



The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [National Institute of Justice](#) (NIJ) is seeking proposals 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.

Postconviction Testing of DNA Evidence to Exonerate the Innocent

Eligibility

In general, eligible applicants are States, units of local government (including federally recognized Indian tribal governments as determined by the Secretary of the Interior), and 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.

NIJ welcomes applications that involve two or more entities; however, one eligible entity must be the applicant and the others must be proposed as subrecipients. The applicant must be the entity with primary responsibility for administering the funding and managing the entire project. Only one application per lead applicant will be considered; however, subrecipients may be part of multiple proposals.

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

Deadline

Applicants must register with [Grants.gov](#) prior to submitting an application. All applications are due to be submitted and in receipt of a successful validation message in Grants.gov by 11:59 p.m. eastern time on **May 4, 2015**.

All applicants are encouraged to read this [Important Notice: Applying for Grants in Grants.gov](#).

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

Contact Information

For technical assistance with submitting an application, contact the Grants.gov Customer Support Hotline at 800-518-4726 or 606-545-5035, or via e-mail to support@grants.gov. The [Grants.gov](#) Support Hotline hours of operation are 24 hours a day, 7 days a week, except federal holidays.

Applicants that experience unforeseen Grants.gov technical issues beyond their control that prevent them from submitting their application by the deadline must e-mail the NIJ contact identified below **within 24 hours after the application deadline** and request approval to submit their application. Additional information on reporting technical issues is found under “Experiencing Unforeseen Grants.gov Technical Issues” in the [How To Apply](#) section.

For assistance with any other requirements of this solicitation, contact program manager Gregory Dutton at gregory.dutton@usdoj.gov. General information on applying for NIJ awards can be found at www.nij.gov/funding/Pages/welcome.aspx. Answers to frequently asked questions that may assist applicants are posted at www.nij.gov/funding/Pages/faqs.aspx.

Grants.gov number assigned to this announcement: NIJ-2015-3980

Release date: February 4, 2015

SL001150

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Postconviction Testing of DNA Evidence to Exonerate the Innocent

(CFDA No. 16.820)

A. Program Description

Overview

NIJ 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.

Authorizing Legislation: Department of Justice Appropriations Act, 2015 (Public Law 113-235).

Program-Specific Information

Since the advent of forensic DNA analysis, a growing number of Americans convicted of violent crimes have been exonerated through DNA analysis of evidence that was untested at the time of trial. New technologies have increased the likelihood of successful DNA analysis of aged, degraded, limited, or otherwise compromised biological evidence. As a result, crime scene samples once thought to be unsuitable for testing may now yield viable DNA profiles. Moreover, samples that had previously generated inconclusive DNA results may be amenable to reanalysis using newer methods.

NIJ provides funding to help defray the costs (e.g., of additional personnel, overtime, testing supplies and services, etc.) 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.

This program was previously titled the “Postconviction DNA Testing Assistance Program.” NIJ has made awards for postconviction DNA testing assistance in each fiscal year since 2008.

In prior fiscal years, NIJ invited applications from States only. In order for a State’s application to be considered eligible in those years, the State was required to submit with its application an express certification from the applicant State’s chief legal officer (typically the Attorney General) regarding the applicant State’s provision of postconviction DNA testing, and its laws and practices addressing the preservation of biological evidence. For fiscal year 2015, NIJ has expanded eligibility under this program to include units of local government and public institutions of higher education. This is expected to better reflect the diversity of institutions that are engaged in postconviction DNA testing efforts. Certification from the State’s chief legal officer as to State procedures regarding evidence retention and access to postconviction DNA testing (see [Section D. What an Application Should Include](#)) is no longer required at the time of application, but must be submitted before funds can be accessed.

Goals, Objectives, and Deliverables

The goal of this program is to fund projects that assist States and units of local government with postconviction DNA testing in cases of violent felony offenses where actual innocence might be demonstrated. This supports the DOJ mission "...to ensure fair and impartial administration of justice for all Americans." While successful exonerations to correct injustice are notable program outcomes, the careful review, consideration and closing of cases subjected to postconviction DNA testing that do not ultimately demonstrate innocence also work to advance the public's interest that justice has been fairly applied.

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% 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 announcement:

- **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.

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. Details of the required metrics are given under “Performance Measures” on page 12. Narrative progress reports to support the reported metrics are to be submitted concurrently.

B. Federal Award Information

NIJ estimates that it will make awards for project periods of up to 36 months, to begin on or after 10/01/2015. The number and value of the awards made will depend on available funding and the volume and quality of applications received. Visit the NIJ website for examples of [recent successful proposals](#).

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 Award¹

NIJ expects that it will make any award from this announcement in the form of a cooperative agreement, which is a particular type of grant used if NIJ expects to have ongoing substantial involvement in award activities. Substantial involvement includes direct oversight and involvement with the grantee organization in implementation of the grant, but does not involve day-to-day project management. See [Administrative, National Policy, and other Legal Requirements](#), under Section [F. Federal Award Administration Information](#), for details regarding the federal involvement anticipated under an award from this announcement.

Financial Management and System of Internal Controls

If selected for funding, the award recipient must:

- a. Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States and the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- b. Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.
- c. Evaluate and monitor the non-Federal entity's compliance with statute, regulations and the terms and conditions of Federal awards.

¹ See generally 31 U.S.C. §§ 6301-6305 (defines and describes various forms of federal assistance relationships, including grants and cooperative agreements (a type of grant)).

- d. Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- e. Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or the non-Federal entity considers sensitive consistent with applicable Federal, State and local laws regarding privacy and obligations of confidentiality.

In order to better understand administrative requirements and cost principles, award applicants are encouraged to enroll, at no charge, in the Department of Justice Grants Financial Management Online Training available [here](#).

