umich.edu/special/exoneration/Documents/Exonerations_in_2015.pdf).

courts to identify actual perpetrators, and to develop training tools, policies, and procedures that can prevent wrongful convictions. In addition, Unit reviews may also result in the identification of systemic issues related to prior practices and errors, as well as new forensic practices that can contribute to preventing wrongful convictions. URLPWC will thereby support prosecutorial efforts to address violent crime and improve criminal prosecution, resulting in safer neighborhoods.

There are two categories of funding for this solicitation:

**Category 1** supports the prevention of wrongful convictions and the review of post-conviction and appeals claims of innocence through a partnership between new or established Units and Entities. Jurisdictions with established Units, as well as those starting new Units, are encouraged to apply. BJA is seeking applications that propose to review, investigate, and adjudicate individual cases of post-conviction and appeals claims of innocence, as well as assess the risk and prevention of wrongful conviction, through such partnerships. This effort includes assessing any vulnerabilities in the courts system and creating a process to systematically identify and review cases that meet the criteria for risk of wrongful conviction. All applicant organizations should show their capacity, and the commitment of key partners, to conduct this work, including demonstrable experience and competence with legal representation of post-conviction and appeals claims of innocence. Each applicant must describe how it will devote resources to coordinate the intake screening, investigation, or representation of post-conviction and appeals innocence claims.

**Category 2** supports the delivery of national training and technical assistance (TTA) by seeking a TTA partner to assist Category 1 award recipients with the implementation of their projects. BJA is seeking applicants that can bring the cross-cutting subject expertise needed, as well as demonstrate established experience in providing TTA outlined in the specific objectives and deliverables below.

## **Objectives and Deliverables**

### Category 1:

The objectives are to:

- Review cases of post-conviction and appeals claims of innocence.
- Establish or enhance partnerships between Units and Entities to review individual post-conviction and appeals claims of innocence.
- Establish or enhance Units and other strong partnerships with organizations such as prosecutors' offices or defense attorneys dedicated to preventing wrongful convictions.
- Identify and apprehend, whenever possible, the actual perpetrator of a crime.
- Evaluate whether or not any systemic issues exist that may compromise the rule of law and recommend practices for mitigating them and preventing wrongful convictions.

The expected deliverables are to:

- Identify and report the number of post-conviction and appeals claims-of-innocence cases reviewed and the stages of review conducted in each case.
- Document a systematic review of areas of risk for wrongful conviction.
- Provide a plan to mitigate the assessed areas of risk.
- Develop policies and procedures and identify training needs in the areas of prevention of wrongful conviction.

#### Category 2:

With the delivery of national TTA to Category 1 award recipients, the objectives are to:

- Develop and enhance strong partnerships between Units and Entities.
- Develop and implement a wrongful conviction risk assessment process.
- Review cases of high risk.
- Support quality post-conviction and appeals legal representation in the identified cases.
- Document the efficacy of Entities in seeking to overturn challenged convictions.
- Document the efficacy of Entities in identifying appropriate suspects when convictions are overturned.

The expected deliverables are:

- Delivery of regional training sessions that focus on: evaluating, and representing clients in, cases of post-conviction and appeals claims of innocence; and increasing the ability and expertise of Units to review procedures or systemic issues to determine if they are contributing to wrongful convictions and identify areas of risk and develop risk mitigation strategies. This training should be built upon an assessment of Category 1 award recipients' capacity and need, and should ensure that all key partners are engaged. The specifics of the training curriculum should be responsive to the needs of the Units. Training and assistance should also be focused on promoting best practices and collaborations between Units and Entities. Final topics and method of delivery will be determined by BJA and the selected TTA provider, post award
- Delivery of ongoing direct technical assistance to partnered Units and Entities as they implement their strategies. Capture the assistance provided and the reviews conducted, as well as examine the needs of award recipients.



