

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



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## BJA FY 22 Postconviction Testing of DNA Evidence

**Assistance Listing Number #** 16.820  
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**Application JustGrants Deadline:** June 27, 2022 8:59 PM

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### Overview

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) seeks applications for funding to assist in defraying the costs associated with postconviction case review, evidence location, and DNA testing in violent felony cases (as defined by state law) where the results of such testing might show actual innocence. This program furthers the DOJ's mission by ensuring the availability of fair and impartial administration of justice to Americans who may have been unjustly convicted.

This solicitation incorporates the OJP Grant Application Resource Guide by reference. The OJP Grant Application Resource Guide provides guidance to applicants on how to prepare and submit applications for funding to OJP. **If this solicitation expressly modifies any provision in the OJP Grant Application Resource Guide, the applicant is to follow the guidelines in this solicitation as to that provision.**

### Solicitation Categories

This solicitation does not include Solicitation Categories.

### Eligible Applicants:

City or township governments, County governments, Public and State controlled institutions of higher education, State governments, Other

### Other

For purposes of this solicitation, "state" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

To advance Executive Order 13929 Safe Policing for Safe Communities, the Attorney General determined that all state, local, and university or college law enforcement agencies must be certified by an approved independent credentialing body or have started the certification process to be eligible for FY 2022 DOJ discretionary grant funding. To become certified, the law enforcement agency must meet two mandatory conditions: (1) the agency's use-of-force policies adhere to all applicable federal, state, and local laws and (2) the agency's use-of-force policies prohibit chokeholds except in situations where use of deadly force is allowed by law. The certification requirement also applies to law enforcement agencies receiving DOJ discretionary grant funding through a subaward. For detailed information on this certification requirement, please visit <https://cops.usdoj.gov/SafePolicingEO> to access the Standards for Certification on Safe Policing for Safe Communities, the Implementation Fact Sheet, and the List of Designated Independent Credentialing Bodies.

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

BJA will consider 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). For additional information on subawards, see the OJP Grant Application Resource Guide.

## Contact Information

For technical assistance with submitting the Application for Federal Assistance standard form (SF)-424 and a Disclosure of Lobbying Activities form (SF-LLL) in Grants.gov, contact the Grants.gov Customer Support Hotline at 800-518-4726, 606-545-5035, [Grants.gov Customer Support](#), or [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.

For technical assistance with submitting the full application in DOJ's Justice Grants System (JustGrants), contact the JustGrants Service Desk at 833-872-5175 or [JustGrants.Support@usdoj.gov](mailto:JustGrants.Support@usdoj.gov). The JustGrants Service Desk operates 5 a.m. to 9 p.m. eastern time Monday-Friday and 9 a.m. to 5 p.m. Saturday, Sunday, and Federal holidays.

For assistance with any other requirements of this solicitation, contact the OJP Response Center by telephone at 800-851-3420 or TTY: 301-240-6310 (hearing impaired only), or by email at [grants@ncjrs.gov](mailto:grants@ncjrs.gov). The OJP Response Center hours of operation are 10:00 a.m. to 6:00 p.m., eastern time Monday–Friday, and 10:00 a.m. to 8:00 p.m. on the solicitation closing date.

## Submission Information

Applications will be submitted to DOJ in two steps:

**Step 1:** The applicant must submit by the Grants.gov deadline the required Application for Federal Assistance standard form (SF)-424 and a Disclosure of Lobbying Activities (SF-LLL) form when they register in Grants.gov at <https://www.grants.gov/web/grants/register.html>. To register in Grants.gov, the applicant will need to ensure that its System for Award Management (SAM) registration is current.

**Step 2:** The applicant must then submit the **full application**, including attachments, in JustGrants at [JustGrants.usdoj.gov](https://JustGrants.usdoj.gov). To be considered timely, the full application must be submitted in JustGrants by the JustGrants application deadline. OJP encourages applicants to review the “How to Apply” section in the [OJP Grant Application Resource Guide](#) and the [JustGrants website](#) for more information, resources, and training.

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## **Program Description**

### **Overview**

OJP is committed to advancing work that promotes civil rights and racial equity, increases access to justice, supports crime victims and individuals impacted by the justice system, strengthens community safety and protects the public from crime and evolving threats, and builds trust between law enforcement and the community. The Postconviction Testing of DNA Evidence Program provides funds to assist in defraying the costs associated with postconviction case review, evidence location, and DNA testing in violent felony cases (as defined by state law) where the results of such testing might demonstrate actual innocence. BJA seeks proposals for funding to assist in defraying the costs associated with postconviction DNA testing in cases of violent felony offenses (as defined by state law) in which actual innocence might be demonstrated. This program furthers the Department's mission by ensuring the availability of fair and impartial administration of justice to individuals who may have been unjustly convicted.

### **Statutory Authority**

Department of Justice Appropriations Act, 2022 (Pub. L. No. 117-103, 136 Stat. 49, 126).

### **Specific Information**

Under this program, BJA provides funding to help defray the costs (e.g., additional personnel, overtime, testing supplies, and services) associated with postconviction DNA testing for violent felony offenses (as defined by state law) in which actual innocence might be demonstrated. Funds may be used to review suitable postconviction cases and locate and analyze biological evidence. Only a limited portion of funds may be used for case identification activities.

### **Definitions**

For purposes of this solicitation, the following are defined:

#### **Case Identification**

Performing outreach or initial screening activities, other than "case review" as defined below, designed to identify postconviction cases of violent felony offenses (as defined by state law) where DNA analysis might demonstrate actual innocence.

