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The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [Bureau of Justice Assistance](#) (BJA) is seeking applications for Answering Gideon's Call: National Assistance to Improve the Effectiveness of Right to Counsel Services. This program furthers the Department's mission by ensuring the fair administration of justice.

## Answering Gideon's Call: National Assistance To Improve the Effectiveness of Right to Counsel Services FY 2013 Competitive Grant Announcement

### Eligibility

Eligible applicants are private nonprofit organizations (including faith-based, and community organizations), public universities, and colleges.

BJA encourages eligible organizations to form partnerships through formal agreements with each other to meet the solicitation deliverables. If multiple parties work together to submit one application, one partner must clearly be indicated as the primary applicant/fiscal agent (for correspondence, award, management, and fiscal purposes) and the others indicated as subapplicant(s).

### Deadline

Applicants must register with [Grants.gov](#) prior to submitting an application. (See "How To Apply," page 17.) All applications are due by 11:59 p.m. eastern time on May 6, 2013. (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](mailto: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 requirements 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 AM to 5:00 PM eastern standard time, Monday through Friday, and 8:30 AM to 8:00 PM eastern standard time on the solicitation close date.

# CONTENTS

Overview	3
Deadlines: Registration and Application	3
Eligibility	3
Answering Gideon’s Call: National Assistance—Specific Information	3
Performance Measures	7
Notice of Post-Award FFATA Reporting Requirement	9
What an Application Should Include	10
Information to Complete the Application for Federal Assistance (SF-424)	
Abstract	
Program Narrative	
Budget Detail Worksheet and Budget Narrative	
Indirect Cost Rate Agreement (if applicable)	
Additional Attachments	
Other Standard Forms	
Selection Criteria	15
Review Process	16
Additional Requirements	16
How To Apply	17
Provide Feedback to OJP on This Solicitation	20
Application Checklist	21

# **Answering Gideon’s Call: National Assistance To Improve the Effectiveness of Right to Counsel Services (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 program is to improve the quality of indigent defense delivery services guided by the [Ten Principles of a Public Defense Delivery System](#), promulgated by the American Bar Association (ABA) in 2002. BJA is seeking applicant(s) that will engage in a broad range of activities to improve the quality of representation of indigent defendants and ensure professional and ongoing technical assistance to the indigent defense bar. This program is funded under the Edward Byrne Memorial Competitive Grant Program (Byrne Competitive Program), which helps communities improve the functioning and capacity of state and local criminal justice systems.

## **Deadlines: Registration and Application**

Applicants must register with Grants.gov in order to submit an application. OJP encourages applicants to **register several weeks before** the application submission deadline. In addition, OJP urges applicants to submit applications 72 hours prior to the application due date. The deadline to apply for funding under this announcement is 11:59 pm eastern time on May 6, 2013. See “How To Apply” on page 17 for details. Note that while the deadline for submission is 11:59 p.m. eastern time on May 6, 2013, staff assistance through the BJA Justice Information Center is only available until 8:00 p.m. eastern time (see “Contact Information” on the page 1 for more information about BJA’s Justice Information Center).

## **Eligibility**

Refer to the title page for eligibility under this program.

## **Answering Gideon’s Call: National Assistance—Specific Information**

This year marks 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 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 often underfunded and understaffed. This lack of resources poses a serious impediment to providing indigent defendants with effective legal assistance.

Additionally, the ABA's Ten Principles of a Public Defense Delivery System represent fundamental building blocks for implementing quality legal representation of indigent criminal defendants. The Principles list the ABA's recommendations for government officials and other parties who are charged with improving public defense delivery systems. These 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."

BJA is seeking applications to provide training and technical assistance (TTA), nationwide, to state and/or local jurisdictions to improve indigent defense systems, using the ABA's Ten Principles as a guide. Awardees are expected to provide national assistance to, and build capacity of, state and local jurisdictions across the United States. As such, and as noted under the Selection Criteria, applicants should have experience in delivering TTA nationwide.

This grant announcement builds on BJA's previous investments to improve indigent defense delivery systems.

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

The goals of this initiative are to provide resources to enhance state and local jurisdictions' ability to provide quality representation to indigent defendants and promote implementation of innovative strategies that incorporate the ABA's Ten Principles.

