



The [U.S. Department of Justice, Office of Justice Programs \(OJP\), Bureau of Justice Assistance](#) (BJA) is seeking applications for funding under the National Training and Technical Assistance: Capital Case Litigation. This program furthers the Department's mission by improving the quality of legal representation provided to indigent defendants in state capital cases.

National Training and Technical Assistance: Capital Case Litigation FY 2014 Competitive Grant Announcement

Eligibility

Eligible applicants are limited to public or nonprofit organizations, for-profit entities that agree to forego any profit or management fees, and institutions of higher education that have experience and expertise in defending, and providing training on, death penalty cases. Applicants must also have experience in delivering training and technical assistance nationwide.

BJA welcomes applications that involve two or more entities; however, one eligible entity must be the applicant and the others must be proposed as subrecipients. The applicant must be the entity with primary responsibility for conducting and leading the program.

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

Deadline

Applicants must register with [Grants.gov](#) prior to submitting an application. (See "How To Apply," page 18.) All applications are due by 11:59 p.m. eastern time on May 27, 2014. (See "Deadlines: Registration and Application," page 4.)

All applicants are encouraged to read this [Important Notice: Applying for Grants in Grants.gov](#).

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

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 contact identified below **within 24 hours after the application deadline** and request approval to submit their application.

For assistance with any other requirement of this solicitation, contact the BJA Justice Information Center at 1-877-927-5657, via e-mail at JIC@telesishq.com, or via live web chat at www.justiceinformationcenter.us. The BJA Justice Information Center hours of operation are 8:30 a.m. to 5:00 p.m. eastern time, Monday through Friday, and 8:30 a.m. to 8:00 p.m. eastern time on the solicitation close date.

Grants.gov number assigned to this announcement: BJA-2014-3873

Release date: April 9, 2014

Contents

Overview	4
Deadlines: Registration and Application	4
Eligibility	4
National Training and Technical Assistance: Capital Case Litigation—Specific Information ...	4
Performance Measures	7
What an Application Should Include	10
Information to Complete the Application for Federal Assistance (SF-424)	111
Project Abstract	11
Program Narrative	11
Budget Detail Worksheet and Budget Narrative	12
Indirect Cost Rate Agreement (if applicable)	13
Tribal Authorizing Resolution (if applicable)	13
Additional Attachments	13
Accounting System and Financial Capability Questionnaire	15
Selection Criteria	15
Review Process	16
Additional Requirements	17
How To Apply	18
Provide Feedback to OJP	20
Application Checklist	22

National Training & Technical Assistance: Capital Case Litigation (CFDA #16.746)

Overview

The purpose of the Capital Case Litigation Initiative (CCLI) (supported by and funded through 42 U.S.C. §14163 *et seq.*) is to assist states with: (1) improving the quality of legal representation provided to indigent defendants in state capital cases, and (2) enhancing the ability of prosecutors to effectively represent the public in state capital cases. Pursuant to the authorizing statute, 42 U.S.C. § 14163e(b), CCLI funding must be allocated equally between the defense and prosecution.

This FY 2014 grant announcement specifically focuses on purpose (1) above: improving the quality of legal representation provided to indigent defendants in state capital cases. Purpose (2), enhancing the ability of prosecutors to effectively represent the public in state capital cases, is being funded separately and is not covered in this grant announcement.

This competitive grant announcement is soliciting providers to deliver nationwide training and technical assistance (TTA). This grant announcement is **not** soliciting applications from individual jurisdictions to receive funding, training, or technical assistance from BJA. Additionally, by statute, no funds awarded under CCLI may be used to fund, directly or indirectly, representation in specific capital cases. 42 U.S.C. §14163(c)(2).

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. 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 p.m. eastern time on May 27, 2014. See “How To Apply” on page 18 for details.

Eligibility

Refer to the title page for eligibility under this program.