- Host an online orientation meeting for Category 1 award recipients.
  - Identify the needs of Category 1 award recipients, either through a survey or a needs assessment process, to determine their greatest funding, training, and technical assistance needs.
  - Work with Category 1 award recipients to track cases reviewed and actual perpetrators identified, as well as to develop potential policies or guidelines.
- Develop a best practices guide for partnered Units and Entities working on wrongful conviction review.
- Maintain a central online database of materials, including briefs, motions, and expert information needed by lawyers who screen, investigate, and handle potential cases of wrongful conviction.

**Note: Category 2 TTA Provider Requirements**

BJA TTA providers are required to coordinate all TTA activities with BJA’s National Training and Technical Assistance Center (NTTAC). The award recipient will be required to comply with NTTAC protocols in order to ensure coordinated delivery of services among TTA providers and effective use of BJA TTA grant funding. BJA reserves the right to reasonably modify these protocols at any time, at its discretion.

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

The 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 the Office of Justice Programs 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**

### **CATEGORY 1: URLPWC- LOCAL SITES. Competition ID: BJA2018-BJA-2018-14402.**

BJA expects to make up to six awards of up to \$250,000 each, with an estimated total amount awarded of up to \$1,500,000. BJA expects to make awards for a 24-month period of performance, to begin on or after October 1, 2018.

### **CATEGORY 2: URLPWC- NATIONAL TRAINING AND TECHNICAL ASSISTANCE.**

#### **Competition ID: BJA2018-BJA-2018-14402.**

BJA expects to make one award of up to \$500,000. BJA expects to make the award for a 30-month period of performance, to begin on or after 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 Category 1 awards under this solicitation in the form of grants. 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 the Category 2 award under this solicitation 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>4</sup>) must, as described in the Part 200 Uniform Requirements<sup>5</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 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 to download, complete, and submit as part of the application.

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<sup>4</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 4c of this solicitation.

<sup>5</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.

## **Budget Information**

**Note for Category 1 Applicants:** Applications are solicited to review cases of potentially wrongfully convicted individuals. Funds must be primarily budgeted to directly support the review, investigation, and or adjudication of post-conviction claims of innocence. Use of grant funds may include:

- Evaluation and client representation of claims of innocence cases in which potentially flawed key eyewitness identification evidence was offered at trial and/or cases in which confession evidence, which appears to be unreliable or false, was offered at trial.
- Evaluation and client representation of cases in which potentially subjective forensic evidence was presented at trial involving (but not limited to) hair microscopy, bite mark comparisons, firearm tool mark analysis, shoe print comparisons, shaken baby syndrome, arson, and time or cause of death; and/or cases involving any other potentially probative evidence of innocence.
- Evaluation of areas of risk and development of mitigation plans, policies, and trainings to address potential risks.
- Staff salaries and contractor costs (such as Units coordinators, intake/case coordinators, investigators, staff lawyers); travel and investigation expenses; defense representation expenses (e.g., document and transcript expenses); funds for experts; and case management systems (and related staff time) necessary to track cases from first contact through the court process, and to keep relevant data and metrics.
- Assistance in defraying the costs of potentially exonerative forensic testing, expert consultation and testimony, screening/evaluation, and legal services, including hiring qualified defenders.
- Purchase of case management systems or software for the purpose of keeping detailed case management data for prospective exoneration cases, including tracking how much time is being spent on which cases and for what purpose/stage of the case.

Expenses should be consistent with the DOJ Grants Financial Guide at <https://ojp.gov/financialguide/doj/index.htm>, including conference approval, and support the deliverables outlined on page 7.

## **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. 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.)

Requests for approval of pre-agreement costs will not be considered under this solicitation.

### **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>6</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.

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.

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<sup>6</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.