BJA is soliciting applications to provide all of the following four activities:

1. **Technical assistance (TA):** Examples of TA include assessments of state or local indigent defense practices with recommendations for improvement, engaging likely and unlikely partners at the state and local level to support reform to achieve one or more of the Ten Principles, data collection and research projects, regional outreach and collaboration, and online support. Over the 3-year project period of the grant, applicants will engage in approximately five jurisdictions—two of which shall be at the state level—evaluating the health of the jurisdictions' indigent defense systems. Applicants should budget for such TA engagements and should identify criteria for prioritizing incoming TA requests. Other TA deliverables include working with the four current Gideon grantees to capture and publish lessons learned from their projects.
2. **Training and education opportunities:** Over the 3-year period of the grant, applicants will engage in approximately three training and/or education sessions at the local, state or regional level. To meet this deliverable, applicants may train attorneys who provide legal defense services, educate stakeholders on issues around improving indigent defense delivery systems, or other trainings or education that directly supports the goal of improving the effectiveness of right to counsel service. A priority training area for BJA is to introduce public defenders and the defense bar to evidenced-based practices in delivery of indigent defense services. The grantee and BJA will jointly decide on the training and educational sessions to be delivered.
3. **Publications and resources:** Over the 3-year period of the grant, applicants will produce approximately three publications about evaluating the health of indigent defense systems and promising practices for implementation. The final publication topics will be jointly determined by the successful applicants and BJA. In every TA assignment, the

BJA-2013-3569

successful applicants will look for practices and policies that can be shared with jurisdictions nationwide and will be responsible for publishing a document that will be instructive for other jurisdictions. Applicants should consider maintaining a web page that provides relevant information stemming from this project.

4. **Policy development:** Examples of policy development opportunities include activities that raise awareness about critical issues in the indigent defense system. This function is required in order to support the overarching program goal to strengthen state and local indigent defense systems using the ABA Ten Principles as a guide and create leaders in the field of indigent defense improvement.

BJA will enter into a cooperative agreement with the successful applicant. In furtherance of the goals and objectives described above, BJA's role will include the following:

- Reviewing and approving major work plans, including changes to such plans, and key decisions pertaining to project operations.
- Reviewing and approving major project-generated documents and materials used in the provision of project services.
- Providing guidance in significant project planning meetings and participating in project sponsored training events or convenings.

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

OJP places a strong emphasis on the use of data and evidence in policy making and program development in criminal justice. OJP is committed to:

- improving the quantity and quality of evidence OJP generates;
- integrating evidence into program, practice, and policy decisions within OJP and the field; and
- improving the translation of evidence into practice.

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://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 awarding one cooperative agreement of up to \$720,000 for a 3-year period. BJA may elect to make supplemental funding available in future years contingent on the performance of the awardees and available funding.

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, recipients may not use federal funds to pay total cash compensation (salary plus cash 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 greater 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 Assistant Attorney General (AAG) for OJP may exercise discretion to waive, on an individual basis, the limitation on compensation rates allowable under an award. An applicant requesting a waiver should include a detailed justification in the budget narrative of the 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 the budget.

The justification should include the particular qualifications and expertise of the individual, the uniqueness of the service the individual will provide, 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**

OJP encourages applicants to review the OJP guidance on conference approval, planning, and reporting that is available on the OJP web site at [www.ojp.gov/funding/confcost.htm](http://www.ojp.gov/funding/confcost.htm). This guidance sets out the current OJP policy, which requires all funding recipients that propose to hold or sponsor conferences (including, meetings, trainings, and other similar events) to minimize costs, requires OJP review and prior written approval of most conference costs for cooperative agreement recipients (and certain costs for grant recipients), and generally prohibits the use of OJP funding to provide food and beverages at conferences. The guidance also sets upper limits on many conference costs, including facility space, audio/visual services, logistical planning services, programmatic planning services, and food and beverages (in the rare cases where food and beverage costs are permitted at all).

Prior review and approval of conference costs can take time (see the guidance for specific deadlines), and applicants should take this into account when submitting proposals. Applicants

also should understand that conference cost limits may change and that they should check the guidance for updates before incurring such costs.

**Note on food and beverages:** OJP may make exceptions to the general prohibition on using OJP funding for food and beverages, but will do so only in rare cases where food and beverages are not otherwise available (e.g., in extremely remote areas); the size of the event and capacity of nearby food and beverage vendors would make it impractical to not provide food and beverages; or a special presentation at a conference requires a plenary address where conference participants have no other time to obtain food and beverages. Any such exception requires OJP's prior written approval. The restriction on food and beverages 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 affect direct payment of per diem amounts to individuals in a travel status under your organization's travel policy.