#### **Case Review**

Review of files or documentation of postconviction cases of violent felony offenses (as defined by state law) by appropriate persons (e.g., prosecutors, public defenders, law enforcement personnel, and medical examiners) to determine whether biological evidence exists that might, through DNA analysis, demonstrate the actual innocence of the person previously convicted.

#### **CODIS**

The Combined DNA Index System and the generic term used to describe the Federal Bureau of Investigation's program of support for criminal justice DNA databases, as well as the software used to run these databases.

#### **DNA Analysis**

Includes the handling, screening, laboratory testing, profile interpretation, and reporting of samples containing DNA. DNA analysis may be conducted on evidence or known samples.

#### **DNA Profile**

Genetic sequence related to an individual contributor. One case may generate one or more profiles.

#### **Evidence**

Material collected from the crime scene. This does not include known samples (e.g., buccal swabs) from the victim and/or postconviction claimant.

#### **Evidence Item**

Original item recovered from a crime scene. Swabbings/cuttings taken from the evidence item are considered subsets of the original.

#### **Evidence Location**

Seeking to locate, following a case review, biological evidence that, through DNA analysis, might demonstrate actual innocence. It includes activities such as the searching of files, storage facilities, and evidence rooms.

**Familial DNA Searching**

An intentional or deliberate search of the DNA database conducted after a routine search for the purpose of potentially identifying close biological relatives of the unknown forensic sample associated with the crime scene profile.

**Forensic Genealogy**

The combination of genetic analysis with traditional historical and genealogical research to study family history. For forensic investigations, it can be used to identify remains by tying the DNA to a family with a missing person or to point to the likely identity of a perpetrator.

**NDIS**

The National DNA Index System, and one part of CODIS, containing the DNA profiles contributed by federal, state, and local participating forensic laboratories. All 50 states, the District of Columbia, the federal government, the U.S. Army Criminal Investigation Laboratory, and Puerto Rico participate in NDIS.

**Postconviction DNA Cases in Which an Evidence Search Was Conducted**

Any activity intended to identify the location of evidence pertaining to a particular case. It includes physical searches or paperwork reviews.

**Postconviction DNA Cases in Which Biological Evidence Was Found**

Cases for which physical evidence was located that could reasonably be submitted for DNA testing. This includes evidence not previously tested and evidence that may have been previously tested with methods not advanced enough to provide conclusive results.

**Postconviction DNA Cases in Which Biological Evidence Was Determined to Have Been Destroyed**

Cases for which a final determination has been made that the evidence has been destroyed and no further attempts will be made to locate this evidence under this award. Generally, records may show that the evidence has been destroyed.

**Postconviction DNA Cases in Which Biological Evidence Was Determined to Be Missing**

Cases for which a final determination has been made that the evidence has been lost and no further attempts will be made to locate this evidence under this award. "Missing" evidence is declared after thorough searches in several possible locations and without finding the evidence at the last recorded location.

**Viable DNA Profile**

A full or partial DNA profile, or mitochondrial DNA sequence, taken from an evidence item that can be uploaded to CODIS or is otherwise statistically relevant and could be used to compare against other DNA profiles such as the postconviction claimant's profile. One case may generate one or more profiles.

**Goals, Objectives, Deliverables, and Timeline****Goal**

The goal of this program is to assist states and units of local government with postconviction DNA testing in cases of violent felony offenses where actual innocence might be demonstrated.

**Objectives**

Program objectives with respect to the target number of cases to be reviewed and other concrete objectives must be outlined in the proposal. Funded projects are expected to implement some aspect of each of the following activities, except for case identification, which is not mandatory:

1. Identify potential postconviction DNA testing cases. A maximum of 15 percent of the proposed budget may be dedicated to case identification activities.
2. Review appropriate postconviction cases to identify those in which DNA testing could prove the actual innocence of a person convicted of a violent felony offense as defined by state law.
3. Locate biological evidence associated with such postconviction cases.
4. Perform DNA analysis of appropriate biological evidence and report and review DNA test results.

**Deliverables**

All postconviction grantees are required to report specific programmatic metrics (see the "[Performance Measures](#)")

section). In addition, the applicant is asked to consider what other metrics may be of use in demonstrating the successful outcome of the program/project.

All traditional (e.g., nongenetic-genealogy) DNA analyses conducted using program funds must be performed by a laboratory (government-owned or fee-for-service) that is accredited, undergoes external audits at least once every 2 years, and demonstrates compliance with the applicable DNA Quality Assurance Standards established by the Director of the Federal Bureau of Investigation. All DNA analyses conducted and profiles generated under this program must be maintained pursuant to any applicable federal privacy requirements.

**Please note:** No profiles generated with funding from this program may be entered into any nongovernmental DNA database without prior express written approval from BJA. This includes DNA databases used for forensic genetic genealogy.

Program activity involving forensic genetic genealogical DNA analysis and searching (FGGS) is subject to the DOJ *Interim Policy on Forensic Genetic Genealogical DNA Analysis and Searching* or the final policy, when issued. See the "Performance Measures" section for additional required grantee reporting on FGGS activities.

The Goals, Objectives, and Deliverables are directly related to the performance measures that show the completed work's results, as discussed in the "Application and Submission Information" section.

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

OJP strongly encourages the use of data and evidence in policymaking and program development for criminal justice, juvenile justice, and crime victim services. For additional information and resources on evidence-based programs or practices, see the [OJP Grant Application Resource Guide](#).

