



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

Protecting Public Health, Safety and the Economy from Counterfeit Goods and Product Piracy: The Intellectual Property Theft Enforcement Program FY 2012 Competitive Grant Announcement

Eligibility

Applicants are limited to state, local, tribal (federally-recognized Indian tribal governments as determined by the Secretary of the Interior), and municipal law enforcement agencies, to include law enforcement agencies within institutions of higher education, and prosecutors.

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

- (A) "law enforcement" shall include state, local, tribal, municipal, or campus law enforcement agencies, to include prosecutors in these jurisdictions.

- (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

Applicants must register with [Grants.gov](#) prior to submitting an application. (See "How To Apply," page 10.) All applications are due by 11:59 p.m. eastern time on March 2, 2012 (see "Deadlines: Registration and Application," page 4).

Contact Information

For technical assistance with submitting the application, contact the Grants.gov Customer Support Hotline at 800-518-4726 or 606-545-5035, or via e-mail to support@grants.gov.

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

For assistance with any other requirement of this solicitation, contact the BJA Justice Information Center at 1-877-927-5657, via e-mail to JIC@telesishq.com, or via live web chat at

www.justiceinformationcenter.us. The BJA Justice Information Center hours of operation are 8:30 a.m. to 5:00 p.m. eastern time, Monday through Friday, and 8:30 a.m. to 8:00 p.m. eastern time on the solicitation close date.

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Protecting Public Health, Safety and the Economy from Counterfeit Goods and Product Piracy: The Intellectual Property Theft Enforcement Program (CFDA #16.752)

Overview

The Intellectual Property Theft Enforcement Program, administered by BJA, is designed to provide national support and improve the capacity of state, local, and tribal criminal justice systems to address intellectual property criminal enforcement, including prosecution, prevention, training, and technical assistance. This program is generally informed by section 401 of Public Law 110–403, which authorizes DOJ to provide funding to support state and local intellectual property theft enforcement efforts.

Deadlines: Registration and Application

Applicants must register with Grants.gov prior to submitting an application. OJP encourages applicants to register with Grants.gov several weeks before the application submission deadline. The deadline to apply for funding under this announcement is 11:59 p.m. eastern time on March 2, 2012. See the “How To Apply” section on page 10 for more details. Please note that while the deadline for submission is 11:59 p.m. eastern time on March 2, 2012, staff assistance through the BJA Justice Information Center is only available until 8:00 p.m. eastern time (see “Contact Information” on the title page for more information about BJA’s Justice Information Center).

Eligibility

Refer to the title page for eligibility under this program.

Intellectual Property Theft Enforcement Program—Specific Information

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 Holder announced the formation of the Department of Justice Task Force on Intellectual Property as part of a Department-wide initiative to confront the growing number of intellectual property (IP) crimes. “The rise in intellectual property crime in

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

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 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, chaired by the Deputy Attorney General, focuses on strengthening efforts to combat intellectual property crimes through close coordination with state and local law enforcement partners as well as international counterparts. It monitors and coordinates overall intellectual property enforcement efforts at the Department, including the links between IP crime and organized crime. The current activities of the Task Force are detailed at www.justice.gov/dag/iptaskforce/. In June 2010, the White House's Office of the U.S. Intellectual Property Enforcement Coordinator (IPEC) released the *2010 Joint Strategic Plan on Intellectual Property Enforcement*. This Strategic Plan identified specific actions the federal government would take to enhance the protection of American intellectual property rights. This document, as well as a report detailing the actions taken in FY 2011 as a result of the plan, can be found at www.whitehouse.gov/omb/intellectualproperty/.

The improved coordination of enforcement efforts among federal, state, and local authorities is a central goal of the Strategic Plan and is of primary importance to DOJ. As a result, 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. Of particular interest to DOJ are proposals that are intended to address—in close coordination with federal law enforcement entities—intellectual property theft that may be linked to organized crime; intellectual property theft in the areas of trade secrets, health, and safety; and commercial online piracy and counterfeiting. Law enforcement agencies who propose to conduct training, technical assistance, and outreach must do so in conjunction with IP theft enforcement efforts.