National Training and Technical Assistance: Capital Case Litigation— Specific Information

Under this solicitation, BJA is focusing part of its CCLI funding on making available high-quality TTA to capital case defense litigators in death penalty states with established “effective systems.”¹ This decision is based on multiple factors, including, but not limited to, a desire to

¹ An “effective system” is defined in 42 U.S.C. § 14163(e) as a system that invests the responsibility for appointing qualified attorneys to represent indigent defendants in capital cases:

(A) In a public defender program that relies on staff attorneys, members of the private bar, or both, to provide representation in capital cases;

have immediate impact upon improving capital case litigation and having comparatively limited available funds. BJA's goal is to ensure that the limited funds available are used in the most effective ways possible to help ensure justice for all.

Goals, Objectives, and Deliverables

The goals of this initiative are to: 1) increase the number of capital litigation defense attorneys trained in capital case procedures and strategies; and 2) improve the quality of legal representation provided to indigent defendants in state capital cases.

BJA is seeking a provider to deliver TTA, nationwide, on death penalty issues to defense attorneys representing indigent defendants in state capital cases. Because capital case litigation is governed by unique evidentiary rules and processes, this training and technical assistance is essential to improving the quality of legal representation provided to indigent defendants.

Specifically, the selected TTA provider will be expected to:

- Deliver training curricula to defense attorneys representing indigent defendants in state capital cases. BJA is seeking training that has already been developed and proven; it is not looking to fund the development of new training.
- Deliver technical assistance to approximately 4-5 existing BJA grantees (states) that have received CCLI funding in the past and that have a requirement to deliver "Bring Your Own Case" (BYOC) training throughout their individual states.
- Describe methodology for TTA delivery. Training may include webinars, regional conferences, online training, and other delivery methods.
- Conduct technical assistance engagements to non-BJA grantees, as necessary.
- Conduct training evaluations for all training sessions. The evaluations should collect feedback on the value and utility of the training, as well as solicit recommendations for improvements as necessary.
- Arrange travel and all logistical requirements for each training session and technical assistance engagement.
- Comply with the OJP conference reporting requirements and other grant conditions.

Amount and Length of Awards

BJA anticipates that it will make one award of up to \$250,000 for a 24-month project period. The project start date should be on or after October 1, 2014.

All awards are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by law. Supplemental funding for awards made may be available based on the availability of future appropriated funds and the grantees' history of performance.

(B) In an entity established by statute or by the highest state court with jurisdiction in criminal cases, which is composed of individuals with demonstrated knowledge and expertise in capital cases, except for individuals employed as prosecutors; or

(C) Pursuant to a statutory procedure enacted before the date of the enactment of this Act [October 30, 2002] under which the trial judge is required to appoint qualified attorneys from a roster maintained by a state or regional selection committee or similar entity.

TTA Provider Requirements

BJA TTA providers are required to coordinate all TTA activities with BJA's National Training and Technical Assistance Center (NTTAC). The successful applicant will be required to comply with NTTAC protocols in order to ensure coordinated delivery of services among TTA providers and effective use of BJA TTA grant funding. BJA reserves the right to reasonably modify these protocols at any time at its discretion.

The TTA provider also will be required to participate in BJA's GrantStat for specified grantees. Through GrantStat, BJA management and staff examine the performance of the grant programs funded by BJA by tracking grantee or program performance along several key indicators. GrantStat calls for the collection and analysis of performance data and other relevant grant-level information that enables BJA as well as our TTA partners to be held accountable for the grantee's and program's performance as measured against the program's goals and objectives.

Evidence-Based Programs or Practices

OJP strongly emphasizes the use of data and evidence in policy making and program development in criminal justice, juvenile justice, and crime victim services. 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://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.

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 2014 salary table for SES employees is available at www.opm.gov/salary-tables. 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 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.

Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs

OJP strongly encourages applicants that propose to use award funds for any conference-, meeting-, or training-related activity to review carefully—before submitting an application—the OJP policy and guidance on “conference” approval, planning, and reporting available at www.ojp.gov/funding/confcost.htm. OJP policy and guidance (1) encourage minimization of conference, meeting, and training costs; (2) require prior written approval (which may affect project timelines) of most such costs for cooperative agreement recipients and of some such costs for grant recipients; and (3) set cost limits, including a general prohibition of all food and beverage costs.