Budget Information

Permissible Expenses:

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 OJP Financial Guide, available at www.ojp.usdoj.gov/financialguide.
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. 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.
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 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. **Consultant and Contractor Services**—Funds may be used to hire consultants and/or temporary contract staff to conduct case identification and case reviews, locate evidence, or conduct DNA analysis of biological evidence. Funds may also be used for

contracts with accredited fee-for-service laboratories to conduct DNA analysis of biological evidence.

Please note: No profiles generated with funding from this program may be entered into any non-governmental DNA database without prior express written approval from NIJ.

7. **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:

Federal funds awarded under this solicitation may only be used for the permissible expenses outlined above. Among other things, funds may not be used for:

1. Work that will be funded under another specific solicitation.
2. Activities that do not respond to the specific goals of this solicitation.
3. Costs for postconviction relief litigation, after DNA testing of biological evidence has been completed.
4. Salaries and benefits for victims advocacy services.
5. 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.
6. Outreach and initial screening activities not included in case identification (as defined above).
7. Laboratory equipment.
8. Construction.
9. Renovation.
10. Office furnishings.
11. Witness travel.
12. General, non-postconviction training, or training for employees not directly funded under this award.

Cost Sharing or Match Requirement

See “Cofunding” paragraph under item 4 (“Budget Detail Worksheet and Budget Narrative”) under [What an Application Should Include](#) in Section D. Application and Submission Information.

Pre-Agreement Cost Approvals

OJP does not typically approve pre-agreement costs; an applicant must request and obtain the prior written approval of OJP for all such costs. If approved, pre-agreement costs could be paid from grant funds consistent with a grantee’s approved budget, and under applicable cost standards. However, all such costs prior to award and prior to approval of the costs are incurred at the sole risk of an applicant. Generally, no applicant should incur project costs *before* submitting an application requesting federal funding for those costs. Should there be extenuating circumstances that appear to be appropriate for OJP’s consideration as pre-agreement costs, the applicant should contact the point of contact listed on the title page of this announcement for details on the requirements for submitting a written request for approval. See the section on Costs Requiring Prior Approval in the [Financial Guide](#), for more information.

Limitation on Use of Award Funds for Employee Compensation; Waiver

With respect to any award of more than \$250,000 made under this solicitation, recipients may not use federal funds to pay total cash compensation (salary plus cash bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the Federal Government’s Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. The 2015 salary table for SES employees is available at the Office of Personnel Management [website](#). Note: A recipient may compensate an employee at a greater rate, provided the amount in excess of this compensation limitation is paid with non-federal funds. (Any such additional compensation will not be considered matching funds where match requirements apply.)

The Assistant Attorney General for OJP may exercise discretion to waive, on an individual basis, the limitation on compensation rates allowable under an award. An applicant requesting a waiver should include a detailed justification in the budget narrative of the application. Unless the applicant submits a waiver request and justification with the application, the applicant should anticipate that OJP will request the applicant to adjust and resubmit the budget.

The justification should include the particular qualifications and expertise of the individual, the uniqueness of the service the individual will provide, the individual’s specific knowledge of the program or project being undertaken with award funds, and a statement explaining that the individual’s salary is commensurate with the regular and customary rate for an individual with his/her qualifications and expertise, and for the work to be done.

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

OJP strongly encourages applicants that propose to use award funds for any conference-, meeting-, or training-related activity to review carefully – before submitting an application – the OJP policy and guidance on conference approval, planning, and reporting available at <http://www.ojp.gov/financialguide/PostawardRequirements/chapter15page1.htm>. OJP policy and guidance (1) encourage minimization of conference, meeting, and training costs; (2) require prior written approval (which may affect project timelines) of most such costs for cooperative

agreement recipients and of some such costs for grant recipients; and (3) set cost limits, including a general prohibition of all food and beverage costs.

Costs Associated with Language Assistance (if applicable)

If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services or benefits for individuals with limited English proficiency may be allowable. Reasonable steps to provide meaningful access to services or benefits may include interpretation or translation services where appropriate.

For additional information, see the "Civil Rights Compliance" section under "Solicitation Requirements" in the [OJP Funding Resource Center](#).

C. Eligibility Information

For additional eligibility information, see Title page.

Cost Sharing or Match Requirement

For additional information on cost sharing and match requirement, see Section [B. Federal Award Information](#).

Limit on Number of Application Submissions

If an applicant submits multiple versions of the same application, NIJ will review only the most recent system-validated version submitted. For more information on system-validated versions, see [How To Apply](#).

D. Application and Submission Information

What an Application Should Include

Applicants should anticipate that if they fail to submit an application that contains all of the specified elements, it may negatively affect the review of their application; and, should a decision be made to make an award, it may result in the inclusion of special conditions that preclude the recipient from accessing or using award funds pending satisfaction of the conditions.

Moreover, applicants should anticipate that applications that are determined to be nonresponsive to the scope of the solicitation, or that do not include the application elements that NIJ has designated to be critical, will neither proceed to peer review nor receive further consideration. Under this solicitation, NIJ has designated the following application elements as critical: Program Narrative, Budget Detail Worksheet and Budget Narrative, and resumes/curriculum vitae of key personnel. Applicants may combine the Budget Narrative and the Budget Detail Worksheet in one document. However, if an applicant submits only one budget document, it must contain **both** narrative and detail information. Please review the "Note on File Names and File Types" under [How To Apply](#) to be sure applications are submitted in permitted formats.

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

1. Information to Complete the Application for Federal Assistance (SF-424)

The SF-424 is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. Grants.gov and OJP’s Grants Management System (GMS) take information from the applicant’s profile to populate the fields on this form. When selecting “type of applicant,” if the applicant is a for-profit entity, select “For-Profit Organization” or “Small Business” (as applicable).

Intergovernmental Review: This funding opportunity (program) **is not** subject to [Executive Order 12372](#). (In completing the SF-424, applicants are to make the appropriate selection in response to question 19 to indicate that the “Program is not covered by E.O. 12372.”)

2. Project Abstract

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

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

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

All project abstracts should follow the detailed template available at ojp.gov/funding/Apply/Resources/ProjectAbstractTemplate.pdf.

