

Addendum for the Solicitation:

**SMART FY 2019 Support for Adam Walsh Act Implementation Grant Program**

March 21, 2019: Contact information.

The SMART Office has updated the points of contact for this solicitation. For assistance with any requirements of this solicitation, contact Amy Staubs at 202-307-5762 or [Amy.Staub@ojp.usdoj.gov](mailto:Amy.Staub@ojp.usdoj.gov), Samantha Opong at 202-514-9320 or [Samantha.Opong@ojp.usdoj.gov](mailto:Samantha.Opong@ojp.usdoj.gov), or Kisha Green at 202-616-3573 or [Kisha.W.Green@ojp.usdoj.gov](mailto:Kisha.W.Green@ojp.usdoj.gov) from 8 a.m.-5 p.m., Eastern Standard Time.

**U.S. Department of Justice**  
Office of Justice Programs  
Office of Sex Offender Sentencing, Monitoring,  
Apprehending, Registering and Tracking



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The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking](#) (SMART), is seeking applications for funding under the SMART Office FY 2019 Support for Adam Walsh Act Implementation Grant Program. This program furthers the Department's mission by assisting states, the District of Columbia, territories and certain federally recognized Indian tribes with implementation and ongoing maintenance of requirements under the Adam Walsh Child Protection and Safety Act of 2006, specifically Subtitle A of Title I, the Sex Offender Registration and Notification Act (SORNA).

## **SMART FY 2019 Support for Adam Walsh Act Implementation Grant Program**

**Applications Due: April 18, 2019**

### **Eligibility**

#### **PURPOSE AREA 1:**

Eligible applicants are limited to jurisdictions that are defined by the Sex Offender Registration and Notification Act (SORNA) as states, the District of Columbia, the principal U.S. territories and federally recognized Indian tribal governments (as determined by the Secretary of the Interior) that are eligible under SORNA section 127 to carry out the functions of SORNA and have elected to do so.

Tribal applicants must demonstrate eligibility status by indicating that the tribe has elected to carry out the requirements of SORNA under section 127 and has not delegated its duties since its election. Tribes that have elected to carry out the requirements of SORNA must submit the tribal resolution that documents the tribe's election to do so. The Bureau of Indian Affairs publishes a [list of federally recognized Indian tribes in the Federal Register](#).

#### **PURPOSE AREA 2:**

Eligible applicants are limited to counties in states that the SMART Office has determined to have [substantially implemented SORNA](#).

### **PURPOSE AREA 3:**

Eligible applicants are limited to states, the District of Columbia and principal U.S. territories that are either currently utilizing SMART's Sex Offender Registry Tool (SORT) as their sex offender registry or will do so if selected for this award.

***For all purpose areas***, the SMART Office will consider making prioritized funding awards to the following: 1) jurisdictions that have not previously received funding under this program; 2) state and territorial applicants (or their political subdivisions or units of local government) that have already implemented SORNA; 3) tribal applicants that have implemented SORNA, submitted a SORNA substantial implementation package to the SMART Office for review or submitted a request for additional time to implement SORNA; or 4) tribal applicants that have not implemented SORNA, but whose SORNA registration activities have not been delegated to the state, if the funds are being used to move closer to substantial implementation.

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

The SMART Office 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 (subgrantees).<sup>1</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 project.

Any proposed subawards must be approved by the SMART Office. The SMART Office may consider administration priorities, among other factors in determining whether to approve any such subaward.

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

### **Deadline**

Applicants must [register](#) with Grants.gov prior to submitting an application. All applications are due by 11:59 p.m. Eastern time on April 18, 2019.

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.

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<sup>1</sup> For additional information on subawards, see "Budget and Associated Documentation" under [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 [support@grants.gov](mailto:support@grants.gov) or at <https://www.grants.gov/web/grants/support.html>. The Grants.gov Support Hotline operates 24 hours a day, 7 days a week, except for 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 SMART Office 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 Amy Staubs at 202-307-5762 or [Amy.Staub@ojp.usdoj.gov](mailto:Amy.Staub@ojp.usdoj.gov), Samantha Opong at 202-514-9320 or [Samantha.Opong@ojp.usdoj.gov](mailto:Samantha.Opong@ojp.usdoj.gov), or Kisha Green at 202-616-3573 or [Kisha.W.Green@ojp.usdoj.gov](mailto:Kisha.W.Green@ojp.usdoj.gov) from 8 a.m.-5 p.m., Eastern Standard Time.

General information on applying for SMART awards can be found at the [SMART Funding Opportunities](#) page.

Grants.gov number assigned to this solicitation: SMART-2019-14905

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# SMART FY 19 Support for Adam Walsh Act Implementation Grant Program CFDA # 16.750

## A. Program Description

### Overview

The Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Support for Adam Walsh Act Implementation Grant Program assists jurisdictions with developing and/or enhancing programs designed to implement the Sex Offender Registration and Notification Act (SORNA). SORNA (34 U.S.C. § 20901 et seq.) was enacted to protect the public by establishing a comprehensive national system of standards for the registration and notification of convicted sex offenders.

The term jurisdiction is defined in SORNA as any state of the United States, the District of Columbia, the principal U.S. territories and federally recognized Indian tribes — to the extent provided by SORNA section 127 — that have elected to implement SORNA.

**Statutory Authority:** This program is authorized pursuant to the Adam Walsh Child Protection and Safety Act, 34 U.S.C. § 20901 et seq.

