

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



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# Postconviction Testing of DNA Evidence

## FY 2020 Competitive Grant Solicitation

CFDA #16.820

Grants.gov Solicitation Number: BJA-2020-18438

Solicitation Release Date: April 16, 2020

Application Deadline: 11:59 p.m. eastern time on June 15, 2020

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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 to assist in defraying the costs associated with postconviction case review, evidence location, and DNA testing in violent felony cases (as defined by state law) where the results of such testing might show actual innocence. This program furthers the Department's mission by ensuring the availability of fair and impartial administration of justice to Americans who may have been unjustly convicted.

This solicitation incorporates the [OJP Grant Application Resource Guide](#) by reference. The OJP Grant Application Resource Guide 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):

The following entities are eligible to apply:

- States
- Units of local government
- Public institutions of higher education (including tribal institutions of higher education)

For the purposes of this solicitation, the term "state" includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands. Foreign governments, foreign organizations, and foreign institutions of higher education are not eligible to apply.

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 as subrecipients (subgrantees). 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. 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](#).

### 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 BJA 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 other requirements of this solicitation, contact the National Criminal Justice Reference Service (NCJRS) Response Center: toll-free at 1-800-851-3420; 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.

### 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 June 15, 2020.

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.

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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# Postconviction Testing of DNA Evidence

## CFDA # 16.820

### A. Program Description

#### Overview

BJA seeks proposals for funding to assist in defraying the costs associated with postconviction DNA testing in cases of violent felony offenses (as defined by state law) in which actual innocence might be demonstrated. Funds may be used to identify and review such postconviction cases and to locate and analyze associated biological evidence.

**Statutory Authority:** Any awards under this solicitation will be made under statutory authority provided by Consolidated Appropriations Act, 2020, Pub. L. 116-93, 133 Stat 2317, 2408.

#### Program-specific Information

Under this program, BJA provides funding to help defray the costs (e.g., of additional personnel, overtime, testing supplies and services) associated with postconviction DNA testing for violent felony offenses (as defined by state law) in which actual innocence might be demonstrated. Funds may be used to review suitable postconviction cases and to locate and analyze biological evidence. Only a limited portion of funds may be used for case identification activities.

#### Goals, Objectives, and Deliverables

The goal of this program is to assist states and units of local government with postconviction DNA testing in cases of violent felony offenses where actual innocence might be demonstrated.

Program objectives with respect to target number of cases to be reviewed and other concrete goals must be outlined in the proposal. Funded projects are expected to implement some aspect of each of the following activities, except for case identification, which is not mandatory:

1. Identify potential postconviction DNA testing cases. A maximum of 15 percent of the proposed budget may be dedicated to case identification activities.
2. Review appropriate postconviction cases to identify those in which DNA testing could prove the actual innocence of a person convicted of a violent felony offense as defined by state law.
3. Locate biological evidence associated with such postconviction cases.
4. Perform DNA analysis of appropriate biological evidence.

For the purposes of this solicitation:

- **Case identification** means performing outreach or initial screening activities, other than “case review” as defined below, designed to identify postconviction cases of violent felony offenses (as defined by state law) where DNA analysis might demonstrate actual innocence. Permissible outreach and initial screening mechanisms are face-to-face meetings, closed-circuit television meetings, eligibility letters/questionnaires/applications, telephone calls, and computerized searches of state court records.

- **Case review** means review of files or documentation of postconviction cases of violent felony offenses (as defined by state law) by appropriate persons (e.g., prosecutors, public defenders, law enforcement personnel, and medical examiners) to determine whether biological evidence exists that might, through DNA analysis, demonstrate the actual innocence of the person previously convicted.
- **Evidence Location** means seeking to locate, following a case review, biological evidence that, through DNA analysis, might demonstrate actual innocence, through activities such as the searching of files, storage facilities, and evidence rooms.
- **DNA analysis of biological evidence** includes the handling, screening, and DNA analysis of biological evidence located in connection with a case review.

All DNA analyses conducted using program funds must be performed by a laboratory (government-owned or fee-for-service) that is accredited and that undergoes external audits at least once every 2 years that demonstrate compliance with the applicable DNA Quality Assurance Standards established by the Director of the Federal Bureau of Investigation. All DNA analyses conducted and profiles generated under this program must be maintained pursuant to any applicable federal privacy requirements.

**Please note:** No profiles generated with funding from this program may be entered into any nongovernmental DNA database without prior express written approval from BJA.