3. Program Narrative

The program narrative section of the application should not exceed twelve (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, NIJ may consider such noncompliance in peer review and in final award decisions.

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

a. Title Page (not counted against the 12-page program narrative limit).

The title page should include the title of the project, submission date, funding opportunity number, and the principal investigator(s) name and complete contact information (i.e., address, telephone number, and e-mail address).

b. Resubmit Response (if applicable; not counted against the 12-page program narrative limit).

If an applicant is resubmitting a proposal presented previously to NIJ, but not funded, the applicant should indicate this. A statement should be provided, no more than two pages, addressing: (1) the title, submission date, and NIJ-assigned application number of the previous proposal, and (2) a summary of direct responses to previous peer review. Insert this document after the abstract.

c. Table of Contents (not counted against the 12-page program narrative limit).

d. Main Body

The main body of the program narrative should describe the project in depth. The following sections should be included as part of the program narrative:

- Statement of the Problem
- Project Design and Implementation
- Capabilities and Competencies
- Impact, Outcomes and Evaluation
- Plan for Collecting the Data Required for this Solicitation's Performance Measures

To assist the Department with fulfilling its responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 103-62, and the GPRA Modernization Act of 2010, Public Law 111-352, applicants that receive funding under this solicitation must provide data that measure the results of their work done under this solicitation. OJP will require any award recipient, post award, to provide the data requested in the "Data Grantee Provides" column so that OJP can calculate values for the "Performance Measures" column. Performance measures for this solicitation are as follows:

Objective	Performance Measure(s)	Data Grantee 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.	Target number of cases to be reviewed with grant funds. Number of cases reviewed by offense type (crimes that included a sexual component; crimes that resulted in the death of the victim) Number of cases reviewed with grant funds.
	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.	Number of cases in which biological evidence existed. Number of cases in which biological evidence had been destroyed or was missing.
	Percentage of cases subjected to DNA analysis.	Number of cases subjected to DNA analysis.
	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 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.
	Number of profiles uploaded into CODIS.	Number of profiles uploaded into CODIS.
	Percentage of profiles resulting in a CODIS hit	Number of matches resulting from profiles uploaded into CODIS.
	Number of cases with DNA testing results	Number of cases with confirmatory results. Number of cases with exculpatory results. Number of cases with inconclusive results.
	Number of hours spent on case review and locating evidence.	Approximate number of hours spent on case review and location of evidence, respectively.

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

Within the main body, the narrative should address:

- Purpose, goals, and objectives.
- Implementation approach, including case review selection criteria and the target number of cases to be reviewed with grant funds.
- Detailed justification for specific case identification activities proposed for federal funding, if applicable (not to exceed 15% of the federal award amount).
- Implications for criminal justice policy and practice in the United States.
- Management plan and organization.

e. Appendices (not counted against the 12-page program narrative limit), including:

- Bibliography/references, if applicable.
- Any tools/instruments, questionnaires, tables/charts/graphs, or maps pertaining to the proposed study.
- Curriculum vitae, resumes or biographical sketches for key personnel.
- 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. Applicants should use the “Proposed Project Staff, Affiliation, and Roles” form available at www.nij.gov/funding/documents/nij-project-staff-template.xlsx to provide this listing.
- Project timeline with expected milestones.
- List of previous and current NIJ awards to applicant organization and investigator(s).
- Letters of cooperation/support or administrative agreements from organizations collaborating in the project (if applicable).

4. Budget Detail Worksheet and Budget Narrative

a. Budget Detail Worksheet

A sample Budget Detail Worksheet can be found at www.ojp.gov/funding/Apply/Resources/BudgetDetailWorksheet.pdf. Applicants that submit their budget in a different format should include the budget categories listed in the sample budget worksheet.

For questions pertaining to budget and examples of allowable and unallowable costs, see the OJP Financial Guide at www.ojp.gov/financialguide/index.htm.

b. Budget Narrative

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

Applicants should demonstrate in their budget narratives how they will maximize cost effectiveness of grant expenditures. Budget narratives should generally describe cost effectiveness in relation to potential alternatives and the goals of the project. For example, a budget narrative should detail why planned in-person meetings are necessary, or how technology and collaboration with outside organizations could be used to reduce costs, without compromising quality.

The narrative should be mathematically sound and correspond with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how the applicant estimated and calculated all costs, and how they are relevant to the completion of the proposed project. The narrative may include tables for clarification purposes but need not be in a spreadsheet format. As with the Budget Detail Worksheet, the Budget Narrative should be broken down by year.

Case Identification

The budget detail worksheet and budget narrative should clearly indicate the cost breakouts for any proposed case identification activities (total cost not to exceed 15% of the total federal award amount requested) in the appropriate cost category (e.g., personnel, fringe benefits, travel, equipment, supplies, and consultants/contracts), as a separate section of the budget documents.

c. Cofunding

A grant made by NIJ under this solicitation may account for up to 100 percent of the total cost of the project. The application should indicate whether it is feasible for the applicant to contribute cash, facilities, or services as non-federal support for the project. The application should identify generally any such contributions that the applicant expects to make and the proposed budget should indicate in detail which items, if any, will be supported with non-federal contributions.

If a successful application proposes a voluntary match amount, and OJP approves the budget, the total match amount incorporated into the approved budget becomes mandatory and subject to audit.

d. Non-Competitive Procurement Contracts In Excess of Simplified Acquisition Threshold

If an applicant proposes to make one or more non-competitive procurements of products or services, where the non-competitive procurement will exceed the simplified acquisition threshold (also known as the small purchase threshold), which is currently set at \$150,000, the application should address the considerations outlined in the [OJP Financial Guide](#).

e. Pre-Agreement Cost Approvals

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

5. Indirect Cost Rate Agreement (if applicable)

Indirect costs are allowed only if the applicant has a current federally approved indirect cost rate. (This requirement does not apply to units of local government.) Attach a copy of the federally approved indirect cost rate agreement to the application. Applicants that do not have an approved rate may request one through their cognizant federal agency, which will review all documentation and approve a rate for the applicant organization, or, if the applicant's accounting system permits, costs may be allocated in the direct cost categories. For the definition of Cognizant Federal Agency, see the "Glossary of Terms" in the [OJP Financial Guide](#). For assistance with identifying your cognizant agency, please contact the Customer Service Center at 1-800-458-0786 or at ask.ocfo@usdoj.gov. If DOJ is the cognizant federal agency, applicants may obtain information needed to submit an indirect cost rate proposal at <http://www.ojp.gov/funding/Apply/Resources/IndirectCosts.pdf>.