### **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 eligibility information, see title page.

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

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

This section describes 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: Abstract, Program Narrative, Budget Detail Worksheet and Budget Narrative, and a Memorandum of Understanding (MOU) or Letter of Intent (LOI) to enter into an MOU (Category 1 only). If the applicant is an Entity, an MOU/LOI between the applicant and a state or local prosecutor's office reviewing post-conviction claims of innocence must be included. If the applicant is a state or local prosecutor's office, an MOU/LOI with an Entity must be included.

**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 should 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.
- Identify the partner(s) involved in the project.
- Identify the issues the applicant jurisdiction is facing regarding wrongful conviction reviews (number of requests, number of cases reviewed, number of exonerations).
- Identify the areas of focus in preventing and responding to wrongful conviction.
- 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.

## 3. Program Narrative

The Program Narrative should respond to the solicitation and review criteria listed below in the order given. The Program Narrative should be double-spaced, using a standard 12-point

font (Times New Roman is preferred) with 1-inch margins, and must not exceed 15 pages. Please number pages "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>7</sup>:

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

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 objectives and deliverables identified under "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.

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.

All award recipients will be required to provide the relevant data by submitting bi-annual performance metrics as part of their progress reports in GMS. The award recipient awarded funding to implement training and/or technical assistance activities will also have to report on measures related to TTA activities in the BJA's National Training and Technical Assistance Center reporting portal, located at <https://www.bjatrain.org/>. Performance measures for this solicitation are listed in [Appendix A: Performance Measures Table](#).

#### **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

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<sup>7</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](#).



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”](#) webpage of the [“Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards,”](#) 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 objectives 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.

### **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 (if applicable)**

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, 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.

#### **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. Memorandum of Understanding (Category 1 only)**

Applicants in Category 1 must submit a signed memorandum of understanding or a signed letter of intent to enter into a memorandum of understanding from key partners, including defense partners, prosecutors, and/or the Entities. The partners must state their commitment and involvement to the project and describe their role in assisting efforts as presented in the application. The MOU/LOI must be included in the application to be considered for funding.

### **b. Project Timeline**

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

### **c. Position Descriptions/Résumés**

Attach position descriptions for the key positions and résumés for current staff in addition to job posting descriptions for anticipated new hires. If the applicant is hiring, please detail in the timeline when it anticipates the hiring process to be complete and when any new hire’s efforts will commence.

### **d. 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

<b>Federal or State Funding Agency</b>	<b>Solicitation Name/Project Name</b>	<b>Name/Phone/Email for Point of Contact at Federal or State Funding Agency</b>
DOJ/Office of Community Oriented Policing Services (COPS)	COPS Hiring Program	Jane Doe, (02/000)0000; jane.doe@usdoj.gov
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; john.doe@hhs.gov

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.”

**e. Disclosure of Process Related to Executive Compensation**

An applicant that is a nonprofit organization may be required to make certain disclosures relating to the processes it uses to determine the compensation of its officers, directors, trustees, and key employees.

Under certain circumstances, a nonprofit organization that provides unreasonably high compensation to certain persons may subject both the organization's managers and those who receive the compensation to additional federal taxes. A rebuttable presumption of the reasonableness of a nonprofit organization's compensation arrangements, however, may be available if the nonprofit organization satisfied certain rules set out in Internal Revenue Service (IRS) regulations with regard to its compensation decisions.

Each applicant nonprofit organization must state at the time of its application (question 9c in the "OJP Financial Management and System of Internal Controls Questionnaire" located at <http://ojp.gov/funding/Apply/Resources/FinancialCapability.pdf> and mentioned earlier) whether or not the applicant entity believes (or asserts) that it currently satisfies the requirements of 26 C.F.R. 53.4958-6 (which relate to establishing or invoking a rebuttable presumption of reasonableness of compensation of certain individuals and entities).

A nonprofit organization that states in the questionnaire that it believes (or asserts) that it has satisfied the requirements of 26 C.F.R. 53.4958-6 must then disclose, in an attachment to its application (to be titled "Disclosure of Process Related to Executive Compensation"), the process used by the applicant nonprofit organization to determine the compensation of its officers, directors, trustees, and key employees (together, "covered persons").