### **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 for individuals with limited English proficiency may be allowable. 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 at [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, and OJP approves the budget, the total match amount incorporated into the approved budget becomes mandatory and subject to audit.

## **Performance Measures**

To assist the Department with 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. OJP will require any award recipient, 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. NOTE: Applicant may add performance measures if necessary.

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>Percentage of technical assistance requests completed</p> <p>Percentage of agencies that rated services as satisfactory or better</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:</p> <p>A. During the previous reporting period</p> <p>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>Number of technical assistance (TA) request received from state and local public defender offices during the current reporting period</p> <p>Number of technical assistance (TA) request completed during the current reporting period</p> <p>For current reporting period:</p> <ul style="list-style-type: none"> <li>• Number of onsite visits completed</li> <li>• Number of agencies that completed an evaluation of TA services</li> <li>• Number of agencies that rated the TA services as satisfactory or better</li> <li>• Number of reports submitted to requesting agencies after onsite visits</li> </ul>
<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 agencies that implemented one or more recommendations</p>	<p>For current reporting period</p> <ul style="list-style-type: none"> <li>• 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"> <li>A. Adopted and adhered to numerical workload standards</li> <li>B. Adopted classifications of attorneys based upon experience and training</li> <li>C. Developed or enhanced their case management system</li> <li>D. Adopted caseload standards that reflect the complexity/ severity of cases assigned with no corresponding reduction in compensation</li> </ul> </li> </ul>



	<p>Percentage of agencies that rated services as satisfactory or better</p> <p>Percentage of deliverables that meet expectations for relevance and the depth, breadth, scope and quality, as determined by BJA</p>	<p>For current reporting period:</p> <ul style="list-style-type: none"> <li>• Number of onsite visits completed</li> <li>• Number of agencies that completed an evaluation of services</li> <li>• Number of agencies that rated the services as satisfactory or better</li> <li>• Number of reports submitted to requesting agencies after onsite visits</li> </ul> <p>Number of deliverables developed to include but not limited to publications, resources, and policy documents</p> <p>Number of deliverables that meet expectations for relevance and the depth, breadth, scope and quality, as determined by BJA</p>
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OJP does not require applicants to submit performance measures data with their applications. 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 10 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 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](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.

## What an Application Should Include

Applicants should anticipate that if they fail to submit an application that contains all of the specified elements, it may negatively affect the review of their application; and, should a decision be made to make an award, it may result in the inclusion of special conditions that preclude the recipient from accessing or using award funds pending satisfaction of the conditions.

Moreover, applicants should anticipate that applications that are determined to be nonresponsive to the scope of the solicitation, or that do not include the application elements that BJA has designated 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. Applicants may combine the Budget Narrative and the Budget Detail Worksheet in one document. However, if an applicant submits only one document, it must contain **both** narrative and detail information.

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

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

The SF-424 is a required standard form used 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. Abstract

Applications should include a high-quality "Project Abstract" that summarizes the proposed project in 400 words or less. Project abstracts should be—

- Written for a general public audience.
- Submitted as a separate attachment with <Project Abstract> as part of its file name.
- Single-spaced, using a standard 12-point font (Times New Roman) with 1-inch margins.

As a separate attachment, the project abstract will **not** count against the page limit for the program narrative.

All project abstracts should follow the detailed template available at [www.ojp.usdoj.gov/funding/Project\\_Abstract\\_Template.pdf](http://www.ojp.usdoj.gov/funding/Project_Abstract_Template.pdf).

Permission to Share Project Abstract with the Public: It is unlikely that BJA will be able to fund all promising applications submitted under this solicitation, but it may have the opportunity to share information with the public regarding promising but unfunded applications, for example, through a listing on a webpage available to the public. The intent of this public posting would be to allow other possible funders to become aware of such proposals.

In the project abstract template, applicants are asked to indicate whether they give OJP permission to share their project abstract (including contact information) with the public. Granting (or failing to grant) this permission will not affect OJP's funding decisions, and, if the application is not funded, granting permission will not guarantee that abstract information will be shared, nor will it guarantee funding from any other source.

Note: OJP may choose not to list a project that otherwise would have been included in a listing of promising but unfunded applications, should the abstract fail to meet the format and content requirements noted above and outlined in the project abstract template.

### 3. **Program Narrative**

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, BJA may consider such noncompliance in peer review and in final award decisions.

