

CTAS 2013 Additional Requirements

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Additional Requirements for Department of Justice (DOJ) Fiscal Year 2012 Coordinated Tribal Assistance Applications

(Part J, "Additional Requirements," Coordinated Tribal Assistance Solicitation)

Successful applicants must agree to comply with additional requirements prior to receiving grant funding, including:

System for Award Management (SAM)

Applicants for all federal grants are required to register with the System for Award Management (SAM). If your organization already has an Employer Identification Number (EIN), your SAM registration will take up to two weeks to process. If your organization does not have an EIN, then you should allow two to five weeks for obtaining the information from IRS when requesting the EIN via phone, fax, mail or Internet. Follow the steps listed below to register in the SAM:

Step 1: Obtain a DUNS number at the following website <http://www.dnb.com/us/> or call (866) 705-5711.

Step 2: Access the SAM online registration through the SAM home page at <https://www.sam.gov/> and follow the online instructions for new SAM users.

Step 3: Complete and submit the online registration. If you already have the necessary information on hand, the online registration takes approximately 30 minutes to complete, depending upon the size and complexity of your business or organization.

Please note that organizations must update or renew their SAM registration at least once a year to maintain an active status

1. How do I create a username and password if I was previously registered in CCR, FedReg, ORCA, or EPLS?

To migrate your legacy system user account, you must first create a personal account in SAM by clicking on "Create an Account" on the homepage. An Individual Account is required to manage Entity Registrations in SAM. You won't be able to manage your registration if you create a System Account in SAM. Once you validate that you have access to the email address you provided during the registration process and login, you will see a message on the user dashboard (My SAM) which will ask you "Would you like to migrate a legacy system account?". Click "Yes" to begin the migration process. Alternatively, you may click on Manage My User Roles, then Migrate Legacy Account link to begin the migration process. The roles you had with the legacy system will be mapped to your SAM account.

2. How do I update/resubmit my entity's SAM record?

To update your entity's SAM registration, follow the below steps:

1. Go to the SAM Homepage: www.sam.gov.
 2. Enter your username and password, and then click the "Log In" button.
 3. Select "Complete Registrations" under Registration/Update Entity in the left navigation pane.
 4. Select the entity record that you want to update and click the "Update" button.
- For more details on updating your registration, please refer to the SAM User Guide available at www.sam.gov.

Fiscal Year 2013: Coordinated Tribal Assistance Solicitation Guidance Regarding Supplanting

What is Supplanting?

Generally, supplanting occurs when a State, local, or Tribal government reduces State, local, or Tribal funds for an activity specifically because federal funds are available (or expected to be available) to fund that same activity. When supplanting is not permitted, federal funds must be used to supplement existing State, local, or Tribal funds for program activities and may not replace State, local, or Tribal funds that have been appropriated or allocated for the same purpose. Additionally, federal funding may not replace State, local, or Tribal funding that is required by law. In those instances where a question of supplanting arises, the applicant or grantee will be required to substantiate that the reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.

(See "Documentation and Record Retention," below.)

Which DOJ Coordinated Tribal Assistance Solicitation (CTAS) programs prohibit supplanting?

Generally, recipients must use federal funds to supplement existing funds for program activities and may not replace (supplant) non-federal funds that they have appropriated for the same purpose. DOJ CTAS programs may vary by purpose area, however, with regard to treatment of supplanting. For example, a particular purpose area may have a specific statutory prohibition regarding supplanting that applies to the purpose area (or to a subset of the program activities within that purpose area) or, a program purpose area may permit the supplementation of existing non-federal resources with federal funds under certain circumstances. Also, the provisions of the DOJ awarding agency guidance documents for award administration with respect to supplanting generally apply, unless otherwise indicated here or in the solicitation for the Fiscal Year 2013 CTAS programs. For OJP funding recipients, the OJP Financial Guide includes the applicable general supplanting provisions. All OVW grants are subject to the OVW Grants Financial Management Guide. For COPS funding recipients, the COPS Tribal Resources Grant Program Grant Owner's Manual includes the applicable general supplanting provisions.

The following DOJ CTAS programs do have specific statutory provisions addressing supplanting:

- Purpose Area #1 – Public safety and community policing (COPS)
- Purpose Area #5 - Violence Against Women Tribal Governments Program (OVW)
- Purpose Area #8 – Juvenile Justice (OJJDP)

The following DOJ CTAS programs do not have specific statutory provisions addressing supplanting, but fall under the general provisions of the applicable DOJ awarding agency guidance regarding supplanting.