At a minimum, the disclosure must describe in pertinent detail: (1) the composition of the body that reviews and approves compensation arrangements for covered persons; (2) the methods and practices used by the applicant nonprofit organization to ensure that no individual with a conflict of interest participates as a member of the body that reviews and approves a compensation arrangement for a covered person; (3) the appropriate data as to comparability of compensation that is obtained in advance and relied upon by the body that reviews and approves compensation arrangements for covered persons; and (4) the written or electronic records that the applicant organization maintains as concurrent documentation of the decisions with respect to compensation of covered persons made by the body that reviews and approves such compensation arrangements, including records of deliberations and of the basis for decisions.

For purposes of the required disclosure, the following terms and phrases have the meanings set out by the IRS for use in connection with 26 C.F.R. 53.4958-6: officers, directors, trustees, key employees, compensation, conflict of interest, appropriate data as to comparability, adequate documentation, and concurrent documentation.

Applicant nonprofit organizations should note that following receipt of an appropriate request, OJP may be authorized or required by law to make information submitted to satisfy this requirement available for public inspection. Also, a recipient may be required



to make a prompt supplemental disclosure after the award in certain circumstances (e.g., changes in the way the organization determines compensation).

### **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, etc.) 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
Upper case (A – Z)
Lower case (a – z)
Underscore ( _ )
Hyphen ( - )
Space
Period ( . )

Special Characters		
Parenthesis ( )	Curly braces { }	Square brackets [ ]
Ampersand (&)*	Tilde (~)	Exclamation point (!)
Comma ( , )	Semicolon ( ; )	Apostrophe ( ' )
At sign ( @ )	Number sign ( # )	Dollar sign ( \$ )
Percent sign ( % )	Plus sign ( + )	Equal sign ( = )

**\*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 1–2 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 [www.SAM.gov](http://www.SAM.gov).

3. **Acquire an Authorized Organization Representative (AOR) and a Grants.gov username and password.** Complete the AOR profile on Grants.gov and create a username and password. 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 <https://www.grants.gov/web/grants/applicants/organization-registration.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) number for this solicitation is 16.746 titled "Capital Case Litigation Initiative."
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: URLPWC- LOCAL SITES: BJA-2018-14402**

**Category 2: URLPWC- NATIONAL TRAINING AND TECHNICAL ASSISTANCE:  
BJA-2018-14403**

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 June 28, 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**

#### **Category 1**

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

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

Identify the challenge the applicant faces in reviewing post-conviction and appeals claims of innocence and mitigating the risk of wrongful conviction. For new conviction integrity or review units (Units), describe the issues resulting in the need for a Unit in your jurisdiction, including potential risks to public safety and security, and potential benefits, including reduction in violent crime and support for work of prosecutors. Provide data on the numbers of claims of innocence, exonerations resulting from the unit, Entities, and areas of risk for error. Describe any problem(s) regarding the review or development of policies or procedures that could prevent wrongful convictions.

Describe the applicant's current capacity to handle post-conviction and appeals claims of innocence and current efforts to mitigate the risk of wrongful convictions. Provide data about the estimated number of claims that are received; the number that merit further screening and review; and the number of exonerations resulting from these reviews. Describe how additional resources would impact prosecutors' offices' ability to address violent crime and improve public safety.

Describe any specific challenges or issues that impact the need in the jurisdiction(s) the applicant serves. Describe the applicant's intake policy, including how cases are screened and the different stages they move through, including how many cases the applicant processed in the last two calendar years (2016 and 2017), if any, and the case outcomes. Detail at what stage of the process these cases were completed or closed. Identify the number of cases in which actual perpetrators have been identified, and whether they have been involved in violent crimes. Describe any problem around the ability to screen, evaluate, and process claims, including any problems or shortfalls in providing investigative services and quality reviews to wrongfully convicted defendants.