6. Tribal Authorizing Resolution (if applicable)

Tribes, tribal organizations, or third parties proposing to provide direct services or assistance to residents on tribal lands should include in their applications a resolution, a letter, affidavit, or other documentation, as appropriate, that certifies that the applicant has the legal authority from the tribe(s) to implement the proposed project on tribal lands. In those instances when an organization or consortium of tribes applies for a grant on behalf of a tribe or multiple specific tribes, the application should include appropriate legal documentation, as described above, from all tribes that would receive services or assistance under the grant. A consortium of tribes for which existing consortium bylaws allow action without support from all tribes in the consortium (i.e., without an authorizing resolution or comparable legal documentation from each tribal governing body) may submit, instead, a copy of its consortium bylaws with the application.

7. Applicant Disclosure of High-Risk Status

Applicants are to disclose whether they are currently designated high risk by another federal grant making agency. This includes any status requiring additional oversight by the federal agency due to past programmatic or financial concerns. If an applicant is designated high

risk by another federal grant making agency, you must email the following information to OJPComplianceReporting@usdoj.gov at the time of application submission:

- The federal agency that currently designated the applicant as high risk;
- Date the applicant was designated high risk;
- The high-risk point of contact name, phone number, and email address, from that federal agency; and
- Reasons for the high risk status;

OJP seeks this information to ensure appropriate federal oversight of any grant award. Unlike the Excluded Parties List, this high risk information does not disqualify any organization from receiving an OJP award. However, additional grant oversight may be included, if necessary, in award documentation.

8. Additional Attachments

a. Applicant Disclosure of Pending Applications

Applicants are to disclose whether they have pending applications for federally funded grants or subgrants (including cooperative agreements) that include requests for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation. The disclosure should include both direct applications for federal funding (e.g., applications to federal agencies) and indirect applications for such funding (e.g., applications to State agencies that will subaward federal funds).

OJP seeks this information to help avoid any inappropriate duplication of funding. Leveraging multiple funding sources in a complementary manner to implement comprehensive programs or projects is encouraged and is not seen as inappropriate duplication.

Applicants that have pending applications as described above are to provide the following information about pending applications submitted within the last 12 months:

- The federal or State funding agency.
- The solicitation name/project name.
- The point of contact information at the applicable funding agency.

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

Applicants should include the table as a separate attachment, with the file name “Disclosure of Pending Applications,” to their application. Applicants that do not have pending applications as described above are to include a statement to this effect in the separate attachment page (e.g., “[Applicant Name on SF-424] does not have pending applications submitted within the last 12 months for federally funded grants or subgrants (including cooperative agreements) that include requests for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation.”).

b. 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. See also Appendix I, which includes a template 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 NIJ.

Note to all applicants, in particular, applicants proposing postconviction DNA testing projects involving cases outside of the applicant's State: The certification at [Appendix I](#) 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).**

Regarding section 413 of Public Law 108-405: Applicants are encouraged to review the provisions of section 413 of the Justice for All Act of 2004 (Public Law 108-405). Although not applicable to awards under this FY 2015 solicitation, these or related provisions may apply to future solicitations related to postconviction DNA testing assistance. (A copy of section 413 appears in Appendix II, along with copies of 18 U.S.C. §§ 3600(a) and 3600A, which are referenced therein.) A template for the certification appears in Appendix I.

9. Financial Management and System of Internal Controls Questionnaire

In accordance with [2 CFR 200.205](#), Federal agencies must have in place a framework for evaluating the risks posed by applicants before they receive a Federal award. To facilitate part of this risk evaluation, **all** applicants (other than an individual) are to download, complete, and submit this [form](#).

10. Disclosure of Lobbying Activities

All applicants must complete this information. Applicants that expend any funds for lobbying activities are to provide the detailed information requested on the form Disclosure of Lobbying Activities (SF-LLL). Applicants that do not expend any funds for lobbying activities are to enter "N/A" in the text boxes for item 10 ("a. Name and Address of Lobbying Registrant" and "b. Individuals Performing Services").

How to Apply

Applicants must register in, and submit applications through Grants.gov, a "one-stop storefront" to find federal funding opportunities and apply for funding. Find complete instructions on how to register and submit an application at www.Grants.gov. Applicants that experience technical difficulties during this process should call the Grants.gov Customer Support Hotline at **800-518-4726** or **606-545-5035**, 24 hours a day, 7 days a week, except federal holidays. Registering with Grants.gov is a one-time process; however, **processing delays may occur, and it can take several weeks** for first-time registrants to receive confirmation and a user password. OJP encourages applicants to **register several weeks before** the application submission deadline. In addition, OJP urges applicants to submit applications 72 hours prior to the application due date to allow time to receive validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification.

NIJ strongly encourages all prospective applicants to sign up for Grants.gov email notifications regarding this solicitation. If this solicitation is cancelled or modified, individuals who sign up with Grants.gov for updates will be automatically notified.

Note on File Names and File Types: Grants.gov only permits the use of certain specific characters in names of attachment files. Valid file names may include only the characters shown

in the table below. Grants.gov is designed to reject any application that includes an attachment(s) with a file name that contains any characters not shown in the table below.