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

OJP may conduct or support an evaluation of the programs and activities funded under this solicitation. For additional information, see the [OJP Grant Application Resource Guide](#) section entitled "Information Regarding Potential Evaluation of Programs and Activities."

### **OJP Priority Areas**

The Department of Justice is committed to advancing work that promotes civil rights and racial equity, increases access to justice, supports crime victims and individuals impacted by the justice system, strengthens community safety and protects the public from crime and evolving threats, and builds trust between law enforcement and the community.

#### **1. Priority Considerations Supporting Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government***

Consistent with this Executive Order, the term "underserved community" refers to a population sharing a particular characteristic, as well as a geographic community, that has been systematically denied a full opportunity to participate in aspects of economic, social, and civic life or whose members have been historically underserved, marginalized, and adversely affected by inequality. Such communities include, among others, Black people, Hispanics and Latino/a/e people, Native American and other Indigenous peoples of North America (including Alaska Natives, Eskimos, and Aleuts), Asian Americans, Native Hawaiians, and Pacific Islanders.

In support of Executive Order 13985, OJP will:

A. Give priority consideration to applications that include project(s) that will promote racial equity and the removal of barriers to access and opportunity for communities that have been historically underserved, marginalized, and adversely affected by inequality, when making award decisions.

To receive this consideration, the applicant must describe how the proposed project(s) will address potential inequities and barriers to equal opportunity, and/or contribute to greater access to services for underserved and historically marginalized populations.

B. Give priority consideration to applicants that can demonstrate that their capabilities and competencies for implementing their proposed project(s) are enhanced because the applicant (or at least one proposed subrecipient that will receive at least 30 percent of the requested award funding, as demonstrated in the budget worksheet and budget narrative) identifies as a culturally specific organization. To receive this additional priority consideration, applicants must describe how being a culturally specific organization (or funding the culturally specific subrecipient organization(s)) will enhance their ability to implement the proposed project(s) and should also specify which culturally specific populations are

intended or expected to be served or to have their needs addressed under the proposed project(s).

Culturally specific organizations are defined for purposes of this solicitation as private nonprofit or tribal organizations whose primary purpose as a whole is to provide culturally specific services to, among others, Black people, Hispanics and Latino/a/e people, Native American and other Indigenous peoples of North America (including Alaska Natives, Eskimos, and Aleuts), Asian Americans, Native Hawaiians, and/or Pacific Islanders.

Note: Addressing these priority areas is one of many factors that OJP considers in making funding decisions. Receiving priority consideration for one or more priority areas is not a guarantee of an award.

## **Federal Award Information**

### **Solicitation Categories**

This solicitation does not include Solicitation Categories.

### **Awards, Amounts and Durations**

<b>Anticipated Number of Awards</b>	<b>Anticipated Maximum Dollar Amount of Awards</b>
22	\$500,000.00
<b>Period of Performance Start Date</b>	<b>Period of Performance Duration (Months)</b>
10/1/22 12:00 AM	36
<b>Anticipated Total Amount to be Awarded Under Solicitation</b>	
\$10,600,000.00	

### **Availability of Funds**

This solicitation, and awards (if any are made) under this solicitation, are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by the agency or by law. In addition, nothing in this solicitation is intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

### **Types of Awards**

BJA expects to make awards under this solicitation as grants. See the "Administrative, National Policy, and Other Legal Requirements" section of the [OJP Grant Application Resource Guide](#) for a brief discussion of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants.

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

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities) must, as described in the Part 200 Uniform Requirements as set out at 2 C.F.R. 200.303, comply with standards for financial and program management. See the [OJP Grant Application Resource Guide](#) for additional information.

### **Budget Information**

Federal funds must be used to supplement existing state and local funds for program activities and must not supplant those funds that have been appropriated for the same purpose.

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

**Applicants proposing to direct a significant portion of project funds to a subrecipient(s) are expected to provide a breakdown and associated narrative of how the subrecipient(s) plans to use the funds.**

### **Case Identification**

The budget detail worksheet (which includes a "Narrative" section the applicant is to populate for each budget category) should clearly indicate the cost breakouts for any proposed case identification activities (total cost not to exceed 15 percent of the total federal award amount requested) within the appropriate cost categories (e.g., personnel, fringe



benefits, travel, equipment, supplies, subawards, procurement contracts, consultants).

### **Mandatory Training**

Award recipients must attend the annual 2-day forensics workshops for all recipient sites that will take place in the Washington, D.C., area. Key site team personnel (up to three representatives per site) will be expected to attend each annual meeting during the course of the grant period (starting in 2023), and applicants should budget accordingly. The workshops will focus on the elements of a successful project and key issues surrounding postconviction DNA testing issues.

