

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance



The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [Bureau of Justice Assistance \(BJA\)](#) is seeking applications under the Effective Administration of Criminal Justice Act of 2016 for national partners to provide training and technical assistance to state and local governments to provide the protections in criminal justice processes established by the Sixth Amendment of the Constitution. This program furthers the Department's mission by ensuring the fair administration of justice through meeting the obligations established by the Sixth Amendment of the Constitution of the United States.

FY2017 BJA National Initiatives – Adjudications: Training and Technical Assistance to Support the Protection of Constitutional Rights Under the Sixth Amendment

Applications Due: May 16, 2017

Eligibility

For information on eligibility, see [Section C. Eligibility Information](#).

Deadline

Applicants must register with [Grants.gov](#) prior to submitting an application. All applications are due by 11:59 p.m. eastern time on May 16, 2017.

To be considered timely, an application must be submitted by the application deadline using Grants.gov, and the applicant must have received a validation message from Grants.gov that indicates successful and timely submission. OJP urges applicants to submit applications at least 72 hours prior to the application due date, in order to allow time for the applicant 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.

OJP encourages all applicants to read this [Important Notice: Applying for Grants in Grants.gov](#).

For additional information, see [How to Apply](#) in Section D. Application and Submission Information.

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 email to support@grants.gov. The Grants.gov Support Hotline operates 24 hours a day, 7 days a week, except on federal holidays.

An applicant that experiences unforeseen Grants.gov technical issues beyond its control that prevent it from submitting its application by the deadline must email the contact identified below **within 24 hours after the application deadline** in order to request approval to submit its application after the deadline. Additional information on reporting technical issues appears under “Experiencing Unforeseen Grants.gov Technical Issues” [in the How to Apply section](#).

For assistance with any unforeseen Grants.gov technical issues beyond an applicant’s control that prevent it from submitting its application by the deadline, or any other requirement of this solicitation, contact the National Criminal Justice Reference Service (NCJRS) Response Center: toll-free at 800-851-3420; via TTY at 301-240-6310 (hearing impaired only); email grants@ncjrs.gov; fax to 301-240-5830; or web chat at <https://webcontact.ncjrs.gov/ncjchat/chat.jsp>. The NCJRS Response Center hours of operation are 10:00 a.m. to 6:00 p.m. eastern time, Monday through Friday, and 10:00 a.m. to 8:00 p.m. eastern time on the solicitation close date.

Grants.gov number assigned to this solicitation: BJA-2017-11620

Release date: March 14, 2017

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National Initiatives – Adjudications: Training and Technical Assistance to Support the Protection of Constitutional Rights Under the Sixth Amendment

CFDA # 16.738

A. Program Description

Overview

In all criminal prosecutions, defendants have a number of rights that are enumerated under the Sixth Amendment of the United States Constitution:

- A speedy and public trial
- An impartial jury
- To know the nature and cause of the accusations
- To confront witnesses against them
- To obtain witnesses in their favor
- The right to counsel

In particular, the Sixth Amendment has come to be associated principally with the right to counsel because, as the Supreme Court has recognized, the remaining rights depend on effective counsel. See *Gideon v. Wainwright*, 372 U.S. 335 (1963). Over 50 years have passed since the Supreme Court's landmark decision in *Gideon v. Wainwright*, which guaranteed the right to counsel for indigent defendants in criminal cases in every state. Today, despite the decades that have gone by, the promise of *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 strong court management and processes and a quality public defense to ensuring a fair justice system.

The purpose of this training and technical assistance program is to ensure that states and local government are provided with the capacity and tools necessary to meet the obligations established by the Sixth Amendment. BJA, through training and technical assistance (TTA), is providing state and local governments with research-based, data-driven information and resources, to secure the rights of the Sixth Amendment. The proposed approaches will also support pathways for evidence-based best practices to reach courts and defender systems at the state and local levels that support authentic adoption, implementation, and sustainment of effective approaches. To be successful, the strategies proposed must build capacity to collaborate across the criminal justice system in all jurisdictions to be served. Additionally, the applicant should partner with researchers to use the data and research to support the state and local resources sustaining those practices found to be effective. This solicitation also seeks proposed strategies to disseminate information about practices, structures, and models that can be replicated and made available through training, technical assistance, and strategic planning services to courts and defender systems at state and local levels.

BJA is seeking providers for the following three categories of activities:

- (1) Strategic Planning Services to state and local governments to address Sixth Amendment issues within their jurisdictions, using data and research to develop proven strategies in key areas that strengthen capacity to uphold these rights.
- (2) Enhancement of Defense Systems and Right to Counsel training and technical assistance, including identifying and disseminating best practices, structures, or models and assisting state and local governments with evaluating, adopting, and implementing systems consistent with securing the Right to Counsel requirement.
- (3) Sixth Amendment Fellowship for a practitioner who possesses significant Sixth Amendment rights experience to assist BJA in engaging with the field to assess and respond to areas of need.

As part of a Sixth Amendment TTA collaboration, selected providers in all three categories are expected to assist state and local justice system officials and policy makers to assess, plan, and implement evidence-based practices to ensure the obligations of the Sixth Amendment are met, as well as support other BJA TTA partners engaged in work to support the public defense function, courts management, and strategic planning.

Statutory Authority:

Any awards under this solicitation would be made under statutory authority provided by a full-year appropriations act for FY 2017 and 42 U.S.C. § 3752(b). As of the writing of this solicitation, the Department of Justice is operating under a short-term "Continuing Resolution;" no full-year appropriation for the Department has been enacted for FY 2017.

Program-Specific Information

This competitive solicitation seeks to fund national partners and a national fellow to develop and manage a robust training and technical assistance strategy for state and local governments and their agents responsible for ensuring the protection of Constitutional rights under the Sixth Amendment.

In some jurisdictions, the Sixth Amendment rights are not routinely protected. In particular, the right to a speedy and public trial is not always afforded to those accused of a crime. Fulfilling these obligations can be particularly complex in rural or small jurisdictions where courts may not be in session daily and arraignments, hearings, and trials are delayed. Leaders in rural jurisdictions have asked for assistance in creative ways to support the needs of "frontier" communities. In urban and suburban jurisdictions, variances in case flow can make management of cases and scheduling a challenge. Delayed arraignments can also result in violations of the right to know the nature and cause of an accusation. Therefore, developing a greater understanding of how the Sixth Amendment is being administered in the state, and assessing the needs and effectiveness around that effort, is a key step in enhancing how this right is secured on the state and local levels.

State and local governments, which make decisions about the administration of courts and defense systems, are interested in information about the effectiveness of current efforts, areas for needed improvement, and proven approaches that can be adopted successfully. Many jurisdictions are struggling to improve systems that fail to ensure the state's obligations under the Sixth Amendment. Whether it be the cost of assigning counsel, or excessive case management and workloads, or the impacts and costs associated with having a witness appear

and be available for questioning by the defendant, each jurisdiction faces its own challenges in upholding these Constitutional requirements. The strategic implementation of a new or enhanced program or strategy that requires resources and funding can be a complicated process with many competing needs utilizing limited resources. BJA, through its Strategic Plan, has committed to “support effective criminal justice policy, programs, information sharing, and collaborations within state, local, and tribal agencies and communities.”

In addition to supporting strategic planning to assess and develop plans to adopt strategies to enhance capacity to meet the Sixth Amendment’s obligations overall, BJA also seeks to support targeted training and technical assistance focused on the Sixth Amendment Right to Counsel. The role of a defense counsel is critical not only to the right to counsel but also to support meeting all other Sixth Amendment protections for their clients, and the overall integrity of the criminal justice system. As noted by the field through the collaborative work of the Right to Counsel National Consortium, “a fair and equitable criminal justice system requires representation by skilled defense counsel with adequate resources at every stage of the criminal process.”¹ This includes the right to be represented by an attorney consistent with the American Bar Association’s (ABA) Ten Principles of a Public Defense Delivery System,² including the independence of defense counsel, early appointment of counsel, tracking and managing assignment of counsel, and ensuring the counsel has the right skills and training for cases assigned.

There are public defense systems and assigned counsel in the United States that are underfunded or have unreliable funding. This results in understaffing, excessive workloads, and limited compensation for assigned counsel, which can significantly affect the delivery of effective, efficient, and quality legal representation for indigent criminal defendants. Despite the efforts of many committed government officials and defense leaders, the lack of access to information, trainings, shared practices, and funding and delivery models create barriers to enhancing capacity to meet the Sixth Amendment’s obligations. This also results in missed opportunities to reduce system costs, improve public safety, and ensure fair outcomes for those accused in jurisdictions that do not provide counsel at first appearance when decisions about pretrial release can impact liberty and case outcomes. Additionally, information, resources, and trainings can be difficult to access by defense attorneys. For example, many county governments have a role in managing public defense agencies, or even provide these services through assigned counsel on a contract or per-case basis, and as such may not offer consistent training or be able to match counsel with the correct expertise in all cases. The approaches recommended should address this range of needs.

At the same time, there have been some investments in innovative pilots to test ways that state and local governments, and related agencies, can effectively deliver criminal defense services. In recent years, BJA has supported data analysis, research partnerships, and assessments of costs and benefits to assist both in enhancing their abilities to assess needs and explore effective practices, and enhance policy makers’ ability to strategically invest resources to ensure effective Right to Counsel. This includes BJA’s Smart Defense Program, which seeks to improve the quality of public defense delivery systems through the adoption and implementation of evidence-based, data-driven criminal justice strategies that combine the expertise of researchers and practitioners for maximum, sustained, and measurable impact.³

¹ <http://www.rtcnationalcampaign.org/theory-of-change>

² http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_def_tenprinciplesbooklet.authcheckdam.pdf

³For information about BJA’s programs in this area, see: https://www.bja.gov/Topic.aspx?Topic_ID=1.