Describe any regional, state, or local issues impacting the lack of adequate review in these cases in relation to the number of potential cases. Include whether the applicant or jurisdiction has a current backlog of cases, including cases with the Entities, Units, and the defense organization involved in the project, as applicable.

##### **2. Project Design and Implementation (30%)**

Describe the strategy to address the needs identified in the Statement of the Problem, particularly any anticipated needs or areas of specific concern. Describe area(s) of focus

for the project, e.g., eyewitness evidence, confession documentation, forensic evidence, etc. Discuss how funding under this initiative will address these concerns and reduce the risk of wrongful convictions and violent perpetrators eluding prosecution. Discuss how the project will improve public safety and security, and support the work of prosecutors and law enforcement. Discuss how the applicant will improve the quality and ability of review; how it will contribute to improvements in the speed and efficiency with which claims are handled; and how it will support the unwavering rule of law and improve the overall administration of justice in the targeted jurisdiction(s). Describe how the program differs, complements, or builds upon the efforts of other offices in the region, state, or locality that are also involved with potentially innocent defendants in post-conviction proceedings.

Describe how the current or planned Unit and the Entity have and/or will work together to review post-conviction claims of innocence, and areas of risk for wrongful conviction.

Describe whether the project design seeks to build capacity by hiring or building infrastructure to begin accepting cases and whether the applicant currently has the capacity to accept cases or rather seeks to expand current caseloads.

### **3. Capabilities and Competencies (25%)**

Describe the management structure for implementation of the strategy, including staffing and key partners. Describe how the partners will work together to implement the key program elements. Provide information, if any, on past efforts and or outcomes as a result of this partnership, and why it will enhance efforts in this area. Specifically identify who will lead the Unit process and who will serve as attorneys involved in screening, evaluation, and legal representation of post-conviction and appeals claims of innocence.

For all staff and partners, describe their specific qualifications. Demonstrate the overall capability to implement the project successfully. If the applicant is planning to hire staff, provide job posting descriptions and describe the anticipated recruitment efforts. Describe how this structure will be tied to the strategy identified in the Project Design and Implementation section. Provide position descriptions outlining the roles and responsibilities of the key positions and résumés for current staff (as an attachment).

### **4. Plan for Collecting the Data Required for this Solicitation's Performance Measures and Sustainability plan (15%)**

Describe the process for measuring project performance. Identify who will collect the data; who is responsible for performance measurements; and how the information will be used to guide and evaluate the impact of the program. Describe the process to accurately report implementation findings. Outline a strategy for sustaining the project when the federal grant period ends.

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

The budget must be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). Budget narratives should demonstrate generally how the applicant will maximize cost effectiveness of grant expenditures. Budget narratives should demonstrate cost effectiveness in relation to potential alternatives and

the objectives of the project.<sup>8</sup> The applicant should also budget for one BJA-sponsored conference. The BJA-sponsored conference is anticipated to be a 2-day event, which will take place in Washington, D.C.

## Category 2

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

### 1. Statement of the Problem (20%)

Provide a thorough understanding of the need for gathering and transferring knowledge, best practices, and information to the conviction integrity units and Entities and for the review of claims of innocence and its impact on violent crime.

Provide specific information on the project, to include an overview of any materials that need to be developed as well as the information, areas of instruction, and/or technical assistance to be provided based on the demonstrated needs of the field. Topics may include forming a Unit, best practices and procedures for Units, building partnerships, evaluation/screening of innocence claims, forensic testing, expert consultation and testimony, and legal representation strategies. The applicant should consider other topics it believes need to be addressed.

### 2. Program Design and Implementation (30%)

Describe the applicant's strategy to address: 1) the needs identified in the Statement of the Problem; and 2) the objectives and deliverables under the "Program-specific Information." Provide a complete description of training and technical assistance activities and the methods of intended delivery.