Characters	Special Characters		
Upper case (A – Z)	Parenthesis ()	Curly braces { }	Square brackets []
Lower case (a – z)	Ampersand (&)	Tilde (~)	Exclamation point (!)
Underscore (_)	Comma (,)	Semicolon (;)	Apostrophe (')
Hyphen (-)	At sign (@)	Number sign (#)	Dollar sign (\$)
Space	Percent sign (%)	Plus sign (+)	Equal sign (=)
Period (.)	When using the ampersand (&) in XML, applicants must use the “&amp;” format.		

Grants.gov is designed to forward successfully submitted applications to OJP’s Grants Management System (GMS).

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

All applicants are required to complete the following steps

OJP may not make a federal award to an applicant until the applicant has complied with all applicable DUNS and SAM requirements. If an applicant has not fully complied with the requirements by the time the federal awarding agency is ready to make a federal award, the federal awarding agency may determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

- 1. Acquire a Data Universal Numbering System (DUNS) number.** In general, the Office of Management and Budget requires that all applicants (other than individuals) for federal funds include a DUNS number in their applications for a new award or a supplement to an existing award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and differentiating entities receiving federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and subrecipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, one-time activity. Call Dun and Bradstreet at 866–705–5711 to obtain a DUNS number or apply online at www.dnb.com. A DUNS number is usually received within 1-2 business days.
- 2. Acquire registration with the System for Award Management (SAM).** SAM is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. OJP requires all applicants (other than individuals) for federal financial assistance to maintain current registrations in the SAM database. Applicants must be registered in SAM to successfully register in Grants.gov. Applicants must **update or renew their SAM registration annually** to maintain an active status.

Applications cannot be successfully submitted in Grants.gov until Grants.gov receives the SAM registration information. **The information transfer from SAM to Grants.gov can take**

up to 48 hours. OJP recommends that the applicant register or renew registration with SAM as early as possible.

Information about SAM registration procedures can be accessed at www.sam.gov.

- 3. Acquire an Authorized Organization Representative (AOR) and a Grants.gov username and password.** Complete the AOR profile on Grants.gov and create a username and password. The applicant organization's DUNS number must be used to complete this step. For more information about the registration process, go to www.grants.gov/applicants/get_registered.jsp.
- 4. Acquire confirmation for the AOR from the E-Business Point of Contact (E-Biz POC).** The E-Biz POC at the applicant organization must log into Grants.gov to confirm the applicant organization's AOR. Note that an organization can have more than one AOR.
- 5. Search for the funding opportunity on Grants.gov.** Use the following identifying information when searching for the funding opportunity on Grants.gov. The Catalog of Federal Domestic Assistance number for this solicitation is 16.820, titled "Postconviction Testing of DNA Evidence to Exonerate the Innocent" and the funding opportunity number is NIJ-2015-3980.
- 6. Submit a valid application consistent with this solicitation by following the directions in Grants.gov.** Within 24–48 hours after submitting the electronic application, the applicant should receive two notifications from Grants.gov. The first will confirm the receipt of the application and the second will state whether the application has been successfully validated, or rejected due to errors, with an explanation. It is possible to first receive a message indicating that the application is received and then receive a rejection notice a few minutes or hours later. Submitting well ahead of the deadline provides time to correct the problem(s) that caused the rejection. **Important:** OJP urges applicants to submit applications **at least 72 hours prior** to the application due date to allow time to receive validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification.

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

Note: Duplicate Applications

If an applicant submits multiple versions of the same application, NIJ will review only the most recent system-validated version submitted. See Note on File Names and File Types under [How To Apply](#).

Experiencing Unforeseen Grants.gov Technical Issues

Applicants that experience unforeseen Grants.gov technical issues beyond their control that prevent them from submitting their application by the deadline must contact the Grants.gov [Customer Support Hotline](#) or the [SAM Help Desk](#) to report the technical issue and receive a tracking number. Then applicant must e-mail the NIJ contact identified in the Contact Information section on page 1 **within 24 hours after the application deadline** and request approval to submit their application. The e-mail must describe the technical difficulties, and include a timeline of the applicant's submission efforts, the complete grant application, the

applicant's DUNS number, and any Grants.gov Help Desk or SAM tracking number(s). **Note: NIJ does not automatically approve requests.** After the program office reviews the submission, and contacts the Grants.gov or SAM Help Desks to validate the reported technical issues, OJP will inform the applicant whether the request to submit a late application has been approved or denied. If OJP determines that the applicant failed to follow all required procedures, which resulted in an untimely application submission, OJP will deny the applicant's request to submit their application.

The following conditions are generally insufficient to justify late submissions:

- Failure to register in SAM or Grants.gov in sufficient time.
- Failure to follow Grants.gov instructions on how to register and apply as posted on its website.
- Failure to follow each instruction in the OJP solicitation.
- Technical issues with the applicant's computer or information technology environment, including firewalls.

Notifications regarding known technical problems with Grants.gov, if any, are posted at the top of the OJP funding Web page at www.ojp.gov/funding/Explore/CurrentFundingOpportunities.htm.

E. Application Review Information

Selection Criteria

1. Statement of the Problem (5%)
 - a. Awareness of the current state of DNA technology for forensic physical evidence.
 - b. Awareness of the significance of DNA testing relative to postconviction cases.
2. Project Design and Implementation (40%)
 - 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 of the project goals within the proposed project period.
 - c. Awareness of potential pitfalls and the inclusion of work-arounds.
 - d. Demonstration of multiagency cooperation, collaboration and partnerships.
 - e. Innovation and creativity (where appropriate).

3. Capabilities and Competencies (20%)
 - a. Qualifications and experience of proposed staff.
 - b. Demonstrated ability of staff and organization to manage the effort.
 - c. Adequacy of the management plan.
4. Plan for Collecting the Data Required for this Solicitation's Performance Measures (5%)
5. Budget: complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). Budget narratives should generally demonstrate how applicants will maximize cost effectiveness of grant expenditures. Budget narratives should demonstrate cost effectiveness in relation to potential alternatives and the goals of the project.² (15%)
6. Impact/Outcomes and Evaluation (Relevance to policy and practice) – (15%)
 - a. Potential for significant advances or outcomes.