### **Expenses that are Permitted**

1. **Salary and benefits of additional employees** — Funds may be used for salaries and benefits of additional full- or part-time employees to the extent that such employees are directly engaged in case identification, case review, location of evidence, or DNA analysis of biological evidence. Applicants should demonstrate that any **additional** full- or part-time employees will be directly engaged in these activities.
2. **Overtime** — Funds may be used for employee overtime for the purpose of case identification, case review, location of evidence, or DNA analysis of biological evidence. Any payments for overtime must be in accordance with the applicable provisions of the [DOJ Grants Financial Guide](#).
3. **Travel (limited)** — Funds may be used for reasonable travel expenses directly associated with case identification, case review, location of evidence, or DNA analysis of biological evidence. Travel funds may also support attendance at allowable training activities as described under **Training (limited)** below. These costs must be in accordance with federal policy or an organizationally approved travel policy. The Office of the Chief Financial Officer reserves the authority to determine the reasonableness of the recipient's own established travel rates. Current federal travel policy and per diem rate information are available at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem).
4. **Computer equipment** — Funds may be used to upgrade, replace, lease, or purchase computer hardware or software that will be used exclusively for case identification, case review, location of evidence, or DNA analysis of biological evidence.
5. **Laboratory supplies** — Funds may be used to acquire laboratory supplies for DNA analysis of biological evidence. The proposal must clearly demonstrate that the types and number of supplies requested are appropriate for the proposed caseload. Award recipients whose proposals involve the purchase or use of chemicals may encounter delays in the release of award funds pending satisfactory completion of the National Environmental Protection Act (NEPA) review process.
6. **Engage additional (temporary) personnel** — Funds may be used to obtain the services of individuals (other than employees of the recipient) to perform case identification and case reviews, locate evidence, or perform DNA analyses of biological evidence in the crime laboratory.
7. **Procurement from private laboratories of DNA analyses** — Funds may be used for contracts with accredited fee-for-service laboratories to conduct DNA analysis of biological evidence.
8. **Training (limited)** — In limited circumstances, funds may be used for postconviction training directly related to case identification, case review, location of biological evidence, and DNA analysis of biological evidence. Funds for this purpose must be used only for topics directly associated with case identification, case review, location of biological evidence, or DNA analysis of biological evidence. The proposal must clearly demonstrate that the proposed training directly supports the program's purpose areas, and is related directly to the job position and duties of the individual (s) receiving the training.

### **Expenses that Are Not Permitted**

Among other things, funds may not be used for:

1. Costs for postconviction relief litigation, after DNA testing of biological evidence has been completed.
2. Salaries and benefits for victim advocacy services.
3. Salaries, benefits, or overtime for staff who are not directly engaged in case identification, case review, location of biological evidence, or DNA analysis of biological evidence.
4. Laboratory equipment, instrumentation, and software such as, but not limited to, genetic analyzers, DNA extraction robotics, probabilistic genotyping software, and Laboratory Information Management Systems (LIMS).
5. Construction.
6. Renovation.
7. Office furnishings.
8. Witness travel.
9. General litigation training or non-postconviction training.

### **Cost Sharing or Matching Requirement**

This solicitation does not require a match.

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

See the [OJP Grant Application Resource Guide](#) information on Pre-agreement Costs (also known as Pre-award Costs).

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

See the [OJP Grant Application Resource Guide](#) information on the Limitation on Use of Award Funds for Employee Compensation; Waiver.

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

See the [OJP Grant Application Resource Guide](#) for information on Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs.

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

See the [OJP Grant Application Resource Guide](#) for information on Costs Associated with Language Assistance.

### **Eligibility Information**

For eligibility information, see the solicitation cover page.

For information on cost sharing or match requirements, see the “Federal Award Information” section.

### **Application and Submission Information**

The following application elements **must** be included in the application to meet the basic minimum requirements to advance to peer review and receive consideration for funding:

- Proposal Abstract
- Proposal Narrative
- Budget Worksheet and Budget Narrative (Web-based Form) (The web-based form includes the budget details and the budget narrative.)

See the “Application Elements and Formatting Instructions” section of the [OJP Grant Application Resource Guide](#) for information on what happens to an application that does not contain all the specified elements or is nonresponsive to the scope of the solicitation.

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

The SF-424 must be submitted in Grants.gov. The SF-424 is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. See the [OJP Grant Application Resource Guide](#) for additional information on completing the SF-424.

In Section 8F. of the SF-424, please include the name and contact information of the individual **who will complete the application in JustGrants**. JustGrants will use this information (*email address*) to assign the application to this user in JustGrants.

**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.”)

### **Standard Applicant Information (JustGrants 424 and General Agency Information)**

The Standard Applicant Information section of the JustGrants application is pre-populated with the SF-424 data submitted in Grants.gov. The applicant will need to review the Standard Applicant Information in JustGrants and make edits as needed. Within this section, the applicant will need to: add zip codes for areas affected by the project; confirm its Authorized Representative; and verify and confirm the organization's unique entity identifier, legal name, and address.

### **Proposal Abstract**

A proposal abstract (no more than 400 words) summarizing the proposed project, including the purpose of the project, primary activities, expected outcomes, the service area, intended beneficiaries and subrecipients (if known), will be completed in the JustGrants web-based form. This abstract should be written in the third person and will be made publicly available on the OJP website if the project is awarded. Proposal abstracts should:

- Identify the partner(s) involved in the project, if any.
- Identify the issues the applicant jurisdiction is facing regarding postconviction DNA testing (e.g., postconviction review, number of requests, number of cases reviewed).
- Identify the areas of focus for identifying postconviction DNA cases.

If the applicant is seeking priority consideration, applicant **must** provide the following information:

- Which priority consideration is being sought: 1(A), 1(B), or both.
- What page(s) in the proposal narrative provide documentation of the applicant's plan to respond to the priority consideration.
- For applicants seeking priority consideration 1(B), who is the proposed subawardee to receive the funding and the amount of funds proposed.

### **Proposal Narrative**

The proposal narrative should be submitted as an attachment in JustGrants. The attached document should be double-spaced, using a standard 12-point Times New Roman font; have no less than 1-inch margins; and should not exceed 12 pages. Pages should be numbered and submitted as an attachment. If the proposal narrative fails to comply with these length restrictions, BJA may consider such noncompliance in peer review and in final award decision.