Goals, Objectives, and Deliverables

The overall goal of the Training and Technical Assistance to Support the Protection of Constitutional Rights Under the Sixth Amendment Program is to assist state and local government, and court, judicial, and defense leaders in strategic planning processes that support assessment, adoption, and implementation of improved program practices to enhance the protections of the Sixth Amendment in criminal prosecutions. BJA envisions a collaborative model of cooperating partners to assist jurisdictions with building and maximizing capacity; adopting and implementing practices; identifying and explaining chronic challenges and emerging issues; and working with a research partner to ensure strong data-driven, research-based approaches, and robust collection and reporting on performance measures, specifically:

Category (1): The goal of the **Sixth Amendment Strategic Planning Initiative** is to deliver strategic planning services to state and local governments, including their agents such as court leaders and administrators and defender systems, to use data and research to enhance their capacity and assist with efforts to assess, target, and sustain the most critical and effective criminal justice services around upholding the Sixth Amendment rights, including effective public defense services.

Category (2): The goal of the **Right to Counsel and Enhancing Defense Training and Technical Assistance Initiative** is to assist and build capacity of state and local governments, including their agents such as defender systems, to support the adoption and implementation of targeted strategies to enhance the Sixth Amendment Right to Counsel as well as create a platform to disseminate materials and practices around securing Sixth Amendment Rights.

Category (3): The goal of the **Sixth Amendment Fellowship** is to work with BJA to engage the field in assessing areas of needs and addressing gaps in services to support the goals of the Effective Administration of Criminal Justice Act of 2016.

Category 1: Sixth Amendment Strategic Planning Initiative. Competition ID: BJA-2017-112384

BJA is seeking a provider to develop and implement the Sixth Amendment Strategic Planning Initiative, delivering strategic planning services to state and local governments, including their agents such as court leaders and administrators and defender systems, to use data and research to enhance stakeholder capacity and assist with efforts to assess, target, and sustain the most critical and effective criminal justice services that will ensure Sixth Amendment rights, including effective public defense services. As part of this approach, the provider should be able to deploy research assistance to support action research components in the planning process, including using data to define the issue(s) and assessing need; identifying the research and evidence base of proven approaches; supporting testing of innovative approaches; building capacity to adopt, implement, and sustain effective approaches; and periodically assess implementation and success. The provider may also work with different state agencies, such as the Administrative Office of the Courts, to identify sites and develop a collaborative infrastructure to develop and implement efforts that can build upon existing systems' infrastructure and capacity, and identify and test innovative approaches.

The BJA-awarded provider, through partnership with researchers, must collect core information that relates to the jurisdictions, which supports the key aspects of enhanced provision of Sixth Amendment protections, including speedy trial, jury and witness management, and assignment of counsel. This should include proven practices implemented at the state and local levels along with costs associated with these efforts. Additionally, the provider must collect information on the extent and manner to which entities are incorporating evidence-based practices into their programs at the state and/or local levels.

Category 1 Deliverables and Requirements:

With guidance from BJA, the awardee will develop and manage a national level strategic planning function to support state and local governments in enforcing the obligations of the Sixth Amendment, including:

- Develop and manage an online process for state and local governments to seek strategic planning services.
- Develop and provide intensive strategic planning services to at least seven jurisdictions. This includes ongoing coaching to support adoption and implementation.
- Deploy research partners to support action research models that assess the planning process through use of data and research and evaluate the planning results.
- Develop strategic planning tools, including those based on research and data, to support a structured planning process that can be translated to different jurisdictions, but customized to reflect state and local needs. This planning would be specifically based on overall capacity to comply with all or a set of the obligations under the Sixth Amendment.
- Ensure any materials and curriculum developed reflect the latest research findings, including what is learned from the awardee's research partners, and all resources and training sessions are available for download or online streaming.
- Collect and analyze information on key Sixth Amendment issues to support the TTA being provided, including case management for speedy public trial, assignment of counsel, systems needs, and costs and funding provided to state and local entities for defender systems.
- Provide relevant, objective, and timely up-to-date, fact-based information to BJA by state and local entities with the responsibility for administering justice on policy and practice in the area of defender systems and the Sixth Amendment, including major state policy efforts or innovative practices.
- Meet and collaborate with BJA and others to enhance resources and knowledge, and leverage the respective expertise of partners in responding to the needs of the field. Upon BJA's recommendation and approval, the TTA provider will meet with or coordinate with other BJA programs, federal agencies, and TTA providers in an effort to collaborate and coordinate services and technical support across offices and departments.
- The applicant must work with researchers to use evidence-based strategies, collect data, and assess needs in order to provide fidelity to strategic plans for improving the administration of the criminal justice system. It must also leverage subject matter experts able to address the range of issues related to the obligations of the Sixth Amendment.
- The applicant should have demonstrated expertise in delivering and managing strategic planning services and TTA on a national level and have particular

knowledge of defender systems and Sixth Amendment rights. In particular, the applicant must have demonstrated past experience in working with state and/or local public defense systems or courts and an understanding of their operation, organizational structure, culture, and environment.

Category 2: Right to Counsel and Enhancing Defense Training and Technical Assistance Initiative. Competition ID: BJA-2017-12385

Awardees are expected to provide national technical assistance to, and build capacity of, state and local jurisdictions across the United States as well as develop a mechanism to disseminate practices, information, structures, and models around Sixth Amendment rights and provide training and technical assistance on Right to Counsel issues. The purpose of this category is to improve the understanding and the quality of public defense delivery services, guided by the Ten Principles of a Public Defense Delivery System, as well as share resources, information, and practices that will support upholding the state's Sixth Amendment obligations. In addition to direct services, the awardee in this category will also (1) establish a central website to disseminate practices, structures, and models for the administration of justice consistent with the requirements of the Sixth Amendment; (2) provide resources and assistance to enhance state and local jurisdictions' ability to provide quality representation to indigent defendants; and (3) promote implementation of innovative and evidence-based strategies that comport with the Sixth Amendment Right to Counsel.

Deliverables and Requirements:

With guidance from BJA, the awardee will develop and manage a national-level training and technical assistance program to support state and local governments in enforcing the obligations of the Sixth Amendment related to Right to Counsel and public defense, including:

- Provide “on demand” TTA to include assessments of state or local public defense practices with recommendations for improvement, engaging likely and unlikely partners at the state and local levels to support reform to achieve one or more of the Ten Principles, data collection and research projects, regional outreach and collaboration, and online support.
- Develop and deliver customized TTA (both onsite and offsite), as requested by the state or local agent responsible for administering public defense systems. Arrange travel and all logistical requirements for each training and technical assistance engagement. Over the 3-year project period of the grant, the awardee will engage in approximately three jurisdictions. Applicants should budget for such TTA engagements, and the awardee will develop criteria in conjunction with BJA to evaluate need and determine the eligibility of incoming TTA requests. Complete the OJP conference reporting requirements (see page 16) if required.
- Over the 3-year period of the grant, the grantee will develop and pilot at least two training and/or education sessions on different issues at the local, state, or regional level. Each training will be offered at least two times, some as part of the national and regional meetings listed below, but others in partnership with state and local partners. To meet this deliverable, applicants may train attorneys who provide defense services, educate stakeholders on issues around improving public defense delivery systems, or provide other trainings or education that directly support the goal of improving the effectiveness of Right to Counsel service. A priority training area for BJA is to train those with responsibility for managing public defense systems in practices, structures, and models for improving the delivery of public defense

services. The grantee and BJA will jointly decide on the training and educational sessions to be delivered.

- This material will also be translated for shorter and/or online versions such as webinars, podcasts, online tools, and videos.
- Develop and maintain a dynamic, up-to-date, and interactive web platform for best practices, structures, and models being used to secure Sixth Amendment rights across the country. The platform will gather content, and provide information about TTA provided under the grant, collect relevant research on securing Sixth Amendment rights, build and host a database for promising practices, tools, and resources, and archive applicable trainings. Additionally, the platform will track relevant state information— including legislation and changes to public defense systems—practices, programs, and policies. This includes the maintenance of a website and database, online newsletter, webinars, and blogging opportunities.
- Provide online resources, materials, and limited assistance (via phone or e-mail) that are available to state and local agents and the general public, and share lessons learned and related issues. Describe how these materials and the web platform will be kept current in terms of substantive information and technology and how this platform will be sustained after the completion of the project term.
- Identify gaps in research and provide recommendations on additional tools and resources needed.
- In close coordination with BJA and other relevant national organizations, as appropriate, plan and conduct one national and/or several regional meetings, conventions, or other educational sessions for defender system representatives and organizations, along with diverse stakeholders, to inform them on all of the issues and available resources. Complete the OJP conference reporting requirements (see page 16) if required.
- Provide annual reports assessing the TTA and practices, structures, and models implemented pursuant to the grant.
- Provide relevant, objective, and timely up-to-date, fact-based information to BJA and/or state or local agents responsible for administering public defense systems on policy and practices on Right to Counsel, including major state policy efforts or innovative practices.
- Develop and disseminate articles, publications, materials, webinars, and guides, as needed, to reinforce information exchange.
- The applicant should have demonstrated expertise in delivering TTA on a national level and have particular knowledge of defender systems and Sixth Amendment Right to Counsel. In particular, the applicant must have demonstrated past experience in working with state and/or local public defense systems or courts and have an understanding of their operation, organizational structure, culture, and environment.
- Over the 3-year period of the grant, the grantee will produce approximately two publications about practices, structures, and models regarding the public defense system. Topics may include, but are not limited to, measuring the effectiveness of public defense systems; independent, statewide public defender commissions; public defense service delivery in rural jurisdictions; case management systems, data collection, and data analysis; measuring and controlling workload; attorney professional development; participation in state and local criminal justice policymaking, including defenders' roles in crime-reduction initiatives; securing the Sixth Amendment right to speedy trial; securing the Sixth Amendment right to confrontation. This information will be shared and housed on the website developed

under this program. The final publication topics will be jointly determined by the grantee and BJA.

