



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 under the Answering Gideon's Call: Improving Indigent Defense Delivery Systems Program, a grant program designed to improve indigent defense delivery systems at the state or local level. This program furthers the Department's mission by ensuring the fair administration of justice.

Answering *Gideon's* Call: Improving Indigent Defense Delivery Systems FY 2012 Competitive Grant Announcement

Eligibility

Eligible applicants are state or local government agencies, independent boards or commissions, state or local public defender organizations, or other organizations, including not-for-profit organizations, with whole or partial responsibility for administering or overseeing indigent defense services. Applicants should demonstrate their eligibility for this grant in Selection Criteria 3—Capabilities and Competencies found on page 3.

Deadline

Applicants must register with [Grants.gov](#) prior to submitting an application. (See "How To Apply," page 9.) All applications are due by 11:59 p.m. eastern time on May 24, 2012. (See "Deadlines: Registration and Application," page 3.)

Contact Information

For technical assistance with submitting an 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 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.

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Answering *Gideon's* Call: Improving Indigent Defense Delivery Systems (CFDA #16.751)

Overview

In the criminal justice system, indigent defense providers are often underfunded and understaffed, severely affecting the delivery of effective, efficient, and quality legal representation for indigent criminal defendants. The purpose of this initiative is to contribute to indigent defense knowledge and practice by testing approaches to providing quality indigent defense services using the [Ten Principles of a Public Defense Delivery System](#) promulgated by the American Bar Association (ABA) in 2002 (“ABA Ten Principles”). BJA is seeking applicants who are interested in developing innovative, data-driven approaches to indigent defense delivery systems. This program is funded under the Edward Byrne Memorial Competitive Grant Program (Byrne Competitive Program), which in part, authorizes use of funding to assist communities improve the capacity of state and local criminal justice systems.

Deadlines: Registration and Application

Applicants must register with Grants.gov prior to submitting an application. OJP encourages applicants to register several weeks before the application submission deadline. The deadline to apply for funding under this announcement is 11:59 p.m. eastern time on May 24, 2012. See the “How To Apply” section on page 9 for details. Note: on the date submissions are due, 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.

Answering *Gideon's* Call—Specific Information

The U.S. Department of Justice has long recognized the importance of quality public defense to a fair justice system. Many criminal defendants cannot afford to hire private legal counsel. While persons accused of a crime have a Constitutional right to an attorney, indigent defense systems throughout the country are frequently underfunded and understaffed. Far too often, the lack of resources poses a serious impediment to providing indigent defendants with even minimally effective legal assistance. Next year will mark the 50th anniversary of the Supreme Court’s landmark decision in *Gideon v. Wainwright*, which guaranteed the right to counsel in criminal cases in every state. Today, despite the decades that have gone by, *Gideon* and the important decisions that have followed recognizing the right to counsel in juvenile and misdemeanor cases have yet to be fully realized.

The ABA’s [Ten Principles of a Public Defense Delivery System](#) represent fundamental building blocks for implementing quality legal representation of indigent criminal defendants. Released in 2002, the Ten Principles list the American Bar Association’s recommendations for government

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officials and other parties who are charged with improving public defense delivery systems. These Ten Principles address defenders' appropriate function, workload, resources, training, and quality, and have been recognized by the Attorney General "as [an] essential guidepost for ensuring that our indigent defense efforts are as effective—and as efficient—as possible." To help jurisdictions strengthen state, local, and tribal indigent defense systems, BJA is releasing this competitive grant announcement.

Goals, Objectives, and Deliverables

The goals of this initiative are to enhance a state or local jurisdiction's ability to provide quality representation to indigent defendants; promote innovation; and promote strategies that incorporate the ABA Ten Principles.

BJA is soliciting applications that:

- Use data to identify and describe a specific problem and/or situation to be addressed in providing indigent defense services.
- Identify gaps to be addressed by the ABA Ten Principles.
- Develop a program design that outlines strategies, using an innovative analytical approach, to overcome the problem and/or situation to be addressed.
- Partner with a research organization to assist with identifying the specific problem and/or situation to be addressed and developing and assessing project strategies and implementation.

Examples of allowable activities/deliverables include, but are not limited to:

1. Establishment of an independent board responsible for assigning, overseeing, and financing indigent defense counsel.
2. Creation of a process to ensure that only highly qualified lawyers are approved for the indigent defense rosters.
3. Creation of a process to remove unqualified lawyers from the indigent defense rosters.
4. Creation/implementation and oversight of model contracts for assigned counsel.
5. Adoption or creation of written income eligibility guidelines that include well-designed screening of potential clients [or "of defendants seeking services"].
6. Creation of a supervision program that continuously monitors the workloads of defense lawyers.
7. Adoption of a process that matches cases to attorneys based upon attorney experience and training and case complexity and severity.
8. Development and implementation of training curricula for defense attorneys.
9. Creation of a robust supervision and review process for indigent defense providers.
10. Development of a data-driven communication strategy to inform policy decisions.
11. Establishment of a Gideon Fellow to serve as a Policy Advocate, building coalitions across criminal justice groups and monitoring constitutional compliance for indigent defense improvements, for example:
 - A. Engaging new and traditional partners at state and local levels to support reform.
 - B. Conducting a comprehensive review of policies and practices of indigent defense representation within states and local jurisdictions to advance indigent defense reform.
12. Development and implementation of criminal case management systems for jurisdictions.