### Program-Specific Information

The Support for Adam Walsh Act (AWA) Implementation Grant Program assists jurisdictions with developing and/or enhancing programs designed to implement SORNA requirements. In summary, SORNA requires 1) all states, the District of Columbia, the principal U.S. territories and participating federally recognized Indian tribes to maintain a sex offender registry; and 2) sex offenders to register and maintain a current registration in each jurisdiction where the offender resides, is an employee or is a student. SORNA also sets forth requirements for sex offender registries, to include specified information, duration of registration and in-person verification of sex offender registration information, as well as participation in the National Sex Offender Public Website (NSOPW.gov) and interjurisdictional notification of relocating offenders (e.g., SORNA Exchange Portal). For more specific information about SORNA substantial implementation and the National Guidelines and Supplemental Guidelines on Sex Offender Registration and Notification, visit [SMART's SORNA guidance](#).

In fiscal year 2019, the SMART Office seeks to expand the AWA program to 1) provide support to counties in states that have substantially implemented SORNA to augment enforcement, compliance and coordination and 2) encourage further implementation and integration of the Sex Offender Registry Tool (SORT).

### Goals, Objectives and Deliverables

The SMART Office is interested in proposals that facilitate, enhance and maintain jurisdictional implementation of SORNA. For each purpose area below, applications must include how the proposed project will further SORNA implementation. Where specified, eligible applicants may

submit an application to more than one purpose area; however, applications must not duplicate focus areas, approaches and/or methodologies.

Note: Activities proposed under Purpose Area 2 may address SORNA implementation issues described in Purpose Area 1 of this solicitation. However, to be considered under Purpose Area 2, applicants must clearly identify how the applied-for funding will directly address local-level efforts to accomplish planned activities, goals and objectives, but will not duplicate or conflict with any ongoing SORNA activities, or any SORNA-related activities proposed for funding by the applicant's respective state under Purpose Area 1. Similarly, applications under Purpose Area 3 can enhance activities proposed for funding under Purpose Areas 1 or 2, but must not duplicate them.

### **PURPOSE AREA 1: Maintaining and Enhancing SORNA Substantial Implementation in States, Territories and Tribal Jurisdictions**

#### **COMPETITION ID: SMART-2019-15629**

Applications are solicited from eligible jurisdictions interested in reaching, maintaining or enhancing SORNA implementation.

For state and territorial jurisdictions that have not yet substantially implemented SORNA, applicants must explain how the proposed project will bring the jurisdiction closer to implementation based on SMART's most recent SORNA substantial implementation review and determination for the jurisdiction.

For tribal jurisdictions that have not yet substantially implemented SORNA, applicants must have received a SORNA substantial implementation review, submitted materials for review or requested and received a "reasonable time" extension from the SMART Office. If the jurisdiction has received a substantial implementation review, the applicant must explain how the proposed project will bring the jurisdiction closer to implementation based on SMART's most recent review and determination.

For jurisdictions that have substantially implemented SORNA, the application must explain how the proposed project will support continued implementation of SORNA, enhance current registration/notification programs or address any SORNA requirements not fully met, as identified in their most recent SORNA substantial implementation review.

In developing and/or enhancing efforts or programs designed to implement or maintain SORNA standards, applicants may propose specific strategies and projects including, but not limited to, the following.

**Below are examples of strategies and projects to develop or enhance jurisdiction-wide SORNA implementation.**

**All state, tribal and territory applicants might —**

- Develop proposed legislation and administrative materials (such as policies, procedures or processing forms) that address SORNA's requirements, including legal support.
- Provide support for coordinated interagency efforts to enhance implementation

of SORNA requirements.

- Develop or enhance law enforcement and other criminal justice agency information sharing within the jurisdiction, as well as between jurisdictions.
- Implement records management projects, such as converting paper documents to digital format as required by SORNA.
- Develop or enhance information sharing between the jurisdiction's sex offender registry and other jurisdiction entities (such as correctional facilities, motor vehicle departments) to improve the accuracy of information about registered sex offenders.
- Develop and conduct training, including safety training, for law enforcement and other criminal justice agency personnel responsible for sex offender registration, notification, monitoring or management or investigating failure to register cases.
- Enhance registration verification strategies, collaborating with other jurisdictions and agencies on absconder investigations and expanding community education and prevention programs related to sex offender registration, notification or management.
- Implement and enforce SORNA's 21-day advance notice of international travel requirement.
- Enhance the jurisdiction's infrastructure to assist implementation of SORNA, such as the collection, storage, submission or analysis of sex offender biometric data (finger and palm prints) and DNA to state or FBI laboratories. **See [Budget Information](#) including referenced footnote for more information.**

### **Tribal applicants**

- Tribes that have been found to have substantially implemented SORNA may apply for funding to create, improve and/or sustain registration/notification activities, including developing community education programs on sex offender topics (e.g., promoting an understanding of the tribe's sex offender registration, notification, treatment and community supervision strategies; safety planning; and facts and statistics about sexual offending and offenders), or collaboration with intratribal organizations, including victim service agencies, courts, probation, schools and other entities. An application to fund such a collaborative approach or project must include supporting documentation from the included tribal organizations detailing how the collaboration will work. The application should also detail how such strategies will sustain and support the tribe's sex offender registration and notification program.
- Tribes that have been found to have substantially implemented SORNA may apply for funding to develop or enhance interjurisdictional cooperation, including information-sharing infrastructure improvement to assist implementation of SORNA, such as the collection, storage, submission or analysis of sex offender biometric data (finger and palm prints).
- Tribes that have elected to carry out SORNA may apply for funding to support SORNA activities that benefit a consortium of tribes implementing SORNA. Several tribes may choose to form a consortium to share resources (e.g., hardware, digital fingerprint equipment, kiosks; joint staff or shared registry office space; shared public registry website) or collaborate on enforcement activities or registration facilities. An application to fund a collaborative approach or project must include supporting documentation, such as an interagency agreement, a memorandum of understanding or a letter of cooperation that demonstrates commitment from each



member jurisdiction of the consortium.

