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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 applications for funding for the Capital Case Litigation Initiative (CCLI). This program furthers the Department's mission by providing grants to improve capital case litigation representation and reliability of verdicts in state capital cases through effective training.

## Capital Case Litigation Initiative FY 2012 Competitive Grant Announcement

### Eligibility

Applicants are limited to state agencies in states that authorize capital punishment and that conduct, or will conduct prosecutions in which capital punishment is sought. For the state agency to be eligible, its state must have an "effective system" for providing competent legal representation for indigent defendants in capital cases. An "effective system" is defined in 42 U.S.C. § 14163(e) as a system that invests the responsibility for appointing qualified attorneys to represent indigent defendants in capital cases either:

- (A) In a public defender program that relies on staff attorneys, members of the private bar, or both, to provide representation in capital cases;
- (B) In an entity established by statute or by the highest state court with jurisdiction in criminal cases, which is composed of individuals with demonstrated knowledge and expertise in capital cases, except for individuals employed as prosecutors; or
- (C) Pursuant to a statutory procedure enacted before the date of the enactment of the CCLI Act [October 30, 2002] under which the trial judge is required to appoint qualified attorneys from a roster maintained by a state or regional selection committee or similar entity.

Applicants must identify in the program narrative (see page 11) which of these three qualifying "effective systems" their state has in place. Applicants that do not identify an "effective system" in their narrative will NOT be eligible for an award.

Note: BJA may elect to make awards for applications submitted under this solicitation in future fiscal years, dependent on the merit of the applications and on the availability of appropriations in future years.

## Deadline

Applicants must register with [Grants.gov](http://Grants.gov) prior to submitting an application. (See “How To Apply,” page 9, for more details.) 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 Grants.gov Customer Support Hotline at 1-800-518-4726 or 606-545-5035 or via e-mail to [support@grants.gov](mailto:support@grants.gov).

**Note:** The [Grants.gov](http://Grants.gov) Support Hotline hours of operation are 24 hours a day, seven 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](mailto:JIC@telesishq.com), or by [live web chat](#). 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.

**Grants.Gov number assigned to announcement:** BJA-2012-3128

**Release date:** January 3, 2012

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# Capital Case Litigation Initiative (CFDA #16.746)

## Overview

The purpose of the Capital Case Litigation Initiative (CCLI) (supported by 42 U.S.C. §14163 *et seq.*) is to provide high-quality training on death penalty issues to improve legal representation provided to indigent defendants charged with having committed capital crimes and to enhance the ability of prosecutors to effectively represent the public in state capital cases.

## 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 9 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.

## Capital Case Litigation Initiative—Specific Information

The purpose of CCLI is to improve the quality and effectiveness of representation in death penalty cases through training for both the prosecutors who represent the public and the defense attorneys who represent indigent defendants in state capital cases. Because capital case litigation is governed by unique evidentiary rules and processes, specified training is essential to improve the quality of legal representation and to ensure reliable jury verdicts in state capital cases. Grant funds may only be used to provide training to improve legal representation in trial-level capital case litigation and may not be used for the purpose of providing training in appellate or collateral relief matters. Grant funds may not be used to fund, neither directly nor indirectly, representation in, or prosecution of, specific capital cases.

## Goals, Objectives, and Deliverables

The goals of this initiative are to: 1) increase the number of prosecutors and defense attorneys trained in capital case procedures and strategies; 2) improve the quality of legal representation provided to indigent defendants in state capital cases through a state-based training program that serves to improve an “effective system” (as defined in 42 U.S.C. §14163(e)); and 3) enhance the ability of prosecutors to effectively represent the public in state capital cases.

BJA is seeking applications from state agencies to implement a training program for capital case litigators. Funds awarded **must be** allocated equally between trainings to improve the quality of legal representation provided by capital case indigent defense counsel **AND** capital case prosecutors. CCLI grants will serve as seed money to help create opportunities for states to begin or enhance a training program that will be sustained with state funding after CCLI grant funds are expended. Previous-year funding for CCLI was used, in part, to develop curricula for training defense counsel by the National Association of Criminal Defense Lawyers and for prosecutors by the National District Attorneys Association; applicants are required to use these curricula (agendas can be found at [www.ojp.usdoj.gov/BJA/pdf/CCLltraining.pdf](http://www.ojp.usdoj.gov/BJA/pdf/CCLltraining.pdf)).