Evidence-Based Programs or Practices

OJP considers programs and practices to be evidence-based when their effectiveness has been demonstrated by causal evidence (generally obtained through one or more outcome evaluations). Causal evidence documents a relationship between an activity or intervention (including technology) and its intended outcome, including measuring the direction and size of a change, and the extent to which a change may be attributed to the activity or intervention. Causal evidence depends on the use of scientific methods to rule out, to the extent possible, alternative explanations for the documented change. The strength of causal evidence, based on the factors described above, will influence the degree to which OJP considers a program or practice to be evidence-based. OJP's [CrimeSolutions.gov](http://www.crimesolutions.gov) web site is one resource that applicants may use to find information about evidence-based programs in criminal justice, juvenile justice, and crime victim services.

Amount and Length of Awards

BJA anticipates that it will make four awards of up to \$350,000 for a 2-year project period.

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. 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 requesting a waiver should 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 the applicant to 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 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 obtained. 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 web site 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.

Performance Measures

To assist the Department in fulfilling its responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 103-62, and the GPRA Modernization Act of 2010, Public Law 111-352, applicants that receive funding under this solicitation must provide data that measure the results of their work done 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. Performance measures for this solicitation are as follows:

Objective	Performance Measures	Data Grantees Provide
<p>Enhance a state or local jurisdiction's ability to provide quality representation to indigent defendants through training and technical assistance focused on the ABA Ten Principles</p>	<p>Percentage of training requests completed</p> <p>Percent increase in the number of attorneys trained</p> <p>Percentage of attorney's trained who reported an increase in knowledge or skill</p>	<p>Number of training requests received from state and local public defender offices during the current reporting period</p> <p>Number of training requests completed during the current reporting period</p> <p>Number of attorneys who represent indigent defendants trained on the Ten ABA principles: A. During the previous reporting period B. During the current reporting period</p> <p>Number of attorney's reporting</p> <p>Number of attorney's trained who reported an increase in knowledge and skill</p>
<p>Support the development and implementation of effective policies and practices that advance indigent defense reforms and employ the ABA Ten Principles.</p>	<p>Percentage of technical assistance requests completed</p> <p>Percentage of agencies that rated services as satisfactory or better</p> <p>Percentage of agencies that implemented one or more recommendations</p>	<p>Number of technical assistance request received from state and local public defender offices during the current reporting period</p> <p>Number of technical assistance request completed during the current reporting period</p> <p>For current reporting period:</p> <ul style="list-style-type: none"> • Number of onsite visits completed • Number of agencies that completed an evaluation of services • Number of agencies that rated the services as satisfactory or better • Number of reports submitted to requesting agencies after onsite visits • Number of requesting agencies that implemented one or more of the report recommendations 6 months after onsite visit to include but not limited to the number of indigent defense programs that have: <ul style="list-style-type: none"> A. Adopted and adhered to numerical workload standards B. Adopted classifications of attorneys based upon experience and training C. Developed or enhanced their case management system D. Adopted caseload standards that reflect the complexity/severity of cases assigned with no corresponding reduction in compensation

	Percent of chief defenders appointed	During the current reporting period: A. Number of chief defenders appointed by an oversight board in your jurisdiction B. Total number of chief defenders in your jurisdiction
	Percent of indigent defense cases assigned an attorney	During the current reporting period: A. Number of indigent defense cases assigned to an attorney appointed by an oversight board in your jurisdiction B. Total number of indigent defense cases in your jurisdiction
	Percent of unqualified attorneys terminated	During the current reporting period: A. Number of defense attorneys terminated for unsatisfactory work performance B. Total number of defense attorneys in your jurisdiction
	Percent of Unfounded Ineffective Assistance of Counsel claims substantiated	During the current reporting period: A. Number of unfounded ineffective assistance of counsel claims made involving indigent defense attorneys B. Total number of ineffective assistance of counsel claims filed against indigent defense attorneys
	Percent of indigent defense clients who rated their legal representation as satisfactory or better	During the current reporting period: A. Number of indigent defense clients who rated the services of their legal representation as satisfactory or better B. Total number of indigent defense clients who rated the services of their legal representation
	Number of program materials developed	Number of publications/resources developed for indigent defense
	Number of program materials disseminated	Number of publications/resources disseminated to state and local public defender offices

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. 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). 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.fsr.gov.

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 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. 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. 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 16.751, titled "Edward Byrne Memorial Competitive Grant Program," and the funding opportunity number is BJA-2012-3286.
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. 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."

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 contact identified in the Contact Information section on page 1 **within 24 hours after the application 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) the applicant has 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, OJP 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 at 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 Narrative and the Budget Detail Worksheet 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, select "For-Profit Organization" or "Small Business" (as applicable).