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.

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. Post award, recipients will be required to submit quarterly performance metrics through BJA's online Training and Technical Assistance Reporting System (TTARS), located at www.bjatools.org. Applicants should review the BJA training and TTA reporting matrix at: <https://ttars.bjatools.org/tta2/View/BJATTARSReportingMatrix.pdf>. Below are some sample performance measures:

Objectives	Performance Measure	Data Grantee Provides
<p>Improve the quality and effectiveness of legal representation provided to indigent defendants in state capital cases by training capital case defense attorneys in capital case procedures and strategies</p>	<p>Number of trainings conducted</p> <p>Number of participants who attend the training</p> <p>Percentage of participants who successfully completed the training</p> <p>Percentage of participants who rated the training as satisfactory or better</p> <p>Percentage of participants trained and subsequently demonstrated performance improvement</p> <p>Percentage of scholarship recipients surveyed who reported that the training provided information that could be utilized in their job.</p> <p>Number of curricula developed</p> <p>Number of curricula that were pilot tested</p> <p>Percentage of curricula that were revised after pilot testing</p>	<p>For the current reporting period:</p> <p>Number of trainings (by type):</p> <ul style="list-style-type: none"> • In-person • Web-based • CD/DVD • Peer-to-peer • Workshop <p>Number of individuals who:</p> <ul style="list-style-type: none"> • Attended the training (in-person) or started the training (web-based) • Completed the training • Completed an evaluation at the conclusion of the training • Completed an evaluation and rated the training as satisfactory or better • Completed the post-test with an improved score over their pre-test <p>For the current reporting period, number of individuals who:</p> <ul style="list-style-type: none"> • Received a scholarship • Completed the training • Completed a survey at the conclusion of the training • Reported the training provided information that could be utilized in their job <p>Number of training curricula:</p> <ul style="list-style-type: none"> • Developed • Pilot tested • Revised after being pilot tested
	<p>Percentage of requesting agencies who rated services as satisfactory or better</p> <p>Percentage of requesting agencies that were planning to implement one or more recommendations</p>	<p>For the current reporting period:</p> <ul style="list-style-type: none"> • Number of onsite visits completed • Number of reports submitted to requesting agencies after onsite visits • Number of requesting agencies who completed an evaluation of services • Number of agencies who rated the services a satisfactory or better <ul style="list-style-type: none"> • a) in terms of timeliness • b) quality • Number of follow-ups with requesting agencies completed 6 months after onsite visit • Number of agencies that were planning to implement at least

	<p>Percentage of peer visitors who reported that the visit to the other agency was useful in providing information on policies or practices</p> <p>Percentage of peer visitors that were planning to implement one or more policies or practices 6 months after they were observed at the visited site</p> <p>Percentage of requesting agencies of other onsite services who rated the services provided as satisfactory or better</p>	<p>one or more recommendations 6 months after the onsite visit</p> <ul style="list-style-type: none"> • Number of peer-to-peer visits completed • Number of peer visitors who completed an evaluation • Number of peer visitors who reported that the visit was useful in providing information on policies or practices • Number of follow-ups with the requesting peer visitor completed 6 months after the peer-to-peer visit • Number of peer visitors who were planning to implement at least one or more recommendations 6 months after the onsite visit <ul style="list-style-type: none"> • Number of other onsite services provided • Number of requesting agencies who completed an evaluation of other onsite services • Number of agencies who rated the services a satisfactory or better
<p>Increase information provided to BJA and the criminal justice community</p>	<p>Number of conferences or advisory/focus groups held</p> <p>Percentage of advisory/focus groups evaluated as satisfactory or better.</p> <p>Number of publications developed</p> <p>Number of publications disseminated</p> <p>Percent of web sites developed and maintained.</p> <p>Percent increase in the number of visits to web sites</p> <p>Percentage of information requests responded to</p>	<p>For the current reporting period:</p> <ul style="list-style-type: none"> • Number of conferences or advisory/focus groups held • Number of conference or advisory/focus group attendees who completed an evaluation • Number of conference or advisory/focus group attendees who rated the advisory/focus group as satisfactory or better • Number of publications/resources developed • Number of publications/resources disseminated <p>Number of web sites developed.</p> <p>Number of web sites maintained.</p> <ul style="list-style-type: none"> • Number of visits to web sites during the current reporting period • Number of visits to web sites during the previous reporting period • Number of information requests responded to • Number of information requests responded to