- Develop activities that raise awareness about critical issues in the public defense system. This function is required in order to support the overarching program goal to strengthen state and local public defense systems using the ABA Ten Principles as a guide and create leaders in the field of public defense improvement.

Category 3: Sixth Amendment Fellow. Competition ID: BJA-2017-12386

BJA is seeking a fellow to support BJA efforts around supporting and enhancing the state obligation to uphold the Sixth Amendment. The fellow will, with BJA and training and technical assistance providers, assess the needs of the field and areas of emerging need, and develop TTA to assist with adopting and implementing a system for the administration of justice consistent with the requirements of the Sixth Amendment, including court management of trials, jury and witness management, and improvement of defense systems and right the counsel. The fellow should be able to identify gaps in current efforts and resources, and produce and disseminate materials on Sixth Amendment rights and obligations.

Deliverables and Requirements:

The fellow will work with BJA guidance to:

- Assist BJA with activities designed to assess the technical assistance, training, and capacity building needs in meeting the obligations of the Sixth Amendment.
- Develop reports, training curricula, and toolkits.
- Reach out to BJA stakeholders to coordinate development of projects such as interviews or focus groups.
- Translate research and evidence into programmatic and policy implications for the field.
- Develop up to two significant articles or publications related to the enforcement of the Sixth Amendment.
- Assume lead responsibility for reviewing, updating, and maintaining any relevant BJA website pages, in coordination with BJA staff.
- Assess current BJA training and technical assistance resources in public defense systems to determine if the products should be updated to be relevant to the field.
- Assist BJA staff with the review and analysis of semi-annual performance measurement data submitted to BJA by grantees in the relevant assigned priority area through OJP's Grants Management System (GMS) progress reports module, the Performance Measurement Tool (PMT), and the TTA Reporting Portal. The fellow will highlight inconsistencies between the performance data and the narrative reports and work with BJA staff and grantee organizations to reconcile the data.
- Work with BJA staff to plan and implement monthly technical assistance conference calls with grantees on projects in assigned priority areas, including identifying potential call topics and speakers.

- At the request of BJA management, participate in internal and external stakeholder meetings, forums, conferences, and international briefings for the purpose of presenting information on BJA efforts to address issues in enforcing the Sixth Amendment and corresponding gaps in services and the capacity building needs of the field.
- Prepare detailed reports, speeches, and articles at the request of OJP and BJA management.
- Develop written responses to various requests for information, including public inquiries seeking information on BJA's efforts in enforcing the Sixth Amendment.
- Participate in professional development and training activities in consultation with BJA management to enhance expertise related to enforcing the Sixth Amendment.
- Travel to support the execution of the above activities.
- Other duties, as assigned, to support the implementation of the fellowship.

Interested applicants should note the following:

- BJA fellows must pass the DOJ background investigation and drug test and receive the appropriate security clearance prior to the release of their grant funding.
- BJA fellows must have no outstanding IRS tax debt or other delinquent federal debt.
- BJA fellows may not be registered lobbyists at the time that the fellowship award is made or during the period of the fellowship.
- BJA fellows must take the online financial management training for grantees to ensure understanding of recordkeeping and reporting requirements.
- BJA fellows will be responsible for maintaining an accurate record of their time dedicated to the fellowship. BJA fellows are required to spend at least **1,100 hours during the duration of their fellowship onsite at BJA.**

Overall 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.

TTA providers may be required to participate in BJA's GrantStat. 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. In addition, the TTA provider will be required to assist grantees in the collection of performance measure data, working in collaboration with the local research partners.

BJA will coordinate TTA efforts with the Department's Office for Access to Justice (ATJ), which has assisted BJA in developing grant programs, training, and technical assistance related to public defense providers. These programs include the [Right to Counsel National Campaign](#), and the [Smart Defense Initiative](#).

In addition, BJA will also require the selected providers to coordinate with other BJA TTA partners that are engaged in strategic planning activities at the state or local levels where the issues and activities could be related, including the required strategic planning of State Administering Agencies to inform their plans for BJA's Justice Assistance Grant formula funding as well as BJA's Justice Reinvestment Program. BJA and ATJ have worked to promote increased representation of the public defense community on the state and local advisory committees responsible for allocating DOJ's Edward Byrne Memorial Justice Assistance Grant (JAG) Program formula grants. This includes a series of [webinars](#) to highlight DOJ's ongoing work to encourage jurisdictions to bring together all system stakeholders in criminal justice planning conversations, and to showcase strategies for integrating public defense and other functions into criminal justice resource planning.

The Goals, Objectives, and Deliverables are directly related to the performance measures set out in the table in [Section D. Application and Submission Information](#), under "Program Narrative."

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
- 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. The OJP [CrimeSolutions.gov](#) website is one resource that applicants may use to find information about evidence-based programs in criminal justice, juvenile justice, and crime victim services.

B. Federal Award Information

BJA expects to make up to three awards with an estimated total amount awarded of up to \$3 million:

Category 1: Sixth Amendment Strategic Planning Initiative

BJA expects to make one award under Category 1, for \$1 million, for a 36-month performance period, beginning on October 1, 2017.

Category 2: Right to Counsel and Enhancing Defense Training and Technical Assistance Initiative

BJA expects to make one award under Category 2, for \$1.5 million, for a 36-month performance period, beginning on October 1, 2017.

Category 3: Sixth Amendment Fellow

BJA expects to make one award under Category 3, for up to \$500,000, for a 24-month performance period, beginning on October 1, 2017.

NOTE: All award amounts are subject to the number and quality of applications that are received under this solicitation.

BJA may, in certain cases, provide additional funding in future years to awards made under this solicitation, through supplemental awards. In making decisions regarding supplemental awards, OJP will consider, among other factors, the availability of appropriations, OJP's strategic priorities, and OJP's assessment of both the management of the award (for example, timeliness and quality of progress reports), and the progress of the work funded under the award.

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

Type of Award

BJA expects that any award under this solicitation will be made in the form of a cooperative agreement, which is a type of award that provides for OJP to have substantial involvement in carrying out award activities. See [Administrative, National Policy, and Other Legal Requirements](#), under [Section F. Federal Award Administration Information](#), for a brief discussion of what may constitute substantial federal involvement.

Financial Management and System of Internal Controls

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities⁴) must, as described in the Part 200 Uniform Requirements⁵ as set out at 2 C.F.R. 200.303:

- (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that [the recipient (and any subrecipient)] is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States and the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

⁴ For purposes of this solicitation, the phrase "pass-through entity" includes any recipient or subrecipient that provides a subaward ("subgrant") to a subrecipient ("subgrantee") to carry out part of the funded award or program.

⁵ The "Part 200 Uniform Requirements" means the DOJ regulation at 2 C.F.R. Part 2800, which adopts (with certain modifications) the provisions of 2 C.F.R. Part 200.

- (b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.
- (c) Evaluate and monitor [the recipient's (and any subrecipient's)] compliance with statutes, regulations, and the terms and conditions of Federal awards.
- (d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- (e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or [the recipient (or any subrecipient)] considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

To help ensure that applicants understand applicable administrative requirements and cost principles, OJP encourages prospective applicants to enroll, at no charge, in the DOJ Grants Financial Management Online Training, available [here](#).

Budget Information

Cost Sharing or 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.

Pre-Agreement Costs (also known as Pre-award Costs)

Pre-agreement costs are costs incurred by the applicant prior to the start date of the period of performance of the federal award.

OJP does **not** typically approve pre-agreement costs; an applicant must request and obtain the prior written approval of OJP for all such costs. All such costs incurred prior to award and prior to approval of the costs are incurred at the sole risk of the applicant. (Generally, no applicant should incur project costs *before* submitting an application requesting federal funding for those costs.) Should there be extenuating circumstances that make it appropriate for OJP to consider approving pre-agreement costs, the applicant may contact the point of contact listed on the title page of this solicitation for the requirements concerning written requests for approval. If approved in advance by OJP, award funds may be used for pre-agreement costs, consistent with the recipient's approved budget and applicable cost principles. See the section on Costs Requiring Prior Approval in the [DOJ Grants Financial Guide](#) for more 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, a recipient may not use federal funds to pay total cash compensation (salary plus cash bonuses) to any employee of the recipient at a rate that exceeds 110% 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.⁶ The 2017 salary table for SES

⁶ OJP does not apply this limitation on the use of award funds to the nonprofit organizations listed in Appendix VIII to 2 C.F.R. Part 200.

employees is available at the Office of Personnel Management [website](#). 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. (Non-federal funds used for any such additional compensation will not be considered matching funds, where match requirements apply.) If only a portion of an employee's time is charged to an OJP award, the maximum allowable compensation is equal to the percentage of time worked times the maximum salary limitation.

The Assistant Attorney General for OJP may exercise discretion to waive, on an individual basis, this limitation on compensation rates allowable under an award. An applicant that requests a waiver should include a detailed justification in the budget narrative of its application. An applicant that does not submit a waiver request and justification with its application should anticipate that OJP will require the applicant to adjust and resubmit the budget.

The justification should address—in the context of the work the individual would do under the award—the particular qualifications and expertise of the individual, the uniqueness of a service the individual will provide, the individual's specific knowledge of the proposed program or project, and a statement that explains whether and how the individual's salary under the award would be commensurate with the regular and customary rate for an individual with his/her qualifications and expertise, and for the work he/she would do under the award.

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

OJP strongly encourages every applicant that proposes to use award funds for any conference-, meeting-, or training-related activity (or similar event) to review carefully—before submitting an application—the OJP and DOJ policy and guidance on approval, planning, and reporting of such events, available at

www.ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.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 conference, meeting, and training costs for cooperative agreement recipients, as well as some conference, meeting, and training costs for grant recipients; and (3) set cost limits, which include 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 under "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards](#)" in the [OJP Funding Resource Center](#).

