

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



The [U.S. Department of Justice](#), [Office of Justice Programs](#) (OJP), [Bureau of Justice Assistance](#) (BJA) is pleased to announce it is seeking applications for funding under the Intellectual Property Enforcement Program. This program furthers the Department's mission by assisting state and local jurisdictions in preventing and reducing crime.

Intellectual Property Enforcement Program FY 2010 Competitive Grant Announcement

Eligibility

Eligible applicants include state, local, and tribal (federally-recognized Indian tribal governments as determined by the Secretary of the Interior and published in the [Federal Register](#)) law enforcement agencies, to include municipal and public education institutions, and prosecutors. Multijurisdictional task forces specific to the enforcement and forensic analysis of confiscated evidence of intellectual property crimes are also eligible.

For the purpose of this solicitation, the following definitions shall apply:

- (A) "law enforcement" shall include state, local, or tribal law enforcement agencies, to include prosecutors.
- (B) "intellectual property enforcement" means matters relating to the enforcement of criminal laws protecting copyrights, patents, trademarks, other forms of intellectual property, and trade secrets, both in the United States and abroad, including in particular matters relating to combating counterfeit and infringing goods.

Deadline

Registration with OJP's Grants Management System (GMS) is required prior to application submission. (See "How to Apply," page 4)

All applications are due by 8:00 p.m. eastern time on May 18, 2010. (See "Deadlines: Registration and Application," page 1.)

Contact Information

For technical assistance with submitting the application, call the Grants Management System Support Hotline at 1-888-549-9901, option 3, or via e-mail to GMSHelpDesk@usdoj.gov.

Note: The GMS Support Hotline hours of operation are Monday-Friday from 6:00 a.m. to 12 midnight eastern time, except federal holidays.

For assistance with the requirements of this solicitation, contact David P. Lewis, BJA Senior Policy Advisor, at 202-616-7829 or david.p.lewis@usdoj.gov.

Release date: March 29, 2010

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Intellectual Property Enforcement Program (CFDA #16.752)

Overview

The Intellectual Property Enforcement Program, administered by the Bureau of Justice Assistance (BJA), is designed to provide national support and improve the capacity of state, local, and tribal criminal justice systems to address criminal intellectual property enforcement, including prosecution, prevention, training, and technical assistance. This program is authorized by the Omnibus Consolidated Appropriations Act, 2010 (Pub. L. 111-117) and informed by section 401 of Public Law 110-403, which authorizes the Department to provide funding to support state and local intellectual property enforcement efforts.

Deadlines: Registration and Application

Registration is required prior to submission. The deadline to register in GMS is 8:00 p.m. eastern time on May 18, 2010, and the deadline for applying for funding under this announcement is 8:00 p.m. eastern time on May 18, 2010. Please see the "How to Apply" section, page 4, for more details.

Eligibility

Please refer to the cover page of this solicitation for eligibility under this program.

Intellectual Property Enforcement Program—Specific Information

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

Research has shown that intellectual property crimes are closely related to and support other crimes, including violent crime. A report by the Rand Corporation found that "Counterfeiting is widely used to generate cash for diverse criminal organizations. In the case of DVD film piracy, criminal groups are moving to control the entire supply chain, from manufacture to distribution to street sales, consolidating power over this lucrative black market and building substantial wealth and influence in virtually every region of the globe. Counterfeiting is a threat not only to the global information economy, but also to public safety and national security."¹

In February 2010, Attorney General Eric Holder announced the formation of a new Department of Justice Task Force on Intellectual Property as part of a Department-wide initiative to confront the growing number of domestic and international intellectual property (IP) crimes. "The rise in intellectual property crime in the United States and abroad threatens not only our public safety but also our economic wellbeing. The Department of Justice must confront this threat with a strong and coordinated response," said Attorney General Holder. "This Task Force

¹ Film Piracy, Organized Crime, and Terrorism. The Rand Corporation. 2009.
(www.rand.org/pubs/monographs/MG742/)

will allow us to identify and implement a multi-faceted strategy with our federal, state and international partners to effectively combat this type of crime." The Task Force, to be chaired by the Deputy Attorney General, will focus on strengthening efforts to combat intellectual property crimes through close coordination with state and local law enforcement partners as well as international counterparts. It will also monitor and coordinate overall intellectual property enforcement efforts at the Department, with an increased focus on the international aspects of IP enforcement, including the links between IP crime and international organized crime.