The program narrative must respond to the selection criteria, listed below and detailed on page 15:

- a. Vision Statement and 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  
BJA does not require applicants to submit performance measures data with their application. Performance measures are included as an alert that BJA will require successful applicants to submit specific data as part of their reporting requirements. For the application, applicants should indicate an understanding of these requirements and discuss how they will gather the required data, should they receive funding.

#### 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](http://www.ojp.gov/funding/forms/budget_detail.pdf). Applicants that submit their budget in a different format should include the budget categories listed in the sample budget worksheet.

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](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. OJP expects proposed budgets to be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities).

Applicants should demonstrate in their budget narratives how they will maximize cost effectiveness of grant expenditures. Budget narratives should generally describe cost effectiveness in relation to potential alternatives and the goals of the project. For example, a budget narrative should detail why planned in-person meetings are necessary, or how technology and collaboration with outside organizations could be used to reduce costs, without compromising quality.

The narrative should be mathematically sound and correspond with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how the applicant estimated and calculated all costs, 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.

#### 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.) Attach a copy of the federally approved indirect cost rate agreement to the application. Applicants that do not have an approved rate may request one through their 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).

#### 6. Additional Attachments

##### a. Applicant disclosure of pending applications

Applicants are to disclose whether they have pending applications for federally funded assistance that include requests for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation. The disclosure should include both direct applications for federal funding (e.g., applications to federal agencies) and indirect

applications for such funding (e.g., applications to State agencies that will be subawarding federal funds).

OJP seeks this information to help avoid any inappropriate duplication of funding. Leveraging multiple funding sources in a complementary manner to implement comprehensive programs or projects is encouraged and is not seen as inappropriate duplication.

Applicants that have pending applications as described above are to provide the following information about pending applications submitted within the last 12 months:

- the federal or state funding agency
- the solicitation name/project name
- the point of contact information at the applicable funding agency

Federal or State Funding Agency	Solicitation Name/Project Name	Name/Phone/E-mail for Point of Contact at Funding Agency
DOJ/COPS	COPS Hiring Program	Jane Doe, 202/000-0000; jane.doe@usdoj.gov
HHS/ Substance Abuse & Mental Health Services Administration	Drug Free Communities Mentoring Program/ North County Youth Mentoring Program	John Doe, 202/000-0000; john.doe@hhs.gov

Applicants should include the table as a separate attachment, with the file name “Disclosure of Pending Applications,” to their application. Applicants that do not have pending applications as described above are to include a statement to this effect in the separate attachment page. (e.g., “[Applicant Name] does not have pending applications submitted within the last 12 months for federally funded assistance that include requests for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation.”)

**b. Research and Evaluation Independence and Integrity**

If a proposal involves research and/or evaluation, regardless of the proposal’s rating under the selection criteria, in order to receive funds, the applicant’s proposal must demonstrate research/evaluation independence, including appropriate safeguards to ensure research/evaluation objectivity and integrity.

For purposes of this solicitation, research and evaluation independence and integrity pertains to ensuring that the design, conduct, or reporting of research/evaluation funded by BJA grants, cooperative agreements, or contracts will not be biased by any personal or financial conflict of interest on the part of the investigators responsible for the research/evaluation or on the part of the applicant organization. Conflicts can be either actual or apparent. Examples of potential investigator (or other personal) conflict situations may include where an investigator would be in a position to evaluate a spouse’s work product (actual conflict), or where an investigator would be in a position to evaluate the work of a former colleague (apparent conflict). With regard to potential organizational conflicts of interest, as one example, generally an organization could not be given a grant to evaluate a project if that organization had itself provided substantial prior technical assistance to that

project, as the organization in such an instance would appear to be evaluating the effectiveness of its own prior work. The key is whether a reasonable person understanding all of the facts would be able to have confidence that the results of any research/evaluation project are objective and reliable. Any outside personal or financial interest that casts doubt on that objectivity and reliability is a problem.

In the attachment dealing with research and evaluation independence and integrity, the applicant should explain the process and procedures that the applicant has put in place to identify and eliminate (or, at the very least, mitigate) potential personal or financial conflicts of interest on the part of its staff, consultants, and/or subrecipients. It should also identify any potential organizational conflicts of interest on the part of the applicant with regard to the proposed research/evaluation. If the applicant reasonably believes that no potential personal or organizational conflicts of interest exist, then the applicant should provide a brief narrative explanation of how and why it reached that conclusion.