C. Eligibility Information

Categories 1 and 2: Eligible applicants are public or private organizations, nonprofit organizations (including tribal nonprofit and for-profit organizations), for-profit organizations, and public universities and colleges (including tribal institutions of higher education). For-profit organizations (as well as other recipients) must forgo any profit or management fee. Eligible

nonprofit organizations must be exempt from taxation under section 501(a) of the Internal Revenue Code of 1986, and have a 501(c)(3) designation.

The applicant should have demonstrated expertise in delivering and managing strategic planning services on a national level TTA program and have particular knowledge of courts management and leadership and defender systems related to protecting the Sixth Amendment rights. In particular, the applicant must have demonstrated past experience in working with state and or local public defense systems and courts and an understanding of their operation, organizational structure, culture, and environment.

BJA welcomes applications under which two or more entities would carry out the federal award; however, only one entity may be the applicant. Any others must be proposed as subrecipients ("subgrantees").⁷ The applicant must be the entity that would have primary responsibility for carrying out the award, including administering the funding and managing the entire program. Under this solicitation, only one application by any particular applicant entity will be considered. An entity may, however, be proposed as a subrecipient ("subgrantee") in more than one application.

Category 3: Eligible applicants are limited to individuals, as well as state, tribal, or local government, organizations, or academic institutions seeking to provide federal-level experience for one of its staff members.

Organizations seeking to place their employee as a fellow under this program **will not** have programmatic oversight of the staff person for those activities conducted as part of the fellowship. For-profit organizations (as well as other recipients) must forgo any profit or management fee. Any person serving in the fellowship position must be a U.S. citizen at the time of application.

The prospective fellow should have all of the expertise needed to conduct the proposed activities in the fellowship, including at least 5 years of criminal justice expertise in Sixth Amendment issues, practice, or research and working in a policy or applied criminal justice setting (such as criminal justice, law enforcement, criminal courts, prosecutor, corrections, or partner agency such as a social service provider) or an agency or office with responsibility for criminal justice and public policy (such as a governor's office, mayor's office, or other important policy setting pertinent to criminal justice). Researchers should apply only if they have expertise and specific skills in developing models and applied research tools for the field, implementation of evidence-based practices, and collection and analysis of data and performance management.

BJA may elect to fund applications submitted under this FY 2017 solicitation in future fiscal years, dependent on, among other considerations, the merit of the applications and on the availability of appropriations.

For information on cost sharing or match requirements, see [Section B. Federal Award Information](#).

⁷ For additional information on subawards, see "Budget and Associated Documentation" under [Section D. Application and Submission Information](#).

D. Application and Submission Information

What an Application Should Include

This section describes in detail what an application should include. An applicant should anticipate that if it fails to submit an application that contains all of the specified elements, it may negatively affect the review of its application; and, should a decision be made to make an award, it may result in the inclusion of award conditions that preclude the recipient from accessing or using award funds until the recipient satisfies the conditions and OJP makes the funds available.

Moreover, an applicant should anticipate that an application that OJP determines is nonresponsive to the scope of the solicitation, or that OJP determines does not include the application elements that BJA has designated to be critical, will neither proceed to peer review, nor receive further consideration. For this solicitation, BJA has designated the following application elements as critical: Program Narrative, Budget Detail Worksheet, Budget Narrative, and the Time and Task Plan. An applicant 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. Please review the “Note on File Names and File Types” under [How to Apply](#) (below) to be sure applications are submitted in permitted formats.

OJP strongly recommends that applicants use appropriately descriptive file names (e.g., “Program Narrative,” “Budget Detail Worksheet and Budget Narrative,” “Timelines,” “Memoranda of Understanding,” “Résumés”) for all attachments. Also, OJP recommends that applicants include résumés 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 the OJP 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).

To avoid processing delays, an applicant must include an accurate legal name on its SF-424. Current OJP award recipients, when completing the field for “Legal Name,” should use the same legal name that appears on the prior year award document which is also the legal name stored in OJP’s financial system. On the SF-424, enter the Legal Name in box 5 and Employer Identification Number (EIN) in box 6 exactly as it appears on the prior year award document. An applicant with a current, active award(s) must ensure that its GMS profile is current. If the profile is not current, the applicant should submit a Grant Adjustment Notice updating the information on its GMS profile prior to applying under this solicitation.

A new applicant entity should enter the Official Legal Name and address of the applicant entity in box 5 and the EIN in box 6 of the SF-424. Applicants must attach official legal documents to their applications (e.g., articles of incorporation, 501(c)(3), etc.) to confirm the legal name, address, and EIN entered into the SF-424.

Intergovernmental Review: This solicitation ("funding opportunity") is **not** subject to [Executive Order 12372](#). (In completing the SF-424, an applicant is to answer question 19 by selecting the response that the "Program is not covered by E.O. 12372.")

2. Project 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 (such as 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 ojp.gov/funding/Apply/Resources/ProjectAbstractTemplate.pdf.

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

In the project abstract template, each applicant is asked to indicate whether it gives OJP permission to share the applicant's project abstract (including contact information for individuals) with the public. Granting (or failing to grant) this permission will not affect OJP's funding decisions. Moreover, if the application is not funded, providing permission will not ensure that OJP will share the abstract information, nor will it assure funding from any other source.

Note: OJP may choose not to list a project that otherwise would have been included in a listing of 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 following sections should be included as part of the program narrative⁸:

- a. Statement of the Problem or Description of the Problem

⁸ For information on subawards (including the details on proposed subawards that should be included in the application), see "Budget and Associated Documentation" under [Section D. Application and Submission Information](#).

- 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 applications. 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.

OJP will require each successful applicant to submit specific performance measures data as part of its reporting under the award (see “[General Information about Post-Federal Award Reporting Requirements](#)” in [Section F. Federal Award Administration Information](#)). The performance measures correlate to the goals, objectives, and deliverables identified under "Goals, Objectives, and Deliverables" in [Section A. Program Description](#).

The application should describe the applicant's plan for collection of all of the performance measures data listed in the table below under “Data Recipient Provides,” should it receive funding.

Post award, recipients will be required to submit performance metric data semi-annually through BJA’s online Training and Technical Assistance Reporting Portal. More information on reporting requirements can be found at: <https://www.bjatrainng.org/working-with-nttac/providers>.

Objectives	Catalog ID	Performance Measure	Data Recipient Provides
Objective 1: Support the development and implementation of effective policies and practices that advance securing Sixth Amendment rights and advance public defense reforms	458	Number of Trainings conducted	Number of trainings (by type): <ul style="list-style-type: none"> • In-person, • Web-based, • CD/DVD, • Peer to Peer, • Workshop
	228	Number of participants who attend the training	Number of individuals who: <ul style="list-style-type: none"> • Attend the training (in-person) or started the training (web-based);
	239	Percentage of participants who successfully completed the training	

	235	Percentage of participants who rated the training as satisfactory or better	<ul style="list-style-type: none"> 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
	215	Percentage of participants trained and subsequently demonstrated performance improvement	
	237	Percentage of scholarship recipients surveyed who reported that the training provided information that could be utilized in their job	<p>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.
	144	Number of curricula developed	<p>Number of training curricula:</p> <ul style="list-style-type: none"> Developed; Pilot tested; Revised after being pilot tested.
	520	Number of curricula that were pilot tested	
	521	Percentage of curricula that were revised after pilot testing	

Objective 2: Enhance state and local jurisdictions' ability to secure Sixth Amendment rights through needs assessments and determine areas of investment through a strategic plan	12	Percentage of requesting agencies who rated services as satisfactory or better	<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 (in terms of timeliness and quality);
	11	Percentage of requesting agencies that were planning to implement one or more recommendations	<ul style="list-style-type: none"> • Number of follow-ups with requesting agencies completed 6 months after onsite visit; • Number of agencies that were planning to implement at least one or more recommendations 6 months after the onsite visit
	247	Percentage of peer visitors who reported that the visit to the other agency was useful in providing information on policies or practices	<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
	246	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	

			months after the onsite visit
	526	Percentage of requesting agencies of other onsite services who rated the services provided as satisfactory or better	<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
Objective 3: Increase information provided to BJA and the public defense and Sixth Amendment communities	147	Number of conferences or advisory/focus groups held	<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;
	493	Percentage of advisory/focus groups evaluated as satisfactory or better	<ul style="list-style-type: none"> • Number of conference or advisory/focus group attendees who rated the advisory/focus group as satisfactory or better
	144	Number of publications developed	<ul style="list-style-type: none"> • Number of publications/resources developed;
	145	Number of publications disseminated	<ul style="list-style-type: none"> • Number of publications/resources disseminated
	491	Number of web sites developed	<ul style="list-style-type: none"> • Number of web sites developed;
	492	Percent of web sites maintained	<ul style="list-style-type: none"> • Number of web sites maintained;

	486	Percent of increase in the number of visits to web sites	<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
	354	Percentage of information requests responded to	<ul style="list-style-type: none"> • Number of information requests; • Number of information requests responded to

Note on Project Evaluations

An applicant that proposes to use award funds 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.” Each applicant should provide sufficient information for OJP to determine whether the particular project it proposes would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ definition of research that appears at 28 C.F.R. Part 46 (“Protection of Human Subjects”).

Research, for purposes of human subjects protection 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 for purposes of human subjects protection, applicants should consult the decision tree in the “Research and the protection of human subjects” section of the [“Requirements related to Research”](#) web page of the [“Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards,”](#) available through the [OJP Funding Resource Center](#). Every prospective applicant whose application may propose a research or statistical component also should review the “Data Privacy and Confidentiality Requirements” section on that web page.

4. Budget and Associated Documentation

a. Budget Detail Worksheet

A sample Budget Detail Worksheet can be found at www.ojp.gov/funding/Apply/Resources/BudgetDetailWorksheet.pdf. An applicant that submits its budget in a different format should use the budget categories listed in the sample budget worksheet. The Budget Detail Worksheet should break out costs by year.

