

# **Adult Drug Court Discretionary Grant Program FY 2019 Competitive Grant Announcement**

March 26, 2019

This solicitation has been changed to clarify that grantees may not use federal funds to support activities that violate the Controlled Substances Act on page 9. Thank you for your attention to this update.

February 27, 2019

This solicitation has been changed to reflect a new link for the DOJ Grants Financial Management Online Training on page 11. Thank you for your attention to this update.

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



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The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [Bureau of Justice Assistance](#) (BJA) is seeking applications to establish or enhance drug court services, to include coordination, management of drug court participants, and recovery support services. This program furthers the Department's mission by providing resources to state, local, and tribal governments to enhance drug court programs and systems for nonviolent offenders with addictions, including opioid abuse and overdose.

## **Adult Drug Court Discretionary Grant Program FY 2019 Competitive Grant Announcement**

**Applications Due: April 16, 2019**

### **Eligibility**

Eligible applicants:

For **Category 1: Implementation** and **Category 2: Enhancement**, eligible applicants are states, territories, state and local courts, counties, units of local government, and federally recognized Indian tribal governments (as determined by the Secretary of the Interior) on behalf of a single jurisdiction drug court.

For **Category 3: Statewide**, eligible applicants are state agencies such as the State Administering Agency (SAA), the Administrative Office of the Courts, and the State Substance Abuse Agency. State agencies can also include state criminal justice agencies and other state agencies involved with the provision of substance abuse and/or mental illness services, or related services, to criminal substance abusers.

An applicant is eligible for the BJA Adult Drug Court Discretionary Grant Program (ADC Discretionary Grant Program) if it is currently receiving federal funding for a part of its drug court program; however, the applicant will be disqualified if it requests federal funds for the same focus area and/or court type as its active BJA adult drug court grant.

BJA may elect to fund applications submitted under this fiscal year (FY) 2019 solicitation in future fiscal years, dependent on, among other considerations, the merit of the applications and the availability of appropriations.

All recipients and subrecipients (including any for-profit organization) must forgo any profit or management fee.

## Deadline

Applicants must register with Grants.gov at <https://www.grants.gov/web/grants/register.html> prior to submitting an application. All applications are due by 11:59 p.m. eastern time on April 16, 2019.

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, 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 more information related to submitting an application through Grants.gov, applicants can access Grants.gov frequently asked questions (FAQs) by clicking on: <https://www.grants.gov/web/grants/applicants/applicant-faqs.html>.

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, 606-545-5035, at <https://www.grants.gov/web/grants/support.html>, or at [support@grants.gov](mailto: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** 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](mailto: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-2019-15084

Release date: February 14, 2019

# Contents

A. Program Description .....	4
Overview .....	4
Program-specific Information.....	4
Objectives and Deliverables .....	8
Evidence-based Programs or Practices .....	8
Information Regarding Potential Evaluation of Programs and Activities.....	9
B. Federal Award Information.....	10
Type of Award.....	11
Financial Management and System of Internal Controls.....	11
Budget Information.....	12
Cost Sharing or Match Requirement (cash or in-kind) .....	12
Pre-agreement Costs (also known as Pre-award Costs) .....	12
Limitation on Use of Award Funds for Employee Compensation; Waiver .....	13
Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs .....	13
Costs Associated with Language Assistance (if applicable) .....	14
C. Eligibility Information.....	14
D. Application and Submission Information .....	14
What an Application Should Include .....	14
How To Apply.....	28
E. Application Review Information.....	32
Review Criteria.....	32
Review Process .....	41
F. Federal Award Administration Information .....	43
Federal Award Notices .....	43
Administrative, National Policy, and Other Legal Requirements .....	43
General Information about Post-Federal Award Reporting Requirements .....	44
G. Federal Awarding Agency Contact(s) .....	45
H. Other Information.....	45
Freedom of Information Act and Privacy Act (5 U.S.C. 552 and 5 U.S.C. 552a) .....	45
Provide Feedback to OJP .....	45
Appendix A: Examples and Definitions of Recovery Support Services .....	47
Appendix B: Application Checklist .....	48

# Adult Drug Court Discretionary Grant Program (CFDA #16.585)

## A. Program Description

### Overview

The ADC Discretionary Grant Program provides financial and technical assistance to states, state courts, local courts, units of local government, and federally recognized Indian tribal governments to develop and implement drug courts and veterans treatment courts. BJA is accepting applications for FY 2019 grants to either establish new drug courts or enhance existing drug court programs using evidence-based principles and practices. BJA also supports courts that integrate the National Association of Drug Court Professionals (NADCP) Adult Drug Court Best Practice Standards (drug court standards) into existing drug court services. Information about the NADCP drug court standards can be found on page 9.

**Statutory Authority:** 34 U.S.C. § 10611, et seq. Additional authority for awards made under this solicitation may be provided by a full-year appropriations act for FY 2019. 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 2019.

### Program-specific Information

In 2017, more than 72,000 Americans lost their lives to drug overdoses, an increase from the 64,000 overdose deaths in 2016.<sup>1</sup> The majority of these deaths can be attributed to opioids, including illicit fentanyl and its analogues. For more information on illicit fentanyl and its analogues, visit <https://www.cdc.gov/drugoverdose/data/fentanyl.html> and <https://www.cdc.gov/drugoverdose/data/fentanyl.html>.

The ADC Discretionary Grant Program includes the ADC and Veterans Treatment Court (VTC) Programs. These courts effectively integrate evidence-based substance abuse treatment, mandatory drug testing, sanctions and incentives, and transitional services in judicially supervised court settings with jurisdiction over offenders to reduce recidivism and substance abuse and prevent overdoses.

For the purposes of this solicitation, an “adult drug court” is a court program managed by a multidisciplinary team that responds to the offenses and treatment needs of participants who are diagnosed with substance abuse. This explicitly excludes drug offenders who have committed acts of violence.

A “veterans treatment court” is a veterans only docket designed to provide support and resources for veterans in the criminal justice system. These courts are modeled after mental health and drug courts that were established to emphasize treatment rather than incarceration. VTCs are managed by a multidisciplinary team of criminal justice professionals familiar with the unique experiences and issues of veterans that responds to the offenses and treatment needs of these offenders.

As one type of problem-solving court, drug courts have been demonstrated (where implemented in an evidence-based manner) to reduce recidivism and substance abuse among high risk

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<sup>1</sup> <https://www.drugabuse.gov/related-topics/trends-statistics/overdose-death-rates>

participants diagnosed with substance abuse and to increase their likelihood of successful rehabilitation through, 1) referrals based on validated risk and need assessment, 2) early, continuous, and intense treatment, 3) close judicial supervision and involvement (including judicial interaction with participants and frequent status hearings), 4) mandatory and random drug testing, 5) community supervision, 6) equitable, consistent, and appropriate incentives and sanctions, and 7) community reintegration and recovery support services/continuing care.

BJA provides drug court applicants with the flexibility to identify the most appropriate court model (e.g., service/docket) on which to base their drug courts in order to accommodate the needs and available resources of their jurisdictions, **so long as the model conforms to NADCP's 10 key components for drug courts**, which are the basic elements that define drug courts. NADCP's drug court standards provide specific evidence-based practices, policies, and programs that, when implemented, ensure conformity with the 10 key components. All adult drug courts must be operated based on BJA's and NADCP's publication: *Defining Drug Courts: The Key Components* at <https://www.ncjrs.gov/pdffiles1/bja/205621.pdf>.

Eligible drug court types are: Adult Drug Courts; Driving While Intoxicated (DWI)/Driving Under the Influence (DUI) Courts; Co-Occurring Courts where participants possess both a substance abuse and mental illness diagnosis; Veterans Treatment Courts (Types A and B); and Tribal Healing to Wellness Courts. Court programs that combine or propose to combine drug court types with other court programs or dockets are also eligible for funding, although the funding under this program must be used to address only those clients eligible for drug court services. Applicants should refer to their relevant local statutes to define the legal age of an "adult."

Please note that drug courts funded through ADC Discretionary Grant Program funding may only serve nonviolent offenders.<sup>2</sup> However, the applicant can serve veterans charged with violent or nonviolent offenses using the VTC model that is funded under Type B. Applications for VTCs, including Type B, that include violent offenders, should be clearly identified in the application abstract.

**Veterans Treatment Courts, Type A**, may serve only veterans who are not violent offenders, pursuant to the definition included in the Drug Court Program authorizing legislation ([34 U.S.C. § 10613](#)), at footnote 2.

**Veterans Treatment Courts, Type B**, may serve veterans who are charged with violent or nonviolent offenses.

The National Drug Court Resource Center, available at <http://ndcrc.org/>, is a BJA-funded resource for the drug court field that serves as a clearinghouse for drug court training, technical assistance, publications, funding resources, and other practitioner-specific resources. Applicants are encouraged to visit this site for useful information regarding this solicitation's

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<sup>2</sup> Except for Veterans Treatment Courts, Type B, programs funded through this solicitation may not, with ADC Discretionary Grant Program funding or matched funding, serve violent offenders. As defined in 34 U.S.C. § 10613, a "violent offender" means a person who (1) is charged with or convicted of an offense that is punishable by a term of imprisonment exceeding 1 year, during the course of which offense or conduct (a) the person carried, possessed, or used a firearm or dangerous weapon; (b) there occurred the death of or serious bodily injury to any person; or (c) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (a) or (b) is an element of the offense or conduct of which or for which the person is charged or convicted; or (2) has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

priorities and responses to a collection of frequently asked questions before submitting their applications. In addition, grant solicitation resources can be found at <http://ndcrc.org/grant-solicitation-resources/>.

