

Notices regarding the Consultant Statement of Work: Review and Revalidation of the First Step Act Risk Assessment Tool

April 8, 2020: On March 4, 2020, NIJ hosted a webinar that provided an overview and discussion of this statement of work. The slides and transcript from this webinar have been added to the end of this document.

April 8, 2020: FAQs for this statement of work have been added here: <https://nij.ojp.gov/funding/opportunities/nij-2020-fsa>. Any additional FAQs related to this statement of work will be added to this page as they become available.

April 7, 2020: The response deadline was revised to April 24, 2020.

The original statement of work begins on the next page.



National Institute of Justice

Consultant Statement of Work:

Review and Revalidation of the First Step Act Risk Assessment Tool

Release date: February 10, 2020

Response deadline: 11:59 p.m. eastern time on April 24, 2020

Timeline: To be determined after consultant selection.

Deadline: Submissions are due by 11:59 p.m. eastern time on April 24, 2020.

Webinar: A webinar will take place at 1:00 p.m. eastern time on March 4, 2020, to provide details and guidance for potential consultants on this funding initiative. Sign up for the webinar here:
<https://ojp.webex.com/ojp/onstage/g.php?MTID=e29ecc18ff3066558f02a3873ae61cd18>.

Budget: To be determined after consultant selection.

Purpose:

With this Statement of Work (SOW), the National Institute of Justice (NIJ) is seeking responses to support the annual review and revalidation of the risk assessment tool developed for the Bureau of Prisons (BOP) in accordance with the [First Step Act \(FSA\)](#). This initiative furthers the mission of the U.S. Department of Justice (DOJ) by supporting research to reduce crime and protect public safety.

Funding Initiative Background:

On December 21, 2018, Congress passed the FSA. Title I of the FSA focuses on reforms for reducing recidivism among the federal prison population. A key requirement of Title I is the development of a risk and needs assessment system (RNAS) for BOP. Section 101 of the FSA requires the attorney general, in consultation with the Independent Review Committee,¹ to develop and publicly release an RNAS that BOP will use to:

- determine the initial recidivism risk of each prisoner as part of the intake process² and classify each prisoner as having minimum, low, medium, or high risk for recidivism; and
- reassess the recidivism risk of each prisoner periodically based on factors including indicators of progress and regression that are dynamic and that can reasonably be expected to change while in prison.

¹ On April 8, 2019, NIJ made a noncompetitive award to Hudson Institute. One of Hudson Institute's core responsibilities was to establish an Independent Review Committee (IRC) that would assist the attorney general in carrying out duties related to the FSA. For the names of the IRC members and more information about them, see <https://www.hudson.org/research/14945-hudson-institute-to-host-first-step-act-s-independent-review-committee>.

² BOP's classification system, Bureau Risk Assessment Verification and Observation (BRAVO), is used to predict serious misconduct while in prison. The newly developed RNAS, the Prisoner Assessment Tool Targeting Estimated Risk and Needs (PATTERN), will be used in conjunction with BRAVO to predict the risk of post-release recidivism.

Results from the RNAS will assist in BOP's determination of the:

- appropriate type and amount of evidence-based recidivism reduction programming for each prisoner;
- assignment of each prisoner to such programming accordingly; and
- reassignment of each prisoner to appropriate evidence-based recidivism reduction programming or productive activities based on the prisoner's specific criminogenic needs.

On July 19, 2019, DOJ published a report, [*The First Step Act of 2018: Risk and Needs Assessment System*](#), and announced the newly developed RNAS, the Prisoner Assessment Tool Targeting Estimated Risk and Needs (PATTERN). A risk tool designed to predict the likelihood of general and violent recidivism for all BOP inmates, PATTERN includes static factors (e.g., age and crime of conviction) and dynamic factors (e.g., participation in programs like occupational training or drug treatment) that are associated with either an increase or a reduction in risk of recidivism. As required by the FSA, PATTERN provides predictive models, or scales, developed and validated for males and females separately. Additional enhancements to PATTERN were announced on January 15, 2020, in a [report](#) released by DOJ.

To accomplish the mandates set forth in Title I of the FSA, PATTERN must be reviewed and revalidated on an annual basis for up to five years. NIJ will assist DOJ in completing the following tasks:

"... on an annual basis, review, validate, and release publicly on the Department of Justice website the risk and needs assessment system, which review shall include —

- (A) any subsequent changes to the risk and needs assessment system made after the date of enactment of [the FSA];*
- (B) the recommendations developed under paragraph (2) [of 18 U.S.C. 3631], using the research conducted under paragraph (3);*
- (C) an evaluation to ensure that the risk and needs assessment system bases the assessment of each prisoner's risk of recidivism on indicators of progress and of regression that are dynamic and that can reasonably be expected to change while in prison;*
- (D) statistical validation of any tools that the risk and needs assessment system uses; and*
- (E) an evaluation of the rates of recidivism among similarly classified prisoners to identify any unwarranted disparities, including disparities among similarly classified prisoners of different demographic groups, in such rates ..."*

NIJ requests innovative responses from consultants who will review and revalidate PATTERN on an annual basis for at least five years. Successful consultants will be expected to assist DOJ in completing tasks specified in Section 3631, in coordination with NIJ and BOP.

Successful consultants will be subject to and must pass a required background investigation in order to access the data³ required to complete the annual review and revalidation of PATTERN.⁴ Access to data shall be limited to the minimum number of persons necessary.