With the formation of this task force, and as a result of its initial efforts focused on task force priorities and coordination, funded programs under this solicitation must establish and maintain effective collaboration and coordination between state and local law enforcement, including prosecutors, multijurisdictional task forces, and the appropriate federal agencies, specifically local offices of the Federal Bureau of Investigation and the local U.S. Attorney's Offices. The information to be shared must include information about targeting, investigation, analysis, and prosecution of matters involving intellectual property as it relates to violations of state and local criminal statutes. Additionally, priority consideration may be given to proposals that are intended to address, in close coordination with federal law enforcement entities, intellectual property crimes that may be linked to international organized crime operating in the United States, in violation of local laws and ordinances, and intellectual property crime in the areas of or related to theft of trade secrets, health and safety, and commercial online piracy and counterfeiting.

Use of funds for overtime and other incurred investigatory expenses are allowable. Applicants are strongly encouraged to avoid unsubstantiated requests for equipment purchases. The funds awarded under this solicitation may not be used for land acquisition or construction projects, and may not be used to provide any security enhancements or any equipment to any non-governmental entity that is not engaged in law enforcement or law enforcement support, criminal or juvenile justice, or delinquency prevention.

Program sustainability beyond the grant period must be addressed by every applicant under this program (see Selection Criteria, page 7).

The specific focus of this program is criminal investigation, prosecution, prevention, and education as it relates to intellectual property enforcement. Specifically, this solicitation will fund efforts to:

- Assist state, local, and tribal law enforcement agencies in enforcing criminal intellectual property laws, including the reimbursement of expenses incurred in performing criminal enforcement operations, such as overtime payments and storage fees for seized evidence.
- Assist state, local, and tribal law enforcement agencies in educating the public to prevent, deter, and identify criminal violations of intellectual property laws.
- Establish task forces to include state, local law, or tribal enforcement entities, or both, exclusively to conduct investigations and forensic analyses of evidence and prosecutions in matters involving criminal intellectual property laws.
- Assist state, local, and tribal law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analyses of evidence in matters involving criminal intellectual property laws.

Agencies participating in this initiative are required to ensure deconfliction of their investigative and enforcement efforts. To this end, in addition to the coordination requirements as stated within this solicitation, agencies are encouraged to consider participating in the Regional Information Sharing Systems (RISS)' RISSafe deconfliction system. More information on RISS Safe can be found by contacting your regional RISS Center, see www.rissinfo.com www.riss.net.

Amount and Length of Awards

Multiple grants of up to \$200,000 are anticipated under this solicitation. The project period for awards under this program shall be 12 months. The project start date should be on or after October 1, 2010. A total of \$4 million is available under this program in FY 2010.

Budget Information

Match Requirement: There is a 50 percent match requirement for this solicitation, although it should be noted that the match can be met in its entirety through in-kind services and does not need to be a cash match.

A grant made under this solicitation may not cover more than 50 percent of the total costs of the project being funded. The applicant must identify the source of the 50 percent non-federal portion of the budget and how match funds will be used. Applicants may satisfy this match requirement with either cash or in-kind services or a combination of the two. The formula for calculating match is:

Award amount = Adjusted Project Costs
Federal Share

Recipient's share x Adjusted Project Cost = required match

Example: For a federal award amount of \$200,000, match would be calculated as follows:

$$\frac{\$200,000}{50\%} = \$400,000 \quad 50\% \times \$400,000 = \$200,000 \text{ match}$$

Performance Measures

To assist in fulfilling the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measures the results of their work. **Additionally, applicants must discuss in their application their methods for collecting data for performance measures. Please refer to "What An Application Must Include" (below), for additional information on applicant responsibilities for collecting and reporting data.** Grantees are required to provide the data requested in the "Data Grantee Provides" column so that OJP can calculate values for the "Performance Measures" column. Performance measures for this solicitation are as follows:

Objectives	Performance Measures	Data Grantee Provides
Assist state, local, and tribal law enforcement agencies in enforcing criminal intellectual property laws.	<p>Percentage increase in the number of offenders arrested for violation of intellectual property laws.</p> <p>Percent increase in the number of state intellectual property-related search warrants served.</p> <p>Percent increase in the number of local intellectual property-related search warrants served.</p> <p>Percent increase in the number of intellectual property-related tips/leads received during this reporting period.</p>	<p>Number of offenders arrested for violation of intellectual property laws during this reporting period.</p> <p>Number of state intellectual property-related search warrants served during this reporting period.</p> <p>Number of local intellectual property-related search warrants served during this reporting period.</p> <p>Number of intellectual property-related tips/leads received during this reporting period.</p>

How to Apply

Applications will be submitted through OJP's Grants Management System ([GMS](#)). [GMS](#) is a web-based, data-driven computer application that provides cradle to grave support for the application, award, and management of grants at OJP. Applicants should begin the process immediately to meet the GMS registration deadline, especially if this is the first time they have used the system. Complete instructions on how to register and submit an application in GMS can be found at www.ojp.usdoj.gov/gmscbt/. If you experience technical difficulties at any point during this process, please e-mail GMSHelpDesk@usdoj.gov or call 1-888-549-9901 (option 3), Monday-Friday from 6:00 a.m. to 12 midnight eastern time, except federal holidays. The Office of Justice Programs highly recommends starting the registration process as early as possible to prevent delays in the application submission by the specified deadline.

All applicants are required to complete the following steps:

1. **Acquire a DUNS Number.** A DUNS number is required to submit an application in GMS. The Office of Management and Budget requires that all businesses and nonprofit applicants for Federal funds include a DUNS (Data Universal Numbering System) number in their application for a new award or renewal of an existing award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and subrecipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, one-time activity. Obtain a DUNS number by calling 1-866-705-5711 or by applying online at www.dunandbradstreet.com. Individuals are exempt from this requirement.
2. **Acquire or Renew Registration with the Central Contractor Registration (CCR) Database.** CCR registration is required to receive funding. OJP requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the Central Contractor Registration (CCR) database. The CCR database is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. Organizations that have previously submitted applications via Grants.gov are

already registered with CCR, as it is a requirement for Grants.gov registration. Please note, however, that applicants must update or renew their CCR registration at least once per year to maintain an active status. Information about CCR registration procedures can be accessed at www.ccr.gov.

3. **Acquire a GMS Username and Password.** If you are a new user, please create a GMS profile by selecting the first time user link under the sign-in box of the [GMS](#) home page. For more information on how to register in GMS, go to www.ojp.usdoj.gov/gmscbt/.
4. **Search for the Funding Opportunity on GMS.** After you log in to GMS or complete your GMS profile for your username and password, go to the Funding Opportunities link on the left hand side of the page. Please select the Bureau of Justice Assistance and the Intellectual Property Enforcement Program.
5. **Select the Apply Online Button Associated with the Solicitation Title.** The search results from step 4 will display the solicitation title along with the Registration and Application Deadlines for this funding opportunity. Please select the Apply Online button in the Action Column to create an application in the system.
6. **Submit an Application Consistent with this Solicitation by Following the Directions in GMS.** Once submitted, GMS will display a confirmation screen stating your submission was successful. **Important:** You are urged to submit your application at least 72 hours prior to the due date of the application.

Note: OJP's Grants Management System (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."

Experiencing Unforeseen GMS Technical Issues

If you experience unforeseen GMS technical issues beyond your control which prevent you from submitting your application by the deadline, you must contact BJA staff (see cover page) **within 24 hours after the deadline** and request approval to submit your application. At that time, BJA staff will require you to e-mail the complete grant application, your DUNS number, and provide a GMS Help Desk tracking number(s). After the program office reviews all of the information submitted, and contacts the GMS Helpdesk to validate the technical issues you reported, OJP will contact you to either approve or deny your request to submit a late application. If the technical issues you reported cannot be validated, your application will be rejected as untimely.

To ensure a fair competition for limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) failure to begin the registration process in sufficient time; (2) failure to follow GMS instructions on how to register and apply as posted on its Web site; (3) failure to follow all of the instructions in the OJP solicitation; and (4) technical issues experienced with the applicant's computer or information technology (IT) environment.

Notifications regarding known technical problems with GMS are posted on the OJP funding Web page, www.ojp.usdoj.gov/funding/solicitations.htm.