FY 2019 solicitation offers three drug court grant categories: **Category 1:** Implementation, **Category 2:** Enhancement, and **Category 3:** Statewide

**CATEGORY 1: IMPLEMENTATION. Grant maximum: \$500,000. Period of performance: 48 months. Start Date: Between October 1, 2019 and January 1, 2020. Competition ID: BJA-2019-15130.**

Implementation grants are available to eligible jurisdictions that have completed a substantial amount of planning and are ready to implement an evidence-based adult drug court as described above (i.e., meeting the key components as well as the evidence-based program principles embodied in the NADCP drug court standards).

An applicant may propose to use funding for court operations and services; participant supervision, management, and services; provision and coordination of **recovery support services**, including education, civil legal assistance, job training and placement, housing placement assistance, primary and behavioral health care, and child care and other supportive services (see [Appendix A: Examples and Definitions of Recovery Support Services](#)).

**CATEGORY 2: ENHANCEMENT. Grant maximum: \$500,000. Period of performance: 36 months. Start Date: Between October 1, 2019 and January 1, 2020. Competition ID: BJA-2019-15131.**

Enhancement grants are available to eligible jurisdictions with a fully operational adult drug court (to be eligible, the court must have been operating for at least 1 year as of September 30, 2019).

An applicant may propose to use funding to scale up the drug court program's capacity; enhance court operations; expand or enhance court services; improve the quality and/or intensity of services based on needs assessments.

Note that an entity (i.e., units of local government or county) applying to either Category 1: Implementation or Category 2: Enhancement on behalf of a drug court must attach a Fiscal Agent - Memorandum of Understanding (MOU) that describes the applicant's effort to coordinate directly with the drug court for which funding is being sought. The MOU must address the objectives of the drug court program and support efforts to adhere to the evidence-based program principles included in the NADCP drug court standards and the 10 key components.

**CATEGORY 3: STATEWIDE. Grant maximum per applicant for Subcategories A and B: \$2,000,000 for state-based coordination of services. Of the \$2,000,000, a maximum of \$500,000 is available per applicant under subcategory A, and a maximum of \$1,500,000 is available per applicant under subcategory B. Period of performance: Subcategory A is 36 months, Subcategory B is 48 months, Subcategory A and B combined is 48 months. Start Date: Between October 1, 2019 and January 1, 2020. Competition ID: BJA-2019-15132.**

Applicants can apply for Subcategory A and B separately; however, it is suggested that applicants maximize funds available from both categories to assist with state-based coordination, services, evaluation, and training.

Statewide drug court grants are available for two purposes:

- 3A. Applicants may request up to \$500,000 to improve, enhance, or expand drug court services statewide by encouraging adherence to the evidence-based program principles included in the NADCP drug court standards. Funds under Subcategory 3A may also be used to develop or expand a state-based TTA program that support the TTA needs of drug courts statewide. Allowable use of funds may include scaling up the state's capacity to support the personnel required to coordinate a state-based TTA program (e.g., statewide and/or regional drug court TTA coordinator). Funds are intended for a one-time project to enhance capacity that can be sustained.
- 3B. Applicants may request up to \$1,500,000 to financially support drug courts in local or regional jurisdictions that do not currently operate with ADC Discretionary Grant Program funding. (A list of active BJA drug court grantees is available at: <https://www.bja.gov/funding.aspx>). States are encouraged to propose funding for local or regional courts in a manner that is consistent with implementing one or more of the evidence-based principles included in the NADCP drug court standards or similar state standards.

Statewide applicants must identify which drug courts and the type of court they propose to fund, at what amounts, for which periods of time; how the statewide applicants will assist the funded courts in achieving their objectives; and how the applicants will track and monitor progress using an automated management information system. Applicants must clearly describe their rationale for drug court selection and connect this back to their statewide, data-driven objectives of reducing recidivism among high risk/high need offenders.

**All federal funds under Subcategory 3B must be passed through to drug courts within the state; no funds may be retained for direct costs for administrative purposes.**

All applicants must demonstrate in the program narrative that the drug court understands and agrees that, to the extent that substance abuse treatment and related services are funded by this award, the program will include treatment and services to address opioid abuse reduction.

Federal funds may not be used to replace (supplant) non-federal dollars that are appropriated for the same purpose.

**Note:** The applicant must demonstrate that eligible drug court participants promptly enter the drug court program following a determination of their eligibility. BJA will not make awards to an applicant whose drug courts require an initial period of incarceration unless the period of incarceration is mandated by statute for the offense in question. In such instances, the applicant must demonstrate that the person receives treatment services, if available, while incarcerated and begins drug court treatment services immediately upon release.

The applicant must also demonstrate that the drug court will include treatment and services to address opioid abuse reduction, to the extent that substance abuse treatment and related services are funded by this award. **(Note: Although opioid abuse reduction is a focus of this program applicants may serve offenders with addiction to other drugs and alcohol in addition to addressing opioid abuse reduction).**

BJA may, in certain cases, provide additional funding in future years to awards made under this solicitation, through continuation awards. In making decisions regarding continuation awards, OJP will consider, among other factors, the availability of appropriations, when the program or



project was last competed, 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.

## **Objectives**

- Utilize evidence-based practices and principles, which are incorporated into the NADCP drug court standards.
- Build and maximize the capacity of jurisdictions to ensure that all potential participants are identified and assessed for risk and need.
- Ensure all participants receive targeted, evidence-based services.
- Enhance the provision of recovery support services, including transitional clean and sober housing assistance to reduce recidivism.
- Reduce obstacles to successful recovery, including the provision of specified civil legal assistance.

For enhancement grants, the objectives also include:

- Support strategies that ensure drug court practitioners have the tools to effectively manage these interventions, including data collection and analysis to inform system improvement and implementation fidelity, training and technical assistance, and tracking and improving drug court performance.

The Objectives and Deliverables are directly related to the performance measures set out in the performance measures questionnaires, links to which can be found in the performance measures section on page 17.

## **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 at <https://www.crimesolutions.gov> is one resource that applicants may use to find information about evidence-based programs in criminal justice, juvenile justice, and crime victim services.

Applicants can also find information on evidence-based treatment practices in the Substance Abuse and Mental Health Services Administration's (SAMHSA) *Guide to Evidence-Based Practices* available at [www.samhsa.gov/ebpwebguide](http://www.samhsa.gov/ebpwebguide). The *Guide* provides a short description and a link to dozens of websites with relevant evidence-based practices information—either specific interventions or comprehensive reviews of research findings.

### ***Drug Court Standards***

Over the past several years, NADCP identified 10 best practice standards for adult drug courts. BJA strongly encourages applicants, and particularly those proposing to enhance existing drug courts, to design their proposed programs with the intention of moving toward the full incorporation of NADCP's adopted standards, which represent the most current evidence-based principles and practices. For more information on the NADCP-identified 10 best practice standards, volumes I and II, visit: <https://www.nadcp.org/wp-content/uploads/2018/12/Adult-Drug-Court-Best-Practice-Standards-Volume-I-Text-Revision-December-2018-1.pdf> and [https://ndcrc.org/wp-content/uploads/2017/05/adult\\_drug\\_court\\_best\\_practice\\_standards\\_volume\\_ii-2.pdf](https://ndcrc.org/wp-content/uploads/2017/05/adult_drug_court_best_practice_standards_volume_ii-2.pdf).

These standards represent the cumulative body of the most current evidence-based practices available to drug courts to effectively operationalize the drug court 10 key components. For more information on the drug court 10 key components visit <https://www.ncjrs.gov/pdffiles1/bja/205621.pdf>

For Tribal Healing to Wellness Courts (<https://www.ncjrs.gov/pdffiles1/bja/188154.pdf>), Veterans Treatment Courts (<https://justiceforvets.org/resource/ten-key-components-of-veterans-treatment-courts/>), and DWI Courts ([https://www.dwicourts.org/wp-content/uploads/Guiding\\_Principles\\_of\\_DWI\\_Court\\_0.pdf](https://www.dwicourts.org/wp-content/uploads/Guiding_Principles_of_DWI_Court_0.pdf)), program designs must function in accordance with the corresponding court type's key component links referenced in parentheses.

### ***Medication-Assisted Treatment***

Medication-Assisted Treatment (MAT) is an evidence-based substance abuse treatment protocol, and BJA supports the availability for individuals to have access to appropriate MAT under the care and prescription of a physician. BJA recognizes that not all communities may have access to MAT due to a lack of physicians who are able to prescribe and oversee clients using anti-alcohol and anti-opioid medications. This will not preclude the applicant from applying, but where and when available, BJA supports the client's right to access MAT. Grantees are prohibited from using federal funds to support activities that violate the Controlled Substances Act. For more information regarding BJA's provisions on MAT visit: [https://jpo.wrlc.org/bitstream/handle/11204/3959/FAQ\\_Information%20Inquiry%20Regarding%20Use%20of%20Medication%20Assisted%20Treatment%20%28MAT%29%20by%20Drug%20Courts.pdf?sequence=3](https://jpo.wrlc.org/bitstream/handle/11204/3959/FAQ_Information%20Inquiry%20Regarding%20Use%20of%20Medication%20Assisted%20Treatment%20%28MAT%29%20by%20Drug%20Courts.pdf?sequence=3).