- Purpose Area #2 – Comprehensive Tribal Justice Systems Strategic Planning (BJA)
- Purpose Area #3 – Justice Systems, and Alcohol and Substance Abuse (BJA)
- Purpose Area #4 – Corrections and Correctional Alternatives (BJA)
- Purpose Area #6 – Children’s Justice Act Partnerships for Indian Communities (OVC)
- Purpose Area #7 – Comprehensive Tribal Victim Assistance Program (OVC)
- Purpose Area #9 – Tribal Youth Program (OJJDP)

Program-specific statutory restrictions on supplanting (with examples):

A. Public Safety and Community Policing (COPS) – Purpose Area #1

The underlying statute for this CTAS program provides that—

Funds made available [for this program] to States or units of local government shall not be used to supplant State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds [for this program], be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs. 42 U.S.C. § 3799dd-3(a).

Example – CTAS: COPS Purpose Area #1

Tribe X was awarded a CTAS grant under Purpose Area #1 to purchase five police vehicles. Subsequently, Tribe X made adjustments to its local budget and shifted local funding that it budgeted to purchase five police vehicles to other law enforcement purposes.

Under this scenario, it may be considered a supplanting violation because Tribe X had already budgeted local funds to purchase the five police vehicles and is therefore replacing local funding with CTAS funding. Tribe X may not reallocate local funding that was previously budgeted for police vehicles as a result of receiving CTAS funding. Consequently, Tribe X may be required to repay the CTAS funding unless it

can demonstrate through documentation that the budgeted local funds were not reallocated to other purposes because it received CTAS funding and that it would have shifted the funding in the absence of receiving the CTAS funding.

Example – CTAS: COPS Purpose Area #1

Tribe A is in the second year of a three-year implementation of the Tribal Hiring Grant Program. The Tribal Council has just announced that all Departments must reduce their personnel budgets by 10% during the next fiscal year because of local fiscal distress. This reduction-in-force will eliminate approximately five locally-funded sworn officer positions from the Tribe's Police Department. Will this reduction-in-force violate the nonsupplanting requirement? What steps should the Tribe take to protect its grant funding?

Under this scenario there is no supplanting violation – the reduction is agency-wide, which demonstrates that the reduction in local funding would occur regardless of the Tribe's receipt of COPS funding and therefore, would have occurred even in the absence of COPS funding. However, the Tribe must maintain documentation in its grant file to show that the reduction-in-force was unrelated to the receipt of COPS funding in case of an audit or monitoring review. Such documentation includes: Tribal council or departmental meeting minutes; memoranda, notices, orders or other official documents; documentation identifying the total number of sworn officer positions and non-sworn positions eliminated from the Police Department; documentation identifying the total number of positions eliminated from other tribal departments' budget sheets and/or budget directives; tribal-wide budget and/or personnel cuts that impact other tribal departments; and any other supplemental information that supports the primary source documentation such as audit reports, major disaster declarations, receivership, bankruptcy documents, or newspaper articles, etc.

B. Violence Against Women (OVW) – Purpose Areas #5

Supplanting Provision Applicable to Purpose Area 5 . (See Example below.) The Violence Against Women Act (VAWA) provides that, "[a]ny Federal funds received [under an OVW grant] shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for [OVW grant] activities. . . ." 42 USC 13925(b)(4). This means that a grantee may not reduce State, local, Tribal or other non-Federal funds that have been allocated for an OVW-permissible activity because Federal funds are available (or expected to be available) to fund that same activity. Rather, Federal funds must be used to supplement existing State, local, Tribal or other funds for OVW program activities.

Example - CTAS: OVW Purpose Area #5 (Tribal Governments Program)

Tribe A has two (2) prosecutors and wishes to hire a specialized domestic violence prosecutor. The Tribe receives OVW FY 2011 CTAS funding for this purpose. Instead of hiring an inexperienced new prosecutor, the Tribe wishes to use one of the existing prosecutors for the specialized domestic violence prosecutor grant position and backfill the previous position, which does not focus on violence against women. Under these circumstances, supplanting would not have occurred because the Tribe used federal funds to supplement OVW permissible grant activities.

C. Office of Justice Programs (OJP) – Purpose Area #8 Juvenile justice (OJJDP)

The law underlying this program provides that “[f]unds made available under this [program] to States and units of local government shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this [program], be made available from State or local sources, as the case may be.” 42 U.S.C. § 3796ee-5(d).