Review Process

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

Peer reviewers will review the applications submitted under this solicitation that meet basic minimum requirements. For purposes of assessing whether applicants have met basic minimum requirements, OJP screens applications for compliance with specified program requirements to help determine which applications should proceed to further consideration for award. Although program requirements may vary, the following are common requirements applicable to all solicitations for funding under OJP grant programs:

- Applications must be submitted by an eligible type of applicant
- Applications must request funding within programmatic funding constraints (if applicable)
- Applications must be responsive to the scope of the solicitation
- Applications must include all items designated as “critical elements”
- Applicants will be checked against the General Services Administration's Excluded Parties List

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

² 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.

NIJ may use internal peer reviewers, external peer reviewers, or a combination, to assess applications meeting basic minimum requirements on technical merit using the solicitation's selection criteria. An external peer reviewer is an expert in the subject matter of a given solicitation who is not a current DOJ employee. An internal reviewer is a current DOJ employee who is well-versed or has expertise in the subject matter of this solicitation. A peer review panel will evaluate, score, and rate applications that meet basic minimum requirements. Peer reviewers' ratings and any resulting recommendations are advisory only, although their views are considered carefully. In addition to peer review ratings, considerations for award recommendations and decisions may include, but are not limited to, underserved populations, geographic diversity, strategic priorities, past performance under prior NIJ and OJP awards, and available funding. With respect to past performance, applicants with open awards funded under previous fiscal years of this solicitation should be aware that the review process will include a review of the applicant's demonstrated ability to complete projects within the proposed project periods.

OJP reviews applications for potential discretionary awards to evaluate the risks posed by applicants before they receive an award. This review may include but is not limited to the following:

1. Financial stability and fiscal integrity.
2. Quality of management systems and ability to meet the management standards prescribed in the Financial Guide.
3. History of performance.
4. Reports and findings from audits.
5. The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities.
6. Proposed costs to determine if the Budget Detail Worksheet and Budget Narrative accurately explain project costs, and whether those costs are reasonable, necessary, and allowable under applicable federal cost principles and agency regulations.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final award decisions will be made by the Assistant Attorney General, who may consider factors including, but not limited to, peer review ratings, underserved populations, geographic diversity, strategic priorities, past performance under prior NIJ and OJP awards, and available funding when making awards.

F. Federal Award Administration Information

Federal Award Notices

OJP award notification will be sent from GMS. Recipients will be required to log in; accept any outstanding assurances and certifications on the award; designate a financial point of contact; and review, sign, and accept the award. The award acceptance process involves physical signature of the award document by the authorized representative and the scanning of the fully-executed award document to OJP.

Administrative, National Policy, and other Legal Requirements

If selected for funding, in addition to implementing the funded project consistent with the agency-approved project proposal and budget, the recipient must comply with award terms and conditions, and other legal requirements, including but not limited to OMB, DOJ or other federal regulations which will be included in the award, incorporated into the award by reference, or are otherwise applicable to the award. OJP strongly encourages prospective applicants to review the information pertaining to these requirements **prior** to submitting an application. To assist applicants and recipients in accessing and reviewing this information, OJP has placed pertinent information on its [Solicitation Requirements](#) page of the [OJP Funding Resource Center](#).

Please note in particular the following two forms, which applicants must accept in GMS prior to the receipt of any award funds, as each details legal requirements with which applicants must provide specific assurances and certifications of compliance. Applicants may view these forms in the Apply section of the [OJP Funding Resource Center](#) and are strongly encouraged to review and consider them carefully prior to making an application for OJP grant funds.

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

Upon grant approval, OJP electronically transmits (via GMS) the award document to the prospective award recipient. In addition to other award information, the award document contains award terms and conditions that specify national policy requirements³ with which recipients of federal funding must comply; uniform administrative requirements, cost principles, and audit requirements; and program-specific terms and conditions required based on applicable program (statutory) authority or requirements set forth in OJP solicitations and program announcements, and other requirements which may be attached to appropriated funding. For example, certain efforts may call for special requirements, terms, or conditions relating to intellectual property, data/information-sharing or -access, or information security; or audit requirements, expenditures and milestones, or publications and/or press releases. OJP also may place additional terms and conditions on an award based on its risk assessment of the applicant, or for other reasons it determines necessary to fulfill the goals and objectives of the program.

Prospective applicants may access and review the text of mandatory conditions OJP includes in all OJP awards, as well as the text of certain other conditions, such as administrative conditions, via [Mandatory Award Terms and Conditions](#) page of the [OJP Funding Resource Center](#).

As stated above, NIJ anticipates that it will make any award from this announcement in the form of a cooperative agreement. Cooperative agreement awards include standard “federal involvement” conditions that describe the general allocation of responsibility for execution of the funded program. Generally-stated, under cooperative agreement awards, responsibility for the day-to-day conduct of the funded project rests with the recipient in implementing the funded and

³ See generally 2 C.F.R. 200.300 (provides a general description of national policy requirements typically applicable to recipients of Federal awards, including the Federal Funding Accountability and Transparency Act of 2006 (FFATA)).

approved proposal and budget, and the award terms and conditions. Responsibility for oversight and redirection of the project, if necessary, rests with NIJ

In addition to any “federal involvement” condition(s), OJP cooperative agreement awards include a special condition specifying certain reporting requirements required in connection with conferences, meetings, retreats, seminars, symposium, training activities, or similar events funded under the award, consistent with OJP policy and guidance on conference approval, planning, and reporting.

General Information About Post-Federal Award Reporting Requirements

Recipients must submit quarterly financial reports, semi-annual progress reports, final financial and progress reports, and, if applicable, an annual audit report in accordance with 2 CFR Part 200. Future awards and fund drawdowns may be withheld if reports are delinquent.

Special Reporting requirements may be required by OJP depending on the statutory, legislative or administrative obligations of the recipient or the program.