Background investigations can take approximately two to four months to complete. This should be considered when developing the project timeline. When developing a project management plan, consultants should include approximately two to four months in order to complete the requirements of, and assure the receipt of, an approved background investigation.

In collaboration with NIJ and BOP, the successful consultants will determine the validation sample and subsequent data to be used for the revalidation of PATTERN and work collaboratively to finalize the analytic plan for the review and revalidation of PATTERN. Due to the implementation of PATTERN in January 2020, the analytic plan may be subject to change as data, specifically recidivism data, eventually become available.

The consultants supported under this initiative will be expected to meet with NIJ and BOP staff quarterly and/or as requested — either in-person, via videoconference, or by phone — and to provide regular updates of project progress. These updates (whose frequency will be determined by NIJ staff in consultation with BOP and the successful consultants) may include information on progress in the annual review and revalidation process, and other activities as required by the FSA mandate. Travel to Washington, D.C., may be required on at least a biannual basis.

Deliverable Requirements:

Respondents should include plans to address all aspects of the FSA mandate, including assisting DOJ in the preparation of an annual report. Required information describing the

³ The successful consultants will be provided access to administrative data from BOP and criminal history data from state and local jurisdictions via the International Justice and Public Safety Network (Nlets) to complete the annual review and revalidation of PATTERN. The dataset will include, but not be limited to, measures commonly associated with recidivism risk, such as criminal history, demographic characteristics (e.g., age), prison misconduct, and participation in programming.

⁴ Only those persons with requisite clearances can access the data. If the consultant plans to hire support staff, a background investigation will be required for support staff members who will have or need access to project data. Access to data should be limited to key staff only.

review and revalidation of PATTERN and subsequent findings will be provided through NIJ.⁵ The successful consultants supported under this initiative will assist NIJ and BOP in planning for the development and dissemination of this report. Should the successful consultants have recommendations for potential changes to PATTERN, they will be provided to NIJ for submission to and review by the attorney general.⁶

The consultants supported under this initiative will be prohibited from making public any information related to the review and revalidation of PATTERN. Doing so would be a violation of the contractual agreement between the consultants and NIJ.

Other project deliverables:

Consultants will deliver quarterly progress reports to CSR. The reporting format will be provided to successful consultants.

Eligibility Requirements:

NIJ expects to support multiple consultants resulting from separate response submissions. The consultants will work as a team to address the FSA mandates.

With this initiative, NIJ will support ***only*** qualified individuals who can serve as independent consultants. Each response may only include one consultant. **Responses may not include a team of consultants.**

The consultant may propose to include and hire support staff, for example a research assistant, as needed. In this case, the eligibility requirement — qualified individuals — still applies. Successful respondents, performing as independent consultants, may not claim reimbursement through an established company or organization. Consultants will receive 1099 forms each year. Specific budget instructions will be provided to successful respondents.

The following entities are ***not*** eligible for support under this funding initiative and will be removed from competition:

- Small businesses,
- States (including territories),
- Units of local government,

⁵ It is expected that reports required by the FSA will be reviewed by NIJ, BOP, and other DOJ staff before the public release of any information.

⁶ Until such time that the attorney general determines that potential recommendations are appropriate, any such recommendations will be considered strictly confidential and not for public dissemination. Any release of such recommendations will be made solely by and at the discretion of DOJ.

- Federally recognized Indian tribal governments that perform law enforcement functions (as determined by the secretary of the interior),
- Nonprofit and for-profit organizations (including tribal nonprofit and for-profit organizations),
- Consulting firms,
- Institutions of higher education (including tribal institutions of higher education), or
- Any staff identified in the [RNAS report](#) as key staff, including NIJ contractors and members of the Independent Review Committee.

Responses that include more than one consultant will be considered by NIJ as noncompliant and will not move forward to the review process.

How to Apply:

To be considered timely, a submission must be emailed by the deadline to the following email address: PATTERN@csrincorporated.com. Late submissions will not be accepted.

Submission Information:

This section details what a submission should include:

- Title page: not counted against the 25-page narrative limit.
- Table of Contents and Figures: not counted against the 25-page narrative limit.
- Abstract: no more than 400 words describing the core elements of the proposed review and revalidation of PATTERN.
- Narrative: should not exceed 25 double-spaced pages in 12-point font with 1-inch margins. If included in the main body of the narrative, tables, charts, figures, and other illustrations count toward the 25-page limit for the narrative section. The project abstract, table of contents, and appendices do not count toward the 25-page limit.

Responses that fail to comply with these length-related restrictions will not receive further consideration.

- The narrative should describe the proposed project in depth. The following sections should be included as part of the program narrative:
 - **Statement of the Problem.** The statement of the problem should briefly address the problem to be addressed as required by the FSA.
 - **Project Design and Implementation.** Consultants should provide a detailed description of the analytic strategies to be used to conduct the review and revalidation of PATTERN and to address the mandates in

Title I (see page 2). Consultants should describe the research methodology in detail and demonstrate the validity and usefulness of the analytic strategy. Consultants should consider the rigor and soundness of the methodology and analytical and technical approaches for the proposed research and address the feasibility of the proposed project and potential challenges or problems in carrying out the activities.