#### Description of the Issue

1. Description of the Issue (20 percent) — Evaluate the applicant's understanding of the program/issue to be addressed.
  - a. Describe the challenges faced in conducting postconviction DNA analysis, including case review, identification, locating evidence, and DNA analysis.
  - b. Demonstrate awareness of the relevance of DNA testing to postconviction cases.

#### Program Design

1. Project Design and Implementation (50 percent) — Evaluate the adequacy of the proposal, including the goals, objectives, timelines, milestones, and deliverables.
  - a. Describe the strategy to address the needs identified in the Description of the Issue, particularly any areas of specific concern and the relevance to the goals and objectives of the program (see "Goals, Objectives, and Deliverables").
  - b. Describe the implementation approach, including case review selection criteria and the target number of cases to be reviewed with award funds.
  - c. Discuss how funding under this initiative will help to identify and test postconviction DNA cases and demonstrates an awareness of current methods for DNA analysis of forensic evidence. Past performance successes may be noted, but must not be a predominant part of the project design and implementation.
  - d. Discuss how the applicant will improve the quality and efficacy of case reviews.
  - e. Describe the feasibility of the proposed project, including the likelihood of completion within the proposed period of performance.
  - f. Provide awareness of potential pitfalls and describe the mitigation strategies should pitfalls be encountered.
  - g. Outline the applicant's innovation and creativity (where appropriate).

If the applicant is seeking priority consideration for Priority 1(A), it should address in this section how the proposed project (s) will promote racial equity and/or the removal of barriers to access and opportunity, and/or contribute to greater access to services, for communities that have been historically underserved, marginalized, and adversely affected by inequality.

## Capabilities and Competencies

1. Capabilities and Competencies (15 percent) — Evaluate administrative and technical capacity of the applicant to successfully accomplish the goals and objectives.
  - a. Describe the management structure for implementation of the strategy, including staffing and key partners. Describe how the partners, if any, will work together to implement the key project 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
  - b. Describe the qualifications and experience of proposed staff.
  - c. Describe the capability of staff and the applicant organization to manage the effort.
  - d. Discuss the adequacy of the management plan.

If the applicant is seeking priority consideration under Priority 1(B), it should describe within this section how being a culturally specific organization (or funding a culturally specific subrecipient organization at a minimum of 30 percent of the project budget) will enhance its ability to implement the proposed project(s) and should also specify which culturally specific populations are intended or expected to be served or have their needs addressed under the proposed project(s).

## Plan for Collecting the Data

1. Plan for Collecting the Data Required for this Solicitation's Performance Measures (5 percent) — Evaluate the applicant's understanding of the performance data reporting requirements and the plan for collecting the required data.

Note: Applicants are **not** required to submit performance data with the application. Rather, performance measure information is included as an alert that successful applicants will be required to submit performance data as part of each award's reporting requirements.

OJP will require each successful applicant to submit regular performance data that show the completed work's results. The performance data directly relate to the goals, objectives, and deliverables identified in the "Goals, Objectives, and Deliverables" section.

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

A list of performance measures questions for this program can be found [here](#).

BJA will require award recipients to submit performance measure data and performance reports in the Performance Measurement Tool (PMT) and separately submit a semi-annual performance report in JustGrants. BJA will provide further guidance on the post-award submission process, if selected for award.

## Budget

1. Budget (10 percent) — Evaluate for completeness, cost effectiveness, and allowability (e.g., reasonable, allocable, and necessary for project activities).
  - a. Provide explanation and/or justification if less than 15 percent of the budget is to be used for DNA testing.
  - b. Show that the budget is complete, cost effective, and allowable (e.g., reasonable, allocable, necessary for project activities).
    - i. Review expenses that are permitted and not permitted during assessment of this section.
  - c. Budget narratives demonstrate generally how applicants will maximize cost effectiveness of grant expenditures and includes budget breakdown and narrative for any subgrantees proposed to receive a significant portion of funding.

## **Note on Project Evaluations**

An applicant that proposes to use award funds through this solicitation to conduct project evaluations must follow the guidance in the "Note on Project Evaluations" section in the [OJP Grant Application Resource Guide](#).

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

The applicant will submit the Postconviction Testing of DNA Evidence goals, objectives, and deliverables in the JustGrants web-based form.

### **Budget and Associated Documentation**

#### **Budget Worksheet and Budget Narrative (Web-based Form)**

The applicant will complete the JustGrants web-based budget form. See the [OJP Grant Application Resource Guide](#) for additional information.

If the applicant is seeking priority consideration under Priority 1(B) based on the identification of at least one proposed subrecipient as a culturally specific organization, the proposed funding for the subrecipient in the web-based budget form **must be a minimum of 30 percent of award funding.**

The budget narrative must also describe how the activities that will be funded with the (minimum) 30 percent of award funding provided to the subrecipient **specifically relate to the priority consideration requested under Priority 1(B)** and described in the “Capabilities and Competencies” section of the application.

#### **Indirect Cost Rate Agreement (if applicable)**

The applicant will submit its indirect cost rate agreement by uploading it as an attachment in JustGrants. See the [OJP Grant Application Resource Guide](#) for additional information.

#### **Financial Management Questionnaire (including applicant disclosure of high-risk status)**

The applicant will download the questionnaire, complete it, and submit it by uploading it as an attachment in JustGrants. See the [OJP Grant Application Resource Guide](#) for the link to the questionnaire and additional information.