### **Information Regarding Potential Evaluation of Programs and Activities**

The Department of Justice has prioritized the use of evidence-based programming and deems it critical to continue to build and expand the evidence informing criminal and juvenile justice programs to reach the highest level of rigor possible. Therefore, applicants should note that the Office of Justice Programs may conduct or support an evaluation of the programs and activities funded under this solicitation. Recipients and subrecipients will be expected to cooperate with

program-related assessments or evaluation efforts, including through the collection and provision of information or data requested by OJP (or its designee) for the assessment or evaluation of any activities and/or outcomes of those activities funded under this solicitation. The information or data requested may be in addition to any other financial or performance data already required under this program.

## **B. Federal Award Information**

BJA expects to make up to 85 awards for varying amounts depending on the category under which the application is awarded (see below). For all categories, the proposed projects should have a start date between October 1, 2019 and January 1, 2020.

**Category 1: Implementation.** Grant maximum: \$500,000. Period of performance: 48 months.

**Category 2: Enhancement.** Grant maximum: \$500,000. Period of performance: 36 months.

**Category 3: Statewide.** Grant maximum per applicant for Subcategories A and B: \$2,000,000 for state-based coordination of services. Of the \$2,000,000, a maximum of \$500,000 is available per applicant under subcategory A, and a maximum of \$1,500,000 is available per applicant under subcategory B. Period of performance: Subcategory A is 36 months, Subcategory B is 48 months, Subcategory A and B combined is 48 months.

### **Priority Considerations**

**Category 1:** BJA will give priority consideration to all Category 1 Implementation applicants that have completed the BJA Adult Drug Court Planning Initiative (DCPI) training or the National Highway Traffic Safety Administration (NHTSA) DWI Court Foundational Training. For more information or to register for the DCPI training, visit <https://www.ndci.org/resources/training/treatment-court-design/adult-drug-court-planning-initiative/>. To register for the NHTSA Foundational Training, visit <https://www.dwicourts.org/resources/training/foundational-training/>.

**Categories 1–3:** BJA will give priority consideration to applicants that, in the Program Design section of the application, propose designs and strategies that are in adherence with the 10 key components **and** identify which state-specific NADCP drug court standards (<https://www.nadcp.org/Standards/>) they are seeking to implement and how this implementation will occur. In addition, BJA will give priority consideration to applications that seek to provide resources to rural and tribal jurisdictions.

### **Unallowable Uses of Award Funds**

In addition to the items identified in the Financial Guide (<https://ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.3b.htm>), award funds may not be used to support MAT injection sites, prizes, rewards, entertainment, trinkets (or any type of monetary incentive), client stipends, gift cards, vehicles, food and beverage, and/or any costs that do not support approved program activities. Bus passes may be allowable if the applicant can certify that they are non-redeemable, non-transferrable, and that their use by participants is auditable. The applicant must have written policies for determining eligibility, tracking distribution, and ensuring that passes are only used for transportation related to drug treatment programming.

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 grant. See [Administrative, National Policy, and Other Legal Requirements](#), under [Section F. Federal Award Administration Information](#), for a brief discussion of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants.

### **Financial Management and System of Internal Controls**

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities<sup>3</sup>) must, as described in the Part 200 Uniform Requirements<sup>4</sup> 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).
- (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 at <https://onlinegfmt.training.ojp.gov>.

Also, applicants should be aware that OJP collects information from applicants on their financial management and systems of internal controls (among other information) which is used to make award decisions. Under [Section D. Application and Submission Information](#), applicants may access and review a questionnaire—the [OJP Financial Management and System of Internal](#)

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<sup>3</sup> 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.

<sup>4</sup> 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.

[Controls Questionnaire](#)—that OJP requires **all** applicants to download, complete, and submit as part of the application.

### **Budget Information**

The budget must explicitly describe how the proposed budget items directly apply to the program design and will assist the applicant in meeting the program objectives.

### **Cost Sharing or Match Requirement (cash or in-kind)**

Federal funds awarded under this program may not cover more than 75 percent of the total costs of the program being funded. The applicant must identify the source of the 25 percent non-federal portion<sup>5</sup> of the total program costs and how it will use match funds. **If a successful applicant's proposed match exceeds the required match amount, and OJP approves the budget, the total match amount incorporated into the approved budget becomes mandatory and subject to audit.** ("Match" funds may be used only for purposes that would be allowable for the federal funds.) Recipients may satisfy this match requirement with either cash or in-kind services. See the DOJ Grants Financial Guide at <https://ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.3b.htm> for examples of "in-kind" services. The formula for calculating the match is:

$$\frac{\text{Federal Award Amount}}{\text{Federal Share Percentage}} = \text{Adjusted (Total) Program Costs}$$

$$\text{Required Recipient's Share Percentage} \times \text{Adjusted Program Cost} = \text{Required Match}$$

**Example:** 75%/25% match requirement: for a federal award amount of \$400,000, calculate match as follows:

$$\frac{\$400,000}{75\%} = \$533,333 \quad 25\% \times \$533,333 = \$133,333 \text{ match}$$

The Budget Detail Worksheet should distinguish cash from in-kind matched funds using an asterisk to show what percentage of the budget is cash.

For additional information on cost sharing and match, see the DOJ Grants Financial Guide at <https://ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.3b.htm>.

### **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 grant 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 program 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

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<sup>5</sup> Indian tribes and tribal organizations that otherwise are eligible for an award may be able to apply certain types of funds received from the federal government (for example, certain funds received under an Indian "self-determination contract") to satisfy all or part of a required "non-federal" match.

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 at <https://ojp.gov/financialguide/DOJ/index.htm> 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 percent of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year.<sup>6</sup> The 2019 salary table for SES employees is available on the Office of Personnel Management website at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/19Tables/exec/html/ES.aspx>. 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, the limitation on compensation rates allowable under an award. An applicant that requests a waiver should include a detailed justification in the Budget Narrative of the application. An applicant that does not submit a waiver request and justification with its application should anticipate that OJP will request 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 <https://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.

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<sup>6</sup> 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.

### **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.

### **Cost Associated with Recovery Support Services (if applicable)**

Applicants are encouraged to provide recovery support services to clients in their drug court programs. No more than 25 percent of the budget should be used for one particular recovery support service over the life of the grant. Grantees requesting to increase the limit beyond the 25 percent must request prior approval and provide justification.

For additional information, see the "Civil Rights Compliance" section under "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](https://ojp.gov/funding/index.htm)" in the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>.

## **C. Eligibility Information**

For eligibility information, see title page.

For information on cost sharing or match requirements, see Section [B. Federal Award 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. Under this solicitation, BJA has designated the following application elements as critical: Program Abstract, Program Narrative, Budget Detail Worksheet and Budget Narrative, Time Task Plan, and Fiscal Agent-memorandum of understanding (MOU), if applicable.

**NOTE:** OJP has combined the Budget Detail Worksheet and Budget Narrative in a single document collectively referred to as the Budget Detail Worksheet. See "Budget Information and Associated Documentation" below for more information about the Budget Detail Worksheet and where it can be accessed.

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

Please review the “Note on File Names and File Types” under [How To Apply](#) to be sure applications are submitted in permitted formats.

## **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. On the SF-424, current OJP award recipients, when completing the field for “Legal Name” (box 8a), 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.) Also, these recipients should enter the Employer Identification Number (EIN) in box 8b 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 its official legal name in box 8a, its address in box 8d, its EIN in box 8b, and its Data Universal Numbering System (DUNS) number in box 8c of the SF-424. A new applicant entity should attach official legal documents to its application (e.g., articles of incorporation, 501(c)(3) status documentation, organizational letterhead) to confirm the legal name, address, and EIN entered into the SF-424. OJP will use the System for Award Management (SAM) to confirm the legal name and DUNS number entered in the SF-424; therefore, an applicant should ensure that the information entered in the SF-424 matches its current registration in SAM. See the [How To Apply](#) section for more information on SAM and DUNS numbers.

**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. Program Abstract**

Applications should include a high quality program abstract that summarizes the proposed program in 800 words or fewer. Program abstracts should be:

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

In each program abstract:



- For the court, describe:
  - Category of funding requested: Category 1: Implementation; Category 2: Enhancement; or Category 3: Statewide (Subcategories A and B) and the jurisdiction size (state, regional, local, tribe).
  - Geography as defined by the U.S. Census Bureau (urban, suburban, rural).
  - Whether the court is pre- or post-adjudication.
  - The type of drug court(s) for which funds are being requested, e.g.,:
    - Adult Drug Court (ADC)
    - Driving While Intoxicated (DWI)/Driving Under the Influence (DUI) Court
    - Co-occurring Substance Abuse and Mental Health Court
    - Veterans Treatment Court (VTC) Type A or Type B (see page 5 for requirements associated with each Type)
    - Tribal Healing to Wellness Court (THWC)
    - Hybrid Court (combination of any of the five courts indicated above). Please provide the percentage of funding designated for each court, if the combination includes a VTC (e.g., ADC 50 percent and VTC 50 percent).
  
- State the name, location, and address for the court where the proposed drug court program is or will be operating, and the names and contact information (i.e., email and telephone number) for the designated drug court judge and coordinator.
  
- State the date that the drug court began operations if it is presently operating.
  
- State the total federal amount requested for the life of the grant. This total amount should be the same amount listed on the SF-424 form and in the required budget attachment. **Note: The total amount of federal funds being requested should not exceed the grant maximum of the category for which the applicant is applying.**
  
- State the total number of participants proposed to receive services with these grant funds (if awarded) over the life of the grant program period. Applicants can calculate this number by dividing the length of the grant program period (in months) by the average length of the drug court program (in months) and then multiplying that number by the number of additional people that can be served in the drug court program because of the grant funds. Identify the minimum, maximum, and average length of program participation. Applicants should also describe the drug court admission protocol to ensure the maximum number of clients available are admitted to the program.
  