### 3. Capabilities and Competencies (30%)

Fully describe the applicant's capabilities to implement the TTA within the established timeline to enable the timely and effective delivery of the information, material, training, and assistance.

Provide an overview of the competencies of the staff and partners assigned to develop and deliver all of the information, instruction, and technical assistance specifically required by this category. Demonstrate the applicant's experience in addressing wrongful conviction cases and the elements therein, working with prosecutors in the area of conviction review, as well as the delivery of TTA on a national level. **The applicant must include discussion of the organization's experience with and capacity to provide effective, innovative training and technical assistance to the audience being served.**

Describe the capabilities, competencies, and management structure for implementation of the national training and assistance strategy, to include staffing.

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<sup>8</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.

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

Clearly explain how the material, instruction, and associated documents to be developed for this program will be current, comprehensive, and effective. One method of demonstrating this would be to reference prior delivery of information, material, and instruction and the resulting impact on the wrongful conviction community that it was directed to assist.

Detail what will be measured (see [Performance Measures](#) and [Appendix A](#)), who is responsible for developing performance measurements, and how the information will be used to guide the program.

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

The budget must be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). The budget narrative should demonstrate generally how the applicant will maximize cost effectiveness of grant expenditures. The budget narrative should demonstrate cost effectiveness in relation to potential alternatives and the objectives of the project.<sup>9</sup> For the regional meetings, the applicant should offer creative, cost-effective solutions to hosting regional trainings.

### **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

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<sup>9</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.



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 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.

**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 [insert BPO] 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 on page 9, BJA expects that it will make Category 2 award(s) under this solicitation in the form of cooperative agreements. 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.

### **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, 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 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 [www.ojp.gov/performance](http://www.ojp.gov/performance) for an overview of performance measurement activities at OJP. Performance measures for this specific program are also listed as [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 [ojppeerreview@l-secb.com](mailto:ojppeerreview@l-secb.com). (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

Category 1: Objectives	Performance Measures	Data Grantee Provides
<p>Objective 1: To review post-conviction claims of innocence.</p>	<p>Number of subject experts consulted</p> <p>Number of hours of forensic testing services provided</p> <p>Number of legal service hours provided</p> <p>Percent increase in number of cases reviewed for potential wrongful convictions</p> <p>Deliverables that meet expectations as defined by BJA</p>	<p>Number of subject experts consulted during the reporting period:</p> <ul style="list-style-type: none"> <li>• forensic experts, investigators consulted, case specific expert witnesses</li> <li>• forensic experts (list other examples)</li> </ul> <p>Number of hours of forensic testing services provided</p> <p>Number of legal service hours provided</p> <p>Number of post-conviction claims of innocence reviewed for potential wrongful convictions during previous reporting period</p> <p>Number of post-conviction claims of innocence reviewed for potential wrongful convictions during current reporting period</p> <p>Total number of cases in which evidence is re-examined as a result of post-conviction review</p> <p>Provide the following deliverables defined in the solicitation to include:</p> <ol style="list-style-type: none"> <li>a) Documented systematic review of areas of risk for wrongful conviction to determine whether or not any systemic issues exist that may compromise the rule of law               <ol style="list-style-type: none"> <li>a. A plan to mitigate the assessed areas of risk</li> <li>b. Recommended policies and procedures for mitigating risk and preventing wrongful convictions</li> </ol> </li> <li>b) Identify training needs in the areas of prevention of wrongful conviction</li> </ol>

