

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



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## **The Intellectual Property Enforcement Program: Protecting Public Health, Safety, and the Economy from Counterfeit Goods and Product Piracy**

### **FY 2019 Competitive Grant Solicitation**

**CFDA:** #16.752

**Grants.gov Solicitation Number:** BJA-2019-15148

**Solicitation Release Date:** April 29, 2019

**Application Deadline:** 11:59 p.m. eastern time on July 2, 2019

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The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP) [Bureau of Justice Assistance](#) (BJA) is seeking applications for funding for the Intellectual Property Enforcement Program: Protecting Public Health, Safety, and the Economy from Counterfeit Goods and Product Piracy. This program furthers the Department's mission by assisting state, local, and tribal jurisdictions in preventing and reducing intellectual property theft and related crime.

This solicitation incorporates the [OJP Grant Application Resource Guide](#) by reference. It provides guidance to applicants on how to prepare and submit applications for funding to OJP. If this solicitation expressly modifies any provision in the OJP Grant Application Resource Guide, the applicant is to follow the guidelines in this solicitation as to that provision.

**Eligibility** (Who may apply): Eligible applicants are limited to state, local, and federally recognized Indian tribal governments (as determined by the Secretary of the Interior; a determination by the Secretary is not required for tribes to which federal recognition was extended by virtue of Public Law 115-121, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017); municipal law enforcement agencies, to include law enforcement agencies within institutions of higher education (including tribal institutions of higher education); and prosecutors.

For the purpose of this solicitation, the following definitions shall apply:

- (A) "Law enforcement" shall include state, local, tribal, municipal, or campus law enforcement agencies, to include prosecutors in these jurisdictions.
- (B) "Intellectual property enforcement" means matters relating to the enforcement of criminal laws protecting copyrights, patents, trademarks, other forms of intellectual property (IP), and trade secrets, both in the United States and abroad, including in particular matters relating to combating counterfeit and infringing goods.

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

BJA will consider applications under which two or more entities would carry out the federal award; however, only one entity may be the applicant. Any others must be proposed subrecipients (“subgrantees”). BJA will not fund separate applications from different agencies within the same jurisdiction under this solicitation (i.e., a law enforcement agency and prosecutor agency within the same jurisdiction). In these cases, BJA encourages these agencies to form task force partnerships and submit one application for the entire jurisdiction. The applicant must be the entity that would have primary responsibility for carrying out the award, including administering the funding and managing the entire project. Under this solicitation, only one application by any particular applicant entity will be considered. An entity may, however, be proposed as a subrecipient (“subgrantee”) in more than one application. For additional information on subawards, see the [OJP Grant Application Resource Guide](#).

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

### **Contact information**

For technical assistance with submitting an application, contact the Grants.gov Customer Support Hotline at 800–518–4726 or 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 (Grants.gov) section in the [OJP Grant Application Resource Guide](#).

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.

### **Post-Award Legal Requirements Notice**

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award conditions and 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 applicants to review information on post-award legal requirements and common OJP award conditions **prior** to submitting an application.

For additional information on these legal requirements, see the Administrative, National Policy, and Other Legal Requirements section in the [OJP Grant Application Resource Guide](#).

### **Deadline Details**

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 July 2, 2019.

To be considered punctual, 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.

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.

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

For additional information, see the How to Apply (Grants.gov) section in the [OJP Grant Application Resource Guide](#).

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# THE INTELLECTUAL PROPERTY ENFORCEMENT PROGRAM: PROTECTING PUBLIC HEALTH, SAFETY, AND THE ECONOMY FROM COUNTERFEIT GOODS AND PRODUCT PIRACY (IPEP) CFDA #16.752

## A. Program Description

### Overview

The Intellectual Property Enforcement Program (IPEP) is designed to improve the capacity of state, local, tribal, and territorial criminal justice systems to address intellectual property (IP) enforcement, including prosecution, prevention, training, and technical assistance. Awards will be made to support law enforcement agencies that have an IP enforcement task force or plan to create one. These task forces will collaborate with the relevant state, local, territorial, tribal, campus, and federal agencies, including the local U.S. Attorney's Office (USAO).

