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The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [National Institute of Justice](#) (NIJ) is seeking applications for the Sexual Assault Forensic Evidence-Inventory, Tracking, and Reporting (SAFE-ITR) program. The program will fund States and units of local government to implement an evidence management program to inventory, track, and report untested and unsubmitted sexual assault kits (SAKs). From the time an evidence SAK is collected to the time it leaves the laboratory and the case receives final disposition in court, the status and location of the SAK will be known. This program furthers the Department's mission to combat violent crime and to improve response and services to America's crime victims.

## FY 2018 Sexual Assault Forensic Evidence-Inventory, Tracking, and Reporting Program (SAFE-ITR)

Applications Due: May 21, 2018

### Eligibility

Eligible applicants are States<sup>1</sup> and units of local government that collect, store, maintain, and/or send forensic DNA evidence to an existing and accredited crime laboratory that complies with the DNA Quality Assurance Standards and participates in the National DNA Index System (NDIS).<sup>2</sup>

**Note:** A prospective recipient of grant funds that is found to have an "unresolved audit finding" from a DOJ Office of the Inspector General audit, as described at 34 U.S.C. § 10263, will be ineligible to receive grant funds during the period specified in that statute. See 34 U.S.C. § 10263(2).

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

Evidence-based initiatives, such as the NIJ action research projects performed in Detroit and Houston,<sup>3</sup> have shown that collaboration and coordinated agency responses between primary stakeholders can aid in communication and overall project success. In addition, NIJ's *National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach* states that a collaborative multidisciplinary process is beneficial for the implementation of protocols to effectively and comprehensively respond to sexual assault cases.<sup>4</sup>

NIJ welcomes applications under which two or more entities would carry out the federal award; however, only one entity may be the applicant. Any others must be proposed as subrecipients

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<sup>1</sup> For purposes of this announcement, the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands. 34 U.S.C. § 40701(i).

<sup>2</sup> See <https://archives.fbi.gov/archives/about-us/lab/forensic-science-communications/fsc/july2000/quality-assurance-standards-for-forensic-dna-testing-laboratories> and <https://www.nij.gov/topics/law-enforcement/investigations/sexual-assault/Pages/untested-sexual-assault.aspx> for more information.

<sup>3</sup> <http://www.nij.gov/topics/law-enforcement/investigations/sexual-assault/Pages/untested-sexual-assault.aspx>.

<sup>4</sup> <https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>.

(subgrantees).<sup>5</sup> The applicant must be the entity that would have primary responsibility for carrying out the award, including administering the funding and managing the entire program. Under this solicitation, only one application by any particular applicant entity will be considered. An entity may, however, be proposed as a subrecipient (subgrantee) in more than one application.

## Deadline

Applicants must register with Grants.gov at <https://www.grants.gov/web/grants/register.html> prior to submitting an application. All applications are due by 11:59 p.m. eastern time on May 21, 2018.

To be considered timely, an application must be submitted by the application deadline using Grants.gov, and the applicant must have received a validation message from Grants.gov that indicates successful and timely submission. OJP urges applicants to submit applications at least 72 hours prior to the application due date, to allow time for the applicant to receive validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification.

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

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

## Contact Information

For technical assistance with submitting an application, contact the Grants.gov Customer Support Hotline at 800-518-4726, 606-545-5035, at <https://www.grants.gov/web/grants/support.html>, or at [support@grants.gov](mailto:support@grants.gov). The Grants.gov Support Hotline operates 24 hours a day, 7 days a week, except on federal holidays.

An applicant that experiences unforeseen Grants.gov technical issues beyond its control that prevent it from submitting its application by the deadline must email the NIJ contact identified below **within 24 hours after the application deadline** to request approval to submit its application after the deadline. Additional information on reporting technical issues appears under "Experiencing Unforeseen Grants.gov Technical Issues" in the [How To Apply](#) section.

For assistance with any other requirements of this solicitation, contact the National Criminal Justice Reference Service (NCJRS) Response Center: toll-free at 1-800-851-3420; via TTY at 301-240-6310 (hearing impaired only); email [grants@ncjrs.gov](mailto:grants@ncjrs.gov); fax to 301-240-5830; or web chat at <https://webcontact.ncjrs.gov/ncjchat/chat.jsp>. The NCJRS Response Center operates from 10:00 a.m. until 6:00 p.m. eastern time, Monday through Friday, and from 10:00 a.m. until 8:00 p.m. eastern time on the solicitation close date. General information on applying for NIJ awards can be found at [www.nij.gov/funding/Pages/welcome.aspx](http://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](http://www.nij.gov/funding/Pages/faqs.aspx).

Grants.gov number assigned to this solicitation: NIJ-2018-13742

Release date: April 4, 2018

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<sup>5</sup> For additional information on subawards, see "Budget and Associated Documentation" under [Section D. Application and Submission Information](#).

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# FY 2018 Sexual Assault Forensic Evidence- Inventory, Tracking, and Reporting Program (SAFE-ITR)

CFDA no. 16.741

## A. Program Description

### Overview

According to the NIJ Special Report, [\*The Road Ahead: Unanalyzed Evidence in Sexual Assault Cases\*](#), it is not known how many unanalyzed sexual assault kits (SAKs) there are nationwide. Evidence from sexual assaults may include weapons, bedding, clothing, and SAKs, which can be used to corroborate that a crime occurred, identify or eliminate a possible perpetrator, and ascertain whether a suspect may have been involved in other crimes. SAKs also contain biological and trace evidence along with other physical evidence collected from a victim. While all evidence from sexual assaults is important, this program focuses on SAKs.

Advances in DNA technology, along with the expansion of the Combined DNA Index System (CODIS), have increased the value of sexual assault evidence to help identify perpetrators and also to enhance investigations. As well, transparency and accountability are critical to ensuring a victim centered approach in responding to sexual assault cases. Gaps have been found not only in agencies' knowledge of how many SAKs they have in their possession, but also exactly where they are located. For example, across the nation, SAKs are being stored in a number of places such as crime laboratories, police department evidence storage units, hospitals, and clinics.

NIJ's recently published [\*National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach\*](#) offers 35 recommendations that focus on sexual assault kit collection and processing; and on establishing and maintaining government agency accountability with respect to the storage, tracking, and movement of sexual assault kit evidence in the criminal justice system. Knowing what evidence an agency has and the status of that evidence is vital at the onset of a case, during the case, and when evidence is requested, including during appellate or postconviction processes. *National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach* recommends that a comprehensive inventory should be conducted to determine the number, status, location, and individual descriptive information (e.g., unique kit identifier, date collected) for all SAKs.<sup>6</sup>

Additionally, all SAKs that the victim has consented to reporting to law enforcement should be submitted to the laboratory for DNA analysis. Agencies should have an electronic system to track evidence from the time of collection of the SAK, handing over possession of the evidence to law enforcement, forensic laboratory submission and analysis, through disposition/storage or destruction. It is critical that law enforcement agencies be able to track all SAKs in their possession, and should consider implementing electronic records management systems that also incorporate investigative workflows to improve case investigations and communication.<sup>7</sup>

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<sup>6</sup> See chapter 3, recommendation 18: <https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>.

<sup>7</sup> See chapter 4, recommendations 20 and 23: <https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>.

Protocols should also be put into place to ensure the collected SAKs are transported from the collection site to law enforcement custody, and then to the appropriate laboratory for testing in a timely manner, as recommended in the *Best Practices* guide.<sup>8</sup>

It is important that the community of practice — from medical facilities, to law enforcement, to laboratories — work together. As such, the *Best Practices* guide recommends that a collaborative multidisciplinary approach be implemented for sexual assault cases in order to help ensure accountability.<sup>9</sup>

NIJ seeks applications from eligible States and units of local government that will inventory, track, and report the status of SAKs. As an integral part of these activities, applicants are also expected to identify and prioritize (for testing) SAKs for which prosecution of a perpetrator is soon to be barred by the expiration of an applicable statute(s) of limitations.

Since multiple grant programs for testing evidence related to sexual assault are offered through the Office of Justice Programs (OJP), including the Bureau of Justice Assistance (BJA) and NIJ, funding from the SAFE-ITR program will not be made available for testing evidence. Nonetheless, in order to facilitate the prioritization of cases (for testing) in which an applicable statute(s) of limitations is soon to expire, applicants are to include in the application detailed plans to clearly identify such potentially time-limited cases in the applicant's SAK inventory, implement methods and approaches to track such cases, and report on the disposition of any such cases during the period of performance under the award.

**Statutory Authority:** Department of Justice Appropriations Act, 2018 (Public Law 115-141); section 3(a) of the Justice for All Reauthorization Act of 2016 (Public Law 114-324).

### Program-Specific Information

The SAFE-ITR program will help defray costs associated with the following three tasks, defined for purposes of this program as set out immediately below:

- **Task 1: Inventory**. The term “inventory” refers to a detailed and descriptive list of articles or items (for purposes of this solicitation, SAKs) containing information such as, but not limited to: item identifiers, quantity, and location of the item.
- **Task 2: Tracking**. The term “tracking” refers to the monitoring and accounting of SAKs through the course, or path, of their movement from collection through final disposition.
- **Task 3: Reporting**. The term “reporting” refers to the task of delivering a written report to the appropriate entity within the prescribed time period and with the applicable data provided. See pages 8-9 for reporting requirements.