- **Potential Impact.** Consultants should describe the potential impact of the research and how it may inform or improve the use of PATTERN for BOP. The discussion of impact should include a discussion of the deliverables required by NIJ, including the provision of project updates to NIJ, BOP, and DOJ.
- **Capabilities/Competencies.** This section should describe the experience and capability of the consultant (and of support staff, if applicable) that the consultant will use to implement and manage this effort, highlighting any previous experience implementing projects of similar scope, design, and magnitude. Consultants should address:
 - Experience and expertise in developing and implementing risk assessment tools.
 - Experience and expertise in the review and validation of risk assessment tools.
 - Experience in and capacity to work with the proposed data sources in the conduct of similar research efforts.
 - Experience in and capacity to design and implement rigorous research and data analysis projects.
 - Experience producing meaningful deliverables.
- Appendices:
 - Bibliography/references.
 - Any tools/instruments, questionnaires, tables/charts/graphs, or maps pertaining to the response that are supplemental to such items included in the main body of the narrative.
 - List of additional support staff, if and as needed.
 - Curriculum vitae or resume of the consultant, and of any and all support staff who will be significantly involved in substantive aspects of the proposed project (including, for example, statisticians hired to conduct proposed data analysis), if applicable.
 - List of any previous and current NIJ awards to the consultant, including the NIJ-assigned award numbers and a brief description of any scholarly

products that resulted in whole or in part from work funded under the NIH award(s).⁷

- Project management plan. Consultants should outline the activities and timeline necessary for meeting the goals and objectives of this project.
- Research and evaluation independence and integrity statement. The consultant must demonstrate research/evaluation independence and integrity, including appropriate safeguards. The consultant must demonstrate independence and integrity regarding both this proposed research and/or evaluation, and any current or prior related projects.

For purposes of this initiative, the proposed consultant is to document research and evaluation independence and integrity by including one of the following two items:

- (a) A specific assurance that the consultant has reviewed its submission to identify any actual or potential apparent conflicts of interest (including through review of pertinent information on the consultant and any staff), and that the consultant has identified no such conflicts of interest — whether personal, financial, or organizational (including on the part of the consultant entity or on the part of staff) — that could affect the independence or integrity of the research, including the design, conduct, and reporting of the research.

OR

- (b) A specific description of actual or potential apparent conflicts of interest that the consultant has identified that could affect the independence or integrity of the research, including the design, conduct, or reporting of the research. These conflicts may be personal (e.g., on the part of the consultant or other staff), financial, or organizational (related to the consultant). An example of a consultant (or other personal) conflict-of-interest situation is one in which a consultant would be in a position to evaluate a spouse's work product (actual conflict), or to evaluate the work of a former or current colleague (potential apparent conflict). With regard to potential organizational conflicts of interest, as one example, generally an organization would not be given an award

⁷ Applicants should list any direct consulting agreements, grants, cooperative agreements, or contracts on which they were significantly involved in substantive aspects of the proposed project.

to evaluate a project if that organization had itself provided substantial prior technical assistance to that specific project or a location implementing the project (whether funded by OJP or other sources), because the organization in such an instance might appear to be evaluating the effectiveness of its own prior work. The key is whether a reasonable person understanding all of the facts would be able to have confidence that the results of any research or evaluation project are objective and reliable. Any outside personal or financial interest that casts doubt on the objectivity and reliability of an evaluation or research product is a problem and must be disclosed.

In addition, for purposes of this initiative, the consultant is to address possible mitigation of research integrity concerns in one of the following two ways, at a minimum:

- (a) If the consultant reasonably believes that no actual or potential apparent conflicts of interest (personal, financial, or organizational) exist, then the consultant should provide a brief narrative explanation of how and why it reached that conclusion. The consultant should also include an explanation of the specific processes and procedures that the consultant has in place, or will put in place, to identify and prevent (or, at the very least, mitigate) any such conflicts of interest pertinent to the funded project during the period of performance. There is no guarantee that the plan, if any, will be accepted as proposed.

OR

- (b) If the consultant has identified actual or potential apparent conflicts of interest (personal, financial, or organizational) that could affect the independence and integrity of the research, including the design, conduct, or reporting of research findings, the consultant is to provide a specific and robust mitigation plan to address each of those conflicts. There is no guarantee that the plan, if any, will be accepted as proposed.

NIJ will assess research and evaluation independence and integrity based on considerations such as the adequacy of the consultant's efforts to identify factors that could affect the objectivity or

integrity of the proposed staff in carrying out the research, development, or evaluation activity; and the adequacy of the consultant's existing or proposed remedies to control any such factors.

At a minimum, and in order to receive full consideration, the following items must be submitted by the deadline. These items are critical and must be included in a consultant's formal response to this SOW. The items are:

- Narrative,
- Curriculum vitae or resume (of consultant and support staff, as needed),
- List of additional support staff,
- List of any previous and current NIJ awards to the consultant, and
- Research and evaluation independence and integrity statement.

Additionally, the respondent must meet the eligibility requirements provided on page 4.

Responses that fail to comply with the length-related restrictions provided above and do not include the critical materials requested here will not receive further consideration.

Submission File Types:

Submissions should be sent to as either a PDF or Word (.doc) file.

Response Review Information:

Review Criteria

Responses that meet the guidelines specified above will be evaluated by independent external reviewers using the following review criteria. Each individual criterion is assigned a weight based on the percentage value listed.

Statement of the Problem (Understanding of the problem, research questions, and their importance) — 10%

1. Demonstrated understanding of the problem.
2. Demonstrated importance of research questions, goals, and objectives, including alignment with the aims of the funding initiative.
3. Demonstrated awareness of the state of current research.

Project Design and Implementation (Quality and technical merit) — 60%

1. Soundness of methods and analytic and technical approach to addressing the stated aim(s) of the proposed project.
2. Feasibility of proposed project.
3. Awareness of potential pitfalls of proposed project design and feasibility of proposed actions to minimize and/or mitigate them.
4. Feasibility of completing the deliverables required by the FSA.