Where potential personal or organizational conflicts of interest exist, in the attachment, the applicant should identify the safeguards the applicant has or will put in place to eliminate, mitigate, explain, or otherwise address those conflicts of interest.

Considerations in assessing research and evaluation independence and integrity will include, but may not be limited to, the adequacy of the applicant's efforts to identify factors that could affect the objectivity/integrity of the proposed staff and/or the organization in carrying out the research, development, or evaluation activity; and the adequacy of the applicant's existing or proposed remedies to control any such factors.

## 7. **Other Standard Forms**

Additional forms that OJP may require 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](#)  
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, must download, complete, and submit this form.

\*These OJP Standard Assurances and Certifications are forms which applicants accept in GMS. They are not additional forms to be uploaded at the time of application submission.

## Selection Criteria

### 1. Vision Statement and Statement of the Problem (SOP) (25 percent of 100)

For the Vision Statement, provide a clear, concise statement of why the applicant believes it is uniquely qualified to assist state and local jurisdictions in improving their indigent defense delivery systems.

For the SOP, describe the challenges currently faced by state and local jurisdictions as they try to improve their indigent defense delivery systems. Provide data to support the statement of the problem.

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

Outline a design and implementation strategy that details how the applicant will undertake and accomplish the four activities listed on pages 4-5 in the Goals, Objectives and Deliverables section. The design and implementation strategy should detail how the delivery of services will result in enhancing a jurisdiction's ability to provide quality representation to indigent defendants.

This strategy may include current jurisdictions' needs and may allow for needs identified during the grant period. The required timeline will contribute to the assigning of points under this criterion.

### 3. Capabilities and Competencies (30 percent of 100)

Fully describe the applicant's capabilities to deliver the required activities detailed in the design and implementation strategy, including its ability in providing technical assistance and policy development to state and local systems in support of indigent defense delivery reform. Provide specific examples of past work in the area of indigent defense reform.

Clearly articulate the staff's history of involvement with national scope indigent defense reform, describing how the proposed management structure and staffing of the project will facilitate the delivery of these services. Describe experience in delivering training and technical assistance nationwide.

### 4. Plan for Collecting the Data Required for this Solicitation's Performance Measures (5 percent of 100)

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

### 5. Budget (10 percent)

Provide a proposed budget that is complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). Budget narratives should explain how applicants will maximize cost effectiveness of grant expenditures. Budget narratives should demonstrate cost effectiveness in relation to potential alternatives and the goals of the project.<sup>1</sup>

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<sup>1</sup> Generally speaking, a reasonable cost is a cost that, in its nature or amount, does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs.

## 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. 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. A peer review panel will evaluate, score, and rate applications that meet basic minimum requirements. 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, reviews 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, who may consider factors including, but not limited to, underserved populations, geographic diversity, strategic priorities,

## Additional Requirements

Applicants selected for awards must agree to comply with additional legal requirements upon acceptance of an award. OJP 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
- Civil Rights Compliance Specific to State Administering Agencies
- 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 of 2006 (FFATA)
- Awards in Excess of \$5,000,000 – Federal Taxes Certification Requirement
- Policy and Guidance for Conference Approval, Planning, and Reporting
- OJP Training Guiding Principles for Grantees and Subgrantees

## How To Apply

Applicants must submit applications through Grants.gov. Applicants must first register with Grants.gov in order to submit an application through Grants.gov, a “one-stop storefront” to find federal funding opportunities and apply for funding. Find complete instructions on how to register and submit an application at [www.Grants.gov](http://www.Grants.gov). Applicants that experience technical difficulties during this process should 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 several weeks** for first-time registrants to receive confirmation and a user password. OJP encourages applicants to **register several weeks before** the application submission deadline. In addition, OJP urges applicants to submit applications 72 hours prior to the application due date to allow time to receive validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification.

**Note:** BJA encourages all prospective applicants to sign up for Grants.gov email notifications regarding this solicitation. If this solicitation is cancelled or modified, individuals who sign up with Grants.gov for email updates will be notified.