2. Program Abstract and Narrative

Applicants should provide a one-page abstract that clearly identifies the following:

- Amount of federal funds requested and proposed project period.
- Goals, objectives, and brief description of the project.

The abstract should be double-spaced, using a standard 12-point font (Times New Roman is preferred) with 1-inch margins, and should not exceed 1 page.

The program narrative must respond to the solicitation and the Selection Criteria (1-4) in the order given. Applicants must meet the requirements as described in the Improving Answering *Gideon's Call*—Specific Information section.

The program narrative should be double-spaced, using a standard 12-point font (Times New Roman is preferred) with 1-inch margins, and should not exceed 15 pages. Number pages "1 of 15," "2 of 15," 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- Including the qualifications of the research partner (if applicable).
- 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.

3. 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, 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. As with the Budget Detail Worksheet, the Budget Narrative should be broken down by year.

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.

5. 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 should 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 should 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).

If an applicant is unable to obtain and submit with its application a fully-executed (*i.e.*, signed) copy of a tribal resolution or other, comparable legal documentation as may be consistent with the tribe's governance structure, then, at minimum, the applicant should submit an unsigned, draft version of such legal documentation as part of its application (except in cases where, with respect to a tribal consortium applicant, consortium bylaws allow action without the support of all consortium member tribes). If selected for funding, use of and access to funds will be contingent on receipt of the fully-executed tribal resolution or other, comparable legal documentation.

6. Additional Attachments

Attach a Project Time and Task Plan with each project goal, related objective, activity, expected completion date, and responsible person or organization; Memoranda of Understanding or Letters of Support, if applicable; Job Descriptions that outline the roles,

responsibilities, and qualifications for all key positions; and Resumes for staff identified for these positions, if known.

7. **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 peer review each application, with the different weight given to each based on the percentage value listed after each individual criterion. For example, the first criterion, "Statement of the Problem," is worth 20 percent of the entire score in the application review process.

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

Describe the problem, gaps, and needs currently faced by the jurisdiction's indigent defense system; provide data to support the statement of the problem.

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

Outline a design and implementation strategy, using an innovative analytical approach, to overcome the issue described in the statement of the problem. Provide a design and implementation strategy that results in enhancing a jurisdiction's ability to provide quality representation to indigent defendants. Tie project activities/deliverables to goals and objectives in the program design. In addition the required timeline should identify each project activity, expected completion date, and responsible person or organization.

Applicants should enlist a local research partner from the accredited criminal justice/social science educational community to assist in problem identification, description, and definition; participate in strategy development; and provide ongoing assessment of the strategy and program impact.

3. Capabilities and Competencies (20 percent of 100)

Fully describe the applicant's capabilities to implement the project, including its ability to collect data to support the research component, and the competencies of the staff assigned

to the project to produce the grant deliverables. Demonstrate that the applicant meets the eligibility requirement for this grant as stated on the title page.

The involvement of a research partner is indispensable to contributing to indigent defense knowledge and practice. Applicants should consider the following when choosing partner candidates or organizations for the position: policy, program, or organization research and evaluation experience, preferably in court systems or in the justice system; previous experience working with criminal justice agencies and/or organizations; and experience in several different data collection methodologies, and in both quantitative and qualitative research methods.

4. Plan for Collecting the Data Required for this Solicitation's Performance Measures (15 percent of 100)

Explain how the program's effectiveness will be demonstrated. For each performance measure selected, describe: 1) what data will be collected and how; 2) how it will be assessed and analyzed; and 3) the process for reporting the findings and outcomes.

5. Budget (15 percent of 100)

Provide a proposed budget that is complete; reasonable and allowable; cost effective; and necessary for project activities. The budget must support the strategies and approaches outlined in the project design, and include a narrative to describe the expenditures under each cost area and how it will contribute to the overall program goals.

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 subject matter of a given solicitation who is NOT a current DOJ employee. An internal reviewer is a current DOJ 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 Answering *Gideon's* Call: Improving Indigent Defense Delivery Systems

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

Eligibility Requirement:

- _____ State or local government agencies, independent boards or commissions, state or local public defender organizations, or other organizations, including not-for-profit organizations.
- _____ The federal amount requested is within the allowable limit(s) of \$350,000.

What an Application Should Include:

- _____ Application for Federal Assistance (SF-424) (see page 11)
- _____ Program Abstract (see page 12)
- _____ Project Narrative* (see page 12)
- _____ Budget Detail Worksheet* (see page 12)
- _____ Budget Narrative* (see page 13)
- _____ Disclosure of Lobbying Activities (SF-LLL) (see page 10)
- _____ Indirect Cost Rate Agreement (if applicable) (see page 13)
- _____ Tribal Authorizing Resolution (if applicable) (see page 13)
- _____ Additional Attachments (see page 13), including:
 - _____ Project Time and Task Plan
 - _____ Memoranda of Understanding or Letters of Support, if applicable
 - _____ Job Descriptions
 - _____ Resumes
- _____ 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.