### **States with tribal jurisdictions within their borders**

- States may apply to support efforts of local or state units of government, or P.L. 280 tribes,<sup>2</sup> to develop or enhance their sex offender registration and notification functions that pertain to tribal nations that have had their SORNA functions delegated to the state.
- State jurisdictions that include P.L. 280 tribes are encouraged to specifically address the unique needs of the tribes in any project design for SORNA implementation as it relates to these tribes.
- State jurisdictions that have tribal SORNA jurisdictions within their borders may apply for funding to enhance their collaboration with tribes, including enhancing information sharing such as tribal access to the National Crime Information Center, National Sex Offender Registry. An application to fund a collaborative approach or project must include supporting documentation, such as an interagency agreement, a memorandum of understanding or a letter of cooperation, which demonstrates the collaborative endeavor from each SORNA jurisdiction involved in the collaboration.

As in prior fiscal years, jurisdictions may elect to subaward to a political subdivision or unit of local government in their application, if that subaward is in keeping with the jurisdiction's overall implementation strategy. Note, however, that it is the jurisdiction's responsibility to ensure that the subaward(s) in question do not duplicate any request submitted by these entities under Purpose Area 2, below.

## **PURPOSE AREA 2: Support for SORNA Implementation in Counties**

### **COMPETITION ID: SMART-2019-15630**

Applications are solicited from eligible entities that seek to improve sex offender registration, address verification activities and assure sex offender registry official safety, at the county level in states that have substantially implemented SORNA. (See SMART.gov to confirm state implementation status.)

Strategies proposed under Purpose Area 2 may address the issues described in Purpose Area 1 of this solicitation. However, in order to be considered for an award under Purpose Area 2, applicants must clearly identify how the proposed project will directly address county-level efforts to accomplish SORNA implementation, but will not duplicate or conflict with any ongoing SORNA activities at the state level.

Applicants may propose specific strategies and projects to develop or enhance jurisdiction-wide SORNA implementation including the following:

- Enhance registration verification strategies, collaborate with other county law enforcement and other agencies on absconder investigations and expand community education and prevention programs related to sex offender registration,

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<sup>2</sup> Public Law 83-280 (PL 280) delegated to certain named states criminal and civil jurisdiction on reservations within those states' boundaries. The following states are mandatory PL-280: Alaska, California, Minnesota, Nebraska, Oregon and Wisconsin. (See 18 U.S.C. 1162) Another nine states have "opted-in," but not all tribes in those states have consented to delegation.

notification or management.

- Implement records management projects, such as converting paper documents to digital format as required by SORNA.
- Develop or enhance information sharing between the county's sex offender registry and other entities in the county (such as jail facilities, motor vehicle departments) to improve the accuracy of information about registered sex offenders.
- Develop and implement registration location and officer safety protocols.
- Foster communication/assistance to neighboring Indian tribes who require and request sex offender registration assistance.

Purchases of proprietary software at the county level are not allowable costs unless written documentation is submitted to and approved by the SMART Office demonstrating that (1) there was coordination at both the state and county levels to identify software that is interoperable with the state-wide software system; and (2) no-cost software furnished by the government is inadequate.

**Applicants must include in the application package a letter of support from the state registering agency confirming that proposed county-level efforts will not be duplicative of, or conflict with, any ongoing SORNA activities at the state level.**

### **PURPOSE AREA 3: Support for Implementation and Integration of the Sex Offender Registry Tool (SORT)**

#### **COMPETITION ID: SMART-2019-15631**

Applications are solicited from eligible applicants that choose to utilize the SMART-developed Sex Offender Registry Tool (SORT) as their sex offender registry system and have associated costs related to the implementation and integration of SORT. Applicants must either currently be using SORT or plan to do so if selected for this award.

SORNA directs the Attorney General to develop and support registry management and website software to assist jurisdictions in fulfilling information sharing and community notification requirements. SMART developed and made SORT available to states and territories for the operation of their sex offender registration and notification programs, which automates these processes and enables jurisdictions to implement SORNA's information collection and sharing requirements by utilizing the software. SORNA implementation requires jurisdictions to use current electronic and cyber technology to seamlessly track sex offenders who move from one jurisdiction to another, and to ensure that sex offender information is immediately made available to all applicable jurisdictions and, as appropriate, to the public.

SORT functions as the state-level administrative registry system and provides local registration agencies with their own customizable public sex offender registry website. SORT is designed to enhance information-sharing capabilities and maximize efficiency and cost effectiveness of registry system setup and ongoing maintenance. See the [SORT Fact Sheet](#) for additional information.

Although SORT is available to states and territories at no cost, integrating SORT into a jurisdiction's existing registry system may have associated costs that can include data migration, customization and integration into existing systems and tools.

### Examples of associated costs:

- Customization of SORT software to specific jurisdiction needs
- Integration with message switch systems and NCIC access
- Integration with live scans
- Data migration
- Third-party integration tools (e.g., data-mapping tool)

In order to receive funding under Purpose Area 3, applicants must detail how the proposed project will reduce the jurisdiction's long-term costs in registry operation and maintenance. Preference will be provided to applicants that demonstrate long-term solutions and cost saving strategies and sustainability.

### Additional Information Required

State and territory applicants that are penalized for failing to substantially implement SORNA and that recently received or are expected to receive Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) SORNA reallocation funding should describe how the proposed project complements the work that the jurisdiction plans to perform with that reallocation funding. Applicants should ensure that the proposed project involves activities that **are separate from or complement** the tasks being performed with the SORNA reallocation funding, so as to avoid receiving duplicate funds for the same activity.

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; and
- 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.

OJP's [CrimeSolutions.gov](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.