Funds may be requested for all three tasks, or, if an inventory has already been completed, for Tasks 2 and 3 only. For applicants funded under this program, upon completion of the inventory, whether completed using the federal grant funds from this program or other applicant funding

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<sup>8</sup> See chapter 3, recommendations 15 and 16: SAKs should be received by the local law enforcement agency from the hospital or clinic as soon as possible, ideally, no later than three (3) business days from the collection of the kit, or as specified by statute. Law enforcement agencies should submit the SAK to the laboratory for analysis as soon as possible, ideally, no later than seven (7) business days from the collection of the SAK, or as specified by statute. <https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>.

<sup>9</sup> See chapter 1, recommendation 1: <https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>.

sources, the applicant must submit a certification of inventory completion to NIJ; see below for additional information. Program narratives should address all three of the aforementioned tasks, even if funding is not requested for all tasks. For example, if an inventory has already been completed, the applicant should provide information regarding the results of the inventory. Applicants may design project plans (or strategies) to include concurrent tasks; however, the inventory task is a priority.

All three tasks are applicable to all SAKs within the possession of an applicant.

### **Task 1: Inventory of all existing SAKs in the possession of an applicant**

Applicants must inventory all existing SAKs in the applicant's possession. For applicants that will be conducting an inventory, a count of the SAKs in the applicant's possession must be provided. A recipient (or subrecipient) of a grant under this program must complete this inventory by no later than one (1) year after it receives the grant (or subgrant, in the case of a subrecipient).

As part of conducting its inventory, or for applicants requesting funds to begin at Task 2, as part of the implementation of any tracking system, a recipient (or, as applicable, a subrecipient) under this program will be required to assign a unique numeric or alphanumeric identifier to each sample of sexual assault evidence in its possession. The recipient (or, as applicable, a subrecipient) also must identify the date or dates after which the State or unit of local government would be barred by any applicable statute of limitations from prosecuting a perpetrator in the case to which the sample of sexual assault evidence relates.

If an eligible applicant has completed an inventory of all SAKs in its possession, then the applicant must submit a certification from the applicant jurisdiction's chief law enforcement officer indicating the inventory is complete and accurate, and how many SAKs are currently (as of the date of the certification) in the applicant's possession. For an award that includes funds to complete Task 1 (inventory), this certification must be submitted prior to the initiation of any other tasks, as outlined in the application.

Regarding the inventory task, an applicant, in the project plan, should address:

- How it will complete an inventory of the SAKs in its possession in the given time frame of 12 months after the grant (or subgrant) is received.
- How it will identify, manage, or process — specifically including its prioritization (for testing) of soon-to-be-time-barred cases, as applicable — SAKs in its possession for which a statute(s) of limitations will expire.

The *Best Practices* guide recommends that law enforcement agencies and crime laboratories partner to use one evidence tracking system (recommendation 13). Applicants should keep this in mind for Task 1 and Task 2. Applicants should also consider recommendations 18 and 19, as well:

- Recommendation 18 states: A comprehensive inventory should be conducted to determine the number, status, location, and individual descriptive information (e.g., unique kit identifier, date collected) for all SAKs.

- Recommendation 19 states: Law enforcement agencies should perform an annual audit verifying that all SAKs in the property room are present and in their specified location.<sup>10</sup>

**Required certification:** A certification is required for this program.

- If an applicant is requesting funds for all three tasks under the SAFE-ITR program, a certification must be submitted upon completion of Task 1 (Inventory – as described above).
- If the applicant is requesting funding to begin at Task 2 (Tracking — as described above), then an applicant, prior to the award start date, should submit a certification with the application asserting completion of its inventory. Access to award funds may be withheld until NIJ receives a properly executed certification from the applicant (see Appendix 1 page 41).
- The certification must be signed by the applicant jurisdiction’s chief law enforcement officer.

### **Task 2: Track movement of SAKs for a period not less than 12 months**

For 12 months or more after the certification date of a completed inventory under this program, an applicant must track SAKs from the time the applicant takes possession of the SAK through final disposition of the case. Project plans should be designed to allow Task 2 (tracking) and Task 3 (reporting) activities to occur concurrently.

Applicants should consider recommendations 16 and 17 of the *Best Practices* guide:

- Recommendation 16 states: Law enforcement agencies should submit the SAK to the laboratory for analysis as soon as possible, ideally, no later than seven (7) business days from the collection of the SAK, or as specified by statute.
- Recommendation 17 states: Law enforcement or laboratories should be responsible for the long-term storage of all SAKs, unless applicable law provides otherwise.<sup>11</sup>

### **Tracking requirements:**

- The chief law enforcement officer of the applicant State, or unit of local government must be the identified individual accountable for compliance and reporting within the applicant jurisdiction.
  - The chief law enforcement officer can appoint a designee as long as the designee is not an employee of any governmental laboratory or vendor laboratory.

If funded, the applicant must track SAKs in accordance with the following requirements:

- For each sample of sexual assault evidence in its possession, a unique numeric or alphanumeric identifier must be assigned.

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<sup>10</sup> <https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>.

<sup>11</sup> <https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>.

- The applicant must identify the date(s) after which the State or unit of local government would be barred by an applicable statute(s) of limitations from prosecuting a perpetrator in the case to which the sample of sexual assault evidence relates.
- For SAKs not in the possession of the applicant at the initiation of the program, by not later than 60 days after receiving possession, the applicant must incorporate the SAK into the inventory, track it consistent with its required tracking protocol, and incorporate any associated SAK data into the required metrics listed under Task 3.

### **Task 3: Reporting the tracking results**

Reporting requirements include reports to NIJ, as well as posting of required metrics, every 60 days on an applicant's website. An applicant must report to NIJ during the 12-month period in which it tracks SAKs in its possession (see [Task 2: Tracking](#)). All 60-day reports captured by an applicant must be included in the semi-annual progress reports submitted to NIJ.

In addition to posting required metrics (as detailed further below) on the applicant's website, the applicant must provide to NIJ its 60-day report data in an electronic format — contemporaneously with the recipient's publication of such data on the applicant's own website.<sup>12</sup> NIJ will use such data to update a DOJ website that publishes 60-day report information from all SAFE-ITR grantees.

Every 60 days the applicant must post the following metrics (listed below) to an appropriate website hosted by the applicant and open to the public. Data must include:

- a. The name of the State or unit of local government filing the report.
- b. The period of dates covered by the report.
- c. The cumulative total number of samples of sexual assault evidence that, at the end of the reporting period:
  - i. are in the possession of the State or unit of local government;
  - ii. are awaiting testing; and
  - iii. the State or unit of local government has determined should undergo DNA or other appropriate forensic analyses.
- d. The cumulative total number of samples of sexual assault evidence in the possession of the State or unit of local government that, at the end of the reporting period, the State or unit of local government has determined should not undergo DNA or other appropriate forensic analyses (regarding which the State or unit of local government may elect to explain its reasoning for the determination in some or all cases).

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<sup>12</sup> A State or unit of local government may elect to, at its discretion, report the data specified under Task 3 on a more frequent basis than the 60-day intervals set out under this program. If a State or unit or local government so elects to submit more frequent reports, the recipient must provide NIJ advance written notice of its intention. The written notice should specify the reduced reporting interval the recipient is electing to maintain throughout the required 12-month reporting period.



- e. The cumulative total number of samples of sexual assault evidence (of the cumulative total number provided as consistent with item c., above) that have been submitted to a laboratory for DNA or other appropriate forensic analyses.
- f. The cumulative total number of samples of sexual assault evidence for which DNA or other appropriate forensic analysis has been completed at the end of the reporting period.
- g. The total number of samples of sexual assault evidence identified by the State or unit of local government since the previous reporting period.
- h. The cumulative total number of samples of sexual assault evidence (of the cumulative total number provided as consistent with item c., above) for which the State or unit of local government will be barred within 12 months by any applicable statute of limitations from prosecuting a perpetrator of the sexual assault to which the sample relates.

### **Exceptions from reporting**

Reporting is not required for SAKs that:

- Are not considered criminal evidence, such as a SAK collected anonymously from a victim who is unwilling to make a criminal complaint; or
- Relate to a sexual assault for which the prosecution of each perpetrator is barred by a statute of limitations.

### **Publication of reports on applicant-hosted website**

Reports submitted during the tracking and reporting tasks of this program must be published and disseminated on a website hosted by the applicant and open to the public. Such reports submitted or published under this program must not include personally-identifiable information (PII) or any details about a sexual assault that might lead to the identification of the individuals involved.

Personally-identifiable information is defined as: "information which either—(1) Is labelled by name or other personal identifiers, or (2) Can, by virtue of sample size or other factors, be reasonably interpreted as referring to a particular private person." 28 C.F.R. § 22.2(e).<sup>13</sup>

### **Definitions for this solicitation**

**Sexual Assault Kit (SAK):** A package of materials used to collect samples (evidence) from the victim's or suspect's body by a medical professional, often a medical-forensic examiner, such as a Sexual Assault Nurse Examiner (SANE). The type of evidence collected depends on what occurred during the assault.

**Unsubmitted SAK:** A SAK in the possession of a law enforcement agency that has not been submitted to a forensic laboratory for analysis. This includes SAKs that *will* undergo testing, but have not yet been sent to the laboratory, SAKs that are being stored in a laboratory but for

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<sup>13</sup> Also see definitions of "personally identifiable information (PII)" and "protected personally identifiable information (protected PII)" in the Part 200 Uniform Requirements at 2 C.F.R. § 200.79 and 2 C.F.R. § 200.82.

which a request for analysis has not been made, SAKs for which a request for analysis will not be made, and SAKs for which the decision on whether to test has not been made.