**Statutory Authority:** Awards under this solicitation will be made under statutory authority provided by the Consolidated Appropriations Act, 2019, Public Law No. 116-6, 133 Stat. 13, 113.

### Program-Specific Information

With the widespread availability of technology, the cases developed by previous grantees under this program have expanded the understanding and classification of IP infringement beyond traditional luxury goods such as handbags and watches. Cases have shown that the high profits and perceived low risks involved in selling counterfeit goods have resulted in an increasingly more sophisticated and prevalent trade that touches products in every industry such as food, health care products, pharmaceuticals, electronics, and even automobile and aircraft parts. The internet also has made pirated content widely and easily available, specifically music, movies, and software.

IPEP includes an educational component to assist uninformed buyers in determining the authenticity of seemingly legitimate websites that actually deceive consumers into purchasing counterfeit goods.

### Objectives

BJA seeks applications from task force agencies or proposed task force agencies that propose to achieve the following:

- In support of the Department's priority of reducing crime, improve coordination of IP enforcement efforts among federal, state, local, tribal, territorial, and campus authorities.
- Aggressively investigate and prosecute IP crimes, with a particular focus on:

- (1) public health and safety;
- (2) theft of trade secrets and economic espionage; and
- (3) large-scale commercial counterfeiting and piracy.

Projects funded under this solicitation shall:

- Establish and/or enhance state, local, tribal, or territorial IP enforcement task forces;
- Engage federal agencies as part of the task force or information sharing (including, where appropriate, local offices of the Federal Bureau of Investigation (FBI), U.S. Immigration and Customs Enforcement's Homeland Security Investigation (ICE HSI), the U.S. Postal Inspection Service (USPIS), and the U.S. Attorney's Office (USAO));
- Conduct regularly scheduled quarterly meetings of the task force members to update, discuss, and collaborate on IP investigations, prosecutions, training, and public awareness activities (a detailed plan for this must be documented in the attached timeline); and
- Provide to all relevant partners documented information about targeting, investigation, analysis, and prosecution of matters involving IP crimes as it relates to violations of state and local criminal statutes.

BJA encourages applications that:

- Show possible links between IP crimes and organized crime, criminal gangs, and drug trafficking;
- Identify IP thefts in the areas of trade secrets, health, and safety; and commercial online piracy and counterfeiting.

### **Deliverables**

Establish or expand existing IP enforcement task forces to include state, local, tribal, territorial, or campus law enforcement entities that will:

- Exclusively conduct investigations and forensic analyses of evidence, and prosecute criminal matters related to IP theft. Agencies are strongly encouraged to engage in sustainability planning before proposing to create a new task force for IP theft enforcement.
- Focus a concentrated effort on traffic in counterfeit goods that poses a threat to human health and/or safety, which is committed by organized crime, criminal gang, and drug trafficking organizations. This may require involvement by the US Department of Health and Human Services Office of Inspector General (HHS OIG).

Assist task force member agencies in:

- Enforcing criminal laws related to IP theft, including the reimbursement of expenses incurred in performing criminal enforcement operations such as overtime pay and storage fees for seized evidence.
- Acquiring and implementing technology to conduct investigations and forensic analyses of evidence related to IP theft.

- Support task force member agencies, in conjunction with their enforcement efforts, in reaching out to and educating the general public and business community about preventing, deterring, and identifying violations of IP laws.
- Ensure deconfliction<sup>1</sup> of participating agencies' investigative and enforcement efforts. Grantees and any task force participating agencies are required to deconflict task force investigations and events through one of the entities of the Nationwide Officer Safety Event Deconfliction program: Case Explorer, SAFETNet, or RISSafe. More information can be obtained at <https://www.ncirc.gov/Deconfliction/>.
- Coordinate with federal law enforcement field offices to focus investigations on identifying the highest priority violations, the largest criminal enterprises, and instances of repeat offenders or efforts to evade law enforcement or private anti-counterfeiting efforts, with a specific focus on violent, drug, and criminal gang offenders.
- Attend trainings provided by the BJA training and technical assistance (TTA) provider in order to improve online investigations into the “dark web” and to make public the perpetrators of IP crime.