Potential Impact — 5%

Potential for significant scientific or technical advances that will improve criminal/juvenile justice in the United States, such as:

- Significantly improved understanding of the stated criminal/juvenile justice problem.
- An innovative solution for addressing all or a significant part of the stated criminal/juvenile justice problem.

Capabilities/Competencies (Capabilities, demonstrated productivity, and experience of the consultant and proposed support staff) — 25%

1. Qualifications and experience of proposed consultant (and, if applicable, of other relevant support staff identified in the response who will be significantly involved in substantive aspects of the proposed project).
2. Demonstrated ability of the consultant to implement the proposed strategies and manage the effort.
3. Relationship between the capabilities/competencies of the proposed consultant and other relevant support staff (if applicable) and the scope, goals, and strategies of the proposed project.

Review Process:

NIJ is committed to ensuring a fair and open process for making final consultant appointments. NIJ will consult with independent, external experts to review consultant responses and evaluate whether the information presented in the responses is reasonable, understandable, measurable, and achievable, as well as consistent with the initiative's written requirements.

Contact Information:

Consultant responses should be submitted via email to PATTERN@csrincorporated.com. To be considered timely, a response must be submitted by the deadline, no exceptions.

For assistance Monday through Friday from 8:00 a.m. to 6:00 p.m eastern time, send an email to PATTERN@csrincorporated.com. Answers to frequently asked questions will be posted on the NIJ website at <https://nij.ojp.gov/funding/opportunities/nij-2020-fsa>.

Funding Initiative through NIJ for the *Review and Revalidation of the First Step Act Risk Assessment Tool*

Statement of Work Post Date: February 10, 2020

Statement of Work Close Date: April 10, 2020 11:59 PM eastern time

Today's Presenter:

Marie Garcia, Senior Social Science Analyst, Office of the Director, National Institute of Justice

Webinar Overview

- **NIJ Overview**
- **First Step Act overview**
- **Development of PATTERN**
- **Title I Requirements**
- **Submission Critical Elements**
- **Important Considerations**



National Institute of Justice (NIJ)

Who we are:

- NIJ is the research, development, and evaluation agency of the U.S. Department of Justice

Our mission:

- Improving knowledge and understanding of crime and justice issues through science



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NIJ Overview

- NIJ has two research offices:
 - Office of Research Evaluation and Technology
 - Office of Investigative and Forensic Sciences
- NIJ Director serves as the Chief Evaluation Officer for DOJ
- NIJ hosts **CrimeSolutions.gov**, a repository of evaluation evidence

First Step Act (FSA)

- **FSA**
 - Passed into law in December 2018
- **Overarching goal of Title I:**
 - Reduce recidivism among the federal prison population
- **Core statutory obligations:**
 - Constitution of an Independent Review Committee
 - **Development of a risk and needs assessment system for the Federal Bureau of Prisons (BOP)**

Development of PATTERN

- **PATTERN**
 - **Prisoner Assessment Tool Targeting Estimated Risk and Needs**
 - **15 factors (dynamic and static)**
 - **Created using data from sample of 222,970 individuals released from BOP custody**
 - **To be used in concert with BOP's classification assessment, BRAVO (Bureau Risk Assessment Verification and Observation)**
 - **Revised risk assessment tool released in January 2020**



Review and Revalidation of PATTERN

Title I requirements:

“... on an annual basis, review, validate, and release publicly on the Department of Justice website the risk and needs assessment system, which review shall include —

(A) any subsequent changes to the risk and needs assessment system made after the date of enactment of [the FSA];

(B) the recommendations developed under paragraph (2) [of 18 U.S.C. 3631], using the research conducted under paragraph (3);

Review and Revalidation of PATTERN

Title I requirements (cont'd):

(C) an evaluation to ensure that the risk and needs assessment system bases the assessment of each prisoner's risk of recidivism on indicators of progress and of regression that are dynamic and that can reasonably be expected to change while in prison;

(D) statistical validation of any tools that the risk and needs assessment system uses; and

(E) an evaluation of the rates of recidivism among similarly classified prisoners to identify any unwarranted disparities, including disparities among similarly classified prisoners of different demographic groups, in such rates ...”

Current Funding Initiative

Goal:

- Support team of consultants to review and revalidate PATTERN annually for up to 5 years

Expectations:

- Collaborate and meet with NIJ and BOP regularly
- Successfully pass DOJ background investigation
- Submit quarterly reports detailing progress
- Assist in the preparation of an annual report to Congress



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Submission Critical Elements

Critical elements:

- Narrative
- Curriculum vitae or resume
 - Consultant and support staff, as needed
- List of additional support staff, as needed
- List of any previous and current NIJ awards to the consultant
- Research and evaluation independence and integrity statement



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Submission Evaluation Criteria

External experts will evaluate each submission on:

- **Statement of the Problem and Research Questions (10%)**
- **Project Design and Implementation (60%)**
- **Potential Impact (5%)**
- **Capabilities and Competencies (25%)**



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Important Considerations

- *Support for this funding initiative will be made in the form of a contract. This is not a solicitation.
- *Only qualified individuals can submit responses to this funding initiative.
- *Submissions from entities other than individuals will not be considered.
- *A submission may include only 1 individual labeled as a consultant. A team of consultants would not be responsive.