Program activity involving forensic genetic genealogical DNA analysis and searching (FGGS) is subject to the DOJ [Interim Policy on Forensic Genetic Genealogical DNA Analysis and Searching](#) or to the final policy, when issued. See the Performance Measures for additional required grantee reporting on FGGS activities.

The Goals, 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](#). Demonstration of progress in implementing the approved program goals is required periodically. This involves the reporting of numerical performance metrics (cases, hours, testing, etc.), which are the key deliverables reported semiannually and at the conclusion of the program. See [Appendix A: Performance Measures Table](#).

### Information Regarding Potential Evaluation of Programs and Activities

Applicants should note 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, entitled, “Information Regarding Potential Evaluation of Programs and Activities.”

## B. Federal Award Information

Maximum number of awards BJA expects to make	12
Estimated maximum dollar amount for each award	up to maximum \$500,000
Total amount anticipated to be awarded under this solicitation	\$5,400,000

Period of Performance start date	October 1, 2020
Period of Performance duration	up to 24 months

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 awards under this solicitation as grants. See the “Administrative, National Policy, and Other Legal Requirements” section of the [OJP Grant Application Resource Guide](#) for additional information.

### **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>1</sup> as set out at 2 C.F.R. 200.303, comply with standards for financial and program management. See [OJP Grant Application Resource Guide](#) for additional information.

### **Budget Information**

Federal funds must be used to supplement existing state and local funds for program activities and must not supplant those funds that have been appropriated for the same purpose.

- 1. Salary and Benefits of Additional Employees**—Funds may be used for salaries and benefits of additional full- or part-time employees to the extent that such employees are directly engaged in case identification, case review, location of evidence, or DNA analysis of biological evidence. Applicants should demonstrate that any **additional** full- or part-time employees will be directly engaged in these activities. Supplanting is not permitted.
- 2. Overtime**—Funds may be used for employee overtime for the purpose of case identification, case review, location of evidence, or DNA analysis of biological evidence. Any payments for overtime must be in accordance with the applicable provisions of the [DOJ Grants Financial Guide](#).
- 3. Travel (limited)**—Funds may be used for reasonable travel expenses directly associated with case identification, case review, location of evidence, or DNA analysis of biological evidence. Travel funds may also support attendance at allowable training activities as described under **Training (limited)** below. These costs must be in accordance with federal policy or an organizationally approved travel policy. The Office of the Chief Financial Officer reserves the authority to determine the reasonableness of the recipient's own established travel rates. Current federal travel policy and per diem rate information are available at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem).
- 4. Computer equipment**—Funds may be used to upgrade, replace, lease, or purchase computer hardware or software that will be used exclusively for case identification, case review, location of evidence, or DNA analysis of biological evidence.
- 5. Laboratory supplies**—Funds may be used to acquire laboratory supplies for DNA analysis of biological evidence. The proposal must clearly demonstrate that the types and number of

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<sup>1</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.

supplies requested are appropriate for the proposed caseload. Award recipients whose proposals involve the purchase or use of chemicals may encounter delays in the release of award funds pending satisfactory completion of the National Environmental Protection Act (NEPA) review process.

- 6. Engage Additional (Temporary) Personnel**—Funds may be used to obtain the services of individuals (other than employees of the recipient) to perform case identification and case reviews, locate evidence, or perform DNA analyses of biological evidence in the crime laboratory.
- 7. Procurement from private laboratories of DNA analyses**—Funds may be used for contracts with accredited fee-for-service laboratories to conduct DNA analysis of biological evidence.
- 8. Training (limited)**—In limited circumstances, funds may be used for postconviction training directly related to case identification, case review, location of biological evidence, and DNA analysis of biological evidence. Funds for this purpose must be used only for grant-funded personnel directly engaged in case identification, case review, location of biological evidence, or DNA analysis of biological evidence. The proposal must clearly demonstrate that the proposed training directly supports the program’s purpose areas, and is related directly to the job position and duties of the individual(s) receiving the training.

**Expenses that are not permitted:**

Among other things, funds may not be used for:

1. Costs for postconviction relief litigation, after DNA testing of biological evidence has been completed
2. Salaries and benefits for victims advocacy services
3. Salaries, benefits, or overtime for staff who are not directly engaged in case identification, case review, location of biological evidence, or DNA analysis of biological evidence
4. Outreach and initial screening activities not included in case identification (as defined above)
5. Laboratory equipment
6. Construction
7. Renovation
8. Office furnishings
9. Witness travel
10. General, non-postconviction training, or training for employees not directly funded under this award

## **Cost Sharing or Matching Requirement**

This solicitation does not require a match. For information on cost sharing or match requirements, see the [OJP Grant Application Resource Guide](#).