- Briefly describe the target population (e.g., high risk/high need, high risk/low need, etc.) and how this population will mirror the arrestee population, including the risk and need levels of participants, how criminogenic risk and treatment need are screened and assessed, and the jurisdiction's access to MAT.
  
- Briefly describe the plan to provide treatment and services to address the opioid abuse reduction.

- Indicate which of the [NADCP Adult Drug Court Best Practice Standards](#) will be addressed and the page numbers where each item is discussed in the application.
- Briefly describe the data collection mechanism that the applicant will use to collect and report in-program progress as well as post-program recidivism information. The data collected should be for all program graduates 12 and 24 months post-program completion. Recidivism is defined as any criminal offense that results in a **formal charge** in any local, state, federal, or tribal court.
- Indicate whether the jurisdiction is leveraging any other federal funding sources (e.g., Second Chance Act, Justice Reinvestment, or Justice Assistance Grant Program) to support the drug court.
- Indicate whether the applicant jurisdiction has ever received a Drug Court grant from OJP (include grant number) or ever participated in the Drug Court Planning Initiative or the DWI Foundational Training. If the jurisdiction received planning assistance, include the dates of the training.
- State the name of the program administrator and contact information (e.g., email and phone number) for staff at the program operations level.

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

### 3. Program Narrative

The program narrative must respond to the solicitation and the selection criteria (1–4) listed below in the order given. The program narrative should be double-spaced, using a standard 12-point font (Times New Roman is preferred) with 1-inch margins, and should not exceed 20 pages. Number pages “1 of 20,” “2 of 20,” etc.

If the program narrative fails to comply with these length-related restrictions, BJA may consider such noncompliance in peer review and in final award decisions.

The following sections should be included as part of the program narrative<sup>7</sup>:

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

OJP will require each successful applicant to submit regular performance data that demonstrate the results of the work carried out under the award (see “[General Information about Post-Federal Award Reporting Requirements](#)” in [Section F. Federal Award Administration Information](#)). The performance data directly relate to the objectives

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<sup>7</sup> 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](#).

and deliverables identified under "Objectives and Deliverables" in [Section A. Program Description](#).

Applicants should visit OJP's performance measurement page at [www.ojp.gov/performance](http://www.ojp.gov/performance) for an overview of performance measurement activities at OJP.

The application should demonstrate the applicant's understanding of the performance data reporting requirements for this grant program and detail how the applicant will gather the required data should it receive funding.

Please note that applicants are **not** required to submit performance data with the application. Performance measures information is included as an alert that successful applicants will be required to submit performance data as part of the reporting requirements under an award.

Award recipients will be required to provide the relevant data by submitting quarterly performance metrics through BJA's online Performance Measurement Tool (PMT) located at: <https://bjapmt.ojp.gov>. Applicants should review the complete list of ADC Discretionary Grant Program performance measures found here:

- [Category 1: Implementation](#)
- [Category 2: Enhancement](#)
- [Category 3: Statewide](#)

More information on performance measurement at OJP is provided at [www.ojp.gov/performance](http://www.ojp.gov/performance). **Note:** Any quantitative and statistical data provided in the program narrative must be verifiable and recorded in an official record (i.e., crime, arrest, and recidivism rates). BJA will utilize data reported in the program narrative to determine the applicant's level of need, program capacity, and capability to manage the grant.

#### **Note on Program Evaluations**

An applicant that proposes to use award funds through this solicitation to conduct a program evaluation should be aware that certain evaluations (such as systematic investigations designed to develop or contribute to generalizable knowledge) may constitute "research" for purposes of applicable DOJ human subject's protection regulations. However, 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 evaluation 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 subject's 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](#)” webpage of the “[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](#),” available through the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>. Every prospective applicant whose application may propose a research or statistical component also should review the “Data Privacy and Confidentiality Requirements” section on that webpage.

#### 4. Budget and Associated Documentation

The Budget Detail Worksheet and the Budget Narrative are now combined in a single document collectively referred to as the Budget Detail Worksheet. The Budget Detail Worksheet is a user-friendly, fillable, Microsoft Excel-based document designed to calculate totals. Additionally, the Excel workbook contains worksheets for multiple budget years that can be completed as necessary. **All applicants should use the Excel version when completing the proposed budget in an application, except in cases where the applicant does not have access to Microsoft Excel or experiences technical difficulties.** If an applicant does not have access to Microsoft Excel or experiences technical difficulties with the Excel version, then the applicant should use the 508-compliant accessible Adobe Portable Document Format (PDF) version.

Both versions of the Budget Detail Worksheet can be accessed at <https://ojp.gov/funding/Apply/Forms/BudgetDetailWorksheet.htm>.

##### a. Budget Detail Worksheet

The Budget Detail Worksheet should provide the detailed computation for each budget line item, listing the total cost of each and showing how it was calculated by the applicant. For example, costs for personnel should show the annual salary rate and the percentage of time devoted to the program for each employee paid with grant funds. The Budget Detail Worksheet should present a complete itemization of all proposed costs.

For questions pertaining to budget and examples of allowable and unallowable costs, see page 12 and the DOJ Grants Financial Guide at <https://ojp.gov/financialguide/DOJ/index.htm>.

##### b. Budget Narrative

The budget narrative should thoroughly and clearly describe **every** category of expense listed in the Budget Detail Worksheet. OJP expects proposed budgets to be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for program 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 objectives of the program. 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 program. 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.

The budget should include costs for travel of three people for a BJA-approved training.

**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 an action—for federal grants administrative purposes—is a subaward or procurement contract is a critical distinction as significantly different rules apply to subawards and procurement contracts. If a recipient enters into an agreement that is a subaward of an OJP award, specific rules apply—many of which are set by federal statutes and DOJ regulations; others by award conditions. These rules place particular responsibilities on an OJP recipient for any subawards the OJP recipient may make. The rules determine much of what the written subaward agreement itself must require or provide. The rules also determine much of what an OJP recipient must do both before and after it makes a subaward. If a recipient enters into an agreement that is a procurement contract under an OJP award, a substantially different set of federal rules applies.

OJP has developed the following guidance documents to help clarify the differences between subawards and procurement contracts under an OJP award and outline the compliance and reporting requirements for each. This information can be accessed online at <https://ojp.gov/training/training.htm>.

- [Subawards under OJP Awards and Procurement Contracts under Awards: A Toolkit for OJP Recipients.](#)
- [Checklist to Determine Subrecipient or Contractor Classification.](#)
- [Sole Source Justification Fact Sheet and Sole Source Review Checklist.](#)

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. The substance of the relationship should be given greater consideration than the form of agreement between the recipient and the outside entity.

## **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 Program Narrative, Budget Detail Worksheet, and Budget Narrative as approved by OJP. If, however, a particular subaward is not authorized by federal statute or regulation, and is not 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 \$250,000<sup>8</sup>)**

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. All noncompetitive (sole source) procurement contracts must meet the OJP requirements outlined at <https://ojp.gov/training/subawards-procurement.htm>. If a proposed procurement contract would exceed the simplified acquisition threshold—currently, \$250,000—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 \$250,000 should

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<sup>8</sup> Consistent with the provisions of Office of Management and Budget memorandum, OMB M-18-18, dated June 20, 2018, and entitled, "Implementing Statutory Changes to the Micro-Purchase and the Simplified Acquisition Thresholds for Financial Assistance," DOJ will allow recipients (and any subrecipients) of awards made under the solicitation to use a simplified acquisition threshold of \$250,000 and a micro-purchase threshold of \$10,000, for federal grants administrative purposes.

include a detailed justification that explains to OJP why, in the particular circumstances, it is appropriate to proceed without competition.

If the applicant receives an award, sole source procurements that do not exceed the Simplified Acquisition Threshold (currently \$250,000) must have written justification for the noncompetitive procurement action maintained in the procurement file. If a procurement file does not have the documentation that meets the criteria outlined in 2 C.F.R. 200, the procurement expenditures may not be allowable. Sole source procurement over the \$250,000 Simplified Acquisition Threshold must have prior approval from OJP using a Sole Source Grant Adjustment Notice (GAN). Written documentation justifying the noncompetitive procurement must be submitted with the GAN and maintained in the procurement file.

**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 (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 (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 Office of the Chief Financial Officer (OCFO) Customer Service Center at 1-800-458-0786 or at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov). If DOJ is the cognizant federal agency, applicants may obtain information needed to submit an indirect cost rate proposal at <https://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.) For the “de minimis” rate requirements (including on eligibility to elect to use the rate), see the Part 200 Uniform Requirements, at 2 C.F.R. 200.414(f).

**6. Tribal Authorizing Resolution (if applicable)**

A tribe, tribal organization, or third party that proposes to provide direct services or assistance to residents on tribal lands should include in its application a resolution, letter,

affidavit, or other documentation, as appropriate, that demonstrates (as a legal matter) that the applicant has the requisite authorization from the tribe(s) to implement the proposed program on tribal lands. In those instances when an organization or consortium of tribes applies for an award on behalf of a tribe or multiple specific tribes, the application should include appropriate legal documentation, as described above, from all tribes that would receive services or assistance under the award. A consortium of tribes for which existing consortium bylaws allow action without support from all tribes in the consortium (i.e., without an authorizing resolution or comparable legal documentation from each tribal governing body) may submit, instead, a copy of its consortium bylaws with the application.