**Untested SAKs:** SAKs that are in the possession of a State or local government forensic laboratory for analysis, but DNA analyses have not been performed on the kit samples.

**Possession:** With respect to SAKs, possession by a State or unit of local government includes the storage, control, or custody by an agency (or individual who is acting as an agent) of the State or unit of local government.

**Final Disposition:** With respect to a criminal case or investigation in which a SAK relates, the term final disposition refers to the conviction or acquittal of all suspected perpetrators of the crime; a determination by the State or unit of local government in possession of the SAK that the case is unfounded; or a declaration by the victim of the crime that the act constituting the basis of the crime was not committed.

### **DNA Analyses Conducted Over the Course of the Project**

Expenses associated with DNA testing are not permissible under this program. See the “Budget Information” section under [Section B. Federal Award Information](#) for details on expenses that may be funded under this program.

With respect to any DNA analyses that may be conducted over the course of the project, NIJ encourages applicants to give strong consideration to the following:

NIJ suggests that all DNA analyses conducted during the tracking and reporting tasks of this program be performed by a laboratory (government-owned or fee-for-service) that is accredited and currently undergoes external audits not less than once every two (2) years. These audits must demonstrate that the laboratory maintains compliance with the DNA Quality Assurance Standards established by the Director of the Federal Bureau of Investigation.

NIJ also suggests that no profiles generated during the tracking portion of this program be entered into any non-governmental DNA database. All DNA analyses conducted and profiles generated during the tracking portion of this program must be maintained pursuant to all applicable federal privacy requirements, including those described in 34 U.S.C. § 12592(b)(3).

### **Goals, Objectives, and Deliverables**

The goal of NIJ's SAFE-ITR program is to establish and maintain accountability for participants in the criminal justice system as it relates to sexual assaults and sexual assault evidence collection and analysis.

The objectives include:

- To gain an understanding of the number of SAKs that remain in possession of law enforcement agencies.
- To understand the movement of SAKs through the criminal justice system.

Establishing and maintaining accountability for law enforcement and laboratories will help ensure that evidence is promptly submitted to and analyzed by an accredited laboratory. Once

analyzed, sexual assault evidence can provide investigative leads to the law enforcement agency, allowing the perpetrator to be apprehended before more crimes are committed.

The Goals, Objectives and Deliverables are directly related to the performance measures that demonstrate the results of the work completed, as discussed in [Section D. Application and Submission Information](#), under Program Narrative.

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

OJP strongly emphasizes the use of data and evidence in policy making and program development in criminal justice, juvenile justice, and crime victim services. OJP is committed to:

- Improving the quantity and quality of evidence OJP generates;
- Integrating evidence into program, practice, and policy decisions within OJP and the field;
- Improving the translation of evidence into practice.

OJP considers programs and practices to be evidence-based when their effectiveness has been demonstrated by causal evidence, generally obtained through one or more outcome evaluations. Causal evidence documents a relationship between an activity or intervention (including technology) and its intended outcome, including measuring the direction and size of a change, and the extent to which a change may be attributed to the activity or intervention. Causal evidence depends on the use of scientific methods to rule out, to the extent possible, alternative explanations for the documented change. The strength of causal evidence, based on the factors described above, will influence the degree to which OJP considers a program or practice to be evidence-based.

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

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

The Department of Justice has prioritized the use of evidence-based programming and deems it critical to continue to build and expand the evidence informing criminal and juvenile justice programs to reach the highest level of rigor possible. Therefore, applicants should note that the Office of Justice Programs may conduct or support an evaluation of the programs and activities funded under this solicitation. Recipients and sub-recipients will be expected to cooperate with program-related assessments or evaluation efforts, including through the collection and provision of information or data requested by OJP (or its designee) for the assessment or evaluation of any activities and/or outcomes of those activities funded under this solicitation. The information or data requested may be in addition to any other financial or performance data already required under this program.

## B. Federal Award Information

NIJ expects to make awards of up to \$1,000,000 with an estimated total amount of up to \$5,500,000. NIJ expects to make awards for a period of performance of up to 36 months, to begin on January 1, 2019.

All awards are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by law.

### Type of Award

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

### Financial Management and System of Internal Controls

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities<sup>14</sup>) must, as described in the Part 200 Uniform Requirements<sup>15</sup> as set out at 2 C.F.R. 200.303:

- (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that [the recipient (and any subrecipient)] is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States and the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- (b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.
- (c) Evaluate and monitor [the recipient’s (and any subrecipient’s)] compliance with statutes, regulations, and the terms and conditions of Federal awards.
- (d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- (e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or [the recipient (or any subrecipient)] considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

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<sup>14</sup> For purposes of this solicitation, the phrase “pass-through entity” includes any recipient or subrecipient that provides a subaward (“subgrant”) to a subrecipient (subgrantee) to carry out part of the funded award or program. Additional information on proposed subawards is listed under [What an Application Should Include](#), Section 4c of this solicitation.

<sup>15</sup> The “Part 200 Uniform Requirements” means the DOJ regulation at 2 C.F.R Part 2800, which adopts (with certain modifications) the provisions of 2 C.F.R. Part 200.

To help ensure that applicants understand the applicable administrative requirements and cost principles, OJP encourages prospective applicants to enroll, at no charge, in the DOJ Grants Financial Management Online Training, available at <https://ojpfgm.webfirst.com/>. (This training is required for all OJP award recipients.)

Also, applicants should be aware that OJP collects information from applicants on their financial management and systems of internal controls (among other information) which is used to make award decisions. Under [Section D. Application and Submission Information](#), applicants may access and review a questionnaire – the [OJP Financial Management and System of Internal Controls Questionnaire](#) – that OJP requires **all** applicants (other than an individual applying in his/her personal capacity) to download, complete, and submit as part of the application.

## **Budget Information**

Permissible uses of funds provided under this program may include:

### **1. Salary and benefits of additional employees**

Funds may be used to hire additional full-time or part-time employees for the applicant or proposed subrecipient(s) to directly inventory, track and/or report on the SAKs as a part of this project. Funds may also be used to hire additional full-time or part-time employees for the applicant or subrecipient(s) to implement information technology solutions for the inventory, tracking, and reporting of the status of SAKs through the criminal justice process. Applicants should demonstrate that additional full-time/part-time employee(s) would be directly engaged in these activities. Supplanting is not permitted.

### **2. Overtime for existing employees**

Funds may be used to pay overtime to existing employees of the applicant or proposed subrecipient(s) to directly inventory, track and/or report on the SAKs as a part of this project. Funds may also be used to pay overtime to existing employees of the applicant or subrecipient(s) to implement information technology solutions for the inventory, tracking, and reporting of the status of SAKs through the criminal justice process of the applicant jurisdiction (or, subrecipient(s) jurisdiction(s), as applicable). Any payments for overtime must be in accordance with the applicable provisions of the Financial Guide, available at <http://ojp.gov/financialguide/DOJ/index.htm>.

### **3. Purchase of Automated Information Technology (AIT) systems**

Funds may be used to purchase and implement an AIT system for the applicant to aid it in conducting inventory, tracking, and reporting activities for SAKs as they progress through the criminal justice system. It is critical that an applicant jurisdiction be able to adequately account for and track sexual assault evidence. The system may include the software, hardware, accessories (e.g., barcode readers), supplies (e.g., barcode labels for barcode printers), and warranties or service contracts for systems purchased with funding from an award made under this program.

#### **4. Travel (limited)**

Funds may be requested for reasonable and justified travel for purposes including, but not limited to:

- Inventorying SAKs that may be in multiple facilities owned or operated by the applicant and its subrecipient(s).
- Meetings with agencies that have implemented SAK inventories, procedures for SAK tracking and testing, and AIT systems for the purpose of gaining insight to the applicant's own plan for SAK inventory and tracking.
- Professional meetings with workshops dedicated to SAK issues in the law enforcement and criminal justice communities.
- Professional meetings where the applicant will disseminate findings from this project.

Funds used for travel are limited to no more than 3 percent of the total award. Travel expenses must be reasonable and must comply with the applicable provisions of the DOJ Financial Guide and any applicable special conditions on the award. Justifications for the number of staff traveling and the benefit of their attendance at the event must be included.

#### **5. Direct administrative expenses**

Up to 5 percent of the federal portion of an award under this program may be used for direct administrative expenses specifically related to grant administration and management.

#### **6. Website hosting and maintenance**

Any expenses, within the grant period, specifically associated with the hosting and maintenance of an applicant's webpage for the purposes of reporting program required metrics.

#### **7. Contracts**

Funds may be used to enter into a contract with an outside entity to conduct an inventory of the SAKs in possession of the applicant. The outside entity must NOT be a non-governmental vendor laboratory.

### **Expenses That Are Not Permitted**

Federal funds awarded under this program may not be used for:

1. Construction and renovations.
2. Travel, other than authorized travel expenses as discussed in permissible uses of funds, number 4.