**Please see the OJP Grant Application Resource Guide for information on the following:**

[Pre-agreement Costs \(also known as Pre-award Costs\)](#)

[Limitation on Use of Award Funds for Employee Compensation; Waiver](#)

[Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs](#)

[Costs Associated with Language Assistance](#) (if applicable)

## **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**

This solicitation expressly modifies the OJP Grant Application Resource Guide by not incorporating the “Disclosure of Process Related to Executive Compensation” provisions in the “Application Attachments” section of the [OJP Grant Application Resource Guide](#).

### **What an Application Should Include**

The following application elements **MUST** be included in the application submission for an application to meet the basic minimum requirements (BMR) to advance to peer review and receive consideration for funding: Program Narrative, Budget Detail Worksheet and Budget Narrative.

See the “Application Elements and Formatting Instructions” section of the [OJP Grant Application Resource Guide](#) for information on what happens to an application that does not contain all 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 pre-applications, 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 not** subject to [Executive Order 12372](#). (In completing the SF-424, an applicant is to answer question 19 by selecting the response that the “Program is not covered by E.O. 12372.”)

### **2. Project Abstract**

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

- Written for a general public audience.
- Submitted as a separate attachment with “Project Abstract” as part of its file name.



- Single-spaced, using a standard 12-point Times New Roman font with 1-inch margins.

As a separate attachment, the project abstract will not count against the page limit for the program narrative. Attach this as a separate PDF file titled "Abstract."

### 3. Program Narrative

The program narrative section of the application should not exceed 12 double-spaced pages in 12-point font with 1-inch margins. If included in the main body of the program narrative, tables, charts, figures, and other illustrations count toward the 12-page limit for the narrative section. The project abstract, table of contents, appendices, and government forms do not count toward the 12-page limit.

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

The main body of the program narrative should describe the proposed project in depth. Within its sections (specified below), the main body of the program narrative should address:

- Implementation approach, including case review selection criteria and the target number of cases to be reviewed with award funds.
- Detailed justification for specific case identification activities proposed for federal funding, if applicable (not to exceed 15 percent of the federal award amount).

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

- a. Statement of the Problem
- b. Project Design and Implementation, including clearly identified goals and deliverables (refer to page 4).
- 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 goals, objectives, and deliverables identified under "Goals, 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. The application should describe the applicant's plan for collection of all of the performance measures data.

Post award, recipients will be required to submit quarterly performance metrics through BJA's online Performance Measurement Tool (PMT), located at [bjapmt.ojp.gov](http://bjapmt.ojp.gov).

**Applicants should review the BJA Postconviction Testing of DNA Evidence performance measures for this solicitation listed in [Appendix A: Performance Measures Table](#).**

Please note that applicants are **not** required to submit performance measure data with the application. Performance measures information is included as an alert that BJA will require successful applicants to submit performance data as part of their reporting requirements. For the application, applicants should indicate an understanding of these requirements and discuss how they will gather the required data, should they receive funding.

**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.

**Case Identification**

The Budget Detail Worksheet (which includes a “Narrative” section the applicant is to populate for each budget category) should clearly indicate the cost breakouts for any proposed case identification activities (total cost not to exceed 15 percent of the total federal award amount requested) within the appropriate cost categories (e.g., personnel, fringe benefits, travel, equipment, supplies, subawards, procurement contracts, consultants).

Please see the [OJP Grant Application Resource Guide](#) for information on the following:

[Indirect Cost Rate Agreement](#)

[Tribal Authorizing Resolution](#) (if applicable)

[Financial Management and System of Internal Controls Questionnaire \(including applicant disclosure of high-risk status\)](#)

[Disclosure of Lobbying Activities](#)

[Applicant Disclosure of Pending Applications](#)

[Applicant Disclosure and Justification – DOJ High Risk Grantees<sup>2</sup>](#) (if applicable)

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<sup>2</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.