Examples - CTAS: OJJDP Purpose Area #8

Example 1

Tribe A has traditionally used Tribal funding to establish a series of training programs for court and police personnel on juvenile crime and delinquency issues. Due to funding constraints in FY 2010, Tribe A reduced its budgeted funding for the training programs by 50% for FY2011. In October 2010, Tribe A received an award, \$100,000 of which was for a training program. Tribe A used those federal funds to restore the 50% they had cut from the FY2011 budget.

Under these circumstances, supplanting would not have occurred as long as the Tribe's reduction of its training budget was not based on the anticipated receipt of federal funds for its training program.

Example 2

In FY 2010, Tribe B initially budgeted \$1 million for its training program for court and police personnel, and it received \$400,000 in federal grant funds for that same purpose. After receiving the federal award, the Tribe redirected \$400,000 in the Tribe's funds that it had budgeted for the training program, planning to use the federal funds instead to make up the difference

Under these circumstances, supplanting would have occurred. Tribe B used federal funds to support the training program that it would otherwise have funded with the

Tribe's funds, and thus the federal funds were used to supplant the Tribe's funds.

Documentation and Record Retention

In a case where a question of supplanting may arise, a Tribal government that receives CTAS funds that are subject to a non-supplanting restriction should retain whatever documentation is produced during the ordinary course of government business that will help substantiate that supplanting has not occurred. Depending on the circumstances, relevant documents might include annual appropriations acts, executive orders directing broad reductions of operating budgets, or Tribal, city, or county council resolutions or meeting minutes concerning budget cuts and layoffs.

All Tribal governments that receive CTAS awards are reminded that the record retention and access requirements of 28 C.F.R. § 66.42, as described in the OJP Financial Guide (for OJP programs only), the OVW Grants Financial Management Guide (for OVW programs only) and the Financial Records Maintenance section of the COPS Tribal Resources Grant Program Grant Owner's Manual (for COPS programs only) apply to CTAS grants, as well as to other DOJ grants.

Monitoring and Audit

For CTAS programs that prohibit supplanting, potential supplanting will be the subject of monitoring and audit. DOJ monitors compliance with all grant requirements in a variety of ways. For example, a recipient may receive an on-site monitoring visit from the program office or an on-site financial monitoring visit from a DOJ financial officer, or it may be audited by the Department of Justice Office of the Inspector General.

For Additional Information

For answers to specific questions regarding supplanting, OJP applicants and grantees should contact the OJP Office of the Chief Financial Officer's Customer Service Center at 1-800-458-0786 or ask.ocfo@usdoj.gov. COPS applicants and grantees should contact the COPS Office Response Center at 1-800-421-6770. OVW applicants and grantees should contact OVW's Grants Financial Management Division at OVW.GFMD@usdoj.gov or 1-888-514-8556.

Civil Rights Compliance

Additional Requirements for Department of Justice (DOJ) Fiscal Year 2012 Coordinated Tribal Assistance Applications

(Part J, “Additional Requirements,” Coordinated Tribal Assistance Solicitation)

Successful applicants must agree to comply with additional requirements prior to receiving grant funding, including:

Civil Rights Compliance

As a condition for receiving DOJ funding, recipients must comply with applicable federal civil rights laws, including Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and DOJ’s regulation for the Equal Treatment of Faith-Based Organizations. Depending on the funding source, and subject to the applicable provisions of the Indian Self-Determination and Education Assistance Act, a recipient must also comply with the nondiscrimination provisions within the applicable program statutes, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (“the Omnibus Crime Control and Safe Streets Act”), the Victims of Crime Act, or the Juvenile Justice and Delinquency Prevention Act. Collectively, these federal program statutes prohibit a DOJ funding recipient from discriminating either in *employment* (subject to the exemption for certain faith-based organizations discussed below (see “Funding to Faith-based Organizations”) and to the applicable provisions of the Indian Self-Determination and Education Assistance Act) or in the *delivery of services or benefits* on the basis of race, color, national origin, sex, religion, or disability. In addition, recipients may not discriminate on the basis of age in the delivery of services or benefits. See more information on Statutes and Regulations. <http://www.ojp.usdoj.gov/about/ocr/statutes.htm>

Compliance with Title VI of the Civil Rights Act of 1964, which prohibits recipients from discriminating on the basis of national origin in the delivery of services or benefits, entails taking reasonable steps to ensure that persons with limited English proficiency (LEP) have meaningful access to funded programs or activities. An LEP person is one whose first language is not English and who has a limited ability to read, write, speak, or understand English. To assist recipients in meeting their obligation to serve LEP persons, the DOJ has published a guidance document, which is available on the LEP.gov web site <http://www.lep.gov/>. DOJ encourages applicants and recipients to include within their program budgets the costs for providing interpretation and translation services to eligible LEP service populations.