## Amount and Length of Awards

BJA anticipates that it will make up to 8 awards of up to \$250,000 each for a project period of no less than 12 months and no greater than 24 months. The state agency may also request up to 15 percent (a maximum of \$37,500) of the total requested amount to cover administrative costs directly related to the administration of the grants, including but not limited to, those costs necessarily incurred by the state in order to comply with the compulsory set of statutory reporting requirements (addressed in greater detail below). After allowable administrative costs are deducted, the recipient state agency must **allocate the funds equally between training for capital defense counsel and capital prosecutors. Awards may not be used to fund, directly or indirectly, representation in specific capital cases.** The project start date should be on or after October 1, 2012.

All awards are subject to the availability of appropriated funds and to 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 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](http://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.

The justification should include: the particular qualifications and expertise of the individual, the uniqueness of the service being provided, the individual's specific knowledge of the program or project being undertaken with award funds, and a statement explaining that the individual's

salary is commensurate with the regular and customary rate for an individual with his/her qualifications and expertise, and for the work that is to be done.

### **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](http://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](http://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.

## **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 done under this solicitation.

Award recipients will be required to report the applicable performance measures quarterly in BJA's online Training and Technical Assistance Reporting System (TTARS), located at: [www.bjaperformancetools.org/](http://www.bjaperformancetools.org/). A complete listing of the performance measures can also be found at: [www.bjaperformancetools.org/tta2/View/BJATTARSReportingMatrix.pdf](http://www.bjaperformancetools.org/tta2/View/BJATTARSReportingMatrix.pdf).

<b>Objective</b>	<b>Performance Measures</b>	<b>Data Grantee Provides</b>
Improve the quality and effectiveness of legal	Number of attorneys trained.	Number of prosecutors trained during the current reporting period.

<p>representation in capital cases by training capital case litigators on death penalty issues.</p>	<p>Percent increase in the number of capital litigation attorneys trained in capital case procedures and strategies.</p> <p>Percentage of attorneys trained who reported an increase in knowledge or skill.</p>	<p>Number of prosecutors trained during the previous reporting period.</p> <p>Number of defense attorneys who represent indigent defendants, trained during the current reporting period.</p> <p>Number of defense attorneys who represent indigent defendants, trained during the previous reporting period.</p> <p>Number of attorneys reporting.</p> <p>Number of attorneys trained who reported an increase in knowledge and skill.</p>
<p>Improve the capital case “effective system” by increasing the knowledge of criminal justice practitioners through in-person training.</p>	<p>Percentage of in-person trainees who successfully completed the program.</p> <p>Percentage of in-person trainees who completed the training who rated the training as satisfactory or better.</p> <p>Percentage of in-person trainees who completed the training whose post-test indicated an improved score over their pre-test.</p>	<p>For the current reporting period: Number of individuals who:</p> <ul style="list-style-type: none"> <li>• Attended each training</li> <li>• Completed each training</li> <li>• Completed an evaluation at the conclusion of the training</li> <li>• Rated the training as satisfactory or better</li> <li>• Completed a pre- and post- test.</li> <li>• Had an improved post-test score over their pre-test.</li> </ul>

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 11 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](http://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 Requirements**

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](http://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.

## **CCLI- Specific Reporting Requirements**

In addition to OJP’s reporting requirements, the authorizing statute for this program ([42 U.S.C. §14163, et seq.](#)) requires that each state receiving funds under this solicitation submit reports that detail how a state appoints, maintains, trains, and monitors qualified representation for indigent defendants in a capital case; and for capital prosecutors, how the state qualifies and assesses capital prosecutors, identifies and implements potential legal reform to minimize error in capital cases, systemically reviews capitol cases where post-conviction DNA testing may be appropriate, and provides support and assistance for victims.