The Objectives and Deliverables are directly related to the performance measures that demonstrate the results of the work completed, as discussed under [What an Application Should Include](#).

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

OJP strongly emphasizes the use of data and evidence in policymaking and program development in criminal justice, juvenile justice, and crime victim services. For additional information and resources on evidence-based programs or practices, see the [OJP Grant Application Resource Guide](#).

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

Applicants should note that OJP may conduct or support an evaluation of the programs and activities funded under this solicitation. For additional information, see the [OJP Grant Application Resource Guide](#) section titled Information Regarding Potential Evaluation of Programs and Activities.

### **Encouraging Program Investments in Economically Distressed Communities (Qualified Opportunity Zones)**

Under this program, OJP will, as appropriate, give priority consideration in award decisions to applications that propose projects that directly benefit federally designated Qualified Opportunity Zones (QOZs).<sup>2</sup> In order to assist OJP in considering this factor, applicants should include information in the application that specifies how the project will enhance public safety in the specified QOZs. For resources on QOZs, and for a current list of designated QOZs, see the

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<sup>1</sup> For the purposes of this solicitation, “deconfliction” is defined as the sharing of information among law enforcement agencies about planned law enforcement events—such as raids, controlled buy operations, surveillance and warrant service actions—in order to identify and alert affected agencies and officers of potential conflicts.

<sup>2</sup> See Public Law 115-97, Title I, Subtitle C, Part IX, Subpart B, Sec. 13823.

U.S. Department of the Treasury's resource webpage, accessible at <https://www.cdfifund.gov/pages/opportunity-zones.aspx>.

## **B. Federal Award Information**

Maximum number of awards BJA expects to make	6
Estimated maximum dollar amount for each award	\$400,000
Total amount anticipated to be awarded under solicitation	\$2,400,000
Period of performance start date	October 1, 2019
Period of performance duration	24 months

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.

### **Type of Award**

BJA expects to make any award under this solicitation in the form of a grant. See the Administrative, National Policy, and Other Legal Requirements section of the [OJP Grant Application Resource Guide](#) for important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants (and cooperative agreements).

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

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities) must, as described in the Part 200 Uniform Requirements<sup>3</sup> as set out at 2 C.F.R. 200.303, comply with standards for financial and program management. See the [OJP Grant Application Resource Guide](#) for additional information.

### **Budget Information**

#### **Cost Sharing or Match Requirement**

This solicitation does not require a match. However, if a successful application proposes a voluntary match amount, and OJP approves the budget, the total match amount incorporated into the approved budget becomes mandatory and subject to audit.

#### **Pre-agreement Costs (also known as Pre-award Costs)**

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

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<sup>3</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.



OJP does **not** typically approve pre-agreement costs; an applicant must request and obtain the prior written approval of OJP for all such costs. All such costs incurred prior to award and prior to approval of the costs are incurred at the sole risk of the applicant. (Generally, no applicant should incur project costs **before** submitting an application requesting federal funding for those costs.) Should there be extenuating circumstances that make it appropriate for OJP to consider approving pre-agreement costs, the applicant may contact the point of contact listed on the title page of the solicitation for the requirements concerning written requests for approval. If approved in advance by OJP, award funds may be used for pre-agreement costs, consistent with the recipient's approved budget and applicable cost principles. See the section titled Costs Requiring Prior Approval in the DOJ Grants Financial Guide (Post-award Requirements) at <https://ojp.gov/financialguide/DOJ/index.htm> for more information.

#### **Limitation on Use of Award Funds for Employee Compensation; Waiver**

For applicants seeking the waiver, see the [OJP Grant Application Resource Guide](#) for information.

#### **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. See the [OJP Grant Application Resource Guide](#) for information.

#### **Costs Associated With Language Assistance (if applicable)**

See the [OJP Grant Application Resource Guide](#) for information on costs associated with language assistance that may be allowable.