## **7. Financial Management and System of Internal Controls Questionnaire (including applicant disclosure of high risk status)**

Every OJP applicant is required to download, complete, and submit the OJP Financial Management and System of Internal Controls Questionnaire (Questionnaire) at <https://ojp.gov/funding/Apply/Resources/FinancialCapability.pdf> as part of its application. The Questionnaire helps OJP assess the financial management and internal control systems, and the associated potential risks of an applicant as part of the pre-award risk assessment process.

The Questionnaire should only be completed by financial staff most familiar with the applicant's systems, policies, and procedures in order to ensure that the correct responses are recorded and submitted to OJP. The responses on the Questionnaire directly impact the pre-award risk assessment and should accurately reflect the applicant's financial management and internal control system at the time of the application. The pre-award risk assessment is only one of multiple factors and criteria used in determining funding. However, a pre-award risk assessment that indicates that an applicant poses a higher risk to OJP may affect the funding decision and/or result in additional reporting requirements, monitoring, special conditions, withholding of award funds, or other additional award requirements.

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).

## 8. 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) posted at <https://ojp.gov/funding/Apply/Resources/Disclosure.pdf>. 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”).

## 9. Additional Attachments

### a. Time Task Plan (required)

A Time Task Plan is required and should outline when the objectives will be met over the program period. The Time Task Plan will summarize the major activities, responsible agencies, and expected completion dates for the principal tasks required to implement and manage the drug court program. **Applicants must indicate the number of program participants to be served quarterly under the grant-funded program to demonstrate how the total number of anticipated participants will be served before the end of the grant period.**

### b. Memorandum of Understanding Signed by Key Drug Court Team Members or by a Designated Agency Representative (recommended)

Attach an MOU signed by either each key drug court team member or by a designated agency representative, with the general responsibilities and expectation of coordination agreed upon by each member. Key drug court team members include a judge, prosecutor, defense attorney, treatment provider, researcher/evaluator/management information specialist, community supervision representative, and drug court coordinator.

### c. Fiscal Agent – Memorandum of Understanding Signed by Applicant and Drug Court Administrator (required, if applicable)

An entity (i.e., unit of local government or county) applying for funding on behalf of a drug court must attach a Fiscal Agent – MOU that describes how the applicant will coordinate directly with the drug court for which funding is being sought and reflects an agreement that the applicant will serve as the fiscal agent. The MOU must address the overall objectives of the drug court program as well as show support for efforts to adhere to the evidence-based program principles included in the NADCP drug court standards and the 10 key components. **Note:** the drug court administrator is a member of the court program that has authority to make decisions on behalf of the court (e.g., judge, court coordinator, etc).

### d. State Substance Abuse Agency Director or Designee Letter (recommended)

Non-tribal applicants are encouraged to include a letter from the State Substance Abuse (SSA) director or designated representative in support of the application and include confirmation that the proposal conforms to the framework of the State Strategy of Substance Abuse Treatment. A listing of SSAs can be found on SAMHSA’s website at [www.samhsa.gov/sites/default/files/ssadirectory.pdf](http://www.samhsa.gov/sites/default/files/ssadirectory.pdf).

### e. Chief Justice, State Court Administrator, or Designee Letter (recommended)

Non-tribal applicants are encouraged to include a letter from the chief justice of the state’s highest court, the state court administrator, or a designee (e.g., the state drug or

problem-solving court coordinator) describing how the proposed application would enhance statewide efforts related to problem-solving courts and/or is part of the state's problem-solving court strategy. The letter should be addressed to the BJA Director. A listing of the state drug and problem-solving court coordinators can be found at the National Drug Court Resource Center at <http://ndcrc.org/>.

**f. Policies and Procedures Manual (if applicable)**

Policies and procedures manuals from all enhancement (Category 2) applicants must be reviewed and approved. Applicants should attach their manuals outlining their court operations as a separate attachment. If the policies and procedures manual is not attached to the current application, it must be submitted and approved by the program manager within the first year of the grant award.

**g. Applicant Disclosure of Proposed Subrecipients**

Attach a list of proposed subrecipients of grant funding, if applicable, that includes the name, organizational affiliation, and location of the proposed subrecipient entity.

**h. 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 program 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/program name
- The point of contact information at the applicable federal or state funding agency

Federal or State Funding Agency	Solicitation Name/Program Name	Name/Phone/Email for Point of Contact at Funding Agency
DOJ/Office of Community Oriented Policing Services (COPS Office)	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's 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 program 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."

**i. Applicant Disclosure and Justification – DOJ High Risk Grantees<sup>9</sup>**

An applicant that is designated as a DOJ High Risk Grantee is to submit in GMS, as a separate attachment to its application, information that OJP will use, among other pertinent information, to determine whether it will consider or select the application for an award under this solicitation. The file should be named "DOJ High Risk Grantee Applicant Disclosure and Justification." (See, also, Application Review Information, for a brief discussion of how such information may considered in the application review process.)

OJP constantly seeks to optimize its investments in criminal- and juvenile justice-focused programs and activities, increase program effectiveness, and maximize the return – and program impact – from limited programmatic resources. Therefore, OJP may remove from consideration or not select for award a "DOJ High Risk Grantee" applicant that is determined to pose a substantial risk of program implementation failure. In making such determinations, OJP will consider one or more of the following factors: the applicant's lack of sufficient progress in addressing required corrective actions necessary for removal of the DOJ High Risk Grantee designation; the nature and severity of the issues leading to or accompanying the applicant's DOJ High Risk Grantee designation; or the applicant's expected ability to manage grant funds and achieve grant goals and objectives.

In this attachment, the applicant is to provide any additional information or justification – especially with regard to corrective actions yet to be implemented (as of the application date) – that may help demonstrate how the applicant has addressed or otherwise mitigated such uncorrected matters, such that any negative impact on the proposed program and its implementation would be immaterial or would be significantly reduced or eliminated. (To the extent that the applicant believes that any of the information provided pursuant to this disclosure may be confidential in nature, the applicant should specifically identify it.)

**j. Research and Evaluation Independence and Integrity**

If an application proposes research (including research and development) and/or

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<sup>9</sup> A "DOJ High Risk Grantee" is a recipient that has received a DOJ High-Risk designation based on a documented history of unsatisfactory performance, financial instability, management system or other internal control deficiencies, or noncompliance with award terms and conditions on prior awards, or that is otherwise not responsible.

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 is to 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.

### **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 <https://www.grants.gov/web/grants/support.html>.

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 at <https://www.grants.gov/web/grants/manage-subscriptions.html>. 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. Attachments are also labeled to describe the file being attached (e.g., Program Narrative, Budget Narrative, Other, etc.) Please ensure that all required documents are attached in the correct Grants.gov category and are labeled correctly. Do not embed “mandatory” attachments within another file.

An applicant must use the **Add Attachment** button to attach a file to its application. Do not click the paperclip icon to attach files. This action will not attach the files to the application. After adding an attachment, select the **View Attachment** button to confirm you attached the correct file. To remove the file, select the **Delete Attachment** button.

An application can be checked for errors via the **Check Application** button on the **Forms** tab of the **Manage Workspace** page. The button is active if the set of forms in the workspace matches those required in the application package. If you receive a **Cross-Form Errors** message after clicking the **Check Application** button, refer to the Cross-Form Errors help article for more detailed information about this validation error.

**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 ( . )			

**\*When using the ampersand (&) in XML, applicants must use the “&amp;” format.**

**GMS does not accept executable file types as application attachments.** These disallowed file types include, but are not limited to, the following extensions: “.com,” “.bat,” “.exe,” “.vbs,” “.cfg,” “.dat,” “.db,” “.dbf,” “.dll,” “.ini,” “.log,” “.ora,” “.sys,” and “.zip.” GMS may reject applications with files that use these extensions. It is important to allow time to change the type of file(s) if the application is rejected.

All applicants are required to complete the following steps:

## Unique Entity Identifier (DUNS Number) and SAM

Every applicant entity must comply with all applicable SAM and unique entity identifier (currently, a DUNS number) requirements. SAM is the repository for certain standard information about federal financial assistance applicants, recipients, and subrecipients. A DUNS number is a unique nine-digit identification number provided by the commercial company Dun and Bradstreet. More detailed information about SAM and the DUNS number is in the numbered sections below.

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.

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

## Registration and Submission Steps

1. **Acquire a unique entity identifier (currently, a DUNS number).** The Office of Management and Budget requires every applicant for a federal award 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.

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 <https://www.dnb.com/>. A DUNS number is usually received within 2 business days.

2. **Acquire or maintain registration with SAM.** Any applicant for an OJP award creating a new entity registration (or updating or renewing a registration) in SAM.gov must submit an original, signed notarized letter appointing the authorized Entity Administrator within thirty (30) days of the registration activation. **Notarized letters must be submitted via U.S. Postal Service Mail.** Read the Alert at [sam.gov/SAM/](http://sam.gov/SAM/) to learn more about what is required in the notarized letter, and read the Frequently Asked Questions (FAQs) at [www.gsa.gov/samupdate](http://www.gsa.gov/samupdate) to learn more about this process change. All applicants for OJP awards (other than individuals) must maintain current registrations in the SAM database. Applicants will need the authorizing official of the organization and an Employer Identification Number (EIN). Information about SAM registration procedures can be accessed at [sam.gov/SAM/](http://sam.gov/SAM/).

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.