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). Applicants whose proposals may involve a research or statistical component also should review the “Confidentiality” section on that web page.

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 budget 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 OJP's Grants Management System (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. Project Abstract

Applicants should provide a project abstract identifying the applicant's name, title of the project, and dollar amount requested. The abstract should include goals of the project, a description of the strategies to be used, a numerical listing of key/major deliverables, and coordination plans.

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.

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 must respond to the solicitation and the Selection Criteria (1-4) in the order given. The program narrative must be double-spaced, using a standard 12-point font (Times New Roman is preferred) with no less than 1-inch margins, and must not exceed 12 pages. Number pages "1 of 12," "2 of 12," 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 following sections should be included as part of the program narrative.

- a. Statement of the Problem
- b. Project Design and Implementation
- c. Capabilities and Competencies
- d. Plan for Collecting the Data Required for this Solicitation's Performance Measures
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. 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.

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.

c. Non-Competitive Procurement Contracts In Excess of Simplified Acquisition Threshold

If an applicant proposes to make one or more non-competitive procurements of products or services, where the non-competitive procurement will exceed the simplified

acquisition threshold (also known as the small purchase threshold), which is currently set at \$150,000, the application should address the considerations outlined in the [OJP Financial Guide](#).

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. For assistance with identifying your cognizant agency, please contact the Customer Service Center at 1-800-458-0786 or at ask.ocfo@usdoj.gov. If DOJ is the cognizant federal agency, applicants may obtain information needed to submit an indirect cost rate proposal at www.ojp.usdoj.gov/funding/pdfs/indirect_costs.pdf.

6. Tribal Authorizing Resolution (if applicable)

Tribes, tribal organizations, or third parties proposing to provide direct services or assistance to residents on tribal lands should include in their applications a resolution, a letter, affidavit, or other documentation, as appropriate, that certifies that the applicant has the legal authority from the tribe(s) to implement the proposed project on tribal lands. In those instances when an organization or consortium of tribes applies for a grant on behalf of a tribe or multiple specific tribes, the application should include appropriate legal documentation, as described above, from all tribes that would receive services or assistance 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 an authorizing resolution or comparable legal documentation from each tribal governing body) may submit, instead, a copy of its consortium bylaws with the application.

Applicants unable to submit an application that includes a fully-executed (i.e., signed) copy of appropriate legal documentation, as described above, consistent with the applicable tribe's governance structure, should, at a minimum, submit an unsigned, draft version of such legal documentation as part of its application (except for cases in which, with respect to a tribal consortium applicant, consortium bylaws allow action without the support of all consortium member tribes). If selected for funding, BJA will make use of and access to funds contingent on receipt of the fully-executed legal documentation.

7. Additional Attachments

a. Timeline

Include a comprehensive timeline that identifies milestones, numerically listed deliverables, and who is responsible for each activity.

b. Applicant Disclosure of Pending Applications

Applicants are to disclose whether they have pending applications for federally funded grants or subgrants (including cooperative agreements) 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 subaward 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 on SF-424] does not have pending applications submitted within the last 12 months for federally funded grants or subgrants (including cooperative agreements) 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.”).

c. Research and Evaluation Independence and Integrity

If a proposal involves research and/or evaluation, regardless of the proposal’s other merits, in order to receive funds, the applicant 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 and 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 and 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 those in which an investigator would be in a position to evaluate a spouse’s work product (actual conflict), or an investigator would be in a position to evaluate the work of a former colleague (potential 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 or 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. Documentation that may be helpful in this regard could include organizational codes of ethics/conduct or policies regarding organizational, personal, and financial conflicts of interest.