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

Under this program, OJP will, as appropriate, give priority consideration in award decisions to applications that propose projects that directly benefit federally designated Qualified Opportunity Zones (QOZ). In order to assist OJP in considering this factor, applicants should include information in the application that specifies how the project will enhance public safety in the specified QOZs. For resources on QOZs, and for a current list of designated QOZs, see the U.S. Department of the Treasury's resource webpage, accessible at <https://www.cdfifund.gov/pages/opportunity-zones.aspx>.

## **B. Federal Award Information**

The SMART Office expects to make the following awards:

Purpose Area 1 – up to 30 awards of up to \$400,000 each

Purpose Area 2 – up to 28 awards of up to \$150,000 each

Purpose Area 3 – up to 5 awards of up to \$1 million each.

The SMART Office expects to make awards for a 36-month period of performance, with a start date of October 1, 2019.

The SMART Office may, in certain cases, provide additional funding in future years to awards made under this solicitation, through continuation awards. In making decisions regarding continuation awards, OJP will consider, among other factors, the availability of appropriations, when the program or project was last competed, OJP's strategic priorities, and OJP's assessment of both the management of the award (for example, timeliness and quality of progress reports), and the progress of the work funded under the award.

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

### **Type of Award**

The SMART Office 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>3</sup>) must, as described in the Part 200 Uniform Requirements<sup>4</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.

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](#). (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

Applicants should be aware that the SMART Office has developed information technology resources that have been made available to all SORNA jurisdictions for the purpose of meeting requirements of participation in the Dru Sjodin National Sex Offender Public Website. These resources include software such as mapping technology, geographic radius and email address search applications and community notification and email notification applications. Additionally,

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<sup>3</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>4</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.

the SMART Office provides the Tribe and Territory Sex Offender Registry System (TTSORS) free of charge to tribes and territories. TTSORS assists the tribes and territories with implementing SORNA registry system requirements. It functions as the administrative registry system and as the public sex offender registry website system for jurisdictions. See the [TTSORS Fact Sheet](#) for additional information. It is recommended that applicants avoid proposals that include similar software expenditures.

Software may be purchased with funding under this solicitation if there is a proven and justifiable need. Allowable software purchases include software needed by the jurisdiction to support kiosks or facilitate information sharing between a jurisdiction's sex offender registry and other law enforcement-operated electronic systems or databases and sex offender tracking systems within the jurisdiction (including local law enforcement), software that facilitates sex offender tracking and management throughout the jurisdiction and software or technical assistance necessary to facilitate use of SMART-provided software resources.

Applicant proposals may include the purchase of equipment for items such as digital fingerprint and palm print equipment, scanners to transfer existing records and documents into a digital format, computer hardware and DNA collection equipment.<sup>5</sup> It is expected that, in this grants cycle and in future years, Adam Walsh Act implementation funding will be increasingly used for implementation activities other than the purchase of equipment, given the widespread automation of law enforcement records systems since the enactment of SORNA.

Grant funds to tribes can be used to purchase an electronic scanner or live scan device for scanning finger and palm prints for upload to the FBI Next Generation Identification system. However, tribes will typically have to coordinate with the state in which they are located in order to connect to those federal databases.<sup>6</sup> **NOTE:** A tribe can purchase a scanner without working with the state, but if no connection is established, the tribe will have to print the scanned prints and mail them to the FBI using FBI-provided mailers. Information on this process is available on the [SMART Office website](#).

States will need to agree to accept and facilitate a connection to a tribe that wishes to use such devices for the upload. Further, states will need to provide to the tribe information on what hardware or device will interface with their system. Tribal applicants must document either 1) how the transmission of data will be made directly to the FBI, or 2) how data will be transmitted through the state, including any MOUs or other agreements.

### **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.

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<sup>5</sup> Tribes that propose to utilize grant funds to support the collection, storage and submission of DNA must document that costs are necessary and verifiable. Examples of verified and validated costs include fees that a state or its political subdivision charges the tribe for collection, storage or submission of DNA. Please note that contracting with a private lab does not facilitate submission of DNA to the Combined DNA Index System (CODIS), and thus does not meet SORNA requirements. As a result, private lab fees are considered unallowable costs. The FBI Laboratory permits SORNA tribes to receive free DNA collection kits, and the FBI Laboratory analyzes the kits and enters the data into CODIS for free. Please contact the SMART Office for additional information about utilizing this service.

<sup>6</sup> This process may change in the future with further expansion of the Department's Tribal Access Program.

### **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](#) 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>7</sup> The [2019](#) salary table for SES employees is available on the Office of Personnel Management website at is available on the Office of Personnel Management website. Note: A recipient may compensate an employee at a greater rate, provided the amount in excess of this compensation limitation is paid with non-federal funds. (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](#). 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

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<sup>7</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.

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.

### **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](#).

## **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 the SMART Office has designated to be critical, will neither proceed to peer review, nor receive further consideration. For this solicitation, the SMART Office has designated the following application elements as critical: Program Narrative, Budget Detail Worksheet and Budget Narrative, Plan for Sustainability and requested funding amount does not exceed the maximum amount allowable.

**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,” “Résumés”) 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, current 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) 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 not subject to Executive Order 12372. (In completing the SF-424, an applicant is to answer question 19 by selecting the response that the “Program is not covered by E.O. 12372.”)

## 2. Project Abstract

Applications should include a high-quality project abstract that summarizes the primary activities of the proposed project and describe the jurisdiction’s current SORNA implementation status 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; and
- 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 should respond to the solicitation and present a detailed description of the purpose, scope, goals and objectives of the proposed project. The program narrative should be double-spaced, using a standard 12-point font (Times New Roman is preferred) with 1-inch margins, and should not exceed 25 pages. Please number pages “1 of 25,” “2 of 25,” etc. Submissions that do not adhere to the format will be deemed ineligible. Information required under the “Budget and Budget Narrative” and “Other Attachments” sections will not count toward the program narrative page count.