G. Federal Awarding Agency Contact(s)

For additional Federal Awarding Agency Contact(s), see the Title page.

For additional contact information for Grants.gov, see the Title page.

H. Other Information

Provide Feedback to OJP

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

IMPORTANT: This e-mail is for feedback and suggestions only. Replies are **not** sent from this mailbox. If you have specific questions on any program or technical aspect of the solicitation, **you must** directly contact the appropriate number or e-mail listed on the front of this solicitation document. These contacts are provided to help ensure that you can directly reach an individual who can address your specific questions in a timely manner.

If you are interested in being a reviewer for other OJP grant applications, please e-mail your resume to ojpeerreview@lmbps.com. The OJP Solicitation Feedback email account will not forward your resume. **Note:** Neither you nor anyone else from your organization can be a peer reviewer in a competition in which you or your organization have submitted an application.

Application Checklist

Postconviction Testing of DNA Evidence to Exonerate the Innocent

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

What an Applicant Should Do:

Prior to Registering in Grants.gov:

- Acquire a DUNS Number (see page 20)
- Acquire or renew registration with SAM (see page 20)

To Register with Grants.gov:

- Acquire AOR and Grants.gov username/password (see page 21)
- Acquire AOR confirmation from the E-Biz POC (see page 21)

To Find Funding Opportunity:

- Search for the Funding Opportunity on Grants.gov (see page 21)
- Download Funding Opportunity and Application Package (see page 21)
- Sign up for Grants.gov email notifications (optional) (see page 19)
- Read [Important Notice: Applying for Grants in Grants.gov](#)

After application submission, receive Grants.gov email notifications that:

- (1) application has been received,
- (2) application has either been successfully validated or rejected with errors (see page 21)

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

- Contact NIJ regarding experiencing technical difficulties (see page 22)

General Requirements:

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

What an Application Should Include:

- Application for Federal Assistance (SF-424) (see page 11)
- Project Abstract (see page 11)
- Program Narrative (see page 11)
 - Double-spaced
 - 12-point standard font
 - 1" standard margins
 - Narrative is 12 pages or less
- Appendices (see page 14)
 - Bibliography/references
 - Tools/instruments, questionnaires, tables/charts/graphs, or maps
 - Curriculum vitae, resumes, or biographical sketches of key personnel
 - List of proposed project staff members
 - Project timeline
 - List of previous and current NIJ awards
 - Letters of support

- _____ Budget Detail Worksheet (see page 15)
- _____ Budget Narrative (see page 15)
- _____ Employee Compensation Waiver request and justification (if applicable)
(see page 9)
- _____ Read OJP policy and guidance on conference approval, planning, and reporting
available at ojp.gov/financialguide/PostawardRequirements/chapter15page1.htm
(see page 9)
- _____ Disclosure of Lobbying Activities (SF-LLL) (see page 19)
- _____ Indirect Cost Rate Agreement (if applicable) (see page 16)
- _____ Tribal Authorizing Resolution (if applicable) (see page 16)
- _____ Applicant Disclosure of High Risk Status (see page 16)
- _____ Additional Attachments
- _____ Applicant Disclosure of Pending Applications (see page 17)
- _____ Certification(s) as to Provision of Postconviction DNA Testing and Preservation
of Biological Evidence (see page 18)
- _____ Financial Management and System of Internal Controls Questionnaire (if applicable)
(see page 19)

Appendix I: Certification Template

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
NATIONAL INSTITUTE OF JUSTICE

FY 2015 Postconviction Testing of DNA Evidence to Exonerate the Innocent

On behalf of the State named below, I certify the following to the National Institute of Justice, 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

Appendix II: Selected Statutes

(See the note regarding section 413 of Public Law 108-405 under “What an Application Should Include” on page 19)

Section 413 of the Justice for All Act of 2004 (Public Law 108–405) provides:

Incentive grants to States to ensure consideration of claims of actual innocence.

For each of fiscal years 2005 through 2009, all funds appropriated to carry out sections 303, 305, 308, and 412 shall be reserved for grants to eligible entities that—

(1) meet the requirements under section 303, 305, 308, or 412, as appropriate; and

(2) demonstrate that the State in which the eligible entity operates—

(A) provides post-conviction DNA testing of specified evidence—

(i) under a State statute enacted before the date of enactment of this Act [October 30, 2004] (or extended or renewed after such date), to persons convicted after trial and under a sentence of imprisonment or death for a State felony offense, in a manner that ensures a reasonable process for resolving claims of actual innocence; or

(ii) under a State statute enacted after the date of enactment of this Act [October 30, 2004] or under a State rule, regulation, or practice, to persons under a sentence of imprisonment or death for a State felony offense, in a manner comparable to section 3600(a) of title 18, United States Code (provided that the State statute, rule, regulation, or practice may make post-conviction DNA testing available in cases in which such testing is not required by such section), and if the results of such testing exclude the applicant, permits the applicant to apply for post-conviction relief, notwithstanding any provision of law that would otherwise bar such application as untimely; and

(B) preserves biological evidence secured in relation to the investigation or prosecution of a State offense—

(i) under a State statute or a State or local rule, regulation, or practice, enacted or adopted before the date of enactment of this Act [October 30, 2004] (or extended or renewed after such date), in a manner that ensures that reasonable measures are taken by all jurisdictions within the State to preserve such evidence; or

(ii) under a State statute or a State or local rule, regulation, or practice, enacted or adopted after the date of enactment of this Act [October 30, 2004], in a manner comparable to section 3600A of title 18, United States Code, if—

(I) all jurisdictions within the State comply with this requirement; and

(II) such jurisdictions may preserve such evidence for longer than the period of time that such evidence would be required to be preserved under such section 3600A.