For questions pertaining to budget and examples of allowable and unallowable costs, see the [DOJ Grants Financial Guide](#).

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).

An applicant should demonstrate in its budget narrative how it will maximize cost effectiveness of award 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 budget narrative should be mathematically sound and correspond clearly 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 those costs are necessary 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 describe costs by year.

c. Information on Proposed Subawards (if any), as well as on Proposed Procurement Contracts (if any)

Applicants for OJP awards typically may propose to make "subawards." Applicants also may propose to enter into procurement "contracts" under the award.

Whether—for purposes of federal grants administrative requirements—a particular agreement between a recipient and a third party will be considered a "subaward" or instead considered a procurement "contract" under the award is determined by federal rules and applicable OJP guidance. It is an important distinction, in part because the federal administrative rules and requirements that apply to "subawards" and to procurement "contracts" under awards differ markedly.

In general, the central question is the relationship between what the third-party will do under its agreement with the recipient and what the recipient has committed (to OJP) to do under its award to further a public purpose (e.g., services the recipient will provide, products it will develop or modify, research or evaluation it will conduct). If a third party will provide some of the services the recipient has committed (to OJP) to provide, will develop or modify all or part of a product the recipient has committed (to OJP) to develop or modify, or will conduct part of the research or evaluation the recipient has committed (to OJP) to conduct, OJP will consider the agreement with the third party a subaward for purposes of federal grants administrative requirements.

This will be true **even if** the recipient, for internal or other non-federal purposes, labels or treats its agreement as a procurement, a contract, or a procurement contract. Neither the title nor the structure of an agreement determines whether the agreement—for purposes of federal grants administrative requirements—is a "subaward" or is instead a procurement "contract" under an award.

Additional guidance on the circumstances under which (for purposes of federal grants administrative requirements) an agreement constitutes a subaward as opposed to a procurement contract under an award, is available (along with other resources) on the [OJP Part 200 Uniform Requirements](#) web page.

1. Information on proposed subawards

A recipient of an OJP award may not make subawards ("subgrants") unless the recipient has specific federal authorization to do so. Unless an applicable statute or DOJ regulation specifically authorizes (or requires) subawards, a recipient must have authorization from OJP before it may make a subaward.

A particular subaward may be authorized by OJP because the recipient included a sufficiently-detailed description and justification of the proposed subaward in the application as approved by OJP. If, however, a particular subaward is not authorized by federal statute or regulation, and is not sufficiently described and justified in the application as approved by OJP, the recipient will be required, post-award, to request and obtain written authorization from OJP before it may make the subaward.

If an applicant proposes to make one or more subawards to carry out the federal award and program, the applicant should (1) identify (if known) the proposed subrecipient(s), (2) describe in detail what each subrecipient will do to carry out the federal award and federal program, and (3) provide a justification for the subaward(s), with details on pertinent matters such as special qualifications and areas of expertise. Pertinent information on subawards should appear not only in the Program Narrative, but also in the Budget Detail Worksheet and budget narrative.

2. Information on proposed procurement contracts (with specific justification for proposed noncompetitive contracts over \$150,000)

Unlike a recipient contemplating a subaward, a recipient of an OJP award generally does not need specific prior federal authorization to enter into an agreement that—for purposes of federal grants administrative requirements—is considered a procurement contract, **provided that** (1) the recipient uses its own documented procurement procedures and (2) those procedures conform to applicable federal law, including the Procurement Standards of the (DOJ) Part 200 Uniform Requirements (as set out at 2 C.F.R. 200.317 - 200.326). The Budget Detail Worksheet and budget narrative should identify proposed procurement contracts. (As discussed above, subawards must be identified and described separately from procurement contracts.)

The Procurement Standards in the Part 200 Uniform Requirements, however, reflect a general expectation that agreements that (for purposes of federal grants administrative requirements) constitute procurement "contracts" under awards will be entered into on the basis of full and open competition. If a proposed procurement contract would exceed the simplified acquisition threshold—currently, \$150,000—a recipient of an OJP award may not proceed without competition unless and until the recipient receives specific advance authorization from OJP to use a non-competitive approach for the procurement.

An applicant that (at the time of its application) intends—without competition—to enter into a procurement "contract" that would exceed \$150,000 should include a detailed justification that explains to OJP why, in the particular circumstances, it is appropriate to

proceed without competition. Various considerations that may be pertinent to the justification are outlined in the [DOJ Grants Financial Guide](#).

d. Pre-Agreement Costs

For information on pre-agreement costs, see [Section B. Federal Award Information](#).

5. Indirect Cost Rate Agreement (if applicable)

Indirect costs may be charged to an award only if:

- (a) The recipient has a current (that is, unexpired), federally-approved indirect cost rate; or
- (b) The recipient is eligible to use, and elects to use, the “de minimis” indirect cost rate described in the Part 200 Uniform Requirements, as set out at 2 C.F.R. 200.414(f).

An applicant with a current (that is, unexpired) federally-approved indirect cost rate is to attach a copy of the indirect cost rate agreement to the application. An applicant that does not have a current federally-approved rate may request one through its cognizant federal agency, which will review all documentation and approve a rate for the applicant entity, or, if the applicant’s accounting system permits, applicants may propose to allocate costs in the direct cost categories.

For assistance with identifying the appropriate cognizant federal agency for indirect costs, please contact the OCFO 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 <http://www.ojp.gov/funding/Apply/Resources/IndirectCosts.pdf>.

Certain OJP recipients have the option of electing to use the “de minimis” indirect cost rate. An applicant that is eligible to use the “de minimis” rate that wishes to use the “de minimis” rate should attach written documentation to the application that advises OJP of both—(1) the applicant’s eligibility to use the “de minimis” rate, and (2) its election to do so. If an eligible applicant elects the “de minimis” rate, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. The “de minimis” rate may no longer be used once an approved federally-negotiated indirect cost rate is in place. (No entity that ever has had a federally-approved negotiated indirect cost rate is eligible to use the “de minimis” rate.)

6. Financial Management and System of Internal Controls Questionnaire (including applicant disclosure of high-risk status)

Every applicant (other than an individual applying in his/her personal capacity) is to download, complete, and submit the [OJP Financial Management and System of Internal Controls Questionnaire](#), as part of its application.

Among other things, the form requires each applicant to disclose whether it currently is designated “high risk” by a federal grant-making agency outside of DOJ. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the applicant’s past performance, or other programmatic or financial concerns with the applicant. If an applicant is designated high risk by another federal awarding agency, the applicant must provide the following information:

- The federal awarding agency that currently designates the applicant high risk
- The date the applicant was designated high risk
- The high-risk point of contact at that federal awarding agency (name, phone number, and email address)
- The reasons for the high-risk status, as set out by the federal awarding agency

OJP seeks this information to help ensure appropriate federal oversight of OJP awards. An applicant that is considered “high risk” by another federal awarding agency is not automatically disqualified from receiving an OJP award. OJP may, however, consider the information in award decisions, and may impose additional OJP oversight of any award under this solicitation (including through the conditions that accompany the award document).

7. Disclosure of Lobbying Activities

Each applicant must complete and submit this information. An applicant that expends any funds for lobbying activities is to provide all of the information requested on the form [Disclosure of Lobbying Activities \(SF-LLL\)](#). An applicant that does not expend any funds for lobbying activities is to enter “N/A” in the text boxes for item 10 (“a. Name and Address of Lobbying Registrant” and “b. Individuals Performing Services”).

8. Additional Attachments

a. Project Timeline and Task plan, Résumés, and Letters of Support

Attach a project timeline and task plan with each category of task, expected completion date, and responsible person or organization and identify the percentage of time that will be dedicated by the individuals responsible for the tasks; résumés for key positions; and letters of support that outline the partners’ responsibilities (if applicable).

b. Work Product Examples

Attach two to three examples of relevant products the organization has produced that exemplify high quality product and the ability to communicate effectively with stakeholders (e.g., fact sheet, research brief, link to archived webinar, TA final report with recommendations, graphics, etc.).

c. Applicant Disclosure of Pending Applications

Each applicant is to disclose whether it has (or is proposed as a subrecipient under) any pending applications for federally-funded grants or cooperative agreements that (1) include requests for funding to support the same project being proposed in the application under this solicitation, and (2) would cover any identical cost items outlined in the budget submitted to OJP as part of the application under this solicitation. The applicant is to disclose applications made directly to federal awarding agencies, and also applications for subawards of federal funds (e.g., applications to State agencies that will subaward (“subgrant”) 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.

Each applicant that has one or more pending applications as described above is 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 federal or State funding agency

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

Each applicant should include the table as a separate attachment to its application. The file should be named “Disclosure of Pending Applications.” The applicant Legal Name on the application must match the entity named on the disclosure of pending applications statement.

Any applicant that does not have any pending applications as described above is to submit, as a separate attachment, a statement to this effect: “[Applicant Name on SF-424] does not have (and is not proposed as a subrecipient under) any pending applications submitted within the last 12 months for federally-funded grants or cooperative agreements (or for subawards under federal grants or cooperative agreements) that request funding to support the same project being proposed in this application to OJP and that would cover any identical cost items outlined in the budget submitted as part of in this application.”

d. Research and Evaluation Independence and Integrity

If an application proposes research (including research and development) and/or evaluation, the applicant must demonstrate research/evaluation independence and integrity, including appropriate safeguards, before it may receive award funds. The applicant must demonstrate independence and integrity regarding both this proposed research and/or evaluation, and any current or prior related projects.

Each application should include an attachment that addresses **both** i. and ii. below.