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

The following sections should be included as part of the program narrative:<sup>8</sup>

a. Description of the Issue

Applicants should describe the challenges that the jurisdiction faces in implementing or maintaining ongoing compliance with SORNA and the strategy for addressing those challenges, if grant funds are awarded. Applicants should describe steps taken to assess and analyze their current sex offender registration and notification systems in relation to SORNA implementation or ongoing compliance.

b. Project Design and Implementation

Applicants should detail how the project will operate during the funding period and describe the strategy that will be used to implement the proposed project. This section should illustrate what activities are proposed for the project and describe how the strategy will support the goals and objectives.

For Purpose Area 1: SORNA Implementation Plan (for jurisdictions that have not already implemented SORNA): Discussion of a jurisdiction’s planned activities should include information regarding the jurisdiction’s SORNA implementation plan. The plan should include a list of involved individuals/entities and their responsibility regarding SORNA implementation. It is expected that successful grantees will report on their jurisdiction’s SORNA implementation progress in their quarterly progress reports.

This requirement does not apply to jurisdictions that have already been found to be substantially implementing SORNA.

c. Capabilities and Competencies

This section should describe the experience and capability of the applicant and any proposed subrecipients (including contractors and consultants) that the applicant will use to implement and manage the project and highlight any previous experience implementing projects of similar scope, design and magnitude. The management and organizational structure described should match the staff needs necessary to accomplish the goals, objectives and tasks outlined in the project work plan.

Position descriptions and/or résumés for key positions/personnel (including proposed subrecipients contractors and consultants) should be submitted as an attachment.

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<sup>8</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](#).

- d. Plan for Collecting the Data Required for this Solicitation's Performance Measures  
Applicants should describe how performance will be documented, monitored and evaluated, including how the impact of the strategy implemented and/or enhancement will be determined.

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](#) for an overview of performance measurement activities at OJP. Performance measures for this solicitation are listed in [Appendix A: Performance Measures Table](#).

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.

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

Award recipients will be required to provide relevant data by submitting semi-annual performance measurement data through OJP's Grants Management System (GMS).

### **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](#).

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.

e. **Plan for SORNA Sustainability**

The applicant should discuss plans for sustainability, i.e., how the program will continue to operate beyond the period of the grant award. If personnel costs are supported by grant funds, specific discussion of how these positions will be maintained beyond the period of the grant award must be included.

**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.

**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](#).

**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) and 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 at [Subawards and Procurement Contracts Under OJP Awards](#).

- [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 nonfederal 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 \$250,000)

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 [Subawards and Procurement Contracts Under OJP Awards](#). If a proposed procurement contract would exceed the simplified acquisition threshold — currently, \$250,000 — 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 \$250,000 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 \$250,000) 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 \$250,000 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 Customer Service Center at 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](#).

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 information on eligibility to elect to use the rate), see the Part 200 Uniform Requirements, at 2 C.F.R. 200.414(f).

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

A tribe, tribal organization or third party that proposes to provide direct services or assistance to residents on tribal lands should include in its application a resolution, letter, affidavit or other documentation, as appropriate, that demonstrates (as a legal matter) that the applicant has the requisite authorization from the tribe(s) to implement the proposed project on tribal lands. In those instances when an organization or consortium of tribes applies for an award on behalf of a tribe or multiple specific tribes, the application should include appropriate legal documentation, as described above, from all tribes that would receive services or assistance under the award. A consortium of tribes for which existing

consortium bylaws allow action without support from all tribes in the consortium (i.e., without an authorizing resolution or comparable legal documentation from each tribal governing body) may submit, instead, a copy of its consortium bylaws with the application.

## **7. 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 \(Questionnaire\)](#) (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. Questionnaire responses 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).

## **8. 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 \(SF-LLL\) form \(PDF\)](#). 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").



## 9. Additional Attachments

### a. 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

#### Sample Disclosure of Pending Applications Table

<b>Federal or State Funding Agency</b>	<b>Solicitation Name/Project Name</b>	<b>Name/Phone/Email for Point of Contact at Federal or State Funding Agency</b>
DOJ/Office of Community Oriented Policing Services (COPS Office)	COPS Hiring Program	Jane Doe, 202-000-0000; <a href="mailto:jane.doe@usdoj.gov">jane.doe@usdoj.gov</a>
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; <a href="mailto:john.doe@hhs.gov">john.doe@hhs.gov</a>

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.”

**b. Applicant Disclosure and Justification — DOJ High Risk Grantees<sup>9</sup> (if applicable)**

An applicant that is designated as a DOJ High Risk Grantee is to submit in GMS, as a separate attachment to its application, information that OJP will use, among other pertinent information, to determine whether it will consider or select the application for an award under this solicitation. The file should be named “DOJ High Risk Grantee Applicant Disclosure and Justification.” (See, also, “Review Process,” below, under Section E. Application Review Information, for a brief discussion of how such information may be considered in the application review process.)

OJP constantly seeks to optimize its investments in criminal- and juvenile justice-focused programs and activities, increase program effectiveness, and maximize the return – and program impact – from limited programmatic resources. Therefore, OJP may remove from consideration or not select for award a “DOJ High Risk Grantee” applicant that is determined to pose a substantial risk of program implementation failure. In making such determinations, OJP will consider one or more of the following factors: the applicant’s lack of sufficient progress in addressing required corrective actions necessary for removal of the DOJ High Risk Grantee designation; the nature and severity of the issues leading to or accompanying the applicant’s DOJ High Risk Grantee designation; or the applicant’s expected ability to manage grant funds and achieve grant goals and objectives.