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://www.grants.gov/web/grants/applicants/organization-registration.html>. Individuals registering with Grants.gov should go to <https://www.grants.gov/web/grants/applicants/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 number for this solicitation is CFDA #16.585 titled "Drug Court Discretionary Grant Program," and the funding opportunity number is BJA-2019-15084.
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:** Competition ID: BJA-2019-15130

**Category 2:** Competition ID: BJA-2019-15131

**Category 3:** Competition ID: BJA-2019-15132

7. **Access Funding Opportunity and Application Package from Grants.gov.** Select "Apply for Grants" under the "Applicants" column. Enter your email address to be notified of any changes to the opportunity package before the closing date. Click the Workspace icon to use Grants.gov Workspace.
8. **Submit a valid application consistent with this solicitation by following the directions in Grants.gov.** To preview the application prior to (or after) submitting, go to the **View Application** tab in Workspace. For additional information, review the [View Application Tab](#) help article and [Attachments Tab](#) help article. 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 April 16, 2019.

Go to <https://www.grants.gov/web/grants/applicants/organization-registration.html> 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 at <https://www.grants.gov/web/grants/support.html> or the SAM Help Desk (Federal Service Desk) at <https://www.fsd.gov/fsd-gov/home.do> to report the technical issue and receive a tracking number. The applicant must email the 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 at <https://ojp.gov/funding/index.htm>.**

## **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**

Within this section, the applicant should explain its inability to fund the program adequately without federal assistance.

For each category, the applicant must provide verified sources for the data that support the statement of the problem (i.e., census data, federal, state, and local databases).

**Category 1: Implementation Applicants (20 percent)**

- Describe the nature and scope of the substance abuse problem in the jurisdiction. Include data on race, ethnicity, age, gender, arrest volume (i.e., specifics of the general arrestee population, including the percentage screened for drug court and what percent of those are admitted into drug court), and crime patterns for adult defendants.
- Explain the problems with the current court response to cases involving substance abuse; identify how and to what extent the proposed program will address the current arrest volume; and describe how the current number of treatment slots meets the needs of anticipated referrals.
- Describe the proposed target population, including criminogenic risk level (high, medium, low), substance abuse treatment need, and the average jail or prison sentence that potential participants face, if any.
- Provide the target number of people to whom services will be provided under this program during the grant award period (48 months).

**Category 2: Enhancement Applicants (20 percent)**

- Describe the immediate issues that the enhancement grant seeks to address. The applicant is encouraged to incorporate the evidence-based program principles included in the NADCP Adult Drug Court Best Practice Standards, and to specify which standard(s) will be addressed and how the standard(s) will be implemented. The applicant should also refer to the allowable uses of funds on page 6. In addition, the proposed enhancements should include criminal justice-related needs and can also include enhancements related to enhancing treatment and relapse prevention support services.
- Describe the current operation of the adult drug court, addressing:
  - Referral, screening, and assessment process
  - Eligibility requirements
  - Target population
  - Current capacity
  - Length and phases of the program
  - Case management process
  - Community supervision
  - Recovery support services delivery plan to include vocational and/or educational and transitional housing services
  - Judicial supervision
  - Process for randomized drug testing
  - Incentives and sanctions

- Graduation requirements and expulsion criteria (include the drug court members present when it is decided and communicated that a participant is terminated from the program)
- Restitution costs and all fees required for program participation
- Provide the drug court policies and procedures manual outlining court operations as a separate attachment. If the policies and procedures manual is not attached to the current application, it must be submitted and approved by the program manager within the first year of the grant award.
- Describe a mechanism that prioritizes court resources and services for individuals with high criminogenic risk and treatment need, including persons with repeat criminal justice involvement and substance abuse.
- Identify the treatment service(s) and/or practice(s) available for drug court participants, including access to MAT, and how those services are currently monitored for quality and effectiveness.
- Discuss the evidence that shows that the drug and other treatment service(s) and/or practice(s) are evidence-based and effective with the target population. If the evidence is limited or non-existent for the target population, provide other information to support the intervention selection. Provide local data and any evaluation findings that demonstrate the program's impact with regard to participant recidivism and functional outcomes.

### **Category 3: Statewide Applicants (20 percent)**

- List the subcategory and total funding amount the applicant is applying for: A, B, or both. Describe the enhancement and/or number and type of drug court(s) and other problem-solving courts operating statewide with jurisdiction over substance abusers.
- Describe the extent that the state and these courts meet the needs of the eligible population as defined in the solicitation, are operating at capacity, and the non-budgetary reasons if they are not operating at capacity.
- Provide information about the extent to which the enhancement and/or drug courts within the state are incorporating evidence-based treatment practices and/or services.
- Describe the issue or need that the implementation or enhancement grant seeks to address. Provide state data and any evaluation findings that demonstrate the state drug court program's impact with regard to offender and community outcomes.
- Describe the distinct training and technical assistance (TTA) needs of drug courts statewide. Needs may be different based on the geographical location of the drug court program (i.e., urban, suburban, or rural).
- Under Subcategory A, provide the target number of drug courts for which TTA services will be provided. This number will serve as the target number, and BJA will measure the grantee against this target number, if the applicant is selected to receive an award. Include the data source used to determine the target number.
- Under Subcategory B, provide the target number of people to whom services will be provided during the grant award period. This number will serve as the target number, and BJA will measure the grantee against this target number, if the applicant is selected to receive an award. Include the data source used to determine the target number.

## 2. Program Design and Implementation

Within this section, the applicant should address the following items and then address the specific category requirements below.

- Demonstrate that eligible drug court participants promptly enter the drug court program following a determination of their eligibility. The applicant must demonstrate that persons initially incarcerated receive treatment services while incarcerated, if available, and begin drug court treatment services immediately upon release.

The ADC Discretionary Grant Program authorizing statute requires participant payments for treatment and restitution; however, it does not allow imposing a fee on a client that would interfere with the client's rehabilitation. In the application, indicate how the participant will be notified of the fee and include provisions for determining how these costs would not interfere with a client's rehabilitation or graduation.

- Demonstrate that the drug court for which funds are being sought will not deny any eligible client access to the program because of their use of FDA-approved medications for the treatment of substance abuse. Please refer to page 9 for additional information.
- Discuss the applicant's commitment to admit and provide evidence-based interventions to participants with opioid and/or other substance abuse, including strategies for early assessment and entry into treatment to prevent overdose.

### Category 1: Implementation Applicants (40 percent):

- Describe the drug court program, to include the following:
  - Screening and referral process
  - Eligibility requirements
  - Structure of the drug court (pre-, post-, plea, etc.)
  - Length and phases of the program
  - Case management process
  - Community supervision
  - Availability of evidence-based treatment services
  - Recovery support services delivery plan
  - Judicial supervision
  - Process for randomized drug testing
  - Incentives and sanctions. Demonstrate an understanding that relapse is a part of the substance abuse recovery process and is taken into consideration in the development of incentives and sanctions.
  - Graduation requirements and expulsion criteria
  - Restitution costs and all fees required for program participation, identifying how the fees will be absorbed back into the program. Include whether the program fees present a barrier to participation and the measures available to reduce or waive fees for indigent participants.

- Describe which, if any, evidence-based principles and practices included in the NADCP drug court standards will be implemented (see page 9).
- Describe how the treatment provider(s) will be selected and address the frequency with which key drug court team members will monitor the providers. Monitoring should ensure that the treatment is effective. Describe the evidence base for the drug and other treatment intervention(s) to be used and how it is responsive to the needs of the target population.
- Describe the range of treatment to be provided to address the substance abuse, mental illness, and cognitive behavioral needs of participants.
- Describe how the court will identify, assess, and prioritize participation and services for high risk/high need persons. Identify the validated assessment tool which will be utilized; provide information on why the specific assessment tool was selected; and identify who will administer the tool.
- If a post-adjudication drug court model is proposed, discuss how the concept of “early intervention” will be implemented.
- Discuss how the community has been engaged in the planning process and describe the community partnerships available to support the drug court program.
- Demonstrate how the proposal conforms to the framework of the state drug court strategy, if one exists.
- Describe how participant treatment will be funded.
- For VTCs serving violent offenders, describe the availability of anger management and domestic violence treatment.

**Category 2: Enhancement Applicants (40 percent):**

- Describe the proposed enhancement and its specific objectives, including how they tie to the criminal justice purpose of the program.
- Describe which, if any, evidence-based principles and practices included in the NADCP Adult Drug Court Best Practice Standards described on page 9 will be implemented with the funds requested in the proposal.
- Describe how the court will identify, assess, and prioritize participation and services for high risk/high need persons. Identify the validated assessment tool used and provide information on why the specific assessment tool was selected.
- Provide the target number of people to whom services will be provided under this program during the grant award period. Explain how the target number of people the applicant plans to serve with grant funds was derived. This number will serve as the target number, and BJA will measure the grantee’s success using this target number, if the applicant is selected to receive an award. Describe the structure of the drug court (pre-, post-, plea, etc.)
- Identify the enhancement options discussed on page 6 for which funds are being requested and explain how each will be accomplished. In the explanation address the following:
  - Describe the detailed and randomized drug testing process and how it will occur throughout all components or phases of the program. Describe the mechanism which

- the court will use to ensure coverage and coordination of drug testing among all available agencies associated with clients.
- Describe the proposed frequency of judicial status hearings and related criteria in the program. Describe how the program will ensure consistent procedures in the status hearings.
  - Describe the process the court will use to ensure a perception of procedural fairness throughout all court and program operations.
  - Describe the evidence base for the treatment intervention(s) to be used and how it is responsive to the needs of the target population described above. Describe the range of treatment to be provided to address the substance abuse, mental illness, and cognitive behavioral needs of participants.
  - If delivering recovery support services, describe the agency and personnel that will administer the services and how those services are coordinated.
  - Demonstrate how the proposal conforms to the framework of the state drug court strategy, if one exists.
  - For VTCs serving violent offenders, describe the availability of anger management and domestic violence treatment.