What an Application Must Include

This section describes what an application is expected to include and sets out a number of elements. Applicants should anticipate that failure to submit an application that contains all of the specified elements may negatively affect the review of the application and, should a decision nevertheless be made to make an award, may result in the inclusion of special conditions that preclude access to or use of award funds pending satisfaction of the conditions.

Moreover, applicants should anticipate that applications that are not responsive to the scope of the solicitation, or do not include a program narrative, budget, and budget narrative will not proceed to peer review and will not receive further consideration.

OJP strongly recommends use of appropriately descriptive file names (e.g., "Program Narrative," "Budget and Budget Narrative," "Timelines," "Memoranda of Understanding," "Resumes") for all attachments. OJP recommends that, if applicable, resumes be included in a single file.

Standard Form 424

Please see www07.grants.gov/assets/SF424Instructions.pdf for instructions on how to complete your SF 424. When selecting "type of applicant," if the applicant is a for-profit entity, please select "For-Profit Organization" or "Small Business" (as applicable) in the Type of Applicant 1 data field. For-profit applicants also may select additional applicable categories (e.g., "Private Institution of Higher Education").

Program Abstract (Attachment 1)

Applicants must provide an abstract identifying the applicant's name, title of the project, dollar amount requested. The abstract must include goals of the project, a description of the strategies to be used, a numerical listing of key/major deliverables, and coordination plans. The abstract must be double-spaced, using a standard 12-point font (Times New Roman is preferred) with not less than 1-inch margins, and must not exceed 1 page.

Program Narrative (Attachment 2)

The program narrative must respond to the solicitation and the Selection Criteria (1–3, 5) in the order given. The program narrative must be double-spaced, using a standard 12-point font (Times New Roman is preferred) with not less than 1-inch margins, and must not exceed 10 pages. Please number pages "1 of 10," "2 of 10," etc.

Applicants should anticipate that if the program narrative fails to comply with these length-related restrictions, such that it provides a significant competitive advantage, the failure to comply may be considered in peer review and in final award decisions.

Budget and Budget Narrative (Attachment 3)

Applicants must provide a budget that is allowable and reasonable in response to Selection Criteria 4. Applicants must submit a budget detail worksheet and budget narrative. A budget detail worksheet form is available on OJP's web site at www.ojp.usdoj.gov/funding/forms/budget_detail.pdf. When using this form, applicants must also include a budget narrative, in MS Word or PDF format, as a separate attachment. Both the budget detail worksheet and narrative explanation of costs can be provided in a single document using this acceptable MS Word Budget template, available at www.ojp.usdoj.gov/BJA/funding/Budget_Worksheet_Narrative_Template.doc. Applicants may

submit the budget and budget narrative in a different format (i.e., Excel spreadsheet), but it must contain all categories listed within the budget detail worksheet.

The budget must clearly show the allocation of both the federally requested funding and the agency's match contribution.

Project Timeline and Position Descriptions (Attachment 4)

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

Letter of Assurances (Attachment 5)

Applicants must attach a letter addressed to the BJA Director affirming the required assurances required under this grant program and signed by the Chief Executive of the applying agency. This letter must address the following:

- A. Assurances the state in which the applicant is located has legislation for "intellectual property enforcement" with regard to criminal violations; to mean matters relating to the enforcement of laws protecting copyrights, patents, trademarks, other forms of intellectual property, and trade secrets, both in the United States and abroad, including in particular matters relating to combating counterfeit and infringing goods.
- B. An assessment of the resource needs of the state or local government entity applying for the grant, including information on the need for reimbursements of base salaries and overtime costs, storage fees, and other expenditures to improve the investigation, prevention, or enforcement of laws as described in (A) above; and
- C. A plan for coordinating the programs funded under this solicitation with other federally funded technical assistance and training programs, including directly funded local programs such as the Edward Byrne Memorial Justice Assistance Grant Program authorized by subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

Selection Criteria

1. Statement of the Problem (15 percent of 100)

Identify the precise problem to be addressed by the project. Provide specific data where available.

2. Program Design and Implementation (30 percent of 100)

Fully describe how the project will reach the stated goals and objectives by providing a complete description of its design and proposed implementation. Tie program activities to goals, objectives, and the performance measures applicable to the project. Include a comprehensive timeline that identifies milestones, numerically listed deliverables, and who is responsible for each activity (as Attachment 4).