3. Direct administrative expenses that exceed 5 percent of the federal portion of the award.
4. Laboratory equipment for forensic biology and DNA testing.
5. Supplies for forensic biology and DNA testing.
6. Establishing contracts to send SAKs to fee-for-service forensic biology and DNA testing laboratory.
7. Establishing a contract or agreement with a non-governmental vendor laboratory to conduct an inventory (or "audit") of SAKs awaiting testing.
8. Personnel expenses for forensic biology and DNA testing.
9. Salaries and benefits for existing employees, other than discussed in permissible uses of funds, numbers 1 and 2.
10. Vehicles and related expenses.
11. Cell phones and cell phone plans.
12. Rental costs for space.
13. Office furnishings and general office supplies such as paper, pens, printer cartridges, etc.
14. General enhancement of capabilities of applicant not directly related to one of the three inventory, tracking, or reporting tasks outlined in this solicitation.
15. Work that is funded under another federal award.

### **Cost Sharing or Matching Requirement**

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

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

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

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

OJP does **not** typically approve pre-agreement costs; an applicant must request and obtain the prior written approval of OJP for all such costs. All such costs incurred prior to award and prior to approval of the costs are incurred at the sole risk of the applicant. (Generally, no applicant should incur project costs *before* submitting an application requesting federal funding for those costs.) Should there be extenuating circumstances that make it appropriate for OJP to consider

approving pre-agreement costs, the applicant may contact the point of contact listed on the title page of this solicitation for the requirements concerning written requests for approval. If approved in advance by OJP, award funds may be used for pre-agreement costs, consistent with the recipient's approved budget and applicable cost principles. See the section on Costs Requiring Prior Approval in the DOJ Grants Financial Guide at <https://ojp.gov/financialguide/DOJ/index.htm> for more information.

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

With respect to any award of more than \$250,000 made under this solicitation, a recipient may not use federal funds to pay total cash compensation (salary plus cash bonuses) to any employee of the recipient at a rate that exceeds 110 percent of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year.<sup>16</sup> The 2018 salary table for SES employees is available on the Office of Personnel Management website at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/18Tables/exec/html/ES.aspx>. Note: A recipient may compensate an employee at a greater rate, provided the amount in excess of this compensation limitation is paid with non-federal funds. (Non-federal funds used for any such additional compensation will not be considered matching funds, where match requirements apply.) If only a portion of an employee's time is charged to an OJP award, the maximum allowable compensation is equal to the percentage of time worked times the maximum salary limitation.

The Assistant Attorney General for OJP may exercise discretion to waive, on an individual basis, this limitation on compensation rates allowable under an award. An applicant that requests a waiver should include a detailed justification in the budget narrative of its application. An applicant that does not submit a waiver request and justification with its application should anticipate that OJP will require the applicant to adjust and resubmit the budget.

The justification should address, in the context of the work the individual would do under the award, the particular qualifications and expertise of the individual, the uniqueness of a service the individual will provide, the individual's specific knowledge of the proposed program or project, and a statement that explains whether and how the individual's salary under the award would be commensurate with the regular and customary rate for an individual with his/her qualifications and expertise, and for the work he/she would do under the award.

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

OJP strongly encourages every applicant that proposes to use award funds for any conference-, meeting-, or training-related activity (or similar event) to review carefully—before submitting an application—the OJP and DOJ policy and guidance on approval, planning, and reporting of such events, available at <https://www.ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm>. OJP policy and guidance (1) encourage minimization of conference, meeting, and training costs; (2) require prior written approval (which may affect project timelines) of most conference, meeting, and training costs for cooperative agreement recipients, as well as some conference, meeting, and training costs for grant recipients; and (3) set cost limits, which include a general prohibition of all food and beverage costs.

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<sup>16</sup> OJP does not apply this limitation on the use of award funds to the nonprofit organizations listed in Appendix VIII to 2 C.F.R. Part 200.



## Costs Associated with Language Assistance (if applicable)

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

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

## C. Eligibility Information

For eligibility information, see title page.

For information on cost sharing or match requirements, see [Section B. Federal Award Information](#).

## D. Application and Submission Information

### What an Application Should Include

This section describes in detail what an application should include. An applicant should anticipate that if it fails to submit an application that contains all of the specified elements, it may negatively affect the review of its application; and, should a decision be made to make an award, it may result in the inclusion of award conditions that preclude the recipient from accessing or using award funds until the recipient satisfies the conditions and OJP makes the funds available.

Moreover, an applicant should anticipate that an application that OJP determines is nonresponsive to the scope of the solicitation, or that OJP determines does not include the application elements that NIJ has designated to be critical, will neither proceed to peer review, nor receive further consideration. For this solicitation, NIJ has designated the following application elements as critical: **Program Narrative, Budget Detail Worksheet, and Budget Narrative**.

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

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

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

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

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

To avoid processing delays, an applicant must include an accurate legal name on its SF-424. On the SF-424, current OJP award recipients, when completing the field for "Legal Name" (box 8a), should use the same legal name that appears on the prior year award document (which is also the legal name stored in OJP's financial system.) Also, these recipients should enter the Employer Identification Number (EIN) in box 8b exactly as it appears on the prior year award document. An applicant with a current, active award(s) must ensure that its GMS profile is current. If the profile is not current, the applicant should submit a Grant Adjustment Notice updating the information on its GMS profile prior to applying under this solicitation.

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

**Intergovernmental Review:** This solicitation ("funding opportunity") is subject to [Executive Order 12372](#). An applicant may find the names and addresses of State Single Points of Contact (SPOCs) at the following website: [https://www.whitehouse.gov/wp-content/uploads/2017/11/Intergovernmental\\_-Review-\\_SPOC\\_01\\_2018\\_OFFM.pdf](https://www.whitehouse.gov/wp-content/uploads/2017/11/Intergovernmental_-Review-_SPOC_01_2018_OFFM.pdf). If the State appears on the SPOC list, the applicant must contact the State SPOC to find out about, and comply with, the State's process under E.O. 12372. In completing the SF-424, an applicant whose State appears on the SPOC list is to make the appropriate selection in response to question 19 once the applicant has complied with its State E.O. 12372 process. (An applicant whose State does not appear on the SPOC list should answer question 19 by selecting the response that the: "Program is subject to E.O. 12372 but has not been selected by the State for review.")

## 2. Project Abstract

Applications should include 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 (such as Times New Roman) with 1-inch margins.

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

### 3. Program Narrative

The program narrative section of the application should not exceed ten (10) 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 10-page limit for the narrative section. The project abstract, title page, table of contents and appendices do not count toward the 10-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.

If the applicant has been awarded funds through the BJA Sexual Assault Kit Initiative (SAKI), the NIJ DNA Capacity Enhancement and Backlog Reduction program, the NIJ Efficiency Improvement and Capacity Enhancement program, or any other federal program with similar goals and objectives as the SAFE-ITR program, it must address how a project under this program will differ from projects funded under those awards. The applicant should also note that costs **must not** be duplicated between any award made under this program and any other federal funds the applicant has been awarded.

Within the program narrative, an applicant should address the issue of expiration of statute(s) of limitations on SAKs within its possession. A description should be provided as to how the applicant intends to adjudicate cases identified in which a statute of limitations will expire prior to the completion of the inventory process. In addition, the program narrative should discuss how the applicant plans to prioritize (for testing) those cases in which an applicable statute(s) of limitations will soon expire.

#### Program Narrative Guidelines:

- a. **Title Page** (not counted against the 10-page program narrative limit).  
The title page should include the title of the project, submission date, funding opportunity number, and the applicant's name and complete contact information (i.e., address, telephone number, and e-mail address).
- b. **Table of Contents and Figures** (not counted against the 10-page program narrative limit).
- c. **Main Body**

The main body of the program narrative should describe the proposed project in depth. This narrative should clearly define the applicant's strategy for inventorying, tracking, and reporting on all SAKs in its possession according to the requirements set forth in this solicitation. The strategy or project plan may be demonstrated through the inclusion of checklists, flowcharts, diagrams, or narratives.

The following sections should be included as part of the program narrative.<sup>17</sup>

- a. Description of the Issue.
- b. Project Design and Implementation – This section of the application narrative should include and/or address the following:
  - i. The applicant’s plan for how the inventory will be completed within the one-year timeframe required under the grant.
  - ii. The applicant’s good-faith estimate of the number of SAKs in its possession awaiting testing at the time of application submission.
  - iii. How the applicant agency will handle SAKs in its possession for which a statute(s) of limitations will expire.
  - iv. How the agency will implement the tracking task of this solicitation.
  - v. How the agency will ensure that the reporting requirements are fulfilled on time (i.e., every 60 days).
- c. Capabilities and Competencies.
- d. Plan for Collecting the Data Required for this Solicitation’s Performance Measures.

The data collection plan is a description of the applicant’s plan for collecting the data required for the solicitation’s performance measures. The plan should describe how the performance measure data will be derived, state who will be responsible for collecting the data, and state that the data will be available for review consistent with applicable records retention requirements. See 2 C.F.R 200.333.

OJP will require each successful applicant to submit regular performance data that demonstrate the results of the work carried out under the award (see [“General Information about Post-Federal Award Reporting Requirements”](#) in [Section F. Federal Award Administration Information](#)). The performance data directly relate to the goals, objectives, and deliverables identified under "Goals, Objectives, and Deliverables" in [Section A. Program Description](#).

Applicants should visit OJP’s performance measurement page at [www.ojp.gov/performance](http://www.ojp.gov/performance) to view more information on performance measurement at OJP.

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

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<sup>17</sup> For information on subawards (including the details on proposed subawards that should be included in the application), see "Budget and Associated Documentation" under [Section D. Application and Submission Information](#).

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

The application should describe the applicant's plan for collection of all of the performance measures data listed in the table below under "Data Recipient Provides," should it receive funding.