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Important Considerations (cont'ed)

- *Submissions may include support staff as needed, for example, a research assistant.**
- *Consultants will be unable to publish or otherwise disseminate any information generated from this initiative.**
- *The budget for each consultant will be determined after selection.**



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Submission information:

Response deadline:

11:59 p.m. eastern time on Friday, April 10, 2020

Responses should be submitted via email to:

PATTERN@csrincorporated.com



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For more information:

For questions about the *Review and Revalidation of the First Step Act Risk Assessment Tool* initiative, email:

PATTERN@csrincorporated.com

Monday – Friday from 8:00 a.m. to 6:00 p.m. eastern time



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Recommended Resources

NIJ First Step Act webpage:

- nij.ojp.gov/topics/articles/nij-role-under-first-step-act

First Step Act reports:

- *July 19, 2019:* nij.ojp.gov/sites/g/files/xyckuh171/files/media/document/the-first-step-act-of-2018-risk-and-needs-assessment-system_1.pdf
- *January 2020:* nij.ojp.gov/sites/g/files/xyckuh171/files/media/document/the-first-step-act-of-2018-risk-and-needs-assessment-system-updated.pdf



Learn about NIJ Funding

The screenshot shows the NIJ website with several red callout boxes and arrows pointing to specific features:

- Go to www.nij.gov & click on FUNDING & AWARDS**: A yellow box at the top right with an arrow pointing to the 'FUNDING & AWARDS' menu item.
- Past Awards**: A blue box with an arrow pointing to the 'AWARDS MADE BY NIJ' sub-menu.
- Funding Opportunities**: A blue box with an arrow pointing to the 'CURRENT FUNDING' sub-menu.
- Read the FAQs**: A blue box with an arrow pointing to the 'FREQUENTLY ASKED QUESTIONS' link.
- Read active funding opportunities**: A blue box with an arrow pointing to the 'CURRENT FUNDING OPPORTUNITIES' link.
- Sign up for email updates when funding opportunities post**: A yellow box with an arrow pointing to the 'E-mail Update' link in the 'Fiscal Year 2016 Solicitations' section.

The website content includes the NIJ logo, 'OFFICE OF JUSTICE PROGRAMS', 'National Institute of Justice', 'Advanced Search', and a navigation menu with categories like 'FUNDING & AWARDS', 'PUBLICATIONS & MULTIMEDIA', 'TRAINING', and 'TOPICS'. The 'FUNDING & AWARDS' dropdown menu lists various funding categories such as 'AWARDS MADE BY NIJ', 'CURRENT FUNDING', 'FORTHCOMING FUNDING', 'FREQUENTLY ASKED QUESTIONS', 'LABORATORY ENHANCEMENT FUNDING', 'FELLOWSHIP PROGRAMS', 'EXPIRED FUNDING OPPORTUNITIES', 'HUMAN SUBJECTS AND PRIVACY PROTECTION', and 'PROPOSAL DEVELOPMENT'. The 'Fiscal Year 2016 Solicitations' section includes links for 'Watch recorded solicitation webinars', 'Hear from NIJ Director Nancy Rodriguez on fiscal year 2016 solicitation and tips for making your proposal competitive', and an 'E-mail Update' option to receive notifications when new solicitations are released.



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Please submit questions using the Q&A box and selecting all panelists.



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Funding Webinar Transcript

On March 4, 2020, NIJ hosted a webinar that provided an overview of this solicitation. Following are the transcript and slide presentation from that webinar.

MARY JO GIOVACCHINI: Good afternoon, everybody. And welcome to today's webinar, "Funding Initiative through NIJ for the Review and Revalidation of the First Step Act Risk Assessment Tool," hosted by the National Institute for Justice. At this time, I would like to introduce you to today's presenter, Marie Garcia, Senior Social Science Analyst with the National Institute of Justice.

MARIE GARCIA: Good afternoon. Thank you so much for joining us this afternoon. Also with me today is my colleague, Sherran Thomas, Senior Advisor and Contracting Officer Representative for NIJ, as well as our colleagues, Esther Ivory and Dennis Singleton from CSR.

During today's webinar, we will provide a high-level overview about:

- NIJ and the goals of our agency,
- a review of the First Step Act,
- a review of the development of PATTERN, the new risk assessment system for the Bureau of Prisons,
- the requirements of Title 1 of the First Step Act,
- critical elements for the review and validation of SOW, and
- an overview of important considerations for potential submissions.

The National Institute of Justice is a research, development, and evaluation agency of the US Department of Justice. Our mission is to improve knowledge and understanding of crime and justice issues through science. NIJ is comprised of two science offices. The Research Evaluation and Technology Office encourages and supports research, development, and evaluation to further the understanding of the causes and correlates of crime and violence. The Investigative and Forensic Science Offices improves the quality and practice of forensic science through innovative solutions that support research and development.

The NIJ Director, Dr. David Muhlhausen, serves as the Chief Evaluation Officer for the Department of Justice. Initially, NIJ hosts CrimeSolutions.gov, a repository of evaluation evidence. Crime Solutions is comprised of two components: a web-based clearinghouse of programs and practices, and a process for identifying and rating those programs and practices.

The First Step Act was passed into law on December 18th, 2018. The act is significant bipartisan legislation that promotes criminal justice reform. Title I of the act is focused on reforms to reduce recidivism among the federal prison population. Two obligations within Title I include the constitution of an independent review committee and the development of a risk and needs assessment system for the Bureau of Prisons. Many of Title I's reforms hinge on the creation of this system.