3. Capabilities/Competencies (25 percent of 100)

Fully describe the applicant's capabilities to implement the project and the competencies of the staff assigned to the project to oversee it.

4. Budget (10 percent of 100)

Provide a comprehensive budget that is complete, allowable, cost-effective, and justified based on the proposed project as described in project narrative (as Attachment 3). Applicants are strongly encouraged to avoid unsubstantiated purchases and requested equipment must directly relate to the enforcement aspect as prescribed in this announcement. The match requirement must be clearly identified.

5. Impact/Outcomes, Evaluation, Sustainment, and Plan for Collecting Data for Performance Measures (20 percent of 100)

Explain how the program's effectiveness will be demonstrated. Describe how performance measure data will be collected and how it will be assessed to measure the impact of proposed efforts. Outline a strategy for sustaining the project when the federal grant ends.

Review Process

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

Peer reviewers will be reviewing the applications submitted under this solicitation that meet basic minimum requirements. The Bureau of Justice Assistance may use either internal peer reviewers, external peer reviewers or a combination to review the applications under this solicitation. An external peer reviewer is an expert in the field of the subject matter of a given solicitation who is NOT a current U.S. Department of Justice employee. An internal reviewer is a current U.S. Department of Justice employee who is well-versed or has expertise in the subject matter of this solicitation. Eligible applications will be evaluated, scored, and rated by a peer review panel. Peer reviewers' ratings and any resulting recommendations are advisory only. In addition to peer review ratings, considerations for award recommendations and decisions may include, but are not limited to, underserved populations, strategic priorities, past performance, and available funding.

The Office of the Chief Financial Officer (OCFO), in consultation with the Bureau of Justice Assistance, conducts a financial review of applications for potential discretionary awards and cooperative agreements to evaluate the fiscal integrity and financial capability of applicants; examines proposed costs to determine if the budget and budget narrative accurately explain project costs; and determines whether costs are reasonable, necessary, and allowable under applicable federal cost principles and agency regulations.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final grant award decisions will be made by the Assistant Attorney General (AAG), who may also give consideration to factors including, but not limited to, underserved populations, geographic diversity, strategic priorities, past performance, and available funding when making awards.

Additional Requirements

Applicants selected for awards must agree to comply with additional legal requirements upon acceptance of an award. We strongly encourage you to review the information pertaining to these additional requirements prior to submitting your application. Additional information for each can be found at www.ojp.usdoj.gov/funding/other_requirements.htm.

- [Civil Rights Compliance](#)

- Faith-Based and Other Community Organizations
- Confidentiality and Human Subjects Protection (if applicable)
- Anti-Lobbying Act
- Financial and Government Audit Requirements
- National Environmental Policy Act (NEPA) (if applicable)
- DOJ Information Technology Standards (if applicable)
- Single Point of Contact Review
- Non-Supplanting of State or Local Funds
- Criminal Penalty for False Statements
- Compliance with [Office of Justice Programs Financial Guide](#)
- Suspension or Termination of Funding
- Non-Profit Organizations
- For-Profit Organizations
- Government Performance and Results Act (GPRA)
- Rights in Intellectual Property
- Federal Funding Accountability and Transparency Act (FFATA) of 2006
- Awards in excess of \$5,000,000 – federal taxes certification requirement

Application Checklist FY 2010 Intellectual Property Enforcement Program

The application checklist has been created to aid you in developing your application.

Eligibility

- State, local, and tribal law enforcement agencies, to include prosecutors
- The federal request is within allowable limits of up to \$200,000

The Application Components:

- Program Abstract
- Program Narrative:
 - Statement of the Problem
 - Program Design and Implementation
 - Capabilities/Competencies
 - Impact/Outcomes, Evaluation, Sustainment, and Plan for Collecting Data for Performance Measures
- Budget Narrative and Budget Detail Worksheet
 - Identify match source
- Project Timeline
- Position Descriptions
- Letter of Assurances

Program Narrative/Abstract Format:

- Double-spaced
- 12-point standard font
- Not less than 1" standard margins
- Narrative is 10 pages or less

Other:

- Standard 424 Form
- DUNS number
- Central Contractor Registration (CCR)