#### **Disclosure of Process Related to Executive Compensation**

This solicitation expressly modifies the OJP Grant Application Resource Guide by not incorporating its “Disclosure of Process Related to Executive Compensation” provisions. Applicants to this solicitation are not required to provide this disclosure.

#### **Additional Application Components**

Applicants will attach the additional requested documentation in JustGrants.

#### **Curriculum Vitae or Resumes**

Applicants will include curricula vitae, résumés, or biographical sketches for key personnel. Attach this as a separate PDF file titled “Curricula Vitae or Résumés.”

#### **Timeline Form**

Proposed project timeline and expected milestones, to include staff hiring if applicable. Attach this as a separate PDF file titled “Project Timeline.”

#### **Letters of Support**

Applicants will include letters of commitment or cooperation/support or administrative agreements from organizations collaborating in the project (if applicable). Attach this as a separate PDF file titled “Letters of Support.”

#### **Certification as to Provision of Postconviction DNA Testing and Preservation of Biological Evidence**

If an award is made, prior to receiving award funds, an applicant must submit an express [certification](#) from the chief legal officer of the state (typically the Attorney General) that the state:

1. Provides postconviction DNA testing of specified biological evidence under a state statute, or under state rules, regulations, or practices, for persons convicted after trial and under a sentence of imprisonment or death for a state offense of murder or forcible rape, in a manner intended to ensure a reasonable process for

- resolving claims of actual innocence.
2. Preserves biological evidence secured in relation to the investigation or prosecution of a state offense of murder or forcible rape, under a state statute, local ordinances, or state or local rules, regulations, or practices, in a manner intended to ensure that reasonable measures are taken by all jurisdictions within the state to preserve such evidence.

Any certification that is submitted must be personally executed by the chief legal officer of the state after a determination that the certification may properly be made. Certification must be provided on the BJA-provided template found [here](#). While it may be submitted with the application package, **submission of this certification is not required at the time of application**. If an award is made, access to award funds will be withheld until this certification is received and approved by BJA.

**Note to all applicants, in particular, applicants proposing postconviction DNA testing projects involving cases outside of the applicant's state:** The certification must be executed by the chief legal officer of the appropriate state for each state for which postconviction cases are sought to be funded consistent with this solicitation. **Funds will not be made available to applicants (if awarded) that fail to submit a properly executed certification(s).**

#### **Potential Environmental Impact Coversheet and Checklist — National Environmental Policy Act (NEPA)**

Each applicant is to submit a BJA Programmatic Cover Sheet and Checklist with its application to assist BJA in assessing the potential environmental impacts of the activities proposed for funding by the applicant. Specifically, the applicant is expected to:

- Carefully read the [Programmatic Environmental Assessment](#).
- Complete the [Cover Sheet and the attached Programmatic Checklist](#).
- Attach the completed documents to the grant application.

The applicant should also submit a cover sheet and BJA Programmatic Checklist for any organization identified in the budget detail worksheet that will receive grant funds through a subaward or procurement contract to perform any of the following activities: new construction or renovations that change the basic prior use of a facility or significantly change the size, research and/or technology development that could be expected to have an effect on the environment, or implementation of programs involving the use of chemicals. For more information about NEPA and BJA's NEPA process, please go to <https://bja.ojp.gov/national-environmental-policy-act-nepa-guidance>.

#### **Disclosures and Assurances**

The applicant will address the following disclosures and assurances.

##### **Disclosure of Lobbying Activities**

Complete and submit the SF-LLL in Grants.gov. See the [OJP Grant Application Resource Guide](#) for additional information.

##### **DOJ Certified Standard Assurances**

Review and accept the DOJ Certified Standard Assurances in JustGrants. See the [OJP Grant Application Resource Guide](#) for additional information.

##### **Applicant Disclosure of Duplication in Cost Items**

Complete the JustGrants web-based Applicant Disclosure of Duplication in Cost Items form. See the [OJP Grant Application Resource Guide](#) for additional information.

##### **DOJ Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements**

Review and accept the DOJ Certified Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements; Law Enforcement and Community Policing in JustGrants. See the [OJP Grant Application Resource Guide](#) for additional information.

##### **Applicant Disclosure and Justification – DOJ High Risk Grantees (if applicable)**

If applicable, submit the DOJ High Risk Disclosure and Justification as an attachment in JustGrants. A DOJ High Risk Grantee is an award recipient that has received a DOJ High Risk designation based on a documented history of unsatisfactory performance, financial instability, management system or other internal control deficiencies, or noncompliance with award terms and conditions on prior awards, or is otherwise not responsible. See the [OJP Grant Application Resource Guide](#) for additional information.

### How to Apply

Step 1: The applicant must submit the **SF-424** and **SF-LLL** in Grants.gov at <https://www.grants.gov/web/grants/register.html>.

Step 2: The applicant must then submit the **full application**, including attachments, in JustGrants in [JustGrants.usdoj.gov](https://www.justgrants.usdoj.gov).

For additional information, see the “How to Apply” section in the [OJP Grant Application Resource Guide](#) and the [DOJ Application Submission Checklist](#).

### Submission Dates and Time

The **SF-424** and the **SF-LLL** must be submitted in Grants.gov by June 22, 2022 8:59 PM.

The **full application** must be submitted in JustGrants by June 27, 2022 8:59 PM.