- i. For purposes of this solicitation, each applicant is to document research and evaluation independence and integrity by including one of the following two items:
 - a. A specific assurance that the applicant has reviewed its application to identify any actual or potential apparent conflicts of interest (including through review of pertinent information on the principal investigator, any co-principal investigators, and any subrecipients), and that the applicant has identified no such conflicts of interest—whether personal or financial or organizational (including on the part of the applicant entity or on the part of staff, investigators, or subrecipients) —that could affect the independence or integrity of the research, including the design, conduct, and reporting of the research.

OR

- b. A specific description of actual or potential apparent conflicts of interest that the applicant has identified—including through review of pertinent information on the principal investigator, any co-principal investigators, and any subrecipients—that could affect the independence or integrity of the research, including the design, conduct, or reporting of the research. These conflicts may be personal (e.g., on the part of investigators or other staff), financial, or organizational (related to the applicant or any subrecipient entity). Some examples of potential investigator (or other personal) conflict situations are 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 or current colleague (potential apparent conflict). With regard to potential organizational conflicts of interest, as one example, generally an organization would not be given an award to evaluate a project, if that organization had itself provided substantial prior technical assistance to that specific project or a location implementing the project (whether funded by OJP or other sources), because the organization in such an instance might 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 of an evaluation or research product is a problem and must be disclosed.
- ii. In addition, for purposes of this solicitation, each applicant is to address possible mitigation of research integrity concerns by including, at a minimum, one of the following two items:
 - a. If an applicant reasonably believes that no actual or potential apparent conflicts of interest (personal, financial, or organizational) exist, then the applicant should provide a brief narrative explanation of how and why it reached that conclusion. The applicant also is to include an explanation of the specific processes and procedures that the applicant has in place, or will put in place, to identify and prevent (or, at the very least, mitigate) any such conflicts of interest pertinent to the funded project during the period of

performance. Documentation that may be helpful in this regard may include organizational codes of ethics/conduct and policies regarding organizational, personal, and financial conflicts of interest. There is no guarantee that the plan, if any, will be accepted as proposed.

OR

- b. If the applicant has identified actual or potential apparent conflicts of interest (personal, financial, or organizational) that could affect the independence and integrity of the research, including the design, conduct, or reporting of the research, the applicant must provide a specific and robust mitigation plan to address each of those conflicts. At a minimum, the applicant is expected to explain the specific processes and procedures that the applicant has in place, or will put in place, to identify and eliminate (or, at the very least, mitigate) any such conflicts of interest pertinent to the funded project during the period of performance. Documentation that may be helpful in this regard may include organizational codes of ethics/conduct and policies regarding organizational, personal, and financial conflicts of interest. There is no guarantee that the plan, if any, will be accepted as proposed.

OJP will assess research and evaluation independence and integrity based on considerations such as the adequacy of the applicant's efforts to identify factors that could affect the objectivity or integrity of the proposed staff and/or the applicant entity (and any subrecipients) 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.

e. Disclosure of Process Related to Executive Compensation

An applicant that is a nonprofit organization may be required to make certain disclosures relating to the processes it uses to determine the compensation of its officers, directors, trustees, and key employees.

Under certain circumstances, a nonprofit organization that provides unreasonably high compensation to certain persons may subject both the organization's managers and those who receive the compensation to additional federal taxes. A rebuttable presumption of the reasonableness of a nonprofit organization's compensation arrangements, however, may be available if the nonprofit organization satisfied certain rules set out in Internal Revenue Service regulations with regard to its compensation decisions.

Each applicant nonprofit organization must state at the time of its application (in the "OJP Financial Management and System of Internal Controls Questionnaire" mentioned earlier) whether or not the applicant entity believes (or asserts) that it currently satisfies the requirements of 26 C.F.R. 53.4958-6 (which relate to establishing or invoking a rebuttable presumption of reasonableness of compensation of certain individuals and entities).

A nonprofit organization that states in the questionnaire that it believes (or asserts) that it has satisfied the requirements of 26 C.F.R. 53.4958-6 must then disclose, in an attachment to its application (to be titled "Disclosure of Process related to Executive

Compensation"), the process used by the applicant nonprofit organization to determine the compensation of its officers, directors, trustees, and key employees (together, "covered persons").

At a minimum, the disclosure must describe in pertinent detail: (1) the composition of the body that reviews and approves compensation arrangements for covered persons; (2) the methods and practices used by the applicant nonprofit organization to ensure that no individual with a conflict of interest participates as a member of the body that reviews and approves a compensation arrangement for a covered person; (3) the appropriate data as to comparability of compensation that is obtained in advance and relied upon by the body that reviews and approves compensation arrangements for covered persons; and (4) the written or electronic records that the applicant organization maintains as concurrent documentation of the decisions with respect to compensation of covered persons made by the body that reviews and approves such compensation arrangements, including records of deliberations and of the basis for decisions.

For purposes of the required disclosure, the following terms and phrases have the meanings set out by the Internal Revenue Service for use in connection with 26 C.F.R. 53.4958-6: officers, directors, trustees, key employees, compensation, conflict of interest, appropriate data as to comparability, adequate documentation, and concurrent documentation.

Applicant nonprofit organizations should note that following receipt of an appropriate request, OJP may be authorized or required by law to make information submitted to satisfy this requirement available for public inspection. Also, a recipient may be required to make a prompt supplemental disclosure after the award in certain circumstances (e.g., changes in the way the organization determines compensation).

How to Apply

Applicants must register in, and submit applications through Grants.gov, a primary source 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**, which operates 24 hours a day, 7 days a week, except on 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 of registration and a user password. OJP encourages applicants to **register several weeks before** the application submission deadline. In addition, OJP urges applicants to submit applications at least 72 hours prior to the application due date, in order to allow time for the applicant 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.

OJP 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 automatically notified.

Browser Information: Grants.gov was built to be compatible with Internet Explorer. For technical assistance with Google Chrome, or another browser, contact Grants.gov Customer Support.

Note on Attachments: Grants.gov has two categories of files for attachments: “mandatory” and “optional.” OJP receives all files attached in both categories. Please ensure that all required documents are attached in either Grants.gov category.

Note on File Names and File Types: Grants.gov only permits the use of certain specific characters in the file names of attachments. Valid file names may include only the characters shown in the table below. Grants.gov rejects any application that includes an attachment(s) with a file name that contains any characters not shown in the table below. Grants.gov forwards successfully-submitted applications to the OJP 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 (.)	Applicants must use the “&” format in place of the ampersand (&) when using XML format for documents.		

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:

Every applicant entity must comply with all applicable System for Award Management (SAM) and unique entity identifier (currently, a Data Universal Numbering System [DUNS] number) requirements. If an applicant entity has not fully complied with applicable SAM and unique identifier requirements by the time OJP makes award decisions, OJP may determine that the applicant is not qualified to receive an award and may use that determination as a basis for making the award to a different applicant.

An individual who wishes to apply in his/her personal capacity should search Grants.gov for funding opportunities for which individuals are eligible to apply. Use the Funding Opportunity Number (FON) to register. (An applicant applying as an individual must comply with all applicable Grants.gov individual registration requirements.)

Complete the registration form at <https://apply07.grants.gov/apply/IndCPRegister> to create a username and password for Grants.gov. (An applicant applying as an individual should complete all steps except 1, 2 and 4.)

1. Acquire a unique entity identifier (currently, a DUNS number). In general, the Office of Management and Budget requires every applicant for a federal award (other than an

individual) to include a "unique entity identifier" in each application, including an application for a supplemental award. Currently, a DUNS number is the required unique entity identifier.

A DUNS number is a unique nine-digit identification number provided by the commercial company Dun and Bradstreet. This unique entity identifier is used for tracking purposes, and to validate address and point of contact information for applicants, recipients, and subrecipients. It will be used throughout the life cycle of an OJP award. 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 certain standard information about federal financial assistance applicants, recipients, and subrecipients. All applicants for OJP awards (other than individuals) must maintain current registrations in the SAM database. An applicant must be registered in SAM to successfully register in Grants.gov. Each applicant must **update or renew its SAM registration at least annually** to maintain an active status. SAM registration and renewal can take as long as 10 business days to complete.

An application cannot be successfully submitted in Grants.gov until Grants.gov receives the SAM registration information. Once the SAM registration/renewal is complete, **the information transfer from SAM to Grants.gov can take as long as 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. An applicant entity's "unique entity identifier" (DUNS number) must be used to complete this step. For more information about the registration process for organizations and other entities, go to <https://apply07.grants.gov/apply/OrcRegister>. Individuals registering with Grants.gov should go to <http://www.grants.gov/web/grants/applicants/individual-registration.html>.
- 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. The E-Biz POC will need the Marketing Partner Identification Number (MPIN) password obtained when registering with SAM to complete this step. 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 16.738, titled "Edward Byrne Memorial Justice Assistance Grant Program," and the funding opportunity number is BJA-2017-11620.
- 6. Select the correct Competition ID.** Some OJP solicitations posted to Grants.gov contain multiple purpose areas, denoted by the individual Competition ID. If applying to a solicitation with multiple Competition IDs, select the appropriate Competition ID for the intended purpose area of the application:

Category 1: Sixth Amendment Strategic Planning Initiative. Competition ID: BJA-2017-112384

Category 2: Right to Counsel and Enhancing Defense Training and Technical Assistance Initiative. Competition ID: BJA-2017-12385

Category 3: Sixth Amendment Fellow. Competition ID: BJA-2017-12386

- 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 two notifications from Grants.gov. The first will confirm the receipt of the application. The second will state whether the application has been validated and successfully submitted, or whether it has been 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 an application well ahead of the deadline provides time to correct the problem(s) that caused the rejection. **Important:** OJP urges each applicant to submit its application **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. Applications must be successfully submitted through Grants.gov by 11:59 p.m. eastern time on May 16, 2017.

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

Note: Application Versions

If an applicant submits multiple versions of the same application, OJP will review only the most recent system-validated version submitted.