### **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**

For this solicitation, BJA has designated the following application elements as critical: Program Abstract, Program Narrative, Budget Detail Worksheet and Budget Narrative, Timelines, and copies of any memorandum of understanding or cooperative agreement for agencies working as part of the task force identified in the application.

See the Application Elements and Formatting Instructions section of the [OJP Grant Application Resource Guide](#) for information on, among other things, what happens to an application that does not contain all of the specified elements or that is nonresponsive to the scope of the solicitation.

#### **1. Application for Federal Assistance (Standard Form (SF)-424)**

The SF-424 is a required standard form used as a cover sheet for submission of preapplications, applications, and related information. See the [OJP Grant Application Resource Guide](#) for additional information on completing the SF-424.

**Intergovernmental Review:** This solicitation ("funding opportunity") is subject to [Executive Order 12372](#). An applicant may find the names and addresses of State Single Points of Contact (SPOCs) at the following website: [https://www.whitehouse.gov/wp-content/uploads/2017/11/Intergovernmental -Review- SPOC 01 2018 OFFM.pdf](https://www.whitehouse.gov/wp-content/uploads/2017/11/Intergovernmental_-_Review_-_SPOC_01_2018_OFFM.pdf). If the applicant's State appears on the SPOC list, the applicant must contact the State SPOC to find obtain information about and comply with the State's process under E.O. 12372. In completing the SF-424, an applicant whose State appears on the SPOC list is to make the appropriate selection in response to question 19 once the applicant has complied with its State E.O. 12372 process. (An applicant whose State does not appear on the SPOC list should answer question 19 by selecting the response that the: "Program is subject to E.O. 12372, but has not been selected by the State for review.").

## **2. Project Abstract**

Applications should include an abstract that summarizes the proposed project in 400 words or fewer. Project abstracts should be:

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

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

## **3. Program Narrative**

The program narrative must respond to the Review Criteria in the order given. Applications are peer reviewed and scored on answers to the Review Criteria. The program narrative should be double-spaced, using standard 12-point font (Times New Roman is preferred) with 1-inch margins, and should not exceed 10 pages. Number pages "1 of 10," "2 of 10," etc.

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

The following sections should be included as part of the program narrative:

- a. Description of the IP issue to be addressed
- b. Project 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. The performance data directly relate to the objectives 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.

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 examine the performance measures at <https://bjapmt.ojp.gov/help/IPEPgrid.pdf>.

#### **Note on Project Evaluations**

An applicant that proposes to use award funds through this solicitation to conduct project evaluations should follow the guidance under Note on Project Evaluations in the [OJP Grant Application Resource Guide](#).

#### **4. Budget Information and Associated Documentation**

See the Budget Preparation and Submission Information section of the [OJP Grant Application Resource Guide](#) for details on the Budget Detail Worksheet, and on budget information and associated documentation, such as information on proposed subawards, proposed procurement contracts under awards, and pre-agreement costs.

#### **5. Indirect Cost Rate Agreement**

See the Budget Preparation and Submission Information section of the [OJP Grant Application Resource Guide](#) for information.

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

An application in response to this solicitation may require inclusion of information related to a tribal authorizing resolution. See the [OJP Grant Application Resource Guide](#) for information on tribal authorizing resolutions.

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

Every OJP applicant (other than an individual applying in his or her personal capacity) 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. See the [OJP Grant Application Resource Guide](#) for additional information and submission instructions for this Questionnaire.

## **8. Disclosure of Lobbying Activities**

Each applicant must complete and submit this information. See the [OJP Grant Application Resource Guide](#) for additional information and submission instructions for this disclosure.

## **9. Applicant Disclosure of Pending Applications**

Each applicant is required to disclose whether it has (or is proposed as a subrecipient under) any pending applications for federally funded grants or cooperative agreements that (1) include requests for funding to support the same project being proposed in the application under this solicitation and (2) would cover any identical cost items outlined in the budget submitted to OJP as part of the application under this solicitation. For additional information on the submission requirements for this disclosure, see the [OJP Grant Application Resource Guide](#).