Over the course of spring 2019, Dr. Grant Duwe and Dr. Zach Hamilton developed PATTERN, the Prisoner Assessment Tool Targeting Estimated Risk and Needs. The assessment tool includes dynamic and static factors. The assessment tool was created using data from 222,000 individuals released from a BOP facility to a location in the United States. PATTERN will be used in concert with BOP's classification system, the BRAVO, the Bureau Risk Assessment Verification and Observation. BRAVO was designed to predict serious misconduct in prison.

In the month after the initial release of PATTERN in July 2019, the department worked to improve PATTERN based on suggestions from the independent review committee and a range of stakeholders. Revisions to PATTERN were released in a detailed report in January 2020. The current statement of work, or SOW, was created to address several statutory mandates found in Title I of the act. As shown here, the risk assessment tool developed towards the BOP must be reviewed, validated, and released by the Attorney General on an annual basis. Consultants will determine if changes should be made to the tool.

And what might those changes be? These changes would be provided to the Attorney General for consideration. Additionally, Title I requires an assessment to ensure the tool continues to be based on factors that are amenable to change. And an evaluation of the rates of recidivism among similarly classified prisoners to identify any unwarranted disparities will be completed as well. With this SOW, NIJ will support a team of consultants to fulfill the Title I mandate just described. The mandate can be found on page two of the SOW. In addition to completing the activities in Title I, the team of consultants are expected to collaborate with NIJ and BOP. This will include, but not be limited to, regular meetings with NIJ and BOP staff, either in person or by phone, to provide updates on project progress. Each consultant must successfully pass a Department of Justice background investigation in order to access project data. This process can take between two and four months. Each consultant will submit quarterly progress reports, and a key deliverable for the SOW is the assistance in the drafting of an annual report to Congress. The Title I mandates that were described will be addressed in the annual report submitted by the Department of Justice. There are several critical elements in the SOW. They include:

- The narrative, a curriculum vita, or resume, or bio sketch of the consultant, a list of support staff as needed,
- A list of any previous and current NIJ awards to the consultant Please keep in mind if you work for an entity that has received funding from NIJ, we want to be aware of the awards and projects that you are involved in.
- Additionally, a research and evaluation independence and integrity statement.

These are critical elements. If one of them is not included in the submission, the submission will not be considered responsive.

External experts will evaluate each submission on the following criteria: Statement of the Problem, Project Design and Implementation, Potential Impact, and the Capabilities and Competencies of the Consultants.

Many questions have come in about the funding avenue for the SOW. Many of you might be familiar with NIJ's typical funding streams, which typically comes in the form of a solicitation. The SOW is not a solicitation. The activities that will be supported under the PATTERN SOW are a direct service to the Department of Justice and the Attorney General. For this reason, support for this initiative will be provided through an NIJ contract, with authority to generate individual consultant agreement.

Because NIJ will generate an individual consultant agreement, only qualified individuals can submit responses to the SOW. Entities other than individuals will not be considered responsive. Further, a submission can only include one individual that will serve as a consultant. This is nonnegotiable. A submission that includes a team of consultants will not be considered responsive. Submissions may include support staff, as needed.

Again, because of the nature of the activities requested here— specifically the direct service to the department and the Attorney General— consultants will not be able to publish or otherwise disseminate any information generated from the review and revalidation of PATTERN at any time. The results generated from this work will be included in the annual report to Congress. The budget for each consultant will be determined after selection has been made.

Submissions are due on or before 11:59 p.m., Eastern Standard Time, on Friday, April 10th, 2020. They must be submitted via email to the email address on your screen. For more information, or if you have questions about the review and revalidation of the SOW, please email the address here, PATTERN@csrcorporated.com, between Monday through Friday from 8:00 to 6:00 p.m., Eastern Standard Time. Please allow one to two business days for a response.

Now, there are several resources that you can look into that will provide more guidance and information about the First Step Act. You are encouraged to visit NIJ's First Step Act webpage. And you are encouraged to review the two First Step Act reports that have released: The first was released on July 19th, 2019 and the second, updated report was released in January 2020. Additionally, if you're interested in learning more about NIJ funding, you can go to our webpage, at <https://NIJ.ojp.gov/>. There, you can learn more about this SOW, our other current funding opportunities, as well as our past awards. And you can sign up for email updates to find out when our solicitations and other funding opportunities have posted.

MARY JO GIOVACCHINI: Hi, everybody. I'm just going to go over a couple more things before we get into the questions. As Marie mentioned, the NIJ website is NIJ.ojp.gov. It's a great way to stay connected with the National Institute of Justice. The site also offers several email subscriptions, and you can now subscribe to receive those emails using text. You would submit OJP NIJ, insert your email address, and send it 468-311. Please note that message and data rates may apply. NIJ also has a presence on social media, and you are invited to follow us on Facebook, at <https://www.facebook.com/OJPNIJ/> and

Twitter. So at this time we're going to open it up to questions. And our first question today" How many consultants are you looking for?

MARIE GARCIA: NIJ did not include a number in the SOW on purpose. We are looking for a team of qualified individuals. This could be two individuals, and this could be up to five. We have no number that we've set. I know that's vague and perhaps not a direct answer to the question, but we want to make sure that we have the right team. If you're qualified, if you're interested, you're encouraged to submit your proposal.

MARY JO GIOVACCHINI: The next question: "Will you discuss the idea of individuals versus organizations submitting responses? What does that mean exactly?"

MARIE GARCIA: So for the purposes of this SOW, one example that we can provide is that if you are a professor at a university, the university, as an organization, could not apply. However, as a professor, if you're able to establish independence from the university and work as an independent consultant, you would be an eligible, qualified individual for the purposes of this work.