Goals and Objectives

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

- Assist state, local, and tribal law enforcement agencies in enforcing criminal laws related to intellectual property theft, 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 conjunction with their enforcement efforts, in reaching out to and educating the general public and businesses to prevent, deter, and identify criminal violations of intellectual property laws. For instance, agencies are encouraged to engage with community entities such as elementary, middle, and high schools as well as parent-teacher partnership organizations to reach school-aged populations. Public awareness and education initiatives, materials, and messaging produced will be shared and coordinated with BJA's national public awareness campaign provider to ensure efficient use and leveraging of resources.

- Establish or expand existing task forces to include state, local, or tribal law enforcement entities, exclusively to conduct investigations and forensic analyses of evidence and prosecutions in matters involving criminal laws related to intellectual property theft. Agencies are strongly encouraged to consider sustainability options before proposing to create a new task force for intellectual property theft enforcement.
- 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 laws related to intellectual property theft.
- Ensure deconfliction² of the participating agencies' 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 RISSafe can be found by contacting your regional RISS Center (www.riss.net/).
- Provide training and technical assistance (TTA) and services in the prevention and enforcement (including prosecution) of intellectual property theft and closely related crime, including where such crimes are perpetrated via electronic means. Proposals that include TTA must demonstrate how such services are expected to increase the applicant's ability to prevent, deter, and identify criminal violations of intellectual property laws. TTA and outreach efforts will be coordinated with BJA's national TTA partners (the National White Collar Crime Center and the National Association of Attorneys General), which are currently providing regional training and targeted technical assistance to jurisdictions across the country.

Program sustainability beyond the grant period must be addressed by every applicant under this program (see Selection Criteria, page 15).

Amount and Length of Awards

BJA anticipates that it will make approximately 12 awards for a 12-month project period. The project start date should be on or after October 1, 2012. BJA anticipates each award will be approximately \$200,000, but will consider awards of more or lesser amounts based on the strength of individual applications as well as demonstrated need.

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

Budget Information

Limitation on Use of Award Funds for Employee Compensation; Waiver

With respect to any award of more than \$250,000 made under this solicitation, federal funds may not be used to pay total cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110 percent of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a

² For the purposes of this solicitation, "deconfliction" is defined as the sharing of information among law enforcement agencies about planned law enforcement events—such as raids, controlled buy operations, surveillance and warrant service actions—in order to identify and alert affected agencies and officers of potential conflicts.

Certified SES Performance Appraisal System for that year. (The 2012 salary table for SES employees is available at www.opm.gov/oca/12tables/indexSES.asp.) Note: A recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds. (Any such additional compensation will not be considered matching funds where match requirements apply.)

The limitation on compensation rates allowable under an award may be waived on an individual basis at the discretion of the Assistant Attorney General (AAG) for OJP. An applicant that wishes to request a waiver must include a detailed justification in the budget narrative of its application. Unless the applicant submits a waiver request and justification with the application, the applicant should anticipate that OJP will request that the applicant adjust and resubmit its budget.

Minimization of Conference Costs

No OJP funding can be used to purchase food and/or beverages for any meeting, conference, training, or other event. Exceptions to this restriction may be made only in cases where such sustenance is not otherwise available (i.e., extremely remote areas), or where a special presentation at a conference requires a plenary address where there is no other time for sustenance to be attained. Such an exception would require prior approval from OJP. This restriction does not apply to water provided at no cost, but does apply to any and all other refreshments, regardless of the size or nature of the meeting. Additionally, this restriction does not impact direct payment of per diem amounts to individuals in a travel status under your organization's travel policy.

Updated Department of Justice and OJP guidance on conference planning, minimization of costs, and conference cost reporting will be forthcoming and will be accessible on the OJP website at www.ojp.usdoj.gov/funding/funding.htm.

Costs Associated with Language Assistance (if applicable)

If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services or benefits by individuals with limited English proficiency may be allowable costs. Reasonable steps to provide meaningful access to services or benefits may include interpretation or translation services where appropriate.

For additional information, see the "Civil Rights Compliance" section of the OJP "Other Requirements for OJP Applications" web page (www.ojp.usdoj.gov/funding/other_requirements.htm).

Match Requirement

This solicitation does not require a match. However, if a successful application proposes a voluntary match amount, the match amount incorporated into the OJP-approved budget becomes mandatory and subject to audit.

Increasing the Number of Law Enforcement (if applicable)

Applicants should be aware that pursuant to the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55, division B, title II), if a unit of local government used any of the funds made available under this solicitation "to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service."