For situations in which 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, 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 or 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.

8. 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](#).

Selection Criteria

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

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

Applicants should describe and demonstrate understanding of the nature of the problem, describe the need for addressing the problem, and very briefly introduce how the applicant proposes to address the problem.

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

Applicants should demonstrate how they will design and implement a project to address the goals, objectives, deliverables and requirements outlined in this solicitation. Applicants may choose to include other items/deliverables in addition to the ones listed in this grant announcement and should provide detailed information on those items as well. Applicants must include a timeline that identifies the major tasks and deliverables of the proposed project and who is responsible for each activity. Describe how the TTA will encompass data-

driven and evidence-based practices. Describe how the applicant will identify and assess TTA needs.

3. Capabilities and Competencies (30 percent of 100)

Applicants should have demonstrated expertise in providing representation to defendants in capital cases and providing training to defense attorneys. Additionally, capabilities and competencies include: curriculum development; recruitment and maintenance of subject matter experts; nationwide instruction delivery using a range of training modalities, such as online and in-person training, to defense attorneys; training/meeting logistics planning and implementation; and conducting individual course evaluations.

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

Describe the process for measuring project performance. Identify who will collect the data, who is responsible for performance measurement, and how the information will be used to guide and assess the program. Describe process to accurately report implementation findings.

5. Budget (10 percent of 100)

Provide a proposed budget for the entire project period that is complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). Budget narratives should generally demonstrate how applicants will maximize cost effectiveness of grant expenditures. Budget narratives should demonstrate cost effectiveness in relation to the goals of the project.²

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 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, 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.

² 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.

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, 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 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
- 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
- Reporting of Potential Fraud, Waste, and Abuse, and Similar Misconduct
- National Environmental Policy Act (NEPA)
- DOJ Information Technology Standards (if applicable)
- Single Point of Contact Review
- Non-Supplanting of State or Local Funds
- Criminal Penalty for False Statements
- Compliance with [Office of Justice Programs Financial Guide](#)
- Suspension or Termination of Funding
- Non-profit Organizations
- For-profit Organizations
- Government Performance and Results Act (GPRA)
- Rights in Intellectual Property

- Federal Funding Accountability and Transparency Act of 2006 (FFATA)
- Awards in Excess of \$5,000,000 – Federal Taxes Certification Requirement
- Active SAM Registration
- Policy and Guidance for Approval, Planning, and Reporting of Conferences (including Meetings and Trainings)
- OJP Training Guiding Principles for Grantees and Subgrantees

How To Apply

Applicants must register in, and submit applications 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. 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.

BJA strongly 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 updates will be notified.

Note on File Names and File Types: Grants.gov only permits the use of certain specific characters in names of attachment files. Valid file names may include only the characters shown in the table below. Grants.gov is designed to reject any application that includes an attachment(s) with a file name that contains any characters not shown in the table below. Grants.gov is designed to forward successfully submitted applications to OJP’s Grants Management System (GMS).

Characters	Special Characters		
Upper case (A – Z)	Parenthesis ()	Curly braces { }	Square brackets []
Lower case (a – z)	Ampersand (&)	Tilde (~)	Exclamation point (!)
Underscore (_)	Comma (,)	Semicolon (;)	Apostrophe (‘)
Hyphen (-)	At sign (@)	Number sign (#)	Dollar sign (\$)
Space	Percent sign (%)	Plus sign (+)	Equal sign (=)
Period (.)	When using the ampersand (&) in XML, applicants must use the “&#amp;” format.		

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.” GMS may reject applications

with files that use these extensions. It is important to allow time to change the type of file(s) if the application is rejected.