Objective 2: To identify, whenever possible, the actual perpetrator of a crime.	<p>Number of actual perpetrators identified through re-examination of evidence in handling post-conviction innocence claims</p> <p>Percent of cases in which actual perpetrators are identified through re-examination of evidence in post-conviction</p>	<p>Number of actual perpetrators identified through re-examination of evidence in handling post-conviction innocence claims</p> <p>Number of cases in which actual perpetrators are identified through re-examination of evidence in post-conviction innocence claims</p> <p>Total number of cases in which evidence is re-examined as a result of post-conviction review</p>
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Category 2: Objectives	Performance Measures	Data Grantee Provides
Objective 1: Increase the knowledge and capacity of criminal justice practitioners to adjudicate post-conviction claims of innocence through in person training and technical assistance.	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  Percent of participants who successfully completed the training  Percent of participants who rated the training as satisfactory or better  Percent of participants trained and subsequently demonstrated performance improvement	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>
	Number of curricula developed  Number of curricula that were pilot tested  Percent of curricula that were revised after pilot testing	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>
	Percent of requesting agencies that rated services as satisfactory or better	Number of onsite visits completed  Number of reports submitted to requesting agencies after onsite visits

Category 2: Objectives	Performance Measures	Data Grantee Provides
		<p>Number of requesting agencies that completed an evaluation of services</p> <p>Number of agencies that rated the services as satisfactory or better (in terms of timeliness and quality)</p> <p>Number of follow-ups with requesting agencies completed 6 months after onsite visit</p> <p>Number of agencies that were planning to implement at least one or more recommendations 6 months after the onsite visit</p>
<p>Objective 2: Support the development of a wrongful conviction risk assessment process.</p>	<p>Percent of requesting agencies that were planning to implement one or more recommendations</p>	<p>Number of onsite visits completed</p> <p>Number of reports submitted to requesting agencies after onsite visits</p> <p>Number of requesting agencies that completed an evaluation of services</p> <p>Number of agencies that rated the services as satisfactory or better (in terms of timeliness and quality)</p> <p>Number of follow-ups with requesting agencies completed 6 months after onsite visit</p> <p>Number of agencies that were planning to implement at least one or more recommendation(s) 6 months after the onsite visit</p>
	<p>Percent of peer visitors who reported that the visit to the other agency was useful in providing information on policies or practices</p> <p>Percent of peer visitors who were planning to implement one or more policies or practices 6 months after they were observed at the visited site</p>	<p>Number of peer-to-peer visits completed</p> <p>Number of peer visitors who completed an evaluation</p> <p>Number of peer visitors who reported that the visit was useful in providing information on policies or practices</p> <p>Number of follow-ups with the requesting peer visitor completed 6 months after the peer-to-peer visit</p> <p>Number of peer visitors who were planning to implement at least one or more recommendations 6 months after the onsite visit</p>

Category 2: Objectives	Performance Measures	Data Grantee Provides
	<p>Percent of requesting agencies of other onsite services that rated the services provided as satisfactory or better</p>	<p>Number of other onsite services provided</p> <p>Number of requesting agencies that completed an evaluation of other onsite services</p> <p>Number of agencies that rated the services as satisfactory or better</p>
	<p>Number of conferences or advisory/focus groups held</p> <p>Percent of advisory/focus groups evaluated as satisfactory or better</p>	<p>Number of conferences or advisory/focus groups held</p> <p>Number of conference or advisory/focus group attendees who completed an evaluation</p> <p>Number of conference or advisory/focus group attendees who rated the advisory/focus group as satisfactory or better</p>
<p>Objective 3: Increase information provided to attorneys and criminal justice community for access to current resources regarding wrongful conviction review cases</p>	<p>Number of publications developed</p> <p>Number of publications disseminated</p>	<p>Number of publications/resources developed</p> <p>Number of publications/ resources disseminated</p>
	<p>Maintain a central online database of materials</p> <p>Percent of increase in the number of visits to websites</p>	<p>Provide documentation of the central online database materials as defined in solicitation</p> <p>Number of visits to websites during the current reporting period</p> <p>Number of visits to websites during the previous reporting period</p>
	<p>Percent of information requests responded to</p>	<p>Number of information requests</p> <p>Number of information requests responded to</p>