OJP urges applicants to submit their Grants.gov and JustGrants submissions prior to the due dates to allow sufficient time to correct errors and resubmit by the submission deadlines if a rejection notification is received. To be considered timely, the **full application** must be submitted in JustGrants by the JustGrants application deadline.

### Experiencing Unforeseen Technical Issues

An applicant that experiences unforeseen SAM.gov, Grants.gov, or JustGrants technical issues beyond its control that prevent application submission by the deadline must demonstrate all efforts in requesting technical support in order to submit an application by the deadline. Technical support is available via phone and email to the applicable SAM.gov, Grants.gov, or JustGrants support centers or service desks in which an applicant received a ticket number for resolution. If an applicant misses a deadline due to unforeseen technical difficulties, the applicant may request a waiver to submit an application after the deadline. *Note: If an applicant does not submit all the required Grants.gov forms by the Grants.gov deadline, the applicant will not be able to proceed to the JustGrants portion of the application process.*

An applicant experiencing technical difficulties with the following systems must contact the associated support desk indicated below to report the technical issue and receive a tracking number:

- Grants.gov — Contact the [Grants.gov Customer Support Hotline](#).
- SAM.gov — Contact the [SAM Help Desk \(Federal Service Desk\)](#).
- JustGrants — Contact the JustGrants Support Desk at [JustGrants.Support@usdoj.gov](mailto:JustGrants.Support@usdoj.gov) or 833-872-5175.

An applicant requesting a waiver to submit a late application must document their request for technical assistance in an email to the OJP Response Center at [grants@ncjrs.gov](mailto:grants@ncjrs.gov) within 24 hours after the application deadline to request approval to submit their application after the deadline. If an applicant has technical issues with Grants.gov, the applicant must contact the Grants.gov Customer Support Hotline within 24 hours of the Grants.gov deadline to request approval to submit after the deadline. However, waiver requests will not be reviewed until after the JustGrants deadline to allow time for all waivers to be submitted. Waiver requests to submit after the submission deadline must:

Describe the technical difficulties experienced.

- Include a timeline of the applicant's submission efforts (e.g., what date and time did the error occur, what date and time was action taken to resolve the issue and resubmit; and what date and time did support representatives respond).
- Include an attachment(s) of the complete grant application and all required documentation and material.
- Include the applicant's Unique Entity Identifier (UEI), any applicable SAM.gov tracking number(s), Grants.gov Help Desk, and JustGrants Support Desk Ticket Numbers.

OJP will review each request for late submission and required supporting documentation and notify the applicant whether the request has been approved or denied. For more details on the waiver process, OJP encourages applicants to review the “Experiencing Unforeseen Technical Issues” section in the [OJP Grant Application Resource Guide](#).

### Application Review Information

#### Review Criteria

Applications that meet the basic minimum requirements will be evaluated by peer reviewers. Applications will be evaluated on how the proposed project/program addresses the following criteria:

1. Statement of the Problem/Description of the Issue (20 percent) - evaluate the applicant's understanding of the program/issue to be addressed.
2. Project Design and Implementation (50 percent)- evaluate the adequacy of the proposal, including the goals, objectives, timelines, milestones, and deliverables.
3. Capabilities and Competencies (15 percent) - evaluate the administrative and technical capacity of the applicant to successfully accomplish the goals and objectives.
4. Plan for Collecting the Data Required for this Solicitation's Performance Measures (5 percent) - evaluate the applicant's understanding of the performance data reporting requirements and the plan for collecting the required data.
5. Budget (10 percent) - evaluate for completeness, cost effectiveness, and allowability (e.g., reasonable, allocable, and necessary for project activities).

### **Other Review Criteria/Factors**

Other important considerations for [insert PO] include geographic diversity, strategic priorities (specifically including, but not limited to, those priority areas already mentioned), available funding, past performance, [insert any additional programmatic review criteria that will be used to make funding decisions], and the extent to which the Budget Worksheet and Budget Narrative (web-based form) accurately explain project costs that are reasonable, necessary, and otherwise allowable under federal law and applicable federal cost principles.

### **Review Process**

Applications submitted under this solicitation that meet the basic minimum requirements, will be evaluated for technical merit by a peer review panel(s) in accordance with OJP peer review policy and procedures using the review criteria listed above.

OJP screens applications to ensure they meet the basic minimum requirements prior to conducting the peer review. Although specific requirements may vary, the following are common requirements applicable to all OJP solicitations:

- 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 necessary to meet the basic minimum requirements.

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 with one or more prior federal awards has a satisfactory record with respect to performance, integrity, and business ethics, OJP checks whether the applicant is listed in SAM as excluded from receiving a federal award.

In addition, if OJP anticipates that an award will exceed \$250,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the non-public segment of the integrity and performance system accessible through SAM (currently, the Federal Awardee Performance and Integrity Information System, FAPIIS).

**Important note on FAPIIS:** An applicant 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 such comments by the applicant, in addition to the other information in FAPIIS, in its assessment of the risk posed by the applicant.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final award decisions will be made by the Assistant Attorney General, who may consider not only peer review ratings and BJA recommendations, but also other factors as indicated in this section.

### **Federal Award Administration Information**

#### **Federal Award Notices**

See the [OJP Grant Application Resource Guide](#) for information on award notifications and instructions.



## **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 and all applicable requirements of federal statutes and regulations, including the applicable requirements referred to in the assurances and certifications executed in connection with award acceptance. For additional information on these legal requirements, see the “Administrative, National Policy, and Other Legal Requirements” section in the [OJP Grant Application Resource Guide](#).