For technical assistance on complying with the civil rights laws linked to the receipt of federal financial assistance, please contact the:

Office of Justice Programs
Office for Civil Rights
810 7th Street NW
Washington, DC 20531
202-307-0690
Fax: 202-616-9865

Funding to Faith-Based Organizations

In 2002, President George W. Bush issued Executive Order 13279 and in 2004, DOJ issued the regulation, Equal Treatment for Faith-Based Organizations, 28 CFR Part 38. In general, the Executive Order and regulation require funding organizations to treat faith-based organizations (FBOs) the same as any other applicant or recipient of DOJ funding, neither favoring nor discriminating against FBOs in making and administering grant awards, and require that FBOs be allowed to retain their independence, autonomy, expression, and religious character when competing for DOJ financial assistance used to support social service programs and participating in the social service programs supported with DOJ financial assistance.

The Executive Order and regulation also prohibit recipient FBOs from using Justice Department funding to engage in inherently religious activities, such as proselytizing, scripture study, or worship. Funded FBOs may, of course, engage in inherently religious activities; however, these activities must be separate in time or location from the federally-assisted program. Moreover, funded FBOs must not compel program beneficiaries to participate in inherently religious activities. Funded faith-based organizations must also not discriminate on the basis of religion in the delivery of services or benefits.

Some program statutes, including the Omnibus Crime Control and Safe Streets Act, the Victims of Crime Act, and the Juvenile Justice and Delinquency Prevention Act, contain express nondiscrimination provisions that prohibit all recipients of funding under these statutes from discriminating on the basis of religion in employment. Despite these nondiscrimination provisions, DOJ has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit FBOs applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

If the statute that authorizes a DOJ funding program generally forbids consideration of religion in employment decisions by grantees, an FBO may receive DOJ funds and continue to consider religion when hiring staff if it meets the following criteria:

1. The FBO demonstrates that its program for which it seeks federal funding is an exercise of religion;
2. The FBO demonstrates that requiring it to either forgo its religious preference in hiring or forgo the federal funding would substantially burden its exercise of religion; and
3. The funding entity is unable to demonstrate that applying the nondiscrimination provision to this FBO would both further a compelling government interest and be the least restrictive means of furthering this interest.

DOJ awarding agencies will grant exemptions to the prohibition against hiring discrimination on the basis of religion in the program statutes on a case-by-case basis to FBOs that certify to the following, unless there is good reason to question its truthfulness:

1. The FBO will offer all federally-funded services to all qualified beneficiaries without regard for the religious or non-religious beliefs of those individuals; and

2. Any activities of the FBO that contain inherently religious content will be kept separate in time or location from any services supported by direct federal funding, and if provided under such conditions, will be offered only on a voluntary basis; and
3. The FBO is a religious organization that sincerely believes that providing the services in question is an expression of its religious beliefs; that employing individuals of particular religious belief is important to its religious exercise; and that having to abandon its religious hiring practice to receive federal funding would substantially burden its religious exercise.

FBOs that are seeking federal financial assistance under the Omnibus Crime Control and Safe Streets Act, the Victims of Crime Act, and the Juvenile Justice and Delinquency Prevention Act as well as an exemption to their prohibition against religious discrimination in hiring, must complete and retain **an original, signed document for their records** (see sample Certificate of Exemption for Hiring Practices on the Basis of Religion) [link to http://www.ojp.usdoj.gov/funding/forms/fbo_sample.pdf, certifying to the three provisions set forth above, **and then, must work with DOJ to attach it to the grant file, after receipt of an award.** For more information, please consult the Office for Civil Rights <http://www.ojp.usdoj.gov/about/offices/ocr.htm>].

Confidentiality and Human Subjects Protection (if applicable)

Applicants that propose to use funds awarded 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 performance measure data reporting requirements likely do not constitute “research.” Applicants should provide sufficient information for DOJ to determine whether the particular project they propose would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ regulatory definition of research.