All grant recipients are subject to the following reporting requirements:

**For both capital defender and capital prosecutor training grants, thoroughly review these requirements (42 U.S.C. §14163c) at: [www.ojp.usdoj.gov/BJA/pdf/42USC14163c.pdf](http://www.ojp.usdoj.gov/BJA/pdf/42USC14163c.pdf).**

In addition, pursuant to 42 USC 14163c, each state receiving CCLI funds must submit an annual report to the Attorney General (AG). The annual report must: (1) identify the activities carried out with CCLI funds; (2) explain how each activity identified complies with the terms and conditions of the grant; (3) account for all amounts expended; (4) include a statement from the grantee that no funds have been used to fund representation in specific capital cases or to supplant non-Federal funds; (5) explain the means by which the grantee has achieved or has progressed toward compliance with the requirements set forth in 42 U.S.C. §§14163c(b)(2)-(3) (Capital Representation) and 14163c(c)(2) (Capital Prosecution) (see link above for complete text of the legislation). Grantees must submit their CCLI-specific annual reports to the BJA via GMS in accordance with BJA guidance. More information will be provided about these reporting requirements at the time of the award.

## 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](http://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](http://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](http://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](http://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.** Use the following identifying information when searching for the funding opportunity on Grants.gov. The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is 16.746, titled "Capital Case Litigation Initiative," and the funding opportunity number is BJA-2012-3128.
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](http://www.ojp.usdoj.gov/funding/solicitations.htm).

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## 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 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 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. Application for Federal Assistance (SF-424A)

The SF-424A 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). See [www.grants.gov/assets/SF424Instructions.pdf](http://www.grants.gov/assets/SF424Instructions.pdf) for instructions on how to complete the SF-424.

### 2. Program Narrative

The program narrative should respond to the solicitation and Selection Criteria (1-5) listed below in the order given. The program narrative should be double-spaced, using a standard 12-point font (Times New Roman is preferred) with 1-inch margins, and must not exceed 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.

e. Sustainability Plan

Further information is available under the Selection Criteria section, page 13.

### 3. Budget Detail Worksheet and Budget Narrative

#### a. Budget Detail Worksheet

Provide a proposed budget that is complete, reasonable and allowable, cost-effective, and necessary for project activities. See pages 4-5 for examples of what can be funded under this initiative. Applicants must budget funding to travel to one Department of Justice-sponsored financial management training, offered regionally. For locations and dates of the trainings, see [www.esi-bethesda.com/OJPtraining/information.html](http://www.esi-bethesda.com/OJPtraining/information.html).

A sample budget detail worksheet can be found at [www.ojp.gov/funding/forms/budget\\_detail.pdf](http://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. If the grant period is longer than 1 year, the applicant should ensure that the budget reflects the entire grant period, not just 1 year.

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](http://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. As with the Budget Detail Worksheet, the Budget Narrative should be broken down by year to reflect the entire grant period; however, the budget summary page totals should reflect the entire grant period.

### 4. 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](http://www.ojp.usdoj.gov/funding/pdfs/indirect_costs.pdf).

### 5. Additional Attachments: Project Timeline, Position Descriptions/Resumes, and a Statement from an Authorized Agent of the State

Attach a project timeline with each project goal, related objective, activity, expected completion date, and responsible organization or person (by title and name, if known);

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position descriptions for key positions and resumes for current staff; and a brief statement from an authorized agent of the state (as defined by the state), which may include the State Administering Agency, that federal funds received under this program will be allocated equally between training for capital indigent defenders and prosecutors (see Selection Criteria, page 13, for further information).

## 6. 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](http://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 six selection criteria will be used to evaluate each application, with the different weight given to each based on the percentage value listed below after each individual criteria. For example, for the first criteria, "Statement of the Problem," this section is worth 20 percent of the entire application in the review process.

### 1. Statement of the Problem (20 percent of 100)

Identify the number of death penalty cases that have been charged and tried in the last two calendar years (2010 and 2011) in your state, if any, and the outcomes of those trials. Identify with specificity how a CCLI grant will improve the quality of trial-level legal representation in your state.