**Category 3: Statewide Applicants (40 percent):**

- Describe the specific design and objectives for the proposed statewide enhancement program.
- Describe which, if any, evidence-based principles and practices included in the NADCP drug court standards will be implemented (see page 9) and how the proposed use of funds will assist in their implementation. If the state is proposing to increase or improve implementation of its own state standards, describe those standards and how they will be implemented.
- Provide a program strategy identifying how one or more of the following statewide initiatives will be accomplished: implementation of a new drug court; best practice standards implementation; training or technical assistance program and/or strategy for operational drug court teams; tracking or compiling state drug court information and resources; disseminating statewide drug court information to enhance or strengthen drug court programs; increasing communication, coordination, and information sharing among drug court programs; conducting a statewide drug court evaluation; or establishing an automated drug court data collection system.
- Describe the statewide, data-driven drug court strategy, including the plan to expand the capacity of problem-solving courts to divert non-violent substance-abusing defendants from incarceration, which may include implementing new drug courts and/or scaling up existing drug courts to better meet the existing and eligible defendant population that is high risk/high need. Demonstrate how this proposal will assist in implementing that state strategy.
- Under Subcategory A, describe the personnel required to coordinate the state-based TTA program. Describe the system and process for coordinating TTA to drug courts statewide. Detail how the state will assess, implement, and monitor the TTA needs of drug courts. Plans may include support from BJA's training and technical assistance providers (e.g., National Association of Drug Court Professionals, Center for Court

Innovations, and Tribal Law and Policy Institute).

- If applicable under Subcategory B, identify which drug court program(s) is proposed to receive funding, the type of program(s), for what amounts, for which periods of time, how the applicant will assist the funded courts in achieving their objectives, and how the applicant will monitor progress. Identify whether and how the selected drug court programs will implement the principles and practices included in the NADCP Adult Drug Court Best Practice Standards.
- Describe the detailed and randomized drug testing process and how it will occur throughout all components or phases of the program. Describe the mechanism which the court will use to ensure coverage and coordination of drug testing among all available agencies associated with clients.
- Describe the proposed frequency of judicial status hearings and related criteria in the program. Describe how the program will ensure consistent procedures in the status hearings.
- Describe the process the court will use to ensure a perception of procedural fairness throughout all court and program operations.
- Describe the plan for sustaining drug court programming after federal funding has ended.
- For VTCs serving violent offenders, describe the availability of anger management and domestic violence treatment.

### **3. Capabilities and Competencies**

#### **Category 1: Implementation Applicants (20 percent)**

- Indicate whether the current drug court team members have received training through the BJA Drug Court Planning Initiative or through another opportunity. If not, describe any training received or planning completed.
- Identify each member of the drug court team and briefly describe their roles and responsibilities. Key drug court team members must include a judge, prosecutor, defense attorney, treatment provider, researcher/evaluator/management information specialist, and drug court coordinator.
- Attach an MOU signed by each key drug court team member with the responsibilities outlined for each.
- Describe how effective communication and coordination among the team will be implemented throughout the program period.
- Indicate whether the drug court team includes members from local law enforcement and probation departments. If applicable, describe the roles of these members as related to staffing attendance, home visits, and court appearances.
- Describe the drug court program's proposed treatment partners; describe the history of this partnership and how the court will ensure these substance abuse treatment providers will use evidence-based treatment services, including MAT.

### **Category 2: Enhancement Applicants (20 percent):**

- Identify each drug court team member who will have a significant role in implementing the enhancement and describe their roles, responsibilities, and qualifications to ensure success of the proposed enhancement program. Key drug court team members must include a judge, prosecutor, defense attorney, treatment provider, researcher/evaluator/management information specialist, community supervision representative, and drug court coordinator.
- Identify personnel other than the team members who are critical to the enhancement program's successful implementation and discuss their roles, responsibilities, and qualifications. Discuss the organizational capabilities or competencies that will directly impact the ability to successfully implement the proposed enhancement.
- Describe the drug court program's proposed treatment partners; describe the history of the partnerships and how the court will ensure that these substance abuse treatment providers use evidence-based treatment services and monitor the quality and effectiveness of service delivery.
- Attach an MOU signed by each key drug court team member, with the responsibilities outlined for each.

### **Category 3: Statewide (20 percent):**

- Subcategory A: Identify personnel who are critical to the enhancement program's successful implementation and discuss their roles, responsibilities, and qualifications. Discuss the organizational capabilities or competencies that will directly impact the ability to successfully implement the proposed enhancement and/or coordination of a state-based TTA program.
- Subcategory B: Detail the system and process that will be used to monitor the drug court(s) to which funds are passed through for performance, compliance, and technical assistance needs, as well as how the drug court(s) will contribute to a reduction in substance abuse-related recidivism. Describe current state-funded drug court services such as practitioner training and professional development opportunities, accessible statewide treatment contracts, and technical assistance available to support the implementation and/or enhancement operations of the drug courts proposed to receive funding. Describe the drug court program's proposed treatment partners; describe the history of these partnerships and how these substance abuse and addiction treatment providers will use evidence-based treatment services.

#### **4. Evaluation, Continued Care and Health Care Integration, Sustainment, and Plan for Collecting the Data Required for this Solicitation's Performance Measures**

The applicant should describe its current ability to collect and analyze client-level demographic, performance, and outcome data and to conduct regular assessments of program service delivery and performance as described in the evidence-based program principles described in this solicitation on pages 8-9. All applicants must indicate their willingness and ability to report aggregated client-level performance and outcome data through BJA's PMT as well as the person responsible for collecting the data. Statewide applicants are expected to report on behalf of subawardees.

### **Category 1: Implementation Applicants (15 percent):**

- Describe the steps the drug court will take to develop a performance management and



evaluation plan. The plan should include strategies to collect data, review data, and use data to improve program performance, and it should discuss how the drug court will work with an evaluator when appropriate. Describe the program's screening tool and referral process, which ensure that participants screened and referred to drug court mirror the jurisdiction's substance abuse arrestee percentages.

- Describe who will be responsible for, and the process of, the quarterly review of the actual number of participants served with grant funds as compared to the projected number of participants to be served. The Time Task Plan should reflect when and how the jurisdiction plans to reach that capacity and should be measured on a quarterly basis.
- Provide a client community reintegration or continued care strategy detailing the step down provisions for reintegration services to assist program graduates as they reintegrate into the community. An emphasis will be placed on the client's access to drug-free or transitional housing. If applicable, the applicant is also encouraged to consider and describe how its state's planned Medicaid expansion, as allowed under the Patient Protection and Affordable Care Act, will increase future program capacity or sustainability.
- Provide a sustainability plan detailing how drug court operations will be maintained after federal assistance ends. The sustainability plan should describe how current collaborations and evaluations will be used to leverage ongoing resources. BJA encourages the applicant to ensure sustainability by coordinating with local, state, and other federal resources. Allowable uses of funds under the BJA [Justice Assistance Grant \(JAG\) Program](#) are court services and substance abuse treatment.

#### **Category 2: Enhancement Applicants (15 percent):**

- Provide a plan detailing how the performance of court operations will be evaluated and managed. Describe the program's screening tool and referral process, which ensure that participants screened and referred to drug court mirror the jurisdiction's substance abuse arrestee percentages.
- Describe who will be responsible for, and the process of, the quarterly review of the actual number of participants served with grant funds as compared to the projected number of participants to be served. The Time Task Plan should reflect when and how the jurisdiction plans to reach that capacity and should be measured on a quarterly basis.
- Describe how operation and enhancement efforts will be maintained after federal assistance ends and how current collaborations and evaluations will be used to leverage ongoing resources.
- Provide a client community reintegration or continued care strategy detailing the step down provisions for reintegration services to assist program graduates as they reintegrate into the community. An emphasis will be placed on the client's access to drug-free or transitional housing. If applicable, the applicant is also encouraged to consider and describe how its state's planned Medicaid expansion, as allowed under the Patient Protection and Affordable Care Act, will increase future program capacity or sustainability.
- BJA encourages the applicant to ensure sustainability by coordinating with local, state, and other federal resources. Such resources, like [JAG](#), have purpose areas to support

court services and substance abuse treatment.

### **Category 3: Statewide Applicants (15 percent):**

- Provide a plan detailing how enhancement activities and performance of funded drug court operations will be managed and evaluated.
- Detail a screening and referral process using valid screening and assessment tools to ensure the most appropriate participants are referred to drug court.
- Describe who will be responsible for, and the process of, the quarterly review of the actual number of participants served with grant funds as compared to the projected number of participants to be served. The Time Task Plan should reflect when and how the jurisdiction plans to reach that capacity and should be measured on a quarterly basis.
- Describe who will be responsible for the quarterly reporting of the number and type(s) of state-based TTA provided on a quarterly basis.
- Describe how operation and enhancement efforts will be maintained after federal assistance ends and how current collaborations and evaluations will be used to leverage ongoing resources.
- Provide a client community reintegration or continued care strategy detailing the step down provisions for reintegration services to assist program graduates as they reintegrate into the community. An emphasis will be placed on the client's access to drug-free or transitional housing. If applicable, the applicant is also encouraged to consider and describe any recent or proposed changes to its state's Medicaid program, and how that may affect future program capacity or sustainability.