DOJ regulations (28 CFR Part 22) require recipients of OJP funding to submit a Privacy Certificate as a condition of approval of any grant application or contract proposal that contains a research or statistical component under which "information identifiable to a private person" will be collected, analyzed, used, or disclosed. The funding recipient's Privacy Certificate includes a description of its policies and procedures to be followed to protect the confidentiality of identifiable data. 28 CFR Section 22.23. The Department's regulations provide, among other matters, that: "Research or statistical information identifiable to a private person may be used only for research or statistical purposes." 28 CFR Section 22.21. Moreover, any private person from whom information identifiable to a private person is collected or obtained (either orally or by means of written questionnaire or other document) must be advised that the information will only be used or disclosed for research or statistical purposes and that compliance with the request for information is voluntary and may be terminated at any time. 28 CFR Section 22.27.

In addition, DOJ has regulations with respect to the protection of human research subjects. See 28 CFR Part 46. In brief, 28 CFR Part 46 requires that research involving human subjects that is conducted or supported by a Federal department or agency be reviewed and approved by an Institutional Review Board (IRB), in accordance with the regulations, before Federal funds are expended for that research. As a rule, persons who participate in Federally-funded research must provide their "informed consent" and must be permitted to terminate their participation at

any time. Funding recipients, before they will be allowed to spend OJP funds on any research activity involving human subjects, must submit appropriate documentation to OJP showing compliance with 28 CFR Part 46 requirements, as requested by OJP. OJP has developed a decision tree http://www.ojp.usdoj.gov/funding/pdfs/decision_tree.pdf to assist applicants in determining whether an activity they are planning to undertake with OJP funds constitutes research involving human subjects.

General information regarding Data Confidentiality and Protection of Human Research Subjects (and Model Privacy Certificates and other forms):

. Standard Forms and Instructions <http://www.ojp.usdoj.gov/funding/forms.htm>
National Institute of Justice Protecting Human Subjects
<http://www.nij.gov/funding/humansubjects/welcome.htm>

Research and Evaluation Independence and Integrity (if applicable)

If a proposal involves research and/or evaluation, the applicant's proposal should demonstrate research/evaluation independence, including appropriate safeguards to ensure research/evaluation objectivity and integrity.

For purposes of this solicitation, research and evaluation independence and integrity pertains to ensuring that the design, conduct, or reporting of research/evaluation funded by DOJ grants, cooperative agreements, or contracts will not be biased by any personal or financial conflict of interest on the part of the investigators responsible for the research/evaluation or on the part of the applicant organization. Conflicts can be either actual or apparent. Examples of potential investigator (or other personal) conflict situations may include where an investigator would be in a position to evaluate a spouse's work product (actual conflict), or where an investigator would be in a position to evaluate the work of a former colleague (apparent conflict). With regard to potential organizational conflicts of interest, as one example, generally an organization could not be given a grant to evaluate a project if that organization had itself provided substantial prior technical assistance to that project, as the organization in such an instance would appear to be evaluating the effectiveness of its own prior work. The key is whether a reasonable person understanding all of the facts would be able to have confidence that the results of any research/evaluation project are objective and reliable. Any outside personal or financial interest that casts doubt on that objectivity and reliability is a problem. Where potential personal or organizational conflicts of interest exist, the applicant should identify the safeguards the applicant has or will put in place to eliminate, mitigate, explain, or otherwise address those conflicts of interest.

Anti-Lobbying Act

The Anti-Lobbying Act (18 U.S.C. § 1913) recently was amended to expand significantly the restriction on use of appropriated funding for lobbying. This expansion also makes the anti-lobbying restrictions enforceable via large civil penalties, with civil fines between \$10,000 and \$100,000 per each individual occurrence of lobbying activity. These restrictions are in addition to the anti-lobbying and lobbying disclosure restrictions imposed by 31 U.S.C. § 1352.

The Office of Management and Budget (OMB) is currently in the process of amending the OMB cost circulars and the common rule (codified at 28 C.F.R. Part 69 for U.S. Department of Justice grantees) to reflect these modifications. However, in the interest of full disclosure, no federally-appropriated funding made available under this grant program may be used, either directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government, without the express prior written approval of DOJ. Any violation of this prohibition is subject to a minimum \$10,000 fine for each occurrence. This prohibition applies to all activity, even if currently allowed within the parameters of the existing OMB circulars.

Financial and Government Audit Requirements

With respect to financial and government audit requirements, Federal grants are governed by the provisions applicable to financial assistance contained in the OMB Circulars.