Category 2: Objectives	Performance Measures	Data Grantee Provides
	<p>Deliverables that meet expectations as defined by BJA</p> <p>Percentage of Entities/Units that have documented success in overturning challenged convictions</p> <p>Percentage of Entities/Units that have documented success in identifying appropriate suspects when convictions are overturned</p>	<p>Provide the following deliverables defined in the solicitation to include:</p> <ul style="list-style-type: none"> <li>a) Report documenting: <ul style="list-style-type: none"> <li>a. the efficacy of Entities/Units in seeking to overturn challenged convicts</li> <li>b. Efficacy of Entities/Units in identifying appropriate suspects when convictions are overturned</li> </ul> </li> <li>b) Wrongful conviction risk assessment</li> <li>c) Best practices guide for partnered Entities/Units working on wrongful</li> </ul> <p>Number of participating Entities/Units</p> <p>Number of participating Entities/Units that have documented success in:</p> <ul style="list-style-type: none"> <li>a) overturning challenged convictions</li> <li>b) identifying appropriate suspects when convictions are overturned</li> </ul>

**Appendix B: Application Checklist**  
**Upholding the Rule of Law and Preventing Wrongful Convictions Program**

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 25)

\_\_\_\_\_ Acquire or renew registration with SAM (see page 25)

*To Register with Grants.gov:*

\_\_\_\_\_ Acquire AOR and Grants.gov username/password (see page 26)

\_\_\_\_\_ Acquire AOR confirmation from the E-Biz POC (see page 26)

*To Find Funding Opportunity:*

\_\_\_\_\_ Search for the Funding Opportunity on Grants.gov (see page 26)

\_\_\_\_\_ Select the correct Competition ID (see page 26)

\_\_\_\_\_ Access Funding Opportunity and Application Package (see page 26)

\_\_\_\_\_ Sign up for Grants.gov email [notifications](#) (optional) (see page 24)

\_\_\_\_\_ Read [Important Notice: Applying for Grants in Grants.gov](#)

\_\_\_\_\_ Read OJP policy and guidance on conference approval, planning, and reporting available at [ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm](http://ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm) (see page 12)

*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 27)

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

\_\_\_\_\_ contact NCJRS regarding experiencing technical difficulties (see page 1)

**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>.

**Scope Requirement:**

\_\_\_\_\_ The federal amount requested is within the allowable limit(s) of:

Category 1: \$250,000

Category 2: \$500,000

**Eligibility Requirement:** See title page.

**What an Application Should Include:**

\_\_\_\_\_ Application for Federal Assistance (SF-424) (see page 14)

\_\_\_\_\_ Project Abstract (see page 14)

\_\_\_\_\_ Program Narrative (see page 14)

\_\_\_\_\_ Budget Detail Worksheet (see page 16)

- \_\_\_\_\_ Budget Narrative (see page 17)
- \_\_\_\_\_ Indirect Cost Rate Agreement (if applicable) (see page 19)
- \_\_\_\_\_ Tribal Authorizing Resolution (if applicable) (see page 20)
- \_\_\_\_\_ Financial Management and System of Internal Controls Questionnaire (see page 10)
- \_\_\_\_\_ [Disclosure of Lobbying Activities \(SF-LLL\)](#) (see page 21)
- \_\_\_\_\_ Additional Attachments:
  - \_\_\_\_\_ Memorandum of Understanding/Letter of Intent to enter into an MOU (Category 1 only) (see page 21)
  - \_\_\_\_\_ Project Timeline (see page 21)
  - \_\_\_\_\_ Position Descriptions/Résumés (see page 21)
  - \_\_\_\_\_ Applicant Disclosure of Pending Applications (see page 21)
  - \_\_\_\_\_ Disclosure of Process related to Executive Compensation (see page 23)
- \_\_\_\_\_ Request and Justification for Employee Compensation; Waiver (if applicable) (see page 12)