## **Information Technology (IT) Security Clauses**

An application in response to this solicitation may require inclusion of information related to information technology security. See the [OJP Grant Application Resource Guide](#) for information on information technology security.

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

In addition to the deliverables described in the “Program Description” section, all award recipients under this solicitation will be required to submit certain reports and data.

Required reports. Award recipients typically must submit quarterly financial reports semi-annual performance reports, final financial and performance 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.)

See the [OJP Grant Application Resource Guide](#) for additional information on specific post-award reporting requirements, including performance measure data.

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

For OJP contact(s), see the solicitation cover page.

For contact information for Grants.gov, see the solicitation cover page.

For contact information for JustGrants, see the solicitation cover page.

## **Other Information**

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

See the [OJP Grant Application Resource Guide](#) for information on the Freedom of Information and Privacy Act (5 U.S.C. 552 and 5 U.S.C. 552a).

### **Provide Feedback to OJP**

See the [OJP Grant Application Resource Guide](#) for information on how to provide feedback to OJP.

## **Application Checklist**

### **BJA FY 22 Postconviction Testing of DNA Evidence**

This application checklist has been created as an aid in developing an application. The [DOJ Application Submission Checklist](#) is another resource.

### **What an Applicant Must Do:**

*Prior to registering in Grants.gov:*

- Confirm your Entity's [System Award Management \(SAM\)](#) Registration Information (see [OJP Grant Application Resource Guide](#))

*To register in Grants.gov:*

- Acquire an Authorized Organization Representative (AOR) and a Grants.gov username and password (see [OJP Grant Application Resource Guide](#))
- Acquire AOR confirmation from the E-Business Point of Contact (E-Biz POC) (see [OJP Grant Application Resource Guide](#))

To find the funding opportunity:

- Search for the funding opportunity in Grants.gov using the opportunity number, Assistance Listing or keyword(s)
- Select the correct Competition ID
- Access the funding opportunity and application package (see Step 7 in the [OJP Grant Application Resource Guide](#))
- Sign up for Grants.gov email notifications (optional) (see [OJP Grant Application Resource Guide](#))
- Read [Important Notice: Applying for Grants in Grants.gov](#)
- Read OJP policy and guidance on conference approval, planning, and reporting available at <https://www.ojp.gov/funding/financialguidedo/iii-postaward-requirements#6g3y8> (see [OJP Grant Application Resource Guide](#))

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

- Review the [“Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2022 Awards”](#) in the [OJP Funding Resource Center](#).

**Review Scope Requirement:**

- The federal amount requested is within the allowable limit(s) of \$500,000

**Review Eligibility Requirement:**

- See eligibility section

**Prepare to submit the Application for Federal Assistance standard form (SF)-424 and Disclosure of Lobbying Activities form (SF-LLL)**

- Review Information to complete the Application for Federal Assistance (SF-424) in Grants.gov
- Complete Standard Applicant Information (SF-424 information from Grants.gov)
- Submit the **SF-424** and **SF-LLL** in Grants.gov

After the SF-424 and SF-LLL submission in Grants.gov, receive Grants.gov email notifications that:

- Submission has been received in Grants.gov
- Submission has either been successfully validated or rejected with errors (see [OJP Grant Application Resource Guide](#))

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

- Contact Grants.gov Customer Support Hotline at 800-518-4726, 606-545-5035, [Grants.gov customer support](#), or [support@grants.gov](mailto:support@grants.gov) regarding technical difficulties (see [OJP Grant Application Resource Guide](#))

Receive email notification to complete application in JustGrants:

- Proceed to complete application in JustGrants

**Content of Application Submission: Critical Application Elements**

The following items are critical application elements required to pass the basic minimum requirements review. If OJP determines that an application does not include the following elements, it will neither proceed to peer review, nor receive further consideration.

- Proposal Abstract
- Proposal Narrative
- Budget Worksheet and Budget Narrative (web-based form)

**Budget and Associated Documentation:**

- Indirect Cost Rate Agreement (if applicable) (see [OJP Grant Application Resource Guide](#))
- Financial Management and System of Internal Controls Questionnaire (see [OJP Grant Application Resource Guide](#))

**Additional Application Components:**

- Request and Justification for Employee Compensation; Waiver (if applicable) (see [OJP Grant Application Resource Guide](#))
- Certification(s) as to Provision of Postconviction DNA Testing and Preservation of Biological Evidence (if available; not required at time of application)
- Potential Environmental Impact Coversheet and Checklist (See Additional Application Components discussion)
- List of Key Personnel (See Additional Application Components discussion)
- Timeline (See Additional Application Components discussion)
- Letters of Commitment (See Additional Application Components discussion)

**Disclosures and Assurances:**

- Disclosure of Lobbying Activities (SF-LLL) (see [OJP Grant Application Resource Guide](#))
- Applicant Disclosure of Duplication in Cost Items (see [OJP Grant Application Resource Guide](#))
- DOJ Certified Standard Assurances (see [OJP Grant Application Resource Guide](#))
- DOJ Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements (see [OJP Grant Application Resource Guide](#))
- Applicant Disclosure and Justification – DOJ High Risk Grantees (if applicable) (see [OJP Grant Application Resource Guide](#))

*Submit application in JustGrants:*

- Application has been successfully submitted in JustGrants

*If no JustGrants application submission, validation, or if error notifications are received:*

- Contact the JustGrants Service Desk at 833-872-5175 or [JustGrants.Support@usdoj.gov](mailto:JustGrants.Support@usdoj.gov) regarding technical difficulties.