Your awarding agency also provides information on requirements specific to the administration of awards made by that agency. These awarding agency guidance documents contain information on allowable costs, methods of payment, audit requirements, accounting systems, and financial records. By awarding agency, the applicable guidance documents are listed as follows:

- **OJP award recipients:** OJP award recipients must comply with the current version of the OJP Financial Guide <http://www.ojp.usdoj.gov/financialguide/index.htm>. This document will govern how all OJP award recipients administer funds.
- **COPS award recipients:** COPS award recipients must comply with the COPS Tribal Resources Grant Program Owner's Manual. This document will govern how all COPS award recipients administer funds.
- **OVW award recipients:** OVW award recipients must comply with the current version of the OVW Financial Grants Management Guide <http://www.ovw.usdoj.gov/docs/OVW-FGMG-Version-2-7-12-conf-cost-updates-revised-2.pdf>. This document will govern how all OVW award recipients

Audit Requirements

Audits of state and local units of government (including Indian tribal governments), institutions of higher education, and other nonprofit institutions must comply with the organizational audit requirements of OMB Circular A-133, which states that recipients who expend \$500,000 or more of federal funds during their fiscal year are required to submit a single organization-wide financial and compliance audit report to the **Federal Audit Clearinghouse** within 9 months after the close of each fiscal year during the term of the award.

Reporting Requirements

Grantees must comply with the following reporting requirements:

- **Financial status reports**
 - OJP and OVW award recipients: Grantees must submit financial reports using the SF-425 form quarterly by the 30th day following the end of each calendar quarter, and a final report is due 90 days following the grant award end date. Grantees may file SF-425 forms through the Grants Management System

(GMS). Grant recipients who do not submit SF-425 reports by the due date will be unable to drawdown funds.

- COPS award recipients: Grantees must submit financial reports using the SF-425 form by the 30th day following the end of each calendar quarter, and a final report is due 90 days following the grant award end date. Grantees who do not submit SF-425 reports by the due date will be unable to drawdown funds.

• Program Progress Reports

- OJP award recipients: Grantees must complete and submit semiannual reports using the Categorical Assistance Progress Reports form (OJP Form 4587/1) within 30 days after the end of the reporting periods, which are June 30 and December 31 for the life of the award. Grantees should submit progress reports through GMS using the "Application" module. Grantees may address questions to the GMS Help Desk at 1-888-549-9901.
- COPS award recipients: Grantees must submit periodic program progress reports and a final progress report. The COPS Office will notify the award recipient when the progress report is due and provide instructions for submission.
- OVW award recipients: Grantees must submit semiannual program progress reports and a final progress report using specific forms provided by OVW. Reports are due within 30 days after the end of the reporting periods, which are June 30 and December 31 for the life of the award. Grantees should submit progress reports through GMS.

National Environmental Policy Act (if applicable)

All awards are subject to the National Environmental Policy Act (NEPA) and other related Federal laws, if applicable. 42 USC Section 4321 et seq. DOJ has established procedures to implement NEPA. See 28 CFR Part 61. The regulations state that "all federal agencies are required to give appropriate consideration to the environmental effects of their proposed actions in their decision-making and to prepare detailed environmental statements on . . . major federal actions significantly affecting the quality of the human environment." 28 CFR section 61.2. Under the regulations, DOJ, among other things, is required to "[c]onsider from the earliest possible point in the process all relevant environmental documents in evaluating proposals for Department action[.]" 28 CFR Section 61.6.

DOJ has responsibility to ensure compliance with NEPA and 28 CFR Part 61, including Appendix D. For many projects that are funded by DOJ, NEPA may have no applicability. However, if DOJ funds will be used, for example, to pay for renovation projects or new construction, programs involving the use of chemicals, or any other activity, including research and technology development, that may have an effect on the environment, at a minimum, the funding recipient must provide a full description of proposed project activities to DOJ, and an Environmental Assessment must be prepared. Prior to allowing a recipient to spend funds for such a project, the DOJ awarding agency must make a finding that the project does not significantly affect the human environment and that further environmental assessment is not necessary.

Criminal Intelligence Systems (if applicable)

Recipients using federal funds under this grant program to operate an interjurisdictional criminal intelligence system must comply with the operating principles of 28 CFR. Part 23. An “interjurisdictional criminal intelligence system” is generally defined as a system that receives, stores, analyzes, and exchanges or disseminates data regarding ongoing criminal activities (such activities may include, but are not limited to, loan sharking, drug or stolen property trafficking, gambling, extortion, smuggling, bribery, and public corruption) and shares this data with other law enforcement jurisdictions. 28 CFR Part 23 contains operating principles for these interjurisdictional criminal information systems that protect individual privacy and constitutional rights.

If you are applying for funds to operate a single agency database (or other unrelated forms of technology) and will not share criminal intelligence data with other jurisdictions, or if you are not