## **10. Applicant Disclosure and Justification – DOJ High Risk Grantees<sup>4</sup> (if applicable)**

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, “Review Process,” below, under Section E. Application Review Information, for a brief discussion of how such information may be considered in the application review process.) See the [OJP Grant Application Resource Guide](#) for additional information and submission instructions for this disclosure.

## **11. Research and Evaluation Independence and Integrity**

If an application proposes research (including research and development) and/or evaluation, the applicant must demonstrate research/evaluation independence and integrity, including appropriate safeguards, before it may receive award funds. For additional information regarding demonstrating research/evaluation independence and integrity, including appropriate safeguards, see the [OJP Grant Application Resource Guide](#).

## **12. Disclosure of Process Related to Executive Compensation**

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

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

Each applicant nonprofit organization must state at the time of its application (question 9c in the "OJP Financial Management and System of Internal Controls Questionnaire" located at <https://ojp.gov/funding/Apply/Resources/FinancialCapability.pdf> and mentioned earlier)

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<sup>4</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.

whether or not the applicant entity believes (or asserts) that it currently satisfies the requirements of 26 C.F.R. 53.4958-6 (which relate to establishing or invoking a rebuttable presumption of reasonableness of compensation of certain individuals and entities).

A nonprofit organization that states in the questionnaire that it believes (or asserts) that it has satisfied the requirements of 26 C.F.R. 53.4958-6 must then disclose, in an attachment to its application (titled "Disclosure of Process Related to Executive Compensation"), the process used by the applicant nonprofit organization to determine the compensation of its officers, directors, trustees, and key employees (together, "covered persons").

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

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

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

### **13. Additional Attachments**

#### **a. Documentation of Anticipated Benefit to Qualified Opportunity Zones (if applicable)**

As is mentioned above, OJP will, as appropriate, give priority consideration in award decisions to applications that propose projects that will likely enhance public safety in federally designated Qualified Opportunity Zones (QOZs). Each applicant proposing a project it anticipates will likely enhance public safety in one or more QOZs should provide a sufficient narrative explanation in order for OJP to identify clearly the public safety benefit the applicant anticipates that its project will have on a specified QOZ(s). The attachment(s) should be clearly labeled as addressing QOZs. The applicant may also include tables, charts, graphs, or other relevant illustrations that may be useful in comprehending the manner in which the proposed project is anticipated to benefit a QOZ(s).

**b. Letter Affirming Assurances and Relevant Legislation, and Memorandum of Understanding or Inter-Local Agreement (if applicable)**

Applicants must attach a letter addressed to the BJA Director affirming the required assurances required under this grant program and signed by the Chief Executive of the applying agency. The letter must provide assurances that the state in which the applicant is located has legislation for “intellectual property enforcement” with regard to criminal violations; specifically, matters relating to the enforcement of laws protecting copyrights, patents, trademarks, other forms of IP, and trade secrets, both in the United States and abroad, including in particular matters relating to combating counterfeit and infringing goods. Provide associated citations and a summary of the legislation.

Applicants must include the appropriate Memorandum of Understanding (MOU) or Inter-Local Agreements that spell out the roles, responsibilities, and commitments of each agency and member of the IP task force to be established or sustained under this grant program. This would include agencies identified in the overview under section [A. Program Description](#) on page 5. Should additional agencies join a grantee agency’s IP task force over the course of the project period, new MOUs, or addenda to the original MOU that identifies these additional agencies, must be immediately provided to BJA upon execution of these documents.

**c. Timeline**

Include a comprehensive timeline that identifies milestones, numerically listed deliverables, and who is responsible for each activity (provide title and agency). The task forces regularly schedules quarterly meeting must be reflected on the timeline.

**d. Letters of Support**

Include letters of support from relevant state and local law enforcement agencies and federal agencies (to include, where appropriate, local offices of the FBI, ICE HSI, and U.S. Attorneys). ***Any letters of support must be part of the application package, no independent letters will be accepted after the application has been submitted.***

**How To Apply (Grants.gov)**

Applicants must register in and submit applications through [Grants.gov](#), a primary source to find federal funding opportunities and apply for funding. Find information on how to apply in response to this solicitation in the [OJP Grant Application Resource Guide](#).