Performance Measures

To assist in fulfilling the Department’s responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 103-62, and the GPRA Modernization Act of 2010, Public Law 111–352, applicants that receive funding under this solicitation must provide data that measure the results of their work under this solicitation. Any award recipient will be required, post award, to provide the data requested in the “Data Grantee Provides” column so that OJP can calculate values for the “Performance Measures” column.

Award recipients will be required to provide the relevant data by submitting quarterly performance metrics through BJA’s online [Performance Measurement Tool](#) (PMT). The following measures are examples of some of the core performance measures for the Intellectual Property program, but applicants should examine the complete list at: bjaperformancetools.org/help/IPEPgrid.pdf.

Objective	Sample Performance Measures	Sample Data Grantee Provides
Assist state, local, and tribal law enforcement agencies in enforcing criminal intellectual property laws	Percent increase in arrests	Number of individuals arrested for violation of intellectual property laws during the previous reporting period Number of new individuals arrested for violation of intellectual property laws this reporting period
	Percent increase in the number of cases leading to a warrant, indictment, or arrest	Number of cases that led to a warrant, indictment, or arrest during the previous reporting period Number of cases that led to a warrant, indictment, or arrest during current reporting period
	Percent change in the amount of assets seized	Amount of cash seized during the previous reporting period Amount of cash seized this reporting period
	Value of assets seized	During current reporting period: Retail value of all electronic equipment seized Retail value of all digital merchandise seized Retail value of all fashion merchandise seized Retail value of all household and health goods seized
Educate the general public and businesses on criminal violations of intellectual property laws through an awareness campaign	Number of events held	During current reporting period: Number of in-person events or activities held Number of online forums held Number of public service announcements aired Number of other community-based education and awareness activities held Number of individuals reached by public awareness campaign
	Number of individuals reached by public awareness campaign	

Build capacity of law enforcement agencies and task forces by delivering specific training(s) related to intellectual property enforcement	Number of participants who successfully complete the training Percentage of participants trained who subsequently demonstrated performance improvement	During this reporting period: Number of law enforcement or task force personnel completing training Number of law enforcement or task force personnel who completed a pre- and post test Number of participants whose post-test indicated an improved score over their pre-test
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Submission of performance measures data is not required for the application. Instead, applicants should discuss in their application their proposed methods for collecting data for performance measures. Please refer to the section “What an Application Should Include” on page 12 for additional information.

Note on Project Evaluations

Applicants that propose to use funds awarded through this solicitation to conduct project evaluations should be aware that certain project evaluations (such as systematic investigations designed to develop or contribute to generalizable knowledge) may constitute “research” for purposes of applicable DOJ human subjects protection regulations. However, project evaluations that are intended only to generate internal improvements to a program or service, or are conducted only to meet OJP’s performance measure data reporting requirements likely do not constitute “research.” Applicants should provide sufficient information for OJP to determine whether the particular project they propose would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ regulatory definition of research.

Research, for the purposes of human subjects protections for OJP-funded programs, is defined as, “a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge” 28 C.F.R. § 46.102(d). For additional information on determining whether a proposed activity would constitute research, see the decision tree to assist applicants on the “Research and the Protection of Human Subjects” section of the OJP “Other Requirements for OJP Applications” web page (www.ojp.usdoj.gov/funding/other_requirements.htm). Applicants whose proposals may involve a research or statistical component also should review the “Confidentiality” section on that web page.

Notice of Post-Award FFATA Reporting Requirement

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

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

How To Apply

Applications will be submitted through Grants.gov. Grants.gov is a “one-stop storefront” that provides a unified process for all customers of federal awards to find funding opportunities and apply for funding. Complete instructions on how to register and submit an application can be found at www.Grants.gov. If the applicant experiences technical difficulties at any point during this process, call the Grants.gov Customer Support Hotline at **800-518-4726** or **606-545-5035**, 24 hours a day, 7 days a week, except federal holidays. Registering with Grants.gov is a one-time process; however, **processing delays may occur, and it can take up to several weeks** for first-time registrants to receive confirmation and a user password. OJP highly recommends that applicants start the registration process as early as possible to prevent delays in submitting an application package by the specified application deadline.