SHERRON THOMAS: Good afternoon. This is Sherran Thomas and I'm the Contracting Officer Representative. In addition to what Marie offered, I'd like to just explain further that typically, GSA competitions are used when the government is interested in contracting and giving awards to small and large businesses. However, this procurement approach is different and unique in that NIJ has already awarded a competitive contract. And that particular contract is specifically directed to manage consultant assignments, which is why small and large businesses are restricted.

MARY JO GIOVACCHINI: All right. "Can I use a foreign employee?"

MARIE GARCIA: Clarity.

MARY JO GIOVACCHINI: So, the individual had asked if a foreign employee may be used. If you could submit a clarifying question or comment, that would be appreciated. "Will there be new data collection, or primary or solely secondary data analysis?"

MARIE GARCIA: So the PATTERN tool has currently been implemented at the Bureau of Prisons. If you read the statute carefully, the scores from PATTERN, in concert with other assessments, will be used to provide programming to those in custody currently in the BOP. Over time, this will include both secondary and primary data collection. But, again, as mentioned in the SOW, the actual samples from which to draw, and the years, will be determined with the consultant team as well as NIJ [and the] BOP. So to answer your question, it will include both over time.

MARY JO GIOVACCHINI: "Could you speak more about the budgeting for individual contractors?"

SHERRON THOMAS: Okay. You will be requested to submit a proposed budget. What you should consider in looking at the statement of work, is the level of effort that you would need to complete, or produce, or perform, in order to complete the assignment. Consider the timeline that's proposed and whether or not you're able to work within that timeline. All of those factors should weigh in to help you decide how much time you need to complete the project. This is totally open to your discretion and your expertise to let us know how much time you believe you're going to need to complete this work, and if you can work within the timeline.

From there, the budget process is only going to be relevant to those that are selected. So, we're not expecting everyone to respond to that. If you're selected, that is the first thing you would consider. Next, the contract would be able to match your proposed daily rate, or hourly rate, based on the market. So we're not following the financial guide that guides our grants where consultant rates are \$650 a day. If you have a proof of payment statement, which could be an invoice, or any other proof, or your salary even in your affiliation, you could use that as a way to describe what your market value is for doing this type of work for other organizations, and we would consider that. When we ask you for a proposed a budget, you would put all of that together and send it back to us and we would consider it.

MARY JO GIOVACCHINI: "Has anyone been performing this function already? Basically, are there any incumbents?"

MARIE GARCIA: The PATTERN was developed again by Zach Hamilton Grant Duwe in July. The no-validation work for Title I has been completed since this time, so no one is working on this task at this moment. There are no incumbents. So, the team of consultants that will be brought together will be the first to start this work.

MARY JO GIOVACCHINI: "Are consultants expected to work together on the revalidation? How does this work if multiple contractors submit different proposals?"

MARIE GARCIA: As mentioned, the consultants will work together as a team to get this work done. I understand there are several questions about who will do what in terms of the actual work. We're going to bring together the best team, based on your qualifications and expertise. So, you're encouraged to include in your capabilities and competencies a discussion of what skills you would have that you can bring to bear for this work. You will be required to work together. Once the team is put together, we will discuss with you, in terms of your qualifications and expertise and skillset, how to best manage this work and move forward.

MARY JO GIOVACCHINI: "I am a woman-owned small business owner. Could the contract be with my company for my consulting services, rather than with me as an individual? Because I would lose my WOSB status if I work outside."

MARIE GARCIA: As mentioned in the SOW and during this Q&A session, small businesses are not eligible, and would not be responsive based on the direct service requirement for this work.

MARY JO GIOVACCHINI: "I have an employee research assistant living in Serbia. Can I use his help? Paid."

SHERRON THOMAS: Generally speaking, the Department of Justice requires US citizens to be involved in their investigations and their work. Is the person a student? — It doesn't say here.

ESTHER IVORY: Yes.

SHERRON THOMAS: Okay. Thank you, Esther.

MARY JO GIOVACCHINI: "Will we have access to the data used to design the PATTERN tool?"

MARIE GARCIA: Yes. If necessary, you will have access to the dataset and you will also have access to the consultants that developed the tools. So we do expect that in the beginning, there will be some engagement on the front [end] to give the consultant team an understanding of how the tool was developed. So you will have access to those data.

MARY JO GIOVACCHINI: "How much travel do you anticipate?"

MARIE GARCIA: This is a five-year project. So a consultant team could be required to come to DC annually. Basically, you will be off-site, so unless we would require you to come to DC, I would say no more than perhaps twice a year.

MARY JO GIOVACCHINI: So a follow-up on the foreign question: the person is not a student.

SHERRON THOMAS: That's not allowed.

MARIE GARCIA: Not allowed.

MARY JO GIOVACCHINI: So they were just confirming then it is not allowed.

SHERRON THOMAS: Right. The person must be a US citizen to perform on this task.

MARY JO GIOVACCHINI: "Would the data available for validation be restricted to only federal offenses, or would non-federal offence data be available as well?"

MARIE GARCIA: So the criminal history data that will be used for this process will come from the FBI. It will include whatever offense records they have on file as for the criminal history for the individuals in the dataset.

MARY JO GIOVACCHINI: “Could two independent consultants partner together to submit a proposal?”