In this attachment, the applicant is to provide any additional information or justification — especially with regard to corrective actions yet to be implemented (as of the application date) — that may help demonstrate how the applicant has addressed or otherwise mitigated such uncorrected matters, such that any negative impact on the proposed program and its implementation would be immaterial or would be significantly reduced or eliminated. (To the extent that the applicant believes that any of the information provided pursuant to this disclosure may be confidential in nature, the applicant should specifically identify it.)

**c. Disclosure of Process Related to Executive Compensation**

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

Under certain circumstances, a nonprofit organization that provides unreasonably high compensation to certain persons may subject both the organization’s managers and those who receive the compensation to additional federal taxes. A rebuttable presumption of the reasonableness of a nonprofit organization’s compensation arrangements, however, may be available if the nonprofit organization satisfied

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<sup>9</sup> A “DOJ High Risk Grantee” is a recipient that has received a DOJ High-Risk designation based on a documented history of unsatisfactory performance, financial instability, management system or other internal control deficiencies, or noncompliance with award terms and conditions on prior awards, or that is otherwise not responsible.

certain rules set out in Internal Revenue Service (IRS) regulations with regard to its compensation decisions.

Each applicant nonprofit organization must state at the time of its application (question 9c in the "[OJP Financial Management and System of Internal Controls Questionnaire](#)") whether or not the applicant entity believes (or asserts) that it currently satisfies the requirements of 26 C.F.R. 53.4958-6 (which relate to establishing or invoking a rebuttable presumption of reasonableness of compensation of certain individuals and entities).

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

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

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

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

- d.** Proposed project timeline and expected milestones.
- e.** Documentation of Anticipated Benefit to Qualified Opportunity Zones (if applicable). As is mentioned above, OJP will, as appropriate give priority consideration in award decisions to applications that propose projects that will likely enhance public safety in federally designated Qualified Opportunity Zones (QOZ). Each applicant proposing a project it anticipates will likely enhance public safety in one or more QOZs should provide a sufficient narrative explanation in order for OJP to identify clearly the public safety benefit the applicant anticipates that its project will have on a specified QOZ(s). The attachment(s) should be clearly labeled as addressing QOZs. The applicant may

also include tables, charts, graphs, or other relevant illustrations that may be useful in comprehending the manner in which the proposed project is anticipated to benefit a QOZ(s).

- f. Position descriptions and résumés or biographical sketches of any and all key staff or other individuals who will be significantly involved in substantive aspects of the proposed project.
  - To assist OJP in assessing actual or apparent conflicts of interest (including such conflicts on the part of prospective reviewers of the application, a complete list of the individuals named or otherwise identified anywhere in the application (including in the budget or in any other attachment) who will or may work (or advise or consult) on the proposed project. This applies to all such individuals, including, for example, any proposed subrecipient entity including contractors and consultants. If the application (including the budget) identifies any proposed non-competitive agreements that are or may be considered procurement "contracts" (rather than subawards) for purposes of federal grants administrative requirements the applicant also must list the entities with which the applicant proposes to contract. Applicants should provide this list as a separate sheet entitled "Proposed non-competitive procurement contracts."
- g. Organizational chart
- h. For tribal applicants
  - Tribal resolution filed with the SMART Office that documents the tribe's election to carry out the requirements of SORNA
  - Tribal authorizing resolution to apply to this funding opportunity
- i. Counties applying under Purpose Area 2 should provide a letter of cooperation, memorandum of understanding (MOU) or interagency agreement that documents the collaborative work with the state jurisdiction.
- j. Any applicant proposing a collaborative effort should provide a letter of cooperation, memorandum of understanding (MOU) or interagency agreement that documents the collaborative work of all involved agencies. Jurisdictions that were previously funded and are proposing to support local units of government or P.L. 280 tribes to develop or enhance their sex offender registration and notification functions should provide a letter or MOU indicates that the local jurisdiction or tribe is in agreement with and supportive of the proposed activities.

### How To Apply

Applicants must register in and submit applications through [Grants.gov](https://www.grants.gov), a primary source to find federal funding opportunities and apply for funding. Find 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 for federal holidays.

Registering with Grants.gov is a one-time process; however, **processing delays may occur, and it can take several weeks** for first-time registrants to receive confirmation 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. 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). 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.

An applicant must use the **Add Attachment** button to attach a file to its application. Do not click the paperclip icon to attach files. This action will not attach the files to the application. After adding an attachment, select the **View Attachment** button to confirm you attached the correct file. To remove the file, select the **Delete Attachment** button.

An application can be checked for errors via the **Check Application** button on the **Forms** tab of the **Manage Workspace** page. The button is active if the set of forms in the workspace matches those required in the application package. If you receive a **Cross-Form Errors** message after clicking the **Check Application** button, refer to the Cross-Form Errors help article for more detailed information about this validation error.

**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	Special Characters		
Upper case (A – Z)	Parenthesis ( )	Curly braces { }	Square brackets [ ]
Lower case (a – z)	Ampersand (&)*	Tilde (~)	Exclamation point (!)
Underscore ( _ )	Comma ( , )	Semicolon ( ; )	Apostrophe ( ' )
Hyphen ( - )	At sign (@)	Number sign (#)	Dollar sign (\$)
Space	Percent sign (%)	Plus sign (+)	Equal sign (=)
Period (.)			

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

**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 SAM**

Every applicant entity must comply with all applicable SAM and unique entity identifier (currently, a 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 the [Grants.gov registration page](#) 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).** 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 [dnb.com](#). A DUNS number is usually received within 2 business days.

- 2. Acquire or maintain registration with SAM.** Any applicant for an OJP award creating a new entity registration (or updating or renewing a registration) in SAM.gov must submit an original, signed notarized letter appointing the authorized Entity Administrator within thirty (30) days of the registration activation. **Notarized letters must be submitted via U.S. Postal Service Mail.** Read the Alert at [sam.gov/SAM/](#) to learn more about what is required in the notarized letter, and read the Frequently Asked Questions (FAQs) at [www.gsa.gov/samupdate](#) to learn more about this process change. 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). Information about SAM registration procedures can be accessed at [sam.gov/SAM/](http://sam.gov/SAM/).