All applicants are required to complete the following steps:

1. **Acquire a Data Universal Numbering System (DUNS) number.** In general, the Office of Management and Budget requires that all applicants (other than individuals) for federal funds include a DUNS number in their applications for a new award or 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 Dun and Bradstreet at 866-705-5711 or by applying online at www.dnb.com. A DUNS number is usually received within 1-2 business days. .
2. **Acquire or renew registration with the Central Contractor Registration (CCR) database.** OJP requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the Central Contractor Registration (CCR) database. An applicant must be registered in the CCR to successfully register in Grants.gov. 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 annually** to maintain an active status. Information about CCR registration procedures can be accessed at www.ccr.gov.
3. **Acquire an Authorized Organization Representative (AOR) and a Grants.gov username and password.** Complete the AOR profile on Grants.gov and create a username and password. The applicant organization’s DUNS Number must be used to complete this step. For more information about the registration process, go to www.grants.gov/applicants/get_registered.jsp.
4. **Acquire confirmation for the AOR from the E-Business Point of Contact (E-Biz POC).** The E-Biz POC at the applicant organization must log into Grants.gov to confirm the

applicant organization's AOR. Please note that there can be more than one AOR for the organization.

5. **Search for the funding opportunity on Grants.gov.** Please 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 16.752, titled "Economic High-Tech and Cyber Crime Prevention," and the funding opportunity number is BJA-2012-3119.
6. **Complete the Disclosure of Lobbying Activities.** All applicants must complete this information. An applicant that expends any funds for lobbying activities must provide the detailed information requested on the form, *Disclosure of Lobbying Activities*, (SF-LLL). An applicant that does not expend any funds for lobbying activities should enter "N/A" in the required highlighted fields.
7. **Submit an application consistent with this solicitation by following the directions in Grants.gov.** Within 24–48 hours after submitting the electronic application, the applicant should receive an e-mail validation message from Grants.gov. The validation message will state whether the application has been received and validated, or rejected, with an explanation. **Important:** Applicants are urged to submit applications **at least 72 hours prior** to the due date of the application to allow time to receive the validation message and to correct any problems that may have caused a rejection notification.

Note: Grants.gov will forward the application to OJP's Grants Management System (GMS). GMS does not accept executable file types as application attachments. The disallowed file types include, but are not limited to, the following extensions: ".com," ".bat," ".exe," ".vbs," ".cfg," ".dat," ".db," ".dbf," ".dll," ".ini," ".log," ".ora," ".sys," and ".zip."

Note: Duplicate Applications

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

Experiencing Unforeseen Grants.gov Technical Issues

If an applicant experiences unforeseen Grants.gov technical issues beyond the applicant's control that prevent submission of its application by the deadline, the applicant must e-mail the BJA Justice Information Center (see page 1 for contact information) **within 24 hours after the deadline** and request approval to submit its application. The applicant must include in the e-mail: a description of the technical difficulties, a timeline of submission efforts, the complete grant application, the applicant DUNS number, and Grants.gov Help Desk tracking number(s) received. **Note: Requests are not automatically approved by BJA.** After the program office reviews all of the information submitted, and contacts the Grants.gov Help Desk to validate the technical issues reported, BJA will contact the applicant to either approve or deny the request to submit a late application. If the technical issues reported cannot be validated, the application will be rejected as untimely.

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 Grants.gov instructions on how to register and apply as posted on its web site, (3) failure to follow all of the instructions in the OJP

solicitation, and (4) technical issues experienced with the applicant's computer or information technology (IT) environment, including firewalls.

Notifications regarding known technical problems with Grants.gov, if any, are posted at the top of the OJP funding web page, www.ojp.usdoj.gov/funding/solicitations.htm.

What an Application Should Include

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 be made to make an award, it 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 unresponsive to the scope of the solicitation, or that do not include application elements designated by BJA to be critical, will neither proceed to peer review nor receive further consideration. Under this solicitation, BJA has designated the following application elements as critical: Program Narrative, Budget Detail Worksheet, and Budget Narrative. The Budget Detail Worksheet and Budget Narrative may be combined in one document. However, if only one document is submitted, it must contain **both** narrative and detail information.

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

1. Information to complete the Application for Federal Assistance (SF-424)

The SF-424 is a standard form required for use as a cover sheet for submission of pre-applications, applications, and related information. Grants.gov and GMS take information from the applicant's profile to populate the fields on this form. When selecting "type of applicant," if the applicant is a for-profit entity, please select "For-Profit Organization" or "Small Business" (as applicable).