Certifications and other statutory requirements:

Attach to the application a certification from an agent authorized to act on behalf of the state (which may include the State Administering Agency) addressing all of the following:

- 1) a certification by a state officer with requisite knowledge that the state authorizes capital punishment under its laws and conducts, or will conduct, prosecutions in which capital punishment is sought;
- 2) a description of the communities to be served by the CCLI grant, including the nature of existing capital defender services and capital prosecution programs within such communities. Include a brief description of the assets and/or challenges currently associated with those programs;

- 3) a long-term statewide strategy and detailed implementation plan that: (i) reflects consultation with the judiciary, the organized bar, and state and local prosecutor and defender organizations; and (ii) establishes as a priority improvement in the quality of trial-level representation of indigents charged with capital crimes and trial-level prosecution of capital crimes;
- 4) assurance by the applicant that federal funds received under this program will be allocated equally between training for capital case indigent defense counsel and capital case prosecutors; and
- 5) an affirmative statement by the applicant that federal funds received under this program will be used to supplement and not supplant non-federal funds that would otherwise be available for the same purpose.

Additional statutory requirements for certain state applicants:

In addition to the above certifications and other statutory requirements, you may also need to submit the following as part of your application:

- If your state qualifies defense and/or prosecuting attorneys to try death penalty case, include an explanation of your state's qualification process.
- If your state law requires trial judges to appoint qualified defense attorneys to try death penalty cases pursuant to a statutory procedure enacted prior to October 30, 2002, explain the appointment process and have an appropriated state officer certify that the state is in substantial compliance with the requirements of the applicable state statute.

Applicants will be required in the next section, "Project Design and Implementation" to provide details of how the project design and implementation directly relates to the Statement of the Problem.

## **2. Project Design and Implementation (40 percent of 100)**

Describe your strategy to address the needs you have identified in the Statement of the Problem. Describe how you plan to implement a training program in your state. Provide a brief description of the trainings to be delivered and how the curricula developed by the CCLI national partners (see page 5) will be used. Identify how these trainings address your training needs detailed in the Statement of the Problem, including how the training will improve an "effective system" (see "Eligibility," cover page). List all the organizations that will support the trainings and their roles, and identify how many and whom you will be training as well as training locations.

## **3. Capabilities and Competencies (15 percent of 100)**

Describe the management structure for implementation of the strategy, including staffing. Specifically identify who will serve as the training coordinator. Demonstrate the ability and capability to implement the project successfully, including a strategy for working with key partner agencies. Describe how this structure will be tied to the strategy identified in the Project Design and Implementation section. In an attachment, provide position descriptions outlining the roles and responsibilities of key positions and resumes for current staff.

**4. Plan for Collecting the Data Required for this Solicitation's Performance Measures (10 percent of 100)**

Explain how the use of funds to provide training will improve the quality of representation in capital cases in your state. Identify how these data will be collected and analyzed. Also identify who will be responsible for performance measures and how the information will be used to improve project implementation/performance. Explain how the program's effectiveness will be demonstrated. Describe how performance measure data referenced in the Performance Measures' Section 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 you'll share the measurable results of your program with your stakeholders. Award recipients will be required to report the performance measures in BJA's online Training and Technical Assistance Reporting System (TTARS).

**5. Sustainability Plan (5 percent of 100)**

Outline a strategy for sustaining the project when the federal grant ends.

**6. Budget (10 percent of 100)**

Provide a proposed budget for the entire project period that is complete, reasonable and allowable, cost effective, and necessary for project activities. See the additional budget and budget narrative requirements on page 12.

## **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 with the solicitation.

Peer reviewers will be reviewing 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

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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](http://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
- 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

- 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](mailto:OJPSolicitationFeedback@usdoj.gov).

## **Application Checklist**

### **FY 2012 Capital Case Litigation Initiative**

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

#### **Eligibility Requirement:**

- State agency of a state with an “effective system”
- Public or non-profit entity
- The federal amount requested is within the allowable limit of \$250,000

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

- Application for Federal Assistance (SF-424) (see page 11)
- Program Narrative\* (see page 11)
- Budget Detail Worksheet\* (see page 12)
- Budget Narrative\* (see page 12)
- Indirect Cost Rate Agreement (if applicable) (see page 12)
- Additional Attachments (see page 12):
  - Project Timeline
  - Position Descriptions/Resumes
  - Statement from an Authorized Agent of the State (with necessary certifications attached)
- Other Standard Forms as applicable, including (see page 13):
  - 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.