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.

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. Read more information about the registration process for [organizations and other entities](#) and for [individuals](#).
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 16.750, titled "Support for Adam Walsh Act Implementation Grant Program," and the funding opportunity number is SMART-2018-14905.
6. **Select the correct competition ID.** Some OJP solicitations posted to Grants.gov contain multiple purpose areas, denoted by the individual competition ID. If applying to a solicitation with multiple competition IDs, select the appropriate competition ID for the intended purpose area of the application.
  - Maintaining and Enhancing SORNA Substantial Implementation in States, Territories and Tribal Jurisdictions – Competition ID: SMART-2019-15629
  - Support for SORNA Implementation in Counties – Competition ID: SMART-2019-15630
  - Support for Implementation and Integration of the Sex Offender Registry Tool (SORT) Competition ID: SMART-2019-15631
7. **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.
8. **Submit a valid application consistent with this solicitation by following the directions in Grants.gov.** To preview the application prior to (or after) submitting, go to the **View Application** tab in Workspace. For additional information, review the [View Application Tab](#) help article and [Attachments Tab](#) help article. Within 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 April 18, 2019.

Go to Grants.gov [Organization Registration page](#) 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](#) or the [SAM Help Desk \(Federal Service Desk\)](#) to report the technical issue and receive a tracking number. The applicant must email the SMART Office 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](#).**



## E. Application Review Information

### Review Criteria

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

1. Description of the Issue (10%)

For Purpose Area 1, applicants should link the proposed activities to as-yet unmet implementation requirements identified in the jurisdiction's most recent SORNA substantial implementation review, if any.

For all purpose areas, applicants should discuss the jurisdiction's strategy to implement the project and identify deficits or problems encountered as well as needs identified in order to substantially implement or maintain substantial implementation of SORNA.

2. Project Design and Implementation (40%)

Applicants should outline how the proposed project will move the jurisdiction closer to substantial implementation of SORNA or enhance ongoing SORNA compliance and help to sustain the efficacy and viability of the jurisdiction's sex offender registration and notification program. In addition, applicants should specifically identify each SORNA requirement that will be implemented or enhanced as a result of the proposed project.

3. Capabilities and Competencies (25%)

Applicants should describe the management structure and staffing of the project and include information describing the roles and responsibility of key organizational and functional components and personnel. In addition, applicants should describe the experience and capacity of existing/proposed grants management staff who will be responsible for the successful management of federal grant awards.

4. Plan for Collecting the Data Required for This Solicitation's Performance Measures (5%)

Applicants should describe the process for measuring program performance. Identify who will collect the data, who is responsible for performance measurement and how the information will be used to guide and evaluate the impact of the program. Applicants should identify and describe both the outputs and outcomes they anticipate as a result of their proposed implementation strategy and a process for measuring them.

5. Budget (10%)

Applicants should provide a budget that is complete, cost effective and allowable (e.g., reasonable, allocable and necessary for project activities). The budget should demonstrate generally how applicants will maximize cost effectiveness of grant expenditures. Budget descriptions should demonstrate cost effectiveness in relation to potential alternatives and the goals of the project.<sup>10</sup> Applicants should also budget

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<sup>10</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.

for travel/lodging expenses for one person to travel to *participate* in SMART-sponsored training events/conferences (locations to be determined). It is expected that this meeting would be for a minimum of 3 days and 2 nights, for at least one representative from the program; a maximum of three participants may be budgeted.

Applicants for Purpose Area 3 should also specifically detail the associated costs expected to incur with integration and implementation of SORT.

6. Plan for SORNA Sustainability (5%)

Applicants should discuss how the proposed project will reduce the jurisdiction's long-term costs in registry operation and maintenance and how the program will continue to operate beyond the period of the grant award. If personnel costs are supported by grant funds, specific discussion of how these positions will be maintained beyond the period of the grant award should be included.

For Purpose Area 3, preference will be shown to applicants that demonstrate long-term solutions and cost saving strategies and sustainability.

7. Other (5%)

Project abstract, project timeline, position descriptions and résumés, organizational chart, indirect cost rate agreement (if applicable) and tribal authorizing resolution (if applicable)

## Review Process

OJP is committed to ensuring a fair and open process for making awards. The SMART Office 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.”

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. The SMART Office may use internal peer reviewers, external peer reviewers or a combination, to assess applications on technical merit using the solicitation's review criteria. An internal reviewer is a current DOJ employee who is well-versed or has expertise in the subject matter of this solicitation. An external peer reviewer is an expert in the subject matter of a given

solicitation who is not a current DOJ employee. Peer reviewers' ratings and any resulting recommendations are advisory only, although reviewer views are considered carefully.

Other important considerations for the SMART Office include geographic diversity, strategic priorities (specifically including, but not limited to, demonstrable potential enhancement to public safety in one or more federally designated Qualified Opportunity Zones), potential project sustainability factors such as voluntary committed cost sharing (or match), and available funding, as well as the extent to which the Budget Detail Worksheet and Budget Narrative accurately explain project costs that are reasonable, necessary, and otherwise allowable under federal law and applicable federal cost principles.

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

In addition, if OJP anticipates that an award will exceed \$250,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the nonpublic segment of the integrity and performance system accessible through SAM (currently, the Federal Awardee Performance and Integrity Information System, FAPIIS).

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

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.

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 the SMART Office 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, 2019. 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 a physical signature on the award document by the authorized representative. The fully executed award document must then be scanned and submitted 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](#), available in the [OJP Funding Resource Center](#). 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 FY 2019 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 2019. 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.