Objective	Performance Measure(s)	Data Recipient Provides
Understand the number of SAKs that remain in possession of law enforcement agencies.	Number of SAKs identified.	Number of SAKs identified in the inventory.
	Number of deliverables that are completed on time.  Number of deliverables that meet expectations.	Provide inventory certification (if applicable).
To track and report on movement of SAKs through the criminal justice system.	Number of deliverables that are completed on time  Number of deliverables that meet expectations.	Number of deliverables that meet expectations, where applicable to include: <ul style="list-style-type: none"> <li>• Deployment of an automated information system.</li> <li>• Commencement and completion of inventory.</li> <li>• Commencement of tracking and reporting on SAK movement.</li> </ul>
	Development of a public website to report metrics as listed in <a href="#">Task 3: Reporting</a> .	Development of a public website to report metrics as listed in <a href="#">Task 3: Reporting</a> .
	Maintain website that reports metrics.	Maintain the public website to report metrics as listed in <a href="#">Task 3: Reporting</a> .
	Number of reports submitted on time.	Number of reports posted publicly on the website developed for <a href="#">Task 3: Reporting</a> .

**d. Appendices** (not counted against the 10-page program narrative limit) include:

- Bibliography/references (if applicable).
- Curriculum vitae, resumes, or biographical sketches of key personnel.
- A clear timeline of the project activities expected to be funded under this award as well as activities not funded under this award but crucial to project completion. The timeline should include expected milestones and should demonstrate adherence to the requirements of this solicitation.
- Human Subjects Protection paperwork (documentation and forms related to Institutional Review Board (IRB) review). (See

<http://www.nij.gov/funding/humansubjects/Pages/welcome.aspx>) NOTE: Final IRB approval is not required at the time an application is submitted.

- Privacy Certificate (for further guidance go to [www.nij.gov/funding/humansubjects/pages/confidentiality.aspx](http://www.nij.gov/funding/humansubjects/pages/confidentiality.aspx)).
- List of any previous and current NIJ awards to applicant organization, including the NIJ-assigned award numbers.
- List of any federal awards to the applicant organization that relate to testing of sexual assault evidence.
- Letters of cooperation/support or administrative agreements from organizations collaborating in the project (if applicable).
- List of other agencies, organizations, or funding sources to which this proposal has been submitted (if applicable).

### **Note on Project Evaluations**

An applicant that proposes to use award funds through this solicitation to conduct project evaluations should be aware that certain project evaluations (such as systematic investigations designed to develop or contribute to generalizable knowledge) may constitute “research” for purposes of applicable DOJ human subjects protection regulations. However, project evaluations that are intended only to generate internal improvements to a program or service, or are conducted only to meet OJP’s performance measure data reporting requirements, likely do not constitute “research.” Each applicant should provide sufficient information for OJP to determine whether the particular project it proposes would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ definition of research that appears at 28 C.F.R. Part 46 (“Protection of Human Subjects”).

“Research,” for purposes of human subjects protection for OJP-funded programs, is defined as “a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.” 28 C.F.R. 46.102(d).

For additional information on determining whether a proposed activity would constitute research for purposes of human subjects protection, applicants should consult the decision tree in the “Research and the protection of human subjects” section of the [“Requirements related to Research”](#) webpage of the [“Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards,”](#) available through the OJP Funding Resource Center at <https://ojp.gov/funding/Explore/SolicitationRequirements/index.htm>. Every prospective applicant whose application may propose a research or statistical component also should review the “Data Privacy and Confidentiality Requirements” section on that webpage.

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

The Budget Detail Worksheet and the Budget Narrative are now combined in a single document collectively referred to as the Budget Detail Worksheet. The Budget Detail Worksheet is a user-friendly, fillable, Microsoft Excel-based document designed to calculate totals. Additionally, the

Excel workbook contains worksheets for multiple budget years that can be completed as necessary. **All applicants should use the Excel version when completing the proposed budget in an application, except in cases where the applicant does not have access to Microsoft Excel or experiences technical difficulties.** If an applicant does not have access to Microsoft Excel or experiences technical difficulties with the Excel version, then the applicant should use the 508-compliant accessible Adobe Portable Document Format (PDF) version.

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

**a. Budget Detail Worksheet**

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

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

**b. Budget Narrative**

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

An applicant should demonstrate in its budget narrative how it will maximize cost effectiveness of award expenditures. Budget narratives should generally describe cost effectiveness in relation to potential alternatives and the 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 budget narrative should be mathematically sound and correspond clearly with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how the applicant estimated and calculated all costs, and how those costs are necessary to the completion of the proposed 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 describe costs by year.

**c. Information on Proposed Subawards (if any), as well as on Proposed Procurement Contracts (if any)**

Applicants for OJP awards typically may propose to make *subawards*. Applicants also may propose to enter into procurement *contracts* under the award.

Whether an action – for federal grants administrative purposes – is a subaward or procurement contract is a critical distinction as significantly different rules apply to subawards and procurement contracts. If a recipient enters into an agreement that is a

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

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

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

In general, the central question is the relationship between what the third-party will do under its agreement with the recipient and what the recipient has committed (to OJP) to do under its award to further a public purpose (e.g., services the recipient will provide, products it will develop or modify, research or evaluation it will conduct). If a third party will provide some of the services the recipient has committed (to OJP) to provide, will develop or modify all or part of a product the recipient has committed (to OJP) to develop or modify, or will conduct part of the research or evaluation the recipient has committed (to OJP) to conduct, OJP will consider the agreement with the third party a *subaward* for purposes of federal grants administrative requirements.

This will be true **even if** the recipient, for internal or other non-federal purposes, labels or treats its agreement as a procurement, a contract, or a procurement contract. Neither the title nor the structure of an agreement determines whether the agreement -- for purposes of federal grants administrative requirements -- is a *subaward* or is instead a procurement *contract* under an award. The substance of the relationship should be given greater consideration than the form of agreement between the recipient and the outside entity.

## 1. Information on proposed subawards

A recipient of an OJP award may not make subawards ("subgrants") unless the recipient has specific federal authorization to do so. Unless an applicable statute or DOJ regulation specifically authorizes (or requires) subawards, a recipient must have authorization from OJP before it may make a subaward.

A particular subaward may be authorized by OJP because the recipient included a sufficiently-detailed description and justification of the proposed subaward in the Program Narrative, Budget Detail Worksheet, and Budget Narrative as approved by OJP. If, however, a particular subaward is not authorized by federal statute or



regulation, and is not approved by OJP, the recipient will be required, post-award, to request and obtain written authorization from OJP before it may make the subaward.

If an applicant proposes to make one or more subawards to carry out the federal award and program, the applicant should— (1) identify (if known) the proposed subrecipient(s), (2) describe in detail what each subrecipient will do to carry out the federal award and federal program, and (3) provide a justification for the subaward(s), with details on pertinent matters such as special qualifications and areas of expertise. Pertinent information on subawards should appear not only in the Program Narrative, but also in the Budget Detail Worksheet and Budget Narrative.

## **2. Information on proposed procurement contracts (with specific justification for proposed noncompetitive contracts over \$150,000)**

Unlike a recipient contemplating a subaward, a recipient of an OJP award generally does not need specific prior federal authorization to enter into an agreement that -- for purposes of federal grants administrative requirements -- is considered a procurement contract, **provided that** (1) the recipient uses its own documented procurement procedures and (2) those procedures conform to applicable federal law, including the Procurement Standards of the (DOJ) Part 200 Uniform Requirements (as set out at 2 C.F.R. 200.317 - 200.326). The Budget Detail Worksheet and Budget Narrative should identify proposed procurement contracts. (As discussed above, subawards must be identified and described separately from procurement contracts.)

The Procurement Standards in the Part 200 Uniform Requirements, however, reflect a general expectation that agreements that (for purposes of federal grants administrative requirements) constitute procurement “contracts” under awards will be entered into on the basis of full and open competition. All noncompetitive (sole source) procurement contracts must meet the OJP requirements outlined at <https://ojp.gov/training/subawards-procurement.htm>. If a proposed procurement contract would exceed the simplified acquisition threshold -- currently, \$150,000 -- a recipient of an OJP award may not proceed without competition unless and until the recipient receives specific advance authorization from OJP to use a non-competitive approach for the procurement. An applicant that (at the time of its application intends -- without competition -- to enter into a procurement contract that would exceed \$150,000 should include a detailed justification that explains to OJP why in the particular circumstances, it is appropriate to proceed without competition.

If the applicant receives an award, sole source procurements that do not exceed the Simplified Acquisition Threshold (currently \$150,000) must have written justification for the noncompetitive procurement action maintained in the procurement file. If a procurement file does not have the documentation that meets the criteria outlined in 2 C.F.R. 200, the procurement expenditures may not be allowable. Sole source procurement over the \$150,000 Simplified Acquisition Threshold must have prior approval from OJP using a Sole Source Grant Adjustment Notice (GAN). Written documentation justifying the noncompetitive procurement must be submitted with the GAN and maintained in the procurement file.

### **d. Pre-Agreement Costs**

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

## 5. Indirect Cost Rate Agreement (if applicable)

Indirect costs may be charged to an award only if:

- (a) The recipient has a current (unexpired), federally-approved indirect cost rate; or
- (b) The recipient is eligible to use, and elects to use, the “de minimis” indirect cost rate described in the Part 200 Uniform Requirements, as set out at 2 C.F.R. 200.414(f).