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. A DUNS number is usually received within 1-2 business days.
- 2. Acquire registration with the System for Award Management (SAM).** SAM is 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. Applicants must **update or renew their SAM registration annually** to maintain an active status

Applications cannot be successfully submitted in Grants.gov until Grants.gov receives the SAM registration information. The information transfer from SAM to Grants.gov can take up to 48 hours. OJP recommends that the applicant register or renew registration with SAM as early as possible.

Information about SAM registration procedures can be accessed at 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.
- 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 number for this solicitation is 16.746, titled "Capital Case Litigation," and the funding opportunity number is BJA-2014-3873.
- 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 a valid 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. It is possible to first receive a message indicating that the application is received and then receive a rejection notice a few minutes or hours later. Submitting well ahead of the deadline provides time to correct the problem(s) that caused the rejection. **Important:** OJP urges applicants to submit applications **at least 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.

Click [here](#) for further details on DUNS, SAM, and Grants.gov registration steps and timeframes.

Note: Duplicate Applications

If an applicant submits multiple versions of an application, BJA will review only the most recent valid 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 contact identified in the Contact Information section on page 2 **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 OJP determines that the applicant failed to follow all required procedures, which resulted in an untimely application submission, OJP will deny the applicant's request to submit their application.

The following conditions are generally insufficient to justify late submissions:

- failure to register in SAM or Grants.gov in sufficient time
- failure to follow Grants.gov instructions on how to register and apply as posted on its web site
- failure to follow each instruction in the OJP solicitation
- 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.

Provide Feedback to OJP

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. Provide feedback to OJPSolicitationFeedback@usdoj.gov.

IMPORTANT: This e-mail 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 e-mail 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 e-mail your resume to ojppeerreview@lmbps.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 2014 National Training and Technical Assistance: Capital Case Litigation

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

What an Applicant Should Do:

Prior to Registering in Grants.gov:

- _____ Acquire a DUNs Number (see page 19)
- _____ Acquire or renew registration with SAM (see page 19)

To Register with Grants.gov:

- _____ Acquire AOR and Grants.gov username/password (see page 19)
- _____ Acquire AOR confirmation from the E-Biz POC (see page 19)

To Find Funding Opportunity:

- _____ Search for the funding opportunity on Grants.gov (see page 19)
- _____ Download Funding Opportunity and Application Package (see page 19)
- _____ Sign up for Grants.gov email notifications (optional) (see page 18)
- _____ Read [Important Notice: Applying for Grants in Grants.gov](#)

General Requirements:

- _____ Review "[Other Requirements](#)" web page

Scope Requirement:

- _____ The federal amount requested is within the allowable limit(s) of \$250,000.

Eligibility Requirement: Eligible applicants are limited to public and nonprofit organizations, for-profit entities that agree to forego any profit or management fees, and institutions of higher education that have experience and expertise in defending, and providing training on, death penalty cases. Applicants must also have experience in delivering training and technical assistance nationwide.

What an Application Should Include:

- _____ Application for Federal Assistance (SF-424) (see page 11)
- _____ Project Abstract (see page 11)
- _____ *Program Narrative (see page 11)
- _____ *Budget Detail Worksheet (see page 12)
- _____ *Budget Narrative (see page 12)
 - _____ Employee Compensation Waiver request and justification (if applicable) (see page 6)
 - _____ Read OJP policy and guidance on "conference" approval, planning, and reporting available at www.ojp.gov/funding/confcost.htm (see page 7)
- _____ Disclosure of Lobbying Activities (SF-LLL) (see page 19)
- _____ Indirect Cost Rate Agreement (if applicable) (see page 13)
- _____ Tribal Authorizing Resolution (if applicable) (see page 13)
- _____ Additional Attachments

- _____ Timeline (see page 13)
- _____ Applicant Disclosure of Pending Applications (see page 13)
- _____ Research and Evaluation Independence and Integrity (see page 14)
- _____ Accounting System and Financial Capability Questionnaire (if applicable) (see page 15)

* NOTE: 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.