**Registration and Submission Steps**

Applicants will need the following identifying information when searching for the funding opportunity on Grants.gov.

**1. CFDA #16.752 Economic High-Tech and Cyber Crime Prevention**

**2. Funding opportunity #BJA-2019-15148**

For information on each registration and submission step, see the [OJP Grant Application Resource Guide](#).

## **E. Application Review Information**

### **Review Criteria**

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

**1. Description of the Issue (10 percent)**

Identify the precise IP theft issue to be addressed by the project. Provide specific data for the jurisdiction(s) in question, including the nature and scope of its/their IP theft problem. Explain any interconnection with IP theft as it relates to organized crime, criminal gangs, and drug organizations. Explain the problems associated with current enforcement and coordination efforts, including the increased threat posed by the Internet.

**2. Project Design and Implementation (30 percent)**

Fully describe how the project will achieve the stated task force objectives by providing a complete description of its design and proposed implementation. Must relate IP theft program enforcement activities to objectives and the performance measures for the project. Include a comprehensive discussion of how the task force will ensure collaboration and coordination among all appropriate federal, state, local, and/or tribal law enforcement entities, including prosecutors, the appropriate federal agencies, partnership organizations (e.g., businesses), and the general public. Include a comprehensive timeline that identifies milestones, numerically listed deliverables, and who is responsible for each activity (provide title and agency).

**3. Capabilities and Competencies (25 percent)**

Fully describe the applicant's capabilities to implement the IP theft enforcement project and the competencies of the staff assigned to or who oversee the project. Identify personnel who are critical to the project's successful implementation and discuss their roles, responsibilities, and qualifications. Discuss organizational capabilities or competencies that will directly impact the ability to successfully implement the proposed enforcement project.

**4. Impact/Outcomes – Plan for Collecting the Data Required for this Solicitation's Performance Measures (10 percent)**

Explain how the IP theft enforcement program's effectiveness will be demonstrated. Describe how performance measure data will be collected, who will collect and report the data, how the data will be stored, and how it will be assessed to measure the impact of proposed efforts. Describe how performance data will be shared with customers and stakeholders.

**5. Sustainment (15 percent)**

Outline a strategy for sustaining the IP task force and the proposed work beyond the conclusion of the federal grant. This would include enforcement initiatives, continued training, and public awareness efforts.

**6. Budget (10 percent)**

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

relation to potential alternatives and the objectives of the project.<sup>5</sup> The use of funds for overtime pay and other incurred investigatory expenses is allowable. Applicants are strongly encouraged to avoid unsubstantiated purchases and requested equipment must directly relate to the IP rights theft enforcement program as prescribed in this announcement. The funds awarded under this solicitation may not be used for land acquisition or construction projects, and may not be used to provide any security enhancements or any equipment to any non-governmental entity that is not engaged in law enforcement or law enforcement support, criminal or juvenile justice, or delinquency prevention.

## **Review Process**

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

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 matter 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 (specifically including, but not limited to, demonstrable potential enhancement to public safety in one or more federally designated Qualified Opportunity Zones), potential project sustainability factors such as voluntary committed cost sharing (or match), and available funding, as well as the extent to which the Budget Detail Worksheet and Budget Narrative accurately explain

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<sup>5</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.



project 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 the applicant. 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 nonpublic 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.

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**

See the [OJP Grant Application Resource Guide](#) for information on award notifications and instructions.

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

OJP strongly encourages prospective applicants to review information on post-award legal requirements and common OJP award conditions **prior** to submitting an application. See the [OJP Grant Application Resource Guide](#) for additional information on administrative, national policy, and other legal requirements.

### **Information Technology (IT) Security Clauses**

An application in response to this solicitation may require inclusion of information related to information technology security. See the [OJP Grant Application Resource Guide](#) for information on information technology security.

### **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 certain 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.)

See the [OJP Grant Application Resource Guide](#) for additional information on specific post-award reporting requirements, including performance measures data.

## **G. Federal Awarding Agency Contact(s)**

For OJP contact(s), see page 2.