Experiencing Unforeseen Grants.gov Technical Issues

An applicant that experiences unforeseen Grants.gov technical issues beyond its control that prevent it from submitting its application by the deadline must contact the Grants.gov [Customer Support Hotline](#) or the [SAM Help Desk](#) (Federal Service Desk) to report the technical issue and receive a tracking number. The applicant must email the NJRS Response Center contact identified in the Contact Information section on the title page **within 24 hours after the application deadline** to request approval to submit its application after the deadline. The applicant's email must describe the technical difficulties, and must 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: OJP does not automatically approve requests to submit a late application. After OJP reviews the applicant's request, and contacts the Grants.gov or SAM Help Desks to verify 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 untimely application submission was due to the applicant's failure to follow all required procedures, OJP will deny the applicant's request to submit its application.

The following conditions generally are insufficient to justify late submissions:

- Failure to register in SAM or Grants.gov in sufficient time (SAM registration and renewal can take as long as 10 business days to complete. The information transfer from SAM to Grants.gov can take up to 48 hours.)
- Failure to follow Grants.gov instructions on how to register and apply as posted on its website
- Failure to follow each instruction in the OJP solicitation
- Technical issues with the applicant's computer or information technology environment, such as issues with firewalls or browser incompatibility.

Notifications regarding known technical problems with Grants.gov, if any, are posted at the top of the OJP [Funding Resource Center](#) web page.

E. Application Review Information

Review Criteria

Applications that meet basic minimum requirements will be evaluated by peer reviewers using the following review criteria.

1. Statement of the Problem (15%)

Category 1 (Strategic Planning): Provide a thorough understanding of the need for state and local governments to assess, adopt, and implement strategies to ensure the protection of Constitutional rights, including the challenges of transferring knowledge and engaging the field to implement these changes. Provide data to show the nature and scope of the problem and explain previous or current efforts to address the problem. Describe the challenges state and local jurisdictions face in assessing needs, identifying and adopting new practices, and implementing system change.

Category 2 (Right to Counsel and Defense Training and Technical Assistance): Provide a thorough understanding of the need for state and local government leaders, and their agents responsible for ensuring the effective assistance to counsel, to transfer knowledge and engage partners in implementing strategies to uphold the Sixth Amendment Right to Counsel and the delivery of defense services. Provide data to show the nature and scope of the problem and explain previous or current efforts to address the problem. Describe the challenges state and local jurisdictions face in assessing needs, identifying and adopting new practices, and implementing enhancements to defense services.

Category 3 (Sixth Amendment Fellow): Provide a thorough understanding of the need for state and local governments to assess, adopt, and implement strategies to ensure the protection of constitutional rights, including the challenges of transferring knowledge and engaging the field to implement these changes. Describe the challenges state and local jurisdictions face in assessing needs, identifying and adopting new practices, and implementing system change, including Right to Counsel. Describe the challenges facing the criminal justice field in this area. Provide data to show the nature and scope of the problem and explain previous or current efforts to address the problem. Describe the applicant's professional interest in working on this issue.

2. Project Design and Implementation (40%)

All Categories:

Address each goal, objective, and deliverable under the relevant category (see pages 7–12). Identify specific strategies and approaches for designing and implementing the deliverables.

Categories 1 and 2, as applicable:

- a. Identify strategies to disseminate onsite training, distance learning broadcasts, and other cost-effective ways to transfer knowledge and best practices.
- b. Describe strategies for prioritizing and arranging training events for jurisdictions displaying the highest need and how logistical arrangements associated with that training will be handled (e.g., identification of cost-effective training sites in accordance with OJP Conference Cost requirements, work plan development and approval, and follow-up reporting).
- c. Identify strategies for designing and implementing TTA, including the provision of distance learning, conference calls, roundtables, and other cost-effective ways to disseminate information.
- d. Describe strategies for prioritizing and arranging technical assistance events for jurisdictions displaying the highest need and how logistical arrangements associated with that training will be handled (e.g., identification of cost-effective training sites in accordance with OJP Conference Cost requirements, work plan development and approval, and follow-up reporting).
- e. Provide a timeline/task plan for completing the tasks and identify the percentage of time that will be dedicated by the individuals responsible for the tasks.

Category 3:

- a. Clearly state how the applicant proposes to address the identified Sixth Amendment issues, including the issues identified in the Statement of the Problem.
- b. Outline the specific goals and objectives of the project and how they will address the problem identified in the Statement of the Problem. This description should clearly tie to the time/task plan.
- c. Provide a timeline/task plan for completing the tasks associated with the goals and objectives.
- d. Describe the strategies proposed for the fellowship, including specific deliverables to be completed during the period of the fellowship.

3. Capabilities/Competencies (25%)

Categories 1 and 2

- a. Describe the management structure, staffing, and in-house or contracted capacity to complete each of the potential trainings or projects outlined.
- b. Describe the qualifications/capabilities of any proposed subrecipient(s).
- c. Illustrate the ability to manage complex training/technical assistance/resource center programs and projects effectively.
- d. Detail the organization's experience to support successful completion of those training programs and projects.
- e. Outline how the organization will recruit and partner with consultants and/or experienced Sixth Amendment organizations to provide training/technical assistance/resource center projects.

- f. Describe how the applicant will coordinate with other partnering agencies to identify emerging issues, common trends and themes within the Sixth Amendment portfolio, and direct assistance to practitioners to respond to those needs.
- g. Provide specific examples of the organization's experience partnering with other entities to produce products (training/technical assistance/resource center).
- h. Attach two to three examples of relevant products the organization has produced that exemplify high-quality product and the ability to communicate effectively with stakeholders (e.g., fact sheet, research brief, link to archived webinar, TTA final report with recommendations, graphics, etc.).

Category 3

- a. Describe the applicant's knowledge of BJA and/or prior experience working with BJA or its projects.
- b. The applicant should discuss why they want to be a fellow at BJA.
- c. For applications from an organization seeking to place an employee in a fellowship with BJA, describe the agency's interest in supporting that person in this fellowship.
- d. Describe the experience and capability of the applicant, including relevant work and academic experience to be able to complete the proposed fellowship activities.
- e. Provide documentation of any prior work or collaboration that has previously been undertaken by the applicant in the particular issue area.
- f. Describe any potential barriers to implementing the project and the strategies to overcome them.
- g. Demonstrate that the applicant possesses the flexibility, skills, and temperament to operate in a fast-moving environment on multiple activities, sometimes with very short turnaround times.
- h. Document the applicant's ability to work collegially and collaboratively as a member of a team or teams across divisions, offices, agencies, and practitioners in the field.
- i. Document the applicant's ability to facilitate national scope projects and communicate with diverse stakeholders.
- j. Demonstrate the applicant's expertise working with and developing documents for practitioners and policymakers
- k. Include a résumé/curriculum vitae demonstrating a minimum of 5 years criminal justice-related experience that is specific to the scope of fellowship proposed.

4. Impact/Outcomes, Evaluation, and Performance Measure Data Collection Plan, All Categories (10%)

- a. Describe the process the applicant will use to measure the performance of the project. This should include measures of adhering to project timelines, meeting deliverables schedules, obtaining input from customers, and seeking feedback from stakeholders. Identify the person or group who will be responsible for collecting and reporting the required performance measurement data outlined in the Performance Measures section.
- b. Describe any baseline data that will be used, the method the applicant will use to store data, and any safeguards the applicant will put in place to protect personally identifiable information (PII). Describe how the applicant will use the findings to improve its program, and finally, describe how the applicant will share the measureable results of its program with its customers and stakeholders.

5. Budget and Budget Narrative, All Categories (10%):

For all categories:

Budgets should be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). Budget narratives should demonstrate generally 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.⁹

Category 3:

- a. Refer to the budget information starting on page 11 for more detailed information.
- b. Ensure the fellowship period is consistent with the solicitation requirements, including that the application does not seek funding for staff (other than those allowable under the solicitation) to manage the core duties of the fellowship.

Review Process

OJP is committed to ensuring a fair and open process for making awards. 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. For purposes of assessing whether an application meets basic minimum requirements and should proceed to further consideration, OJP screens applications for compliance with those requirements. Although specific requirements may vary, the following are common requirements applicable to all solicitations for funding under OJP programs:

- The application must be submitted by an eligible type of applicant
- The application must request funding within programmatic funding constraints (if applicable)
- The application must be responsive to the scope of the solicitation
- The application must include all items designated as “critical elements”
- The applicant must not be identified in SAM as excluded from receiving federal awards

For a list of the critical elements for this solicitation, see “What an Application Should Include” under [Section D. Application and Submission Information](#).

Peer review panels will evaluate, score, and rate applications that meet basic minimum requirements. BJA may use internal peer reviewers, external peer reviewers, or a combination, to assess applications on technical merit using the solicitation’s review criteria. 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. Peer reviewers’ ratings and any resulting recommendations are advisory only, although reviewer views are considered carefully. Other important considerations for OJP include underserved populations, geographic diversity, strategic priorities, and available funding, as well as the extent to which the budget detail worksheet and budget narrative accurately explain project costs that are reasonable, necessary, and otherwise allowable under federal law and applicable federal cost principles.

⁹ 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.

Pursuant to the Part 200 Uniform Requirements, before award decisions are made, OJP also reviews information related to the degree of risk posed by applicants. Among other things to help assess whether an applicant that has one or more prior federal awards has a satisfactory record with respect to performance, integrity, and business ethics, OJP checks whether the applicant is listed in SAM as excluded from receiving a federal award. If OJP anticipates that an award will exceed \$150,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the non-public segment of the integrity and performance system accessible through SAM (currently, the Federal Awardee Performance and Integrity Information System; "FAPIS").

Important note on FAPIS: An applicant, at its option, may review and comment on any information about itself that currently appears in FAPIS and was entered by a federal awarding agency. OJP will consider any such comments by the applicant, in addition to the other information in FAPIS, in its assessment of the risk posed by applicants.