Awards under this solicitation will include a condition (the specific terms of which will govern the award) related to verification of employment eligibility. The condition will, generally speaking, require the recipient (and any subrecipient) that accepts the award to verify the employment eligibility of any individual hired under the award, consonant with 8 U.S.C. § 1324a(1).

Awards under this solicitation will include a condition (the specific terms of which will govern the award) related to competition requirements set forth at 2 C.F.R. § 200.319. The condition will, generally speaking, prohibit recipients (and any subrecipients) from procuring goods and services with award funds by means of any competition that disadvantages or excludes vendors on the basis of their having (or their having had) a prior or existing contractual relationship with the federal government.

### **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, semiannual progress reports, final financial and progress reports and, if applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions. Future awards and fund drawdowns may be withheld if reports are delinquent. (In appropriate cases, OJP may require additional reports.)

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 [Award Condition: Recipient Integrity and Performance Matters](#).

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 [Grant Performance Measurement](#) page for an overview of performance measurement activities at OJP. Performance measures are also listed as an [appendix](#).]

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

For OJP contact(s), see 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 [ojpprsupport@usdoj.gov](mailto:ojpprsupport@usdoj.gov). (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.

### Appendix A: Performance Measures Table

Objective	Performance Measure(s)	Description	Data Recipient Provides
Improve public sex offender registry systems to support and maintain SORNA compliance	Percentage of grantees actively enforcing SORNA's 21-day advance notice of international travel requirement		<p>Number of grantees (data variable provided by SMART Office)</p> <p>Number of documented SORNA 21-day advance notifications of international travel by registrants during the current reporting period</p> <p>Number of violations of SORNA 21-day advance notifications of international travel by registrants</p>
	Number of staff trained (if applicable)		Number of jurisdiction personnel trained on SORNA compliance/implementation during the reporting period
	Percentage of records/data made electronically accessible for inclusion in SORNA jurisdiction sex offender registries		<p>Number of records/data electronically accessible during the <b>beginning</b> of each month of the reporting period</p> <p>Number of updated sex offender registration records electronically transmitted (intra- and inter-jurisdictionally) through the SORNA Exchange Portal during each month of the reporting period</p>
	Number of records that are automated (if applicable)		Number of records/data (including sex offender case files; sex offender registration information; finger/palm print cards; DNA) captured and/or automated during the reporting period
	Percentage of grantees that have increased information exchange between state/tribal/territory sex offender registration agencies and other		<p>Number of grantees (data variable provided SMART Office)</p> <p>Number of information exchanges between state/tribal/territory sex offender registration agencies and other SORNA jurisdictions or federal, state or local agencies, by</p>

	SORNA jurisdictions or federal, state or local agencies		type, through the SORNA Exchange Portal
<p>Purpose Area 3, only:</p> <p>Support the implementation and integration of the Sex Offender Registry Tool into a jurisdiction's existing registry system</p>	<p>Percentage of grantees integrating SORT</p> <p>Percentage of grantees with realized cost savings in registry operation and maintenance as a result of SORT</p>		<p>Number of grantees (data variable provided by SMART Office)</p> <p>Indicate the stage of SORT implementation for jurisdiction</p> <p>a) Initial b) Ongoing c) Fully implemented</p> <p>If SORT is fully implemented, state the percentage of cost-savings year-to-date</p>



## Appendix B: Application Checklist

### SMART FY 19 Support for Adam Walsh Act Implementation Grant Program

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 29)
- Acquire or renew registration with SAM (see page 29)

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

- Acquire AOR and Grants.gov username/password (see page 30)
- Acquire AOR confirmation from the E-Biz POC (see page 30)

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

- Search for the Funding Opportunity on Grants.gov (see page 30)
- Select the correct Competition ID (see page 30)
- Access Funding Opportunity and Application Package (see page 25)
- Sign up for Grants.gov email [notifications](#) (optional) (see page 28)
- Read [Important Notice: Applying for Grants in Grants.gov](#)
- Read [OJP policy and guidance on conference approval, planning and reporting](#) (see page 14)

##### *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 30)

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

- Contact the SMART Office regarding experiencing technical difficulties (see page 31)

#### 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](#).

#### Scope Requirement:

- The federal amount requested is within the allowable limit(s) of —
  - \$400,000 for purpose area 1;
  - \$150,000 for purpose area 2; and,
  - \$1M for purpose area 3.

#### Eligibility Requirement:

See title page.

#### What an Application Should Include:

- Application for Federal Assistance (SF-424) (see page 16)
- Project Abstract (see page 16)

_____	Program Narrative	(see page 16)
_____	<a href="#">Budget Detail Worksheet and Budget Narrative</a>	(see page 19)
_____	Indirect Cost Rate Agreement (if applicable)	(see page 22)
_____	Tribal Authorizing Resolution (if applicable)	(see page 22)
_____	<a href="#">Financial Management and System of Internal Controls Questionnaire</a>	(see page 23)
_____	<a href="#">Disclosure of Lobbying Activities (SF-LLL)</a>	(see page 23)
_____	Applicant Disclosure of Pending Applications	(see page 24)
_____	Additional Attachments	(see page 24)
_____	Applicant Disclosure and Justification – DOJ High Risk Grantees	(see page 25)
_____	Disclosure of Process related to Executive Compensation	(see page 25)
_____	Project Timeline	(see page 26)
_____	Position descriptions and résumés	(see page 27)
_____	Request and Justification for Employee Compensation; Waiver (if applicable)	(see page 14)
_____	Purpose Area 2 applicants: Letter of support from the state registering agency confirming that proposed county-level efforts will not be duplicative of, or conflict with, any ongoing SORNA activities at the state level.	(see page 27)
_____	Documentation of Anticipated Benefit to federally designated Qualified Opportunity Zones (if applicable)	(see page 26)