## 11. Additional Attachments

### a. Certification as to Provision of Postconviction DNA Testing and Preservation of Biological Evidence

If an award is made, prior to receiving award funds, an applicant must submit an express certification from the chief legal officer of the state (typically the Attorney General) that the state:

- i. Provides postconviction DNA testing of specified biological evidence under a state statute, or under state rules, regulations, or practices, to persons convicted after trial and under a sentence of imprisonment or death for a state offense of murder or forcible rape, in a manner intended to ensure a reasonable process for resolving claims of actual innocence.
- ii. Preserves biological evidence secured in relation to the investigation or prosecution of a state offense of murder or forcible rape, under a state statute, local ordinances, or state or local rules, regulations, or practices, in a manner intended to ensure that reasonable measures are taken by all jurisdictions within the state to preserve such evidence.

Any certification that is submitted must be personally executed by the chief legal officer of the state after a determination that the certification may properly be made. [Appendix C: Certification Template](#) provides the template that must be used for the certification.

While it may be submitted with the application package, **submission of this certification is not required at the time of application**. If an award is made, access to award funds will be withheld until this certification is received and approved by BJA.

**Note to all applicants, in particular, applicants proposing postconviction DNA testing projects involving cases outside of the applicant's state:** The certification at [Appendix C: Certification Template](#) must be executed by the chief legal officer of the appropriate state **for each state** for which postconviction cases are sought to be funded consistent with this solicitation. **Funds will not be made available to applicants (if awarded) that fail to submit a properly-executed certification(s).**

### b. Potential Environmental Impact Coversheet and Checklist – National Environmental Policy Act (NEPA)

Each applicant is to submit a BJA Programmatic Cover Sheet and Checklist with its application to assist BJA in assessing the potential environmental impacts of the activities proposed for funding by the applicant. Specifically, the applicant is expected to:

- Carefully read the [Programmatic Environmental Assessment](#);
- Complete the [Cover Sheet and the attached the Programmatic Checklist](#); and
- Attach the completed documents to the grant application.

The applicant should also submit a Cover Sheet and BJA Programmatic Checklist for any organization identified in the Budget Detail Worksheet that will receive grant funds through a subaward or procurement contract to perform any of the following activities:

new construction or renovations that change the basic prior use of a facility or significantly change the size; research and/or technology development that could be expected to have an effect on the environment; or implementation of programs involving the use of chemicals. For more information about NEPA and BJA's NEPA Process, please go to <https://bja.ojp.gov/national-environmental-policy-act-nepa-guidance>.

**c. List of Key Personnel**

- Position Descriptions and Résumés - Curriculum vitae, résumés, or biographical sketches for key personnel. Attach this as a separate PDF file titled "Curriculum Vitae or Résumés."
- List (to the extent known) of All Proposed Project Staff Members - Including those affiliated with the applicant organization or any proposed subrecipient organization(s), any proposed consultant(s) and contractors (whether individuals or organizations), and any proposed members of an advisory board for the project (if applicable). The list should include, for each individual and organization: name, title (if applicable), employer or other organizational affiliation, and roles and responsibilities proposed for the project. Attach this as a separate PDF file titled "Proposed Project Staff."

**d. Timeline**

Proposed project timeline and expected milestones. Attach this as a separate PDF file titled "Project Timeline."

**e. Letters of Commitment**

Letters of commitment or cooperation/support or administrative agreements from organizations collaborating in the project (if applicable). Attach this as a separate PDF file titled "Letters of Support."

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

Applicants must register in and submit applications through [Grants.gov](https://www.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.

- CFDA # 16.820, Postconviction Testing of DNA Evidence
- Funding opportunity number # BJA-2020-18438.

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. Statement of the Problem (20 percent)
  - a. Demonstrated awareness of the relevance of DNA testing to postconviction cases.
  - b. Demonstrated awareness of current methods for DNA analysis of forensic evidence.
  - c. Potential significance of the proposed project to postconviction issues in the state(s) proposed.
2. Project Design and Implementation (40 percent)
  - a. Relevance to the goals and objectives of the program (see [Goals, Objectives, and Deliverables](#)).
  - b. Feasibility of the proposed project, including likelihood of completion within the proposed period of performance.
  - c. Awareness of potential pitfalls and the inclusion of workarounds.
  - d. Demonstration of multiagency cooperation, collaboration and partnerships.
  - e. Innovation and creativity (where appropriate).
3. Capabilities and Competencies (30 percent)
  - a. Qualifications and experience of proposed staff.
  - b. Capability of staff and organization to manage the effort.
  - c. Adequacy of the management plan.
4. Budget (5 percent)
  - a. Complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities).<sup>3</sup>
  - b. Budget narratives demonstrate generally how applicants will maximize cost effectiveness of grant expenditures.

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<sup>3</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.

- c. Budget narratives demonstrate cost effectiveness in relation to potential alternatives and the goals of the project.
5. Plan for Collecting the Data Required for this Solicitation's Performance Measures (5 percent)

### **Review Process**

BJA reviews the application to make sure that the information presented is reasonable, understandable, measurable, achievable, and consistent with the solicitation. See the [OJP Grant Application Resource Guide](#) for information on the application review process for this solicitation.

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.

Absent explicit statutory authorization or written delegation of authority to the contrary, the Assistant Attorney General will make all final award decisions and 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**

Please see the [OJP Grant Application Resource Guide](#) for information on the following:

### **Federal Award Notices**

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

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award conditions, 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).

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

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

#### **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 questions directed to the federal awarding agency, see NCJRS contact information on page 2.

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

## **H. Other Information**

Please see the [OJP Grant Application Resource Guide](#) for information on the following:

[Freedom of Information and Privacy Act \(5 U.S.C. 552 and 5 U.S.C. 552a\)](#)

[Provide Feedback to OJP](#)

### Appendix A: Performance Measures Table

Objective	Performance Measure(s)	Data Recipient Provides
To help defray the costs associated with postconviction DNA testing in cases of violent felony offenses (as defined by state law) where DNA analysis might demonstrate actual innocence.	Percentage of target cases reviewed with grant funds.	<p>Target number of cases to be reviewed with grant funds.</p> <p>Number of cases reviewed by offense type (crimes that included a sexual component; crimes that resulted in the death of the victim).</p> <p>Number of cases reviewed with grant funds.</p>
	Percentage of cases in which a search to locate evidence was conducted.	Number of cases in which an evidence search was conducted.
	Percentage of cases that yielded biological evidence.	<p>Number of cases in which biological evidence existed.</p> <p>Number of cases in which biological evidence had been destroyed or was missing.</p>
	Percentage of cases subjected to DNA analysis.	Number of cases in which DNA analysis was performed.
	Average number of pieces of evidence analyzed for cases subjected to DNA analysis.	Total number of pieces of evidence analyzed.
	Percentage of evidence subjected to STR DNA analysis.	Number of STR DNA tests conducted.
	Percentage of evidence subjected to Y-STR DNA analysis.	Number of Y-STR DNA tests conducted.
	Percentage of evidence subjected to mtDNA analysis.	Number of mtDNA tests conducted.
	Percentage of cases subjected to DNA analysis that yielded a viable DNA profile.	Number of cases that yielded a viable DNA profile.
	Number of cases with DNA testing results.	<p>Number of cases for which DNA results supported the postconviction claim.</p> <p>Number of cases for which DNA results contradicted the postconviction claim.</p> <p>Number of cases for which DNA results were inconclusive with respect to the postconviction claim.</p>
	Number of profiles uploaded into the Combined DNA Index System (CODIS).	Number of profiles uploaded into CODIS.
	Percentage of profiles resulting in a CODIS hit.	Number of matches resulting from profiles uploaded into CODIS.



Objective	Performance Measure(s)	Data Recipient Provides
	Number of hours spent on case identification, case review, and evidence location.	Approximate number of hours spent on case identification, case review, and evidence location, respectively.
	Percentage and nature of cases in which forensic genetic genealogical DNA analysis and searching ('FGGS') was conducted. <sup>4</sup>	<p>Number of cases in which FGGS was conducted. For each case in which FGGS was conducted:</p> <ol style="list-style-type: none"> <li>1) The type of crime investigated.</li> <li>2) Whether FGG/FGGS was conducted on a forensic sample or a reference sample.</li> <li>3) The type of forensic sample subjected to FGG.</li> <li>4) A description of the total amount, condition, and concentration of that sample (e.g., single source, mixed profile, degradation status, etc.).</li> <li>5) Whether FGG analysis resulted in a searchable profile.</li> <li>6) The identity of the vendor laboratory used to conduct FGG</li> <li>7) The GG service(s) used to search the FGG profile.</li> <li>8) Whether the investigation resulted in an arrest that was based, in part, on the use of FGGS.</li> <li>9) The total amount of federal funding used to conduct FGG/FGGS in each case.</li> </ol>

<sup>4</sup> <https://www.justice.gov/olp/page/file/1204386/download>

## Appendix B: Application Checklist

### Postconviction Testing of DNA Evidence, Fiscal Year 2020

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

#### What an Applicant Should Do:

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

- Acquire a DUNS Number (see [OJP Grant Application Resource Guide](#))
- Acquire or renew registration with SAM (see [OJP Grant Application Resource Guide](#))

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

- Acquire AOR and Grants.gov username/password (see [OJP Grant Application Resource Guide](#))
- Acquire AOR confirmation from the E-Biz POC (see [OJP Grant Application Resource Guide](#))

##### *To Find Funding Opportunity:*

- Search for the Funding Opportunity on Grants.gov (see [OJP Grant Application Resource Guide](#))
- Access Funding Opportunity and Application Package (see [OJP Grant Application Resource Guide](#))
- Sign up for Grants.gov email [notifications](#) (optional) (see [OJP Grant Application Resource Guide](#))
- Read [Important Notice: Applying for Grants in Grants.gov](#)
- Read OJP policy and guidance on conference approval, planning, and reporting available at [ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm](#) (see [OJP Grant Application Resource Guide](#))

##### *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 [OJP Grant Application Resource Guide](#))

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

- contact BJA regarding experiencing technical difficulties (see [OJP Grant Application Resource Guide](#))

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

\_\_\_\_\_ Review the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2020 Awards](#)" in the [OJP Funding Resource Center](#) at.

#### Scope Requirement:

- The period of performance is within the requested limit of 24 months.

**Eligibility Requirement:** See title page.

**What an Application Should Include:**

The following items are critical application elements required to pass Basic Minimum Requirements review. An application that OJP determines does not include the application elements that must be included in the application submission in order for the application to meet the basic minimum requirements, will neither proceed to peer review, nor receive further consideration.

- Program Narrative (see page 9)
  - Budget Detail Worksheet (including Narrative) (see [OJP Grant Application Resource Guide](#))
- 
- Application for Federal Assistance (SF-424) (see [OJP Grant Application Resource Guide](#))
  - Project Abstract (see page 8)
  - Indirect Cost Rate Agreement (if applicable) (see [OJP Grant Application Resource Guide](#))
  - Financial Management and System of Internal Controls Questionnaire (see [OJP Grant Application Resource Guide](#))
  - [Disclosure of Lobbying Activities \(SF-LLL\)](#) (see [OJP Grant Application Resource Guide](#))
  - Applicant Disclosure of Pending Applications (see [OJP Grant Application Resource Guide](#))
  - Applicant Disclosure and Justification – DOJ High Risk Grantees (if applicable) (see [OJP Grant Application Resource Guide](#))

**Additional Attachments:**

- Certification(s) as to Provision of Postconviction DNA Testing and Preservation of Biological Evidence (if available; not required at time of application) (see page 11)
- Potential Environmental Impact Coversheet and Checklist (see page 11)
- List of Key Personnel (see page 12)
- Timeline (see page 12)
- Letters of Commitment (see page 12)
- Request and Justification for Employee Compensation; Waiver (if applicable) (see [OJP Grant Application Resource Guide](#))

## Appendix C: Certification Template

U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
BUREAU OF JUSTICE ASSISTANCE

### FY 2020 Postconviction Testing of DNA Evidence

On behalf of the State named below, I certify the following to the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice:

- (A) The State provides postconviction DNA testing of specified biological evidence under a State statute or under State rules, regulations, or practices, to persons convicted after trial and under a sentence of imprisonment or death for a State offense of murder or forcible rape, in a manner intended to ensure a reasonable process for resolving claims of actual innocence; and
- (B) The State preserves biological evidence secured in relation to the investigation or prosecution of a State offense of murder or forcible rape under a State statute; local ordinances; or State or local rules, regulations, or practices, in a manner intended to ensure that reasonable measures are taken by all jurisdictions within the State to preserve such evidence.

I am the chief legal officer of the State and have authority to make this certification. I am aware that a false statement in this certification may be the subject of criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that certifications provided in connection with Office of Justice Programs grants are subject to review by the Office of Justice Programs or by the Department of Justice's Office of the Inspector General.

\_\_\_\_\_  
Signature of Certifying Official

\_\_\_\_\_  
Printed Name of Certifying Official

\_\_\_\_\_  
Title of Certifying Official

\_\_\_\_\_  
Name of State

\_\_\_\_\_  
Date

Application Information:

\_\_\_\_\_  
Name of Applicant (if applicant is not the above-named state)