An applicant with a current (unexpired) federally-approved indirect cost rate is to attach a copy of the indirect cost rate agreement to the application. An applicant that does not have a current federally-approved rate may request one through its cognizant federal agency, which will review all documentation and approve a rate for the applicant entity, or, if the applicant’s accounting system permits, applicants may propose to allocate costs in the direct cost categories.

For assistance with identifying the appropriate cognizant federal agency for indirect costs, please contact the Office of the Chief Financial Officer (OCFO) Customer Service Center at 1-800-458-0786 or at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov). If DOJ is the cognizant federal agency, applicants may obtain information needed to submit an indirect cost rate proposal at <https://www.ojp.gov/funding/Apply/Resources/IndirectCosts.pdf>.

Certain OJP recipients have the option of electing to use the “de minimis” indirect cost rate. An applicant that is eligible to use the “de minimis” rate that wishes to use the "de minimis" rate should attach written documentation to the application that advises OJP of both-- (1) the applicant’s eligibility to use the “de minimis” rate, and (2) its election to do so. If an eligible applicant elects the “de minimis” rate, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. The "de minimis" rate may no longer be used once an approved federally-negotiated indirect cost rate is in place. (No entity that ever has had a federally-approved negotiated indirect cost rate is eligible to use the "de minimis" rate.) For the “de minimis” rate requirements (including on eligibility to elect to use the rate), see the Part 200 Uniform Requirements, at 2 C.F.R. 200.414(f).

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

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

The Questionnaire should only be completed by financial staff most familiar with the applicant's systems, policies, and procedures in order to ensure that the correct responses are recorded and submitted to OJP. The responses on the Questionnaire directly impact the pre-award risk assessment and should accurately reflect the applicant’s financial management and internal control system at the time of the application. The pre-award risk

assessment is only one of multiple factors and criteria used in determining funding. However, a pre-award risk assessment that indicates that an applicant poses a higher risk to OJP may affect the funding decision and/or result in additional reporting requirements, monitoring, special conditions, withholding of award funds, or other additional award requirements.

Among other things, the form requires each applicant to disclose whether it currently is designated “high risk” by a federal grant-making agency outside of DOJ. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the applicant’s past performance, or other programmatic or financial concerns with the applicant. If an applicant is designated high risk by another federal awarding agency, the applicant must provide the following information:

- The federal awarding agency that currently designates the applicant high-risk.
- The date the applicant was designated high-risk.
- The high-risk point of contact at that federal awarding agency (name, phone number, and email address).
- The reasons for the high-risk status, as set out by the federal awarding agency.

OJP seeks this information to help ensure appropriate federal oversight of OJP awards. An applicant that is considered “high-risk” by another federal awarding agency is not automatically disqualified from receiving an OJP award. OJP may, however, consider the information in award decisions, and may impose additional OJP oversight of any award under this solicitation (including through the conditions that accompany the award document).

## **7. Disclosure of Lobbying Activities**

Each applicant must complete and submit this information. An applicant that expends any funds for lobbying activities is to provide all of the information requested on the form Disclosure of Lobbying Activities (SF-LLL) posted at <https://ojp.gov/funding/Apply/Resources/Disclosure.pdf>. An applicant that does not expend any funds for lobbying activities is to enter “N/A” in the text boxes for item 10 (“a. Name and Address of Lobbying Registrant” and “b. Individuals Performing Services”).

## **8. Additional Attachments**

- a. Completed inventory certification if an applicant is proposing to begin on [Task 2: Tracking](#) (see page 7)**
- b. Applicant Disclosure of Pending Applications**

Each applicant is to disclose whether it has (or is proposed as a subrecipient under) any pending applications for federally-funded grants or cooperative agreements that (1) include requests for funding to support the same project being proposed in the application under this solicitation, and (2) would cover any identical cost items outlined in the budget submitted to OJP as part of the application under this

solicitation. The applicant is to disclose applications made directly to federal awarding agencies, and also applications for subawards of federal funds (e.g., applications to State agencies that will subaward (“subgrant”) federal funds).

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

Each applicant that has one or more pending applications as described above is to provide the following information about pending applications submitted within the last 12 months:

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

Federal or State Funding Agency	Solicitation Name/Project Name	Name/Phone/Email for Point of Contact at Federal or State Funding Agency
DOJ/Office of Community Oriented Policing Services (COPS)	COPS Hiring Program	Jane Doe, 202/000-0000; jane.doe@usdoj.gov
Health and Human Services/Substance Abuse and Mental Health Services Administration	Drug-Free Communities Mentoring Program/ North County Youth Mentoring Program	John Doe, 202/000-0000; john.doe@hhs.gov

Each applicant should include the table as a separate attachment to its application. The file should be named “Disclosure of Pending Applications.” The applicant’s Legal Name on the application must match the entity named on the disclosure of pending applications statement.

Any applicant that does not have any pending applications as described above is to submit, as a separate attachment, a statement to this effect: “[Applicant Name on SF-424] does not have (and is not proposed as a subrecipient under) any pending applications submitted within the last 12 months for federally-funded grants or cooperative agreements (or for subawards under federal grants or cooperative agreements) that request funding to support the same project being proposed in this application to OJP and that would cover any identical cost items outlined in the budget submitted as part of this application.”

## How To Apply

Applicants must register in and submit applications through Grants.gov, a primary source to find federal funding opportunities and apply for funding. Find complete instructions on how to register and submit an application at <https://www.grants.gov/web/grants/support.html>. Applicants that experience technical difficulties during this process should call the Grants.gov Customer Support Hotline at **800-518-4726** or **606-545-5035**, which operates 24 hours a day, 7 days a week, except on federal holidays.

**Important Grants.gov update.** Grants.gov has updated its application tool. The legacy PDF application package has been phased out and was retired on December 31, 2017. Grants.gov Workspace is now the standard application method for applying for grants. OJP applicants should familiarize themselves with the Workspace option now. For complete information and instructions on using Workspace (and other changes), go to the Workspace Overview page at <https://www.grants.gov/web/grants/applicants/workspace-overview.html>.

Registering with Grants.gov is a one-time process; however, **processing delays may occur, and it can take several weeks** for first-time registrants to receive confirmation of registration and a user password. OJP encourages applicants to **register several weeks before** the application submission deadline. In addition, OJP urges applicants to submit applications at least 72 hours prior to the application due date, in order to allow time for the applicant to receive validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification.

OJP strongly encourages all prospective applicants to sign up for Grants.gov email notifications regarding this solicitation at <https://www.grants.gov/web/grants/manage-subscriptions.html>. If this solicitation is cancelled or modified, individuals who sign up with Grants.gov for updates will be automatically notified.

**Browser Information:** Grants.gov was built to be compatible with Internet Explorer. For technical assistance with Google Chrome, or another browser, contact Grants.gov Customer Support.

**Note on Attachments:** Grants.gov has two categories of files for attachments: “mandatory” and “optional.” OJP receives all files attached in both categories. Attachments are also labeled to describe the file being attached (e.g., Project Narrative, Budget Narrative, Other, etc.) Please ensure that all required documents are attached in the correct Grants.gov category and are labeled correctly. Do not embed “mandatory” attachments within another file.

**Note on File Names and File Types:** Grants.gov only permits the use of certain specific characters in the file names of attachments. Valid file names may include only the characters shown in the table below. Grants.gov rejects any application that includes an attachment(s) with a file name that contains any characters not shown in the table below. Grants.gov forwards successfully-submitted applications to the OJP Grants Management System (GMS).

Characters
Upper case (A – Z)
Lower case (a – z)
Underscore ( _ )
Hyphen ( - )
Space
Period ( . )

Special Characters		
Parenthesis ( )	Curly braces { }	Square brackets [ ]
Ampersand (&)*	Tilde (~)	Exclamation point (!)
Comma ( , )	Semicolon ( ; )	Apostrophe ( ' )
At sign ( @ )	Number sign ( # )	Dollar sign ( \$ )
Percent sign ( % )	Plus sign ( + )	Equal sign ( = )

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

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

All applicants are required to complete the following steps:

### **Unique Entity Identifier (DUNS Number) and System for Award Management (SAM)**

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

If an applicant entity has not fully complied with the applicable SAM and unique identifier requirements by the time OJP makes award decisions, OJP may determine that the applicant is not qualified to receive an award and may use that determination as a basis for making the award to a different applicant.

### **Applying as an Individual**

An individual who wishes to apply in his/her personal capacity should search Grants.gov for funding opportunities for which individuals are eligible to apply. Use the Funding Opportunity Number (FON) to register. (An applicant applying as an individual must comply with all applicable Grants.gov individual registration requirements.)

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

### **Registration and Submission Steps**

- 1. Acquire a unique entity identifier (currently, a DUNS number).** In general, the Office of Management and Budget requires every applicant for a federal award (other than an individual) to include a "unique entity identifier" in each application, including an application for a supplemental award. Currently, a DUNS number is the required unique entity identifier.

This unique entity identifier is used for tracking purposes, and to validate address and point of contact information for applicants, recipients, and subrecipients. It will be used throughout the life cycle of an OJP award. Obtaining a DUNS number is a free, one-time activity. Call Dun and Bradstreet at 866-705-5711 to obtain a DUNS number or apply online at <https://www.dnb.com/>. A DUNS number is usually received within 1-2 business days.