2. Program Abstract

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

3. Program Narrative

The program narrative must respond to the solicitation and Selection Criteria (1-4). 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.

If the program narrative fails to comply with these length-related restrictions, noncompliance may be considered in peer review and in final award decisions.

The following sections should be included as part of the program narrative:

- 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
Submission of performance measures data is not required for the application. Performance measures are included as an alert that successful applicants will be required to submit specific data to BJA as part of their reporting requirements. For the application, the applicant should indicate an understanding of these requirements and discuss how the applicant will gather the required data, should the applicant receive funding.

Further information is available under the Selection Criteria section, page 15.

4. Budget Detail Worksheet and Budget Narrative

a. Budget Detail Worksheet

A sample Budget Detail Worksheet can be found at www.ojp.gov/funding/forms/budget_detail.pdf. If the budget is submitted in a different format, the budget categories listed in the sample budget worksheet should be included.

For questions pertaining to budget and examples of allowable and unallowable costs, please see the OJP Financial Guide at www.ojp.usdoj.gov/financialguide/index.htm.

b. Budget Narrative

The Budget Narrative should thoroughly and clearly describe every category of expense listed in the Budget Detail Worksheet. Proposed budgets are expected to be complete; reasonable and allowable; cost effective; and necessary for project activities. The narrative should be mathematically sound and correspond with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how all costs were estimated and calculated and how they are relevant to the completion of the proposed project. The narrative may include tables for clarification purposes but need not be in a spreadsheet format.

5. Indirect Cost Rate Agreement (if applicable)

Indirect costs are allowed only if the applicant has a federally approved indirect cost rate. (This requirement does not apply to units of local government.) A copy of the rate approval should be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant federal agency, which will review all documentation and approve a rate for the applicant organization or, if the applicant's accounting system permits, costs may be allocated in the direct cost categories. If DOJ is the cognizant federal agency, obtain information needed to submit an indirect cost rate proposal at www.ojp.usdoj.gov/funding/pdfs/indirect_costs.pdf.

6. Tribal Authorizing Resolution (if applicable)

If an application is being submitted by either (1) a tribe or tribal organization or (2) a third party proposing to provide direct services or assistance to residents on tribal lands, then a

current authorizing resolution of the governing body of the tribal entity or other enactment of the tribal council or comparable governing body authorizing the inclusion of the tribe or tribal organization and its membership must be included with the application. In those instances when an organization or consortium of tribes proposes to apply for a grant on behalf of a tribe or multiple specific tribes, then the application must include a resolution (or comparable legal documentation, as may be applicable) from all tribes that will be included as a part of the services/assistance provided under the grant. A consortium of tribes for which existing consortium bylaws allow action without support from all tribes in the consortium (i.e., without authorizing resolution or other enactment of each tribal governing body) may submit a copy of its consortium bylaws with the application in lieu of tribal resolutions (or comparable legal documentation).

7. Additional Attachments: Project Timeline, Position Descriptions/Resumes, Letter Affirming Assurances and Relevant Legislation, and Memorandum of Understanding or Inter-Local Agreement (if applicable)

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

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. The letter must provide assurances that the state in which the applicant is located has legislation for “intellectual property enforcement” with regard to criminal violations; specifically, 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. Provide associated citations and a summary of the legislation

Applicants proposing to establish or expand existing multi-jurisdictional task forces should include the appropriate Memorandum of Understanding or Inter-Local Agreements that spell out the roles, responsibilities and commitments of each agency and member of the task force.

8. Other Standard Forms

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

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

award from OJP within the past 3 years; this form must be downloaded, completed, and submitted).

Selection Criteria

The following five selection criteria will be used to evaluate each application, with the different weight given to each based on the percentage value listed after each individual criteria. For example, the first criteria, "Statement of the Problem," is worth 15 percent of the entire score in the application review process.

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

Identify the precise intellectual property theft issue to be addressed by the project. Provide specific data for the jurisdiction(s) in question, including the nature and scope of its/their intellectual property theft problem. Explain the problems associated with or challenges to current enforcement and coordination efforts.