For contact information for Grants.gov, see page 2.

## **H. Other Information**

### **Freedom of Information and Privacy Act (5 U.S.C. 552 and 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. See the [OJP Grant Application Resource Guide](#) for information on DOJ and OJP processes with regard to application information requested pursuant to FOIA.

### **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. See the [OJP Grant Application Resource Guide](#) for information on providing solicitation feedback to OJP.

## Appendix: Application Checklist

### FY 2019 Intellectual Property Enforcement Program: Protecting Public Health, Safety, and the Economy from Counterfeit Goods and Product Piracy

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

**What an Applicant Should Do:** See [OJP Grant Application Resource Guide](#)

*Prior to Registering in Grants.gov:*

- Acquire a DUNS Number
- Acquire or renew registration with SAM

*To Register with Grants.gov:*

- Acquire AOR and Grants.gov username/password
- Acquire AOR confirmation from the E-Biz POC

*To Find Funding Opportunity:*

- Search for the Funding Opportunity on Grants.gov
- Access Funding Opportunity and Application Package
- Sign up for Grants.gov email [notifications](#) (optional)
- 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](#)

*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

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

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

#### Overview of Post-Award Legal Requirements:

- Review the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 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 limit of \$400,000

#### Eligibility Requirement:

Eligible applicants are limited to state, local, territorial, and federally recognized Indian tribal governments (as determined by the Secretary of the Interior), and municipal law enforcement agencies, to include law enforcement agencies within institutions of higher education (including tribal institutions of higher education), and prosecutors.

For the purpose of this solicitation, the following definitions shall apply:

(A) "Law enforcement" shall include state, local, tribal, municipal, or campus law enforcement agencies, to include prosecutors in these jurisdictions.

(B) "Intellectual property enforcement" means matters relating to the enforcement of criminal laws protecting copyrights, patents, trademarks, other forms of intellectual property (IP), and trade secrets, both in the United States and abroad, including in particular matters relating to combating counterfeit and infringing goods.

**What an Application Should Include:**

The following items are critical application elements required to meet the basic minimum requirements. An application that OJP determines does not include the application elements designated to be critical will neither proceed to peer review nor receive consideration for funding.	
<input type="checkbox"/> Project Abstract	(see page 20)
<input type="checkbox"/> Project Narrative	(see page 20)
<input type="checkbox"/> Budget Detail Worksheet and Narrative	(see page 11)
<input type="checkbox"/> Timeline	(see page 14)
<input type="checkbox"/> Copies of any Memorandums of Understanding or Cooperation Agreements for agencies working together on a task force	(see page 14)

- \_\_\_\_\_ Application for Federal Assistance (SF-424) (see page 9)
- \_\_\_\_\_ Intergovernmental Review (see page 10)
- \_\_\_\_\_ Indirect Cost Rate Agreement (if applicable) (see page 11)
- \_\_\_\_\_ Tribal Authorizing Resolution (if applicable) (see page 11)
- \_\_\_\_\_ Financial Management and System of Internal Controls Questionnaire (see page 11)
- \_\_\_\_\_ [Disclosure of Lobbying Activities \(SF-LLL\)](#) (see page 12)
- \_\_\_\_\_ Applicant Disclosure of Pending Applications (see page 12)
- \_\_\_\_\_ Applicant Disclosure and Justification – DOJ High Risk Grantees (if applicable) (see page 12)

**Additional Attachments**

- \_\_\_\_\_ Research and Evaluation Independence and Integrity (see page 12)
- \_\_\_\_\_ Disclosure of Process related to Executive Compensation (see page 12)
- \_\_\_\_\_ Request and Justification for Employee Compensation; Waiver (if applicable) (see page 9)
- \_\_\_\_\_ Documentation of Anticipated Benefit to federally designated Qualified Opportunity Zones (if applicable) (see page 13)
- \_\_\_\_\_ Letter Affirming Assurances and Relevant Legislation, and Memorandum of Understanding or Inter-Local Agreement (if applicable) (see page 14)

(Note: any letters of support must be part of the application package, no Independent letters will be accepted after the application has been submitted)