- 2. Acquire or maintain registration with SAM.** Any applicant for an OJP award creating a **new** entity registration in SAM.gov must provide an original, signed notarized letter stating that the applicant is the authorized Entity Administrator before the registration will be activated. To learn more about this process change, read the FAQs at <https://www.gsa.gov/about-us/organization/federal-acquisition-service/office-of-systems-management/integrated-award-environment-iae/sam-update>. Information about the notarized letter is posted at [https://www.fsd.gov/fsd.gov/answer.do?sysparm\\_kbid=d2e67885db0d5f00b3257d321f96194b&sysparm\\_search=kb0013183](https://www.fsd.gov/fsd.gov/answer.do?sysparm_kbid=d2e67885db0d5f00b3257d321f96194b&sysparm_search=kb0013183).

All applicants for OJP awards (other than individuals) must maintain current registrations in the SAM database. Applicants will need the authorizing official of the organization and an Employer Identification Number (EIN). An applicant must be registered in SAM to successfully register in Grants.gov. Each applicant must **update or renew its SAM registration at least annually** to maintain an active status. SAM registration and renewal can take as long as 10 business days to complete (2 more weeks to acquire an EIN).

An application cannot be successfully submitted in Grants.gov until Grants.gov receives the SAM registration information. Once the SAM registration/renewal is complete, **the information transfer from SAM to Grants.gov can take as long as 48 hours**. OJP recommends that the applicant register or renew registration with SAM as early as possible.

Information about SAM registration procedures can be accessed at [www.SAM.gov](http://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. An applicant entity's "unique entity identifier" (DUNS number) must be used to complete this step. For more information about the registration process for organizations and other entities, go to <https://www.grants.gov/web/grants/applicants/organization-registration.html>. Individuals registering with Grants.gov should go to <https://www.grants.gov/web/grants/applicants/registration.html>.
- 4. Acquire confirmation for the AOR from the E-Business Point of Contact (E-Biz POC).** The E-Biz POC at the applicant organization must log into Grants.gov to confirm the applicant organization's AOR. The E-Biz POC will need the Marketing Partner Identification Number (MPIN) password obtained when registering with SAM to complete this step. Note that an organization can have more than one AOR.
- 5. Search for the funding opportunity on Grants.gov.** Use the following identifying information when searching for the funding opportunity on Grants.gov. The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is 16.741, titled "DNA Backlog Reduction Program," and the funding opportunity number is NIJ-2018-13742.
- 6. Access Funding Opportunity and Application Package from Grants.gov.** Select "Apply for Grants" under the "Applicants" column. Enter your email address to be notified of any

changes to the opportunity package before the closing date. Click the Workspace icon to use Grants.gov Workspace.

- 7. 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. The second will state whether the application has been validated and successfully submitted, or whether it has been rejected due to errors, with an explanation. It is possible to first receive a message indicating that the application is received, and then receive a rejection notice a few minutes or hours later. Submitting an application well ahead of the deadline provides time to correct the problem(s) that caused the rejection. **Important:** OJP urges each applicant to submit its application **at least 72 hours prior** to the application due date, to allow time to receive validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification. Applications must be successfully submitted through Grants.gov by 11:59 p.m. eastern time on May 21, 2018.

Go to <https://www.grants.gov/web/grants/applicants/organization-registration.html> for further details on DUNS numbers, SAM, and Grants.gov registration steps and timeframes.

#### **Note: Application Versions**

If an applicant submits multiple versions of the same application, OJP will review only the most recent system-validated version submitted.

#### **Experiencing Unforeseen Grants.gov Technical Issues**

An applicant that experiences unforeseen Grants.gov technical issues beyond its control that prevent it from submitting its application by the deadline must contact the Grants.gov Customer Support Hotline at <https://www.grants.gov/web/grants/support.html> or the SAM Help Desk (Federal Service Desk) at <https://www.fsd.gov/fsd-gov/home.do> to report the technical issue and receive a tracking number. The applicant must email the NIJ contact identified in the Contact Information section on the title page **within 24 hours after the application deadline** to request approval to submit its application after the deadline. The applicant's email must describe the technical difficulties, and must include a timeline of the applicant's submission efforts, the complete grant application, the applicant's DUNS number, and any Grants.gov Help Desk or SAM tracking number(s).

**Note: OJP does not automatically approve requests to submit a late application.** After OJP reviews the applicant's request, and contacts the Grants.gov or SAM Help Desks to verify the reported technical issues, OJP will inform the applicant whether the request to submit a late application has been approved or denied. If OJP determines that the untimely application submission was due to the applicant's failure to follow all required procedures, OJP will deny the applicant's request to submit its application.

The following conditions generally are insufficient to justify late submissions:

- Failure to register in SAM or Grants.gov in sufficient time (SAM registration and renewal can take as long as 10 business days to complete. The information transfer from SAM to Grants.gov can take up to 48 hours.)



- Failure to follow Grants.gov instructions on how to register and apply as posted on its website.
- Failure to follow each instruction in the OJP solicitation.
- Technical issues with the applicant’s computer or information technology environment, such as issues with firewalls or browser incompatibility.

**Notifications regarding known technical problems with Grants.gov, if any, are posted at the top of the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>.**

## **E. Application Review Information**

### **Review Criteria**

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

1. Description of the Issue (20%)
  - a. Statement of the problem as it pertains to your agency and jurisdiction.
2. Project Design and Implementation (50%)
  - a. How the plan will allow the inventory to be completed in one year.
  - b. How the plan describes the protocol for handling SAKs in its possession for which a statute(s) of limitations will expire (including with respect to how cases for which a statute(s) of limitations will soon expire will be prioritized for testing).
  - c. How the plan will implement the tracking and reporting tasks of this solicitation.
  - d. How the plan will leverage existing resources.
3. Capabilities and Competencies (15%)
  - a. The management plan and responsibilities for implementing the plan is solid and would withstand staffing changes.
4. Plan for Collecting the Data Required for this Solicitation’s Performance Measures (15%)
  - a. How the plan will allow the applicant to accurately collect all metrics in this solicitation for [Task 2: Reporting](#).
  - b. How the plan will allow the applicant to report the collected metrics every 60 days on its website.
  - c. How the plan will allow the applicant to provide timely reporting of metrics to NIJ under this program.

5. Budget (unscored): In addition, peer reviewers will consider and may comment on the following additional items in the context of technical merit.
  - a. Budget is complete, cost effective, and includes costs for allowable activities (e.g., reasonable, allocable, and necessary for project activities).
  - b. Budget narratives should demonstrate generally how applicants will maximize cost effectiveness of grant expenditures.
  - c. Budget narratives should demonstrate cost effectiveness in relation to potential alternatives and the goals of the project.<sup>18</sup>

## Review Process

OJP is committed to ensuring a fair and open process for making awards. 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 an application meets basic minimum requirements and should proceed to further consideration, OJP screens applications for compliance with those requirements. Although specific requirements may vary, the following are common requirements applicable to all solicitations for funding under OJP programs:

- The application must be submitted by an eligible type of applicant.
- The application must request funding within programmatic funding constraints (if applicable).
- The application must be responsive to the scope of the solicitation.
- The application must include all items designated as “critical elements.”
- The applicant must not be identified in SAM as excluded from receiving federal awards.

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

Peer review panels will evaluate, score, and rate applications that meet basic minimum requirements. NIJ may use internal peer reviewers, external peer reviewers, or a combination, to assess applications on technical merit using the solicitation’s review 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. Peer reviewers’ ratings and any resulting recommendations are advisory only, although reviewer views are considered carefully. Other important considerations for NIJ include geographic diversity, strategic priorities, and available

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<sup>18</sup> Generally speaking, a reasonable cost is a cost that, in its nature or amount, does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs.

funding, as well as the extent to which the budget detail worksheet and budget narrative accurately explain project costs that are reasonable, necessary, and otherwise allowable under federal law and applicable federal cost principles.

Pursuant to the Part 200 Uniform Requirements, before award decisions are made, OJP also reviews information related to the degree of risk posed by the applicant. Among other things to help assess whether an applicant that has one or more prior federal awards has a satisfactory record with respect to performance, integrity, and business ethics, OJP checks whether the applicant is listed in SAM as excluded from receiving a federal award.

In addition, if OJP anticipates that an award will exceed \$150,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the non-public segment of the integrity and performance system accessible through SAM (currently, the Federal Awardee Performance and Integrity Information System, (FAPIS)).

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

The evaluation of risks goes beyond information in SAM, however. OJP itself has in place a framework for evaluating risks posed by applicants for competitive awards. OJP takes into account information pertinent to matters such as —

1. Applicant financial stability and fiscal integrity.
2. Quality of the applicant's management systems, and the applicant's ability to meet prescribed management standards, including those outlined in the DOJ Grants Financial Guide.
3. Applicant's history of performance under OJP and other DOJ awards (including compliance with reporting requirements and award conditions), as well as awards from other federal agencies.
4. Reports and findings from audits of the applicant, including audits under the Part 200 Uniform Requirements.
5. Applicant's ability to comply with statutory and regulatory requirements, and to effectively implement other award requirements.

OJP will give priority in award decisions to eligible applicants that, during the three fiscal years (FY 2015 – 2017) prior to the submission of an application under this solicitation, did not have an “unresolved audit finding” indicating noncompliance with the award terms or conditions of a DOJ grant program. See 34 U.S.C. § 10263(3). In other words, an applicant without such an “unresolved audit finding” will be given priority consideration over any applicant *with* such an “unresolved audit finding.”

Absent explicit statutory authorization or written delegation of authority to the contrary, all final award decisions will be made by the Assistant Attorney General, who may take into account not only peer review ratings and NIJ recommendations, but also other factors as indicated in this section.