### **5. Budget (5 percent)**

All applicants must provide a proposed budget for the entire program period that is complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for program activities) and reflects the 25 percent match requirement (noting which budget line items are match amounts). Budget narratives should demonstrate generally how applicants will maximize cost effectiveness of grant expenditures. Budget expenses that are not specifically tied to the courts and criminal justice processes should be reasonable and their use tied specifically back to the objectives of the drug court. Budget narratives should demonstrate cost effectiveness in relation to potential alternatives and the objectives of the program.<sup>10</sup> The total amount being requested must be identified on the SF-424 and program abstract. Applicants must submit the Budget Detail Worksheet and Budget Narrative in one file.

Applicants should budget to have up to three team members attend up to two conferences or trainings per year to support ongoing capacity and success in implementation.

### **Review Process**

OJP is committed to ensuring a fair and open process for awarding grants. BJA reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with the solicitation.

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<sup>10</sup> Generally speaking, a reasonable cost is a cost that, in its nature or amount, does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs.

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.”

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 internal reviewer is a current DOJ employee who is well-versed or has expertise in the subject of this solicitation. An external peer reviewer is an expert in the subject of a given solicitation who is not a current DOJ employee. Peer reviewers’ ratings and any resulting recommendations are advisory only, although reviewer views are considered carefully. Other important considerations for BJA include geographic diversity, strategic priorities, and available funding, as well as the extent to which the budget detail worksheet and budget narrative accurately explain program costs that are reasonable, necessary, and otherwise allowable under federal law and applicable federal cost principles.

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.

In addition, if OJP anticipates that an award will exceed \$250,000 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, [FAPIIS]).

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

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.

Risks associated with all DOJ High Risk grantees<sup>11</sup> are taken into account during the pre-award risk scoring, and each applicant with a DOJ High-Risk designation will be considered for funding on a case-by-case basis, depending on the nature and severity of the issues that led to the DOJ High Risk designation, status of progress in addressing corrective actions, and demonstrated ability to manage grant funds and achieve grant goals and objectives.

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, 2019. 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 a physical signature on the award document by the authorized representative. The fully executed award document must then be scanned and submitted to OJP.

### **Administrative, National Policy, and Other Legal Requirements**

If selected for funding, in addition to implementing the funded program consistent with the OJP-approved application, the recipient must comply with all award conditions, as well as all applicable requirements of federal statutes and regulations (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.

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<sup>11</sup> A "DOJ High Risk grantee" is a recipient that has received a DOJ High-Risk designation based on a documented history of unsatisfactory performance, financial instability, management system or other internal control deficiencies, or noncompliance with award terms and conditions on prior awards, or that is otherwise not responsible.

Applicants should consult the “[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](#),” available in the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>. 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. (An applicant is not required to submit these documents as part of an application.)

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

The webpages accessible through the “[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 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 2019. Individual OJP awards typically also will include additional award conditions. Those additional conditions may relate to the particular statute, 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.

Awards under this solicitation will include a condition (the specific terms of which will govern the award) related to verification of employment eligibility. The condition will, generally speaking, require the recipient (and any subrecipient) that accepts the award to verify the employment eligibility of any individual hired under the award, consonant with 8 U.S.C. § 1324a(1).

Awards under this solicitation will include a condition (the specific terms of which will govern the award) related to competition requirements set forth at 2 C.F.R. § 200.319. The condition will, generally speaking, prohibit recipients (and any subrecipients) from procuring goods and services with award funds by means of any competition that disadvantages or excludes vendors on the basis of their having (or their having had) a prior or existing contractual relationship with the federal government.

### **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, each 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 award recipient, post award, to provide performance data as part of regular progress reporting. Successful applicants will be required to access OJP’s performance measurement page at [www.ojp.gov/performance](http://www.ojp.gov/performance) for an overview of performance measurement activities at OJP.

## **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 program 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 the 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](mailto: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 [ojprsupport@usdoj.gov](mailto:ojprsupport@usdoj.gov). (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.

## Appendix A: Examples and Definitions of Recovery Support Services

Recovery support services are non-clinical services that assist individuals and families to recover and stabilize from alcohol or drug problems. They include social support, linkage to and coordination among allied service providers, and a full range of human services that facilitate recovery and wellness contributing to an improved quality of life. These services can be flexibly staged and may be provided as an enhancement of the drug court program. Recovery support services may be delivered by peers, professionals, faith-based and community-based groups, and others. Recovery support services are a key component of recovery-oriented systems of care. These services are typically provided by paid staff or volunteers familiar with how their communities can support people seeking to live free of alcohol and drugs, and are often peers of those seeking recovery. Some of these services may require reimbursement while others may be available in the community free of charge. **Note that BJA will only support a reasonable portion of funding to support these expenses, and they must be tied to the objectives of the drug court.**

**Education:** Supported education services are defined as educational counseling and may include academic counseling, assistance with academic and financial applications, and aptitude and achievement testing to assist in planning services and support. Vocational training and education also provide support for clients pursuing adult basic education, i.e., general education development (GED) and college education.

**Child Care:** These services include care and supervision provided to a client's child(ren), younger than 14 years of age and for fewer than 24 hours per day, while the client is participating in the drug court program, treatment, and/or recovery support activities. These services must be provided in a manner that complies with state laws regarding child care facilities.

**Housing Placement Assistance:** This includes referral to local sober houses, access to housing databases, and assistance in locating housing.

**Drug-free and Transitional Housing Assistance:** These services provide short-term<sup>12</sup> clean and sober housing assistance, including rental or utilities payments assistance and assistance with related expenses such as payment of security deposits and other expenses incidental to relocation to transitional housing, for persons actively participating in the drug court program.

**Primary and Behavioral Health Care:** These services provide drug court participants with access to quality mental illness and substance abuse services as well as other essential health care services as identified by physicians and treatment providers working in collaboration with the courts.

**Access to Health Care Coverage:** These services assist eligible uninsured drug court participants with the health insurance enrollment process.

**Civil Legal Assistance:** Civil legal aid is free legal assistance to low- and middle-income people who have civil legal problems that are non-criminal. Civil legal aid helps people access basic necessities such as health care, housing, government benefits, employment, and educational services.

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<sup>12</sup> Generally not more than 6–12 months in length.



## Appendix B: Application Checklist FY 2019 Adult Drug Court Discretionary Grant Program

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

### What an Applicant Should Do:

#### *Prior to Registering in Grants.gov:*

- Acquire a DUNS Number (see page 30)
- Acquire or renew registration with SAM (see page 30)

#### *To Register with Grants.gov:*

- Acquire AOR and Grants.gov username/password (see page 30)
- Acquire AOR confirmation from the E-Biz POC (see page 31)

#### *To Find Funding Opportunity:*

- Search for the Funding Opportunity on Grants.gov (see page 31)
- Select the correct Competition ID (see page 31)
- Access Funding Opportunity and Application Package (see page 31)
- Sign up for Grants.gov email [notifications](#) (optional) (see page 28)
- 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](http://ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm) (see page 13)

#### *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 31)

#### *If no Grants.gov receipt, and validation or error notifications are received:*

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

### General Requirements:

- Review the [Solicitation Requirements](#) in the OJP Funding Resource Center.

### Overview of Post-award Legal Requirements:

- Review the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](#)" in the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>.

### Scope Requirement:

- The federal amount requested is within the allowable limits and not to exceed:
  - \$500,000 for Category 1: Implementation
  - \$500,000 for Category 2: Enhancement
  - \$500,000 for Category 3: Statewide Subcategory A
  - \$1,500,000 for Category 3: Statewide Subcategory B

Note, the total federal amount requested for all years should be the same amount as listed on the SF-424.

**Eligibility Requirement:**

\_\_\_\_\_ States, state and local courts, counties, units of local government, federally recognized Indian tribal governments (as determined by the Secretary of the Interior) on behalf of a single jurisdiction drug court.

**What an Application Should Include:**

- \_\_\_\_\_ Application for Federal Assistance (SF-424) (see page 15)
- \_\_\_\_\_ Program Abstract (including affirmation of evidence-based program features and total budget amount) (see page 15)
- \_\_\_\_\_ \*Program Narrative (required) (see page 17)
- \_\_\_\_\_ \*Budget Detail Worksheet and \*Budget Narrative (required) (see page 19)
- \_\_\_\_\_ Indirect Cost Rate Agreement (if applicable) (see page 22)
- \_\_\_\_\_ Tribal Authorizing Resolution (if applicable) (see page 22)
- \_\_\_\_\_ Financial Management and System of Internal Controls Questionnaire (see page 23)
- \_\_\_\_\_ [Disclosure of Lobbying Activities](#) (SF-LLL) (see page 24)
- \_\_\_\_\_ Additional Attachments (see page 24)
  - \_\_\_\_\_ \*Time Task Plan (required)
  - \_\_\_\_\_ MOU signed by all team members or a designated agency representative (recommended)
  - \_\_\_\_\_ Fiscal Agent – MOU signed by applicant and drug court administrator (required, if applicable)
  - \_\_\_\_\_ State Substance Abuse Agency Director, or Designee, Letter (recommended)
  - \_\_\_\_\_ Chief Justice, State Court Administrator, or Designee, Letter (recommended)
  - \_\_\_\_\_ Policies and Procedures Manual (if applicable)
  - \_\_\_\_\_ Applicant Disclosure of Proposed Subrecipients
  - \_\_\_\_\_ Applicant Disclosure of Pending Applications
  - \_\_\_\_\_ Applicant Disclosure and Justification – DOJ High Risk Grantees (if applicable)
  - \_\_\_\_\_ Research and Evaluation Independence and Integrity
- \_\_\_\_\_ Request and Justification for Employee Compensation Waiver (if applicable) (see page 13)

\*These elements are the basic minimum requirements for applications. Applications that do not include these elements shall neither proceed to peer review nor receive further consideration by BJA.