18 U.S.C. § 3600(a) provides:

DNA testing

(a) In general.—Upon a written motion by an individual under a sentence of imprisonment or death pursuant to a conviction for a Federal offense (referred to in this section as the "applicant"), the court that entered the judgment of conviction shall order DNA testing of specific evidence if the court finds that all of the following apply:

(1) The applicant asserts, under penalty of perjury, that the applicant is actually innocent of—

(A) the Federal offense for which the applicant is under a sentence of imprisonment or death; or

(B) another Federal or State offense, if—

(i) evidence of such offense was admitted during a Federal death sentencing hearing and exoneration of such offense would entitle the applicant to a reduced sentence or new sentencing hearing; and

(ii) in the case of a State offense—

(I) the applicant demonstrates that there is no adequate remedy under State law to permit DNA testing of the specified evidence relating to the State offense; and

(II) to the extent available, the applicant has exhausted all remedies available under State law for requesting DNA testing of specified evidence relating to the State offense.

(2) The specific evidence to be tested was secured in relation to the investigation or prosecution of the Federal or State offense referenced in the applicant's assertion under paragraph (1).

(3) The specific evidence to be tested—

(A) was not previously subjected to DNA testing and the applicant did not—

(i) knowingly and voluntarily waive the right to request DNA testing of that evidence in a court proceeding after the date of enactment of the Innocence Protection Act of 2004 [October 30, 2004]; or

(ii) knowingly fail to request DNA testing of that evidence in a prior motion for postconviction DNA testing; or

(B) was previously subjected to DNA testing and the applicant is requesting DNA testing using a new method or technology that is substantially more probative than the prior DNA testing.

(4) The specific evidence to be tested is in the possession of the Government and has been subject to a chain of custody and retained under conditions sufficient to ensure that such evidence has not been substituted, contaminated, tampered with, replaced, or altered in any respect material to the proposed DNA testing.

(5) The proposed DNA testing is reasonable in scope, uses scientifically sound methods, and is consistent with accepted forensic practices.

- (6) The applicant identifies a theory of defense that—
- (A) is not inconsistent with an affirmative defense presented at trial; and
 - (B) would establish the actual innocence of the applicant of the Federal or State offense referenced in the applicant's assertion under paragraph (1).
- (7) If the applicant was convicted following a trial, the identity of the perpetrator was at issue in the trial.
- (8) The proposed DNA testing of the specific evidence may produce new material evidence that would—
- (A) support the theory of defense referenced in paragraph (6); and
 - (B) raise a reasonable probability that the applicant did not commit the offense.
- (9) The applicant certifies that the applicant will provide a DNA sample for purposes of comparison.
- (10) The motion is made in a timely fashion, subject to the following conditions:
- (A) There shall be a rebuttable presumption of timeliness if the motion is made within 60 months of enactment of the Justice For All Act of 2004 [October 30, 2004] or within 36 months of conviction, whichever comes later. Such presumption may be rebutted upon a showing—
 - (i) that the applicant's motion for a DNA test is based solely upon information used in a previously denied motion; or
 - (ii) of clear and convincing evidence that the applicant's filing is done solely to cause delay or harass.
 - (B) There shall be a rebuttable presumption against timeliness for any motion not satisfying subparagraph (A) above. Such presumption may be rebutted upon the court's finding—
 - (i) that the applicant was or is incompetent and such incompetence substantially contributed to the delay in the applicant's motion for a DNA test;
 - (ii) the evidence to be tested is newly discovered DNA evidence;
 - (iii) that the applicant's motion is not based solely upon the applicant's own assertion of innocence and, after considering all relevant facts and circumstances surrounding the motion, a denial would result in a manifest injustice; or
 - (iv) upon good cause shown.
 - (C) For purposes of this paragraph—
 - (i) the term "incompetence" has the meaning as defined in section 4241 of title 18, United States Code;

(ii) the term "manifest" means that which is unmistakable, clear, plain, or indisputable and requires that the opposite conclusion be clearly evident.

18 U.S.C. § 3600A provides:

Preservation of biological evidence

(a) In general.—Notwithstanding any other provision of law, the Government shall preserve biological evidence that was secured in the investigation or prosecution of a Federal offense, if a defendant is under a sentence of imprisonment for such offense.

(b) Defined term.—For purposes of this section, the term "biological evidence" means—

- (1) a sexual assault forensic examination kit; or
- (2) semen, blood, saliva, hair, skin tissue, or other identified biological material.

(c) Applicability.—Subsection (a) shall not apply if—

- (1) a court has denied a request or motion for DNA testing of the biological evidence by the defendant under section 3600, and no appeal is pending;
- (2) the defendant knowingly and voluntarily waived the right to request DNA testing of the biological evidence in a court proceeding conducted after the date of enactment of the Innocence Protection Act of 2004 [October 30, 2004];
- (3) after a conviction becomes final and the defendant has exhausted all opportunities for direct review of the conviction, the defendant is notified that the biological evidence may be destroyed and the defendant does not file a motion under section 3600 within 180 days of receipt of the notice;
- (4) (A) the evidence must be returned to its rightful owner, or is of such a size, bulk, or physical character as to render retention impracticable; and
(B) the Government takes reasonable measures to remove and preserve portions of the material evidence sufficient to permit future DNA testing; or
- (5) the biological evidence has already been subjected to DNA testing under section 3600 and the results included the defendant as the source of such evidence.

(d) Other preservation requirement.—Nothing in this section shall preempt or supersede any statute, regulation, court order, or other provision of law that may require evidence, including biological evidence, to be preserved.

(e) Regulations.—Not later than 180 days after the date of enactment of the Innocence Protection Act of 2004 [October 30, 2004], the Attorney General shall promulgate regulations to implement and enforce this section, including appropriate disciplinary sanctions to ensure that employees comply with such regulations.

(f) Criminal penalty.—Whoever knowingly and intentionally destroys, alters, or tampers with biological evidence that is required to be preserved under this section with the intent to prevent that evidence from being subjected to DNA testing or prevent the production or use of that evidence in an official proceeding, shall be fined under this title, imprisoned for not more than 5 years, or both.

(g) Habeas corpus.—Nothing in this section shall provide a basis for relief in any Federal habeas corpus proceeding.