## F. Federal Award Administration Information

### Federal Award Notices

Award notifications will be made by September 30, 2018. OJP sends award notifications by email through GMS to the individuals listed in the application as the point of contact and the authorizing official (E-Biz POC and AOR). The email notification includes detailed instructions on how to access and view the award documents, and steps to take in GMS to start the award acceptance process. GMS automatically issues the notifications at 9:00 p.m. eastern time on the award date.

For each successful applicant, an individual with the necessary authority to bind the applicant will be required to log in; execute a set of legal certifications and a set of legal assurances; designate a financial point of contact; thoroughly review the award, including all award conditions; and sign and accept the award. The award acceptance process requires physical signature of the award document by the authorized representative and the scanning and submission 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 OJP-approved application, the recipient must comply with all award conditions, as well as all applicable requirements of federal statutes and regulations (including applicable requirements referred to in the assurances and certifications executed in connection with award acceptance). OJP strongly encourages prospective applicants to review information on post-award legal requirements and common OJP award conditions **prior** to submitting an application.

Applicants should consult the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](#)," available in the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>. In addition, applicants should examine the following two legal documents, as each successful applicant must execute both documents before it may receive any award funds. (An applicant is not required to submit these documents as part of an application.)

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

The webpages accessible through the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](#)" are intended to give applicants for OJP awards a general overview of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants and cooperative agreements awarded in FY 2018. Individual OJP awards typically also will include additional award conditions. Those additional conditions may relate to the particular statute, program, or solicitation under which the award is made; to the substance of the funded application; to the recipient's performance under other federal awards; to the recipient's legal status (e.g., as a for-profit entity); or to other pertinent considerations.

## **General Information about Post-Federal Award Reporting Requirements**

In addition to the deliverables described in [Section A. Program Description](#), any recipient of an award under this solicitation will be required to submit the following reports and data.

Required reports. Recipients typically must submit quarterly financial reports, semi-annual progress reports, final financial and progress reports, and, if applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions. As part of a recipient's reporting requirements, an applicant will be required to post metrics every 60 days to an appropriate website hosted by an applicant and open to the public. (Metrics data also must be provided to NIJ for posting on a DOJ website as detailed under [Section A. Program Description](#).) An applicant will also be required to submit the 60-day reports with the semi-annual progress reports to NIJ. Future awards and fund drawdowns may be withheld if reports are delinquent. (In appropriate cases, OJP may require additional reports.)

Awards that exceed \$500,000 will include an additional condition that, under specific circumstances, will require the recipient to report (to FAPIIS) information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either the OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Additional information on this reporting requirement appears in the text of the award condition posted on the OJP webpage at <https://ojp.gov/funding/FAPIIS.htm>.

Data on performance measures. In addition to required reports, each award recipient also must provide data that measure the results of the work done under the award. To demonstrate program progress and success, as well as to assist DOJ in fulfilling its responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 103-62, and the GPRA Modernization Act of 2010, Public Law 111-352, OJP will require any award recipient, post award, to provide performance data as part of regular progress reporting. Successful applicants will be required to access OJP's performance measurement page at [www.ojp.gov/performance](http://www.ojp.gov/performance) to view the specific reporting requirements for this grant program.

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

For questions directed to the Federal Awarding Agency, see NCJRS contact information on the title page.

For contact information for Grants.gov, see the title page.

## **H. Other Information**

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

All applications submitted to OJP (including all attachments to applications) are subject to the federal Freedom of Information Act (FOIA) and to the Privacy Act. By law, DOJ may withhold information that is responsive to a request pursuant to FOIA if DOJ determines that the responsive information either is protected under the Privacy Act or falls within the scope of one of nine statutory exemptions under FOIA. DOJ cannot agree in advance of a request pursuant to FOIA not to release some or all portions of an application.

In its review of records that are responsive to a FOIA request, OJP will withhold information in those records that plainly falls within the scope of the Privacy Act or one of the statutory exemptions under FOIA. (Some examples include certain types of information in budgets, and names and contact information for project staff other than certain key personnel.) In appropriate circumstances, OJP will request the views of the applicant/recipient that submitted a responsive document.

For example, if OJP receives a request pursuant to FOIA for an application submitted by a nonprofit or for-profit organization or an institution of higher education, or for an application that involves research, OJP typically will contact the applicant/recipient that submitted the application and ask it to identify -- quite precisely -- any particular information in the application that the applicant/recipient believes falls under a FOIA exemption, the specific exemption it believes applies, and why. After considering the submission by the applicant/recipient, OJP makes an independent assessment regarding withholding information. OJP generally follows a similar process for requests pursuant to FOIA for applications that may contain law-enforcement sensitive information.

### **Provide Feedback to OJP**

To assist OJP in improving its application and award processes, OJP encourages applicants to provide feedback on this solicitation, the application submission process, and/or the application review process. Provide feedback to [OJPSolicitationFeedback@usdoj.gov](mailto:OJPSolicitationFeedback@usdoj.gov).

**IMPORTANT:** This email is for feedback and suggestions only. OJP does **not** reply from this mailbox to messages it receives in this mailbox. Any prospective applicant that has specific questions on any program or technical aspect of the solicitation **must** use the appropriate telephone number or email listed on the front of this document to obtain information. These contacts are provided to help ensure that prospective applicants can directly reach an individual who can address specific questions in a timely manner.

If you are interested in being a reviewer for other OJP grant applications, please email your résumé to [ojppeerreview@l-secb.com](mailto:ojppeerreview@l-secb.com). (Do not send your résumé to the OJP Solicitation Feedback email account.) **Note:** Neither you nor anyone else from your organization or entity can be a peer reviewer in a competition in which you or your organization/entity has submitted an application.

## Application Checklist

### FY 2018 Sexual Assault Forensic Evidence-Inventory, Tracking, and Reporting Program (SAFE-ITR)

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

#### What an Applicant Should Do:

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

\_\_\_\_\_ Acquire a DUNS Number (see page 30)

\_\_\_\_\_ Acquire or renew registration with SAM (see page 31)

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

\_\_\_\_\_ Acquire AOR and Grants.gov username/password (see page 31)

\_\_\_\_\_ Acquire AOR confirmation from the E-Biz POC (see page 31)

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

\_\_\_\_\_ Search for the Funding Opportunity on Grants.gov (see page 31)

\_\_\_\_\_ Access Funding Opportunity and Application Package (see page 31)

\_\_\_\_\_ Sign up for Grants.gov email [notifications](#) (optional) (see page 29)

\_\_\_\_\_ Read [Important Notice: Applying for Grants in Grants.gov](#)

\_\_\_\_\_ Read OJP policy and guidance on conference approval, planning, and reporting available at [ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm](http://ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm) (see page 16)

##### *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 32)

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

\_\_\_\_\_ contact NIJ regarding experiencing technical difficulties (see page 32)

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

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

#### Scope Requirement:

\_\_\_\_\_ The federal amount requested is within the allowable limit(s) of \$1,000,000.

#### Eligibility Requirement:

See title page.

#### What an Application Should Include:

\_\_\_\_\_ Application for Federal Assistance (SF-424) (see page 18)

\_\_\_\_\_ Intergovernmental Review (see page 18)

\_\_\_\_\_ Project Abstract (see page 18)

\_\_\_\_\_ Program Narrative (see page 19)

\_\_\_\_\_ Budget Detail Worksheet (see page 23)

- \_\_\_\_\_ Budget Narrative (see page 23)
- \_\_\_\_\_ Indirect Cost Rate Agreement (if applicable) (see page 26)
- \_\_\_\_\_ Financial Management and System of Internal Controls Questionnaire (see page 26)
- \_\_\_\_\_ [Disclosure of Lobbying Activities \(SF-LLL\)](#) (see page 27)
- \_\_\_\_\_ Additional Attachments
  - \_\_\_\_\_ Completed inventory certification if an applicant is proposing to begin on [Task 2: Tracking](#) (see page 7)
  - \_\_\_\_\_ Applicant Disclosure of Pending Applications (see page 27)
  - \_\_\_\_\_ Request and Justification for Employee Compensation; Waiver (if applicable) (see page 16)



## **Appendix 1: Certification Template**

**Instructions:** Execute the certification by filling in the blanks of the last paragraph, and by signing and completing the information requested at the bottom of the certification template. Scan the completed document and submit the image file electronically through Grants.gov with the application.

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

FY 2018 Sexual Assault Forensic Evidence-Inventory, Tracking, and  
Reporting Program (SAFE-ITR)

On behalf of the applicant named below, I certify the following to the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice:

The applicant has completed an inventory of all sexual assault kits (SAKs) in its possession.

I acknowledge that a false statement in this certification or in the grant application that it supports may be the subject of criminal prosecution, including under 18 U.S.C. § 1001 and 34

U.S.C. § 10272. I also acknowledge that Office of Justice Programs grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

I am the chief law enforcement officer of the applicant and I have authority to make this certification on behalf of the applicant.

I, \_\_\_\_\_, chief law enforcement officer of the applicant, attest that as of \_\_\_\_\_,  
(name) (date)  
\_\_\_\_\_ has completed its sexual assault kit (SAK) inventory  
(applicant)  
and has \_\_\_\_\_ SAKs in its possession.  
(number)

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

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

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

\_\_\_\_\_  
Name of Applicant (State or unit of local government)

\_\_\_\_\_  
Date