The evaluation of risks goes beyond information in SAM, however. OJP itself has in place a framework for evaluating risks posed by applicants for competitive awards. OJP takes into account information pertinent to matters such as —

1. Applicant financial stability and fiscal integrity
2. Quality of the management systems of the applicant, and the applicant's ability to meet prescribed management standards, including those outlined in the DOJ Grants Financial Guide
3. Applicant's history of performance under OJP and other DOJ awards (including compliance with reporting requirements and award conditions), as well as awards from other federal agencies
4. Reports and findings from audits of the applicant, including audits under the Part 200 Uniform Requirements
5. Applicant's ability to comply with statutory and regulatory requirements, and to effectively implement other award requirements

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 take into account not only peer review ratings and BJA recommendations, but also other factors as indicated in this section.

F. Federal Award Administration Information

Federal Award Notices

Award notifications will be made by September 30, 2017. OJP sends award notifications by email through GMS to the individuals listed in the application as the point of contact and the authorizing official (E-Biz POC and AOR). The email notification includes detailed instructions on how to access and view the award documents, and steps to take in GMS to start the award acceptance process. GMS automatically issues the notifications at 9:00 p.m. eastern time on the award date.

For each successful applicant, an individual with the necessary authority to bind the applicant will be required to log in; execute a set of legal certifications and a set of legal assurances;

designate a financial point of contact; thoroughly review the award, including all award conditions; and sign and accept the award. The award acceptance process requires physical signature of the award document by the authorized representative and the scanning of the fully-executed award document to OJP.

Administrative, National Policy, and Other Legal Requirements

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award conditions, as well as all applicable requirements of federal statutes, regulations, and executive orders (including applicable requirements referred to in the assurances and certifications executed in connection with award acceptance). OJP strongly encourages prospective applicants to review information on post-award legal requirements and common OJP award conditions **prior** to submitting an application.

Applicants should consult the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards](#)," available in the [OJP Funding Resource Center](#). In addition, applicants should examine the following two legal documents, as each successful applicant must execute both documents before it may receive any award funds.

- [Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements](#)
- [Standard Assurances](#)

Applicants may view these documents in the Apply section of the [OJP Funding Resource Center](#).

The web pages accessible through the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards](#)" are intended to give applicants for OJP awards a general overview of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants and cooperative agreements awarded in FY 2017. Individual OJP awards typically also will include additional award conditions. Those additional conditions may relate to the particular statute or program, or solicitation under which the award is made; to the substance of the funded application; to the recipient's performance under other federal awards; to the recipient's legal status (e.g., as a for-profit entity); or to other pertinent considerations.

As stated above, BJA expects that any award under this solicitation to be a cooperative agreement. A cooperative agreement will include a condition in the award document that sets out the "substantial federal involvement" in carrying out the award and program. Generally speaking, under cooperative agreements with OJP, responsibility for the day-to-day conduct of the funded project rests with the recipient. OJP, however, may have substantial involvement in matters such as coordination efforts and site selection, as well as review and approval of work plans, research designs, data collection instruments, and major project-generated materials. In addition, OJP often indicates in the award condition that it may redirect the project if necessary.

In addition to a condition that sets out the "substantial federal involvement" in the award, cooperative agreements awarded by OJP include a condition that requires specific reporting in connection with conferences, meetings, retreats, seminars, symposia, training activities, or similar events funded under the award.

These awards will be made via cooperative agreements, and the awardees will be working closely with BJA staff in the management of this project and deliverables. Since this is a new area of work for BJA, it is expected that BJA will be especially involved in the scoping and initiation of this work.

General Information about Post-Federal Award Reporting Requirements

In addition to the deliverables described in [Section A. Program Description](#), any recipient of an award under this solicitation will be required to submit the following reports and data.

Required reports. Recipients typically must submit quarterly financial reports, semi-annual progress reports, final financial and progress reports, and, if applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions. Future awards and fund drawdowns may be withheld if reports are delinquent. (In appropriate cases, OJP may require additional reports.)

Awards that exceed \$500,000 will include an additional condition that, under specific circumstances, will require the recipient to report (to FAPIIS) information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either the OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Additional information on this reporting requirement appears in the text of the award condition posted on the OJP web site at <http://ojp.gov/funding/FAPIIS.htm>.

Data on performance measures. In addition to required reports, an award recipient also must provide data that measure the results of the work done under the award. To demonstrate program progress and success, as well as to assist DOJ in fulfilling its responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 103-62, and the GPRA Modernization Act of 2010, Public Law 111-352, OJP will require any recipient, post award, to provide the data listed as "Data Recipient Provides" in the performance measures table in [Section D. Application and Submission Information](#), under "Program Narrative," so that OJP can calculate values for this solicitation's performance measures.

G. Federal Awarding Agency Contact(s)

For OJP contact(s), see the title page.

For contact information for Grants.gov, see the title page.

H. Other Information

Freedom of Information Act and Privacy Act (5 U.S.C. 552 and 5 U.S.C. 552a)

All applications submitted to OJP (including all attachments to applications) are subject to the federal Freedom of Information Act (FOIA) and to the Privacy Act. By law, DOJ may withhold information that is responsive to a request pursuant to FOIA if DOJ determines that the responsive information either is protected under the Privacy Act or falls within the scope of one of nine statutory exemptions under FOIA. DOJ cannot agree in advance of a request pursuant to FOIA not to release some or all portions of an application.

In its review of records that are responsive to a FOIA request, OJP will withhold information in those records that plainly falls within the scope of the Privacy Act or one of the statutory exemptions under FOIA. (Some examples include certain types of information in budgets, and names and contact information for project staff other than certain key personnel.) In appropriate circumstances, OJP will request the views of the applicant/recipient that submitted a responsive document.

For example, if OJP receives a request pursuant to FOIA for an application submitted by a nonprofit or for-profit organization or an institution of higher education, or for an application that involves research, OJP typically will contact the applicant/recipient that submitted the application and ask it to identify—quite precisely—any particular information in the application that applicant/recipient believes falls under a FOIA exemption, the specific exemption it believes applies, and why. After considering the submission by the applicant/recipient, OJP makes an independent assessment regarding withholding information. OJP generally follows a similar process for requests pursuant to FOIA for applications that may contain law-enforcement sensitive information.

Provide Feedback to OJP

To assist OJP in improving its application and award processes, OJP encourages applicants to provide feedback on this solicitation, the application submission process, and/or the application review process. Provide feedback to OJPSolicitationFeedback@usdoj.gov.

IMPORTANT: This email is for feedback and suggestions only. OJP does **not** reply from this mailbox to messages it receives in this mailbox. Any prospective applicant that has specific questions on any program or technical aspect of the solicitation **must** use the appropriate telephone number or email listed on the front of this document to obtain information. These contacts are provided to help ensure that prospective applicants can directly reach an individual who can address specific questions in a timely manner.

If you are interested in being a reviewer for other OJP grant applications, please email your résumé to ojppeerreview@lmsolas.com. (Do not send your résumé to the OJP Solicitation Feedback email account.) **Note:** Neither you nor anyone else from your organization or entity can be a peer reviewer in a competition in which you or your organization/entity has submitted an application.

Application Checklist

FY2017 BJA National Initiatives – Adjudications: Training and Technical Assistance to Support the Protection of Constitutional Rights Under the Sixth Amendment

This application checklist has been created as an aid in developing an application.

What an Applicant Should Do:

Prior to Registering in Grants.gov:

- _____ Acquire a DUNS Number (see page 33)
- _____ Acquire or renew registration with SAM (see page 34)

To Register with Grants.gov:

- _____ Acquire AOR and Grants.gov username/password (see page 34)
- _____ Acquire AOR confirmation from the E-Biz POC (see page 34)

To Find Funding Opportunity:

- _____ Search for the Funding Opportunity on Grants.gov (see page 34)
- _____ Select the correct Competition ID (see page 34)
- _____ Download Funding Opportunity and Application Package (see page 34)
- _____ Sign up for Grants.gov email [notifications](#) (optional) (see page 32)
- _____ Read [Important Notice: Applying for Grants in Grants.gov](#)
- _____ Read OJP policy and guidance on conference approval, planning, and reporting available at ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm (see page 16)

After Application Submission, Receive Grants.gov Email Notifications That:

- _____ (1) application has been received,
- _____ (2) application has either been successfully validated or rejected with errors (see page 35)

If No Grants.gov Receipt, and Validation or Error Notifications are Received:

- _____ Contact the NCJRS Response Center regarding experiencing technical difficulties (see page 2)

Overview of Post-Award Legal Requirements:

- _____ Review the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards](#)" in the OJP Funding Resource Center.

Scope Requirement:

- _____ The federal amount requested is within the allowable limits of \$1 million for Category 1, \$1.5 million for Category 2, and \$3.5 million for Category 3.

Eligibility Requirement: See Section C. Eligibility

What an Application Should Include:

- _____ Application for Federal Assistance (SF-424) (see page 18)
- _____ Intergovernmental Review (see page 18)
- _____ Project Abstract (see page 18)
- _____ Program Narrative (see page 19)

_____	Budget Detail Worksheet	(see page 24)
_____	Budget Narrative	(see page 25)
_____	Timeline/Task Plan	
_____	Indirect Cost Rate Agreement (if applicable)	(see page 26)
_____	Financial Management and System of Internal Controls Questionnaire	(see page 27)
_____	Disclosure of Lobbying Activities (SF-LLL)	(see page 27)
_____	Additional Attachments	
_____	_____ Project Timeline, Résumés, and Letters of Support	
_____	_____ Work Product Examples	
_____	_____ Applicant Disclosure of Pending Applications	(see page 28)
_____	Research and Evaluation Independence and Integrity	(see page 29)
_____	Disclosure of Process related to Executive Compensation	(see page 31)
_____	Request and Justification for Employee Compensation; Waiver (if applicable)	(see page 15)