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 intellectual property theft program enforcement activities to goals, objectives, and the performance measures applicable to the project. This section should include a comprehensive discussion of how the applicant will ensure collaboration and coordination among all appropriate state, local, and/or tribal law enforcement entities, including prosecutors, multijurisdictional task forces, the appropriate federal agencies, partnership organizations (e.g., industry), and the general public. Include a comprehensive timeline that identifies milestones, numerically listed deliverables, and who is responsible for each activity (provide title and agency).

3. Capabilities/Competencies (25 percent of 100)

Fully describe the applicant's capabilities to implement the intellectual property theft enforcement project and the competencies of the staff assigned to or who oversee the project. Identify personnel who are critical to the project's successful implementation and discuss their roles, responsibilities, and qualifications. Discuss organizational capabilities or competencies that will directly impact the ability to successfully implement the proposed enforcement project.

4. Impact/Outcomes, Evaluation, Sustainment, and Plan for Collecting Data for this Solicitation's Performance Measures (20 percent of 100)

Explain how the intellectual property theft enforcement program's effectiveness will be demonstrated. Describe how performance measure data will be collected, who will collect and report the data, how the data will be stored, and how it will be assessed to measure the impact of proposed efforts. Describe how your program's performance data will be shared with customers and stakeholders. Outline a strategy for sustaining intellectual property rights enforcement initiatives when the federal grant ends.

5. Budget (10 percent of 100)

Provide a comprehensive budget that is complete; reasonable and allowable; cost-effective; and necessary for project activities. Note that use of funds for overtime and other incurred investigatory expenses are allowable. Applicants are strongly encouraged to avoid unsubstantiated purchases and requested equipment must directly relate to the intellectual property rights theft enforcement program as prescribed in this announcement. 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.

Review Process

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

Peer reviewers will review the applications submitted under this solicitation that meet basic minimum requirements. BJA may use either internal peer reviewers, external peer reviewers, or a combination to review the applications 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. Applications that meet basic minimum requirements 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, geographic diversity, strategic priorities, past performance, and available funding.

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

Absent explicit statutory authorization or written delegation of authority to the contrary, all final award decisions will be made by the Assistant Attorney General (AAG), who also may 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. OJP strongly encourages applicants to review the information pertaining to these additional requirements prior to submitting an application. Additional information for each requirement can be found at www.ojp.usdoj.gov/funding/other_requirements.htm.

- Civil Rights Compliance
- Faith-Based and Other Community Organizations
- Confidentiality

- Research and the Protection of Human Subjects
- Anti-Lobbying Act
- Financial and Government Audit Requirements
- National Environmental Policy Act (NEPA)
- DOJ Information Technology Standards (if applicable)
- Single Point of Contact Review
- Non-Supplanting of State or Local Funds
- Criminal Penalty for False Statements
- Compliance with [Office of Justice Programs Financial Guide](#)
- Suspension or Termination of Funding
- Nonprofit Organizations
- For-profit Organizations
- Government Performance and Results Act (GPRA)
- Rights in Intellectual Property
- Federal Funding Accountability and Transparency Act (FFATA) of 2006
- Awards in Excess of \$5,000,000 – Federal Taxes Certification Requirement
- Active CCR Registration

Provide Feedback to OJP on This Solicitation

To assist OJP in improving its application and award processes, we encourage applicants to provide feedback on this solicitation, application submission process, and/or the application review/peer review process. Feedback can be provided to OJPSolicitationFeedback@usdoj.gov.

Application Checklist

FY 2012 Intellectual Property Crime Enforcement Program

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

Eligibility

_____ State, local, and tribal law enforcement agencies, to include prosecutors

What an Application Should Include:

- _____ Application for Federal Assistance (SF-424) (see page 12)
- _____ Program Abstract (see page 12)
- _____ Program Narrative* (see page 12)
- _____ Budget Detail Worksheet* (see page 13)
- _____ Budget Narrative* (see page 13)
- _____ Indirect Cost Rate Agreement (if applicable) (see page 13)
- _____ Tribal Authorizing Resolution (if applicable) (see page 13)
- _____ Project Timeline (see page 14)
- _____ Position Descriptions/Resumes (see page 14)
- _____ Letters of Assurances (see page 14)
- _____ Memorandum of Understanding (if applicable) (see page 14)
- _____ Other Standard Forms as applicable (see page 14), including:
 - _____ Accounting System and Financial Capability Questionnaire (if applicable)

*These elements are the basic minimum requirements for applications. Applications that do not include these elements shall neither proceed to peer review nor receive further consideration by BJA.