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 a supplement to an existing award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and differentiating 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. Call Dun and Bradstreet at 866-705-5711 to obtain a DUNS number or apply online at [www.dnb.com](http://www.dnb.com). A DUNS number is usually received within 1-2 business days.
2. **Acquire registration with the System for Award Management (SAM). SAM replaces the Central Contractor Registration (CCR) database** as the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. OJP requires all applicants (other than individuals) for federal financial assistance to maintain current registrations in the SAM database. Applicants must be registered in SAM to successfully register in Grants.gov. (Previously, organizations that had submitted applications via Grants.gov were registered with CCR, as it was a requirement for Grants.gov registration. SAM registration replaces CCR as a pre-requisite for Grants.gov registration.) Applicants must **update or renew their SAM registration annually** to maintain an active status.

Applicants that were previously registered in the CCR database must, at a minimum:

- Create a SAM account;
- Log in to SAM and migrate permissions to the SAM account (all the entity registrations and records should already have been migrated).

Applicants that were not previously registered in the CCR database must register in SAM prior to registering in Grants.gov. Information about SAM registration procedures can be accessed at [www.sam.gov](http://www.sam.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. Note that an organization can have more than one AOR.
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-2013-3569.

6. **Complete the Disclosure of Lobbying Activities.** All applicants must complete this information. Applicants that expend any funds for lobbying activities must provide the detailed information requested on the form, *Disclosure of Lobbying Activities* (SF-LLL). Applicants that do 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 message will state whether the application has been received and validated, or rejected due to errors, with an explanation. **Important:** OJP urges applicants to submit applications **at least 72 hours prior** of the application due date to allow time to receive validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification.

**Note: Grants.gov only permits the use of specific characters in names of attachment files. Valid file names may only include the following characters: A-Z, a-z, 0-9, underscore ( \_ ), hyphen (-), space, and period. 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**

Applicants that experience unforeseen Grants.gov technical issues beyond their control that prevent them from submitting their application by the deadline must e-mail the BJA Justice Information Center (see the Contact Information section on page 1 **within 24 hours after the application deadline** and request approval to submit their application. The e-mail must describe the technical difficulties, and include a timeline of the applicant’s submission efforts, the complete grant application, the applicant’s DUNS number, and any Grants.gov Help Desk or SAM tracking number(s). **Note: BJA does not automatically approve requests.** After the program office reviews the submission, and contacts the Grants.gov or SAM Help Desks to validate the reported technical issues, OJP will inform the applicant whether the request to submit a late application has been approved or denied. If the technical issues reported cannot be validated, OJP will reject the application as untimely.

The following conditions are not valid reasons to permit late submissions: (1) failure to register 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 each instruction in the OJP solicitation, and (4) technical issues with the applicant’s computer or information technology 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](http://www.ojp.usdoj.gov/funding/solicitations.htm).

## 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, the application submission process, and/or the application review/peer review process. Feedback may be provided to [OJPSolicitationFeedback@usdoj.gov](mailto:OJPSolicitationFeedback@usdoj.gov).

**IMPORTANT:** This email is for feedback and suggestions only. Replies are **not** sent from this mailbox. If you have specific questions on any program or technical aspect of the solicitation, **you must** directly contact the appropriate number or email listed on the front of this solicitation document. These contacts are provided to help ensure that you can directly reach an individual who can address your specific questions in a timely manner.

If you are interested in being a reviewer for other OJP grant applications, please email your resume to [ojppeerreview@imbps.com](mailto:ojppeerreview@imbps.com). The OJP Solicitation Feedback email account will not forward your resume. **Note:** Neither you nor anyone else from your organization can be a peer reviewer in a competition in which you or your organization have submitted an application.

# Application Checklist

## FY 2013 Answering Gideon's Call: National Assistance To Improve the Effectiveness of Right to Counsel Services

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

### Eligibility Requirement:

\_\_\_\_\_ The federal amount requested is within the allowable limit(s) of \$720,000

### What an Application Should Include:

- \_\_\_\_\_ Application for Federal Assistance (SF-424) (see page 10)
- \_\_\_\_\_ Abstract (see page 10)
- \_\_\_\_\_ Program Narrative\* (see page 11)
- \_\_\_\_\_ Budget Detail Worksheet\* (see page 12)
- \_\_\_\_\_ Budget Narrative\* (see page 12)
- \_\_\_\_\_ Disclosure of Lobbying Activities (SF-LLL) (see page 19)
- \_\_\_\_\_ Indirect Cost Rate Agreement (if applicable) (see page 12)
- \_\_\_\_\_ Additional Attachments
  - \_\_\_\_\_ Disclosure of Pending Applications (see page 12)
  - \_\_\_\_\_ Research and Evaluation Independence and Integrity (see page 13)
- \_\_\_\_\_ 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.