MARIE GARCIA: A team [consisting of] more than one consultant per application submission, would not be responsive. If you have a person that you think is qualified and should submit an application — each person must do it on their own. Unfortunately, that is the way that this has to move forward, unfortunately. If there are several of you that are qualified and want to come in together, you are required to be qualified to come in to get [employed] separately, on different proposals.

MARY JO GIOVACCHINI: “What does NIJ want to see in the 25-page narrative?”

MARIE GARCIA: Capabilities and competencies would absolutely [need to] be in there. As you’ll see in the criteria, that’s one of the key criteria for this SOW. We want to see your understanding of PATTERN. We want to understand your expertise in doing review and revalidation work. This was a fairly complicated task that Grant and Zach underwent last summer in order to create the work. So, we really want to see your expertise and innovation in terms of your ideas about how to review and revalidate PATTERN. Any thoughts about methods and an analytic plan? Those particular ideas should be conveyed in the proposal. It’s very clear here that we have specific items and tasks in Title I that have to be addressed. So, please communicate to us how you would address those particular activities.

MARY JO GIOVACCHINI: So, clarification on the initial question about a foreign assistant: they are a permanent resident of the United States, but not a citizen. And this gentleman is saying that they have applied for funding before and been told that it’s only open to citizens, and as a green card holder, he did not qualify.

MARIE GARCIA: And the same would apply here.

MARY JO GIOVACCHINI: Okay. Just to confirm, to make sure that you heard that, that would be the same in this situation as well. You would not qualify. You must be a US citizen. Let’s see. “Is NIJ looking for changes to the PATTERN instruments, including improvements on measuring various dynamic factors?”

MARIE GARCIA: One of the elements of the statute is requesting whether any changes to the tool, in terms of the addition of new factors, the removal of certain factors, how the factors are being measured —that is exactly what we are looking for. But, again, these changes must be approved by the Attorney General before any changes are made to the tool. So, the consulting team will develop the tool again, as necessary, make changes, and submit those to the Attorney General for consideration. So that is part of what we are asking for here.

MARY JO GIOVACCHINI: Next question, “Is the data de-identified?”

MARIE GARCIA: A quick review of how the data will be provided to NIJ: NIJ, the FBI, and the BOP will be entered into a memorandum of understanding that will allow NIJ to have access to the data. The data will be transferred to NIJ from the Bureau of Prisons. The data, when they arrive at NIJ, will be de-identified for the purposes of this task. So, yes, they will be de-identified.

MARY JO GIOVACCHINI: All right. “Individual and a business. For example, I start as a, adjust faculty member at a university outside of my business and I perform peer reviews as an individual. That being said, can I apply as an individual outside of my business?”

SHERRON THOMAS: Yes.

MARIE GARCIA: Yes. If you are able to establish independence from your business, you would be eligible to apply for this SOW.

MARY JO GIOVACCHINI: Another question about the team of consultants: About how large would that team be?

MARIE GARCIA: As mentioned, we don't have an end [number] to provide to you at this time. Our primary goal right now is to look for the necessary expertise. That's what we want you to show in your submission to this competition. So, we don't have a number. But to be clear, the team itself will not be too cumbersome and too large, because we need to be able to get the work done quickly, at least for 2020. We don't know yet. But we will make that determination once the submissions have come in.

MARY JO GIOVACCHINI: At this time, it appears that any remaining question has been answered. On the screen right now, you're going to see the email address for PATTERN@csrincorporated.com. We would like that you please submit those questions to this email address, and Marie will work with those at CSR to get an answer to you related to your particular scenario. Another question was, “When are you anticipating making the awards?”

MARIE GARCIA: The due date for the SOW is in April. The first report to Congress is due at the end of the year. So, we will be making the selections and working with the consultants to develop a budget, and to get to work on the background investigations, no later than June and July of this year.

MARY JO GIOVACCHINI: “Will we have access to documentation as to how the factors were constructed for PATTERN, so that we may recreate them relatively easily with the data provided?”

MARIE GARCIA: Yes. You will have access to the documentation. The primary documentation that is available is actually already available to all of you. The reports that have been made available on NIJ's webpage, our work on First Step, actually has that

information. Should you require additional information once the work gets underway, we will provide that to you.

MARY JO GIOVACCHINI: “Is there a conflict serving as an OJP peer reviewer and this contract?”

MARIE GARCIA: No, there is not a conflict of interest here. You can serve as a reviewer for OJP solicitations and funding opportunities, and you can also submit to this SOW if you are an eligible, qualified individual.

MARY JO GIOVACCHINI: “Since states can apply, I assume this means state organizations as well. Example, the Department of Juvenile Justice, is that correct?”

MARIE GARCIA: Yes, that is correct. Again, just to restate: Only qualified individuals can apply for this statement to work. There was a question about student assistance and citizenship. And our rules about citizenship apply to the consultant and any support staff that are included in the submission.

MARY JO GIOVACCHINI: “Will Zach and Grant be involved in the team?”

MARIE GARCIA: Zach and Grant, as the developers of PATTERN, will not be involved in the future development of this work. But they will serve as consultants on an as-needed basis to provide any and all information about the tool, how it was created, the data analysis, how the measures were constructed. So, they will be a resource to the team once the team has been determined.

MARY JO GIOVACCHINI: At this time, it looks like all the questions have been addressed. Again, you do have the opportunity to submit your question after the webinar to the email address at PATTERN. On behalf of Marie and NIJ, I would like to thank you for attending today’s webinar.

MARIE GARCIA: Any and all questions are welcome. We want to be as helpful to you over the next few weeks as we can. We wish you all the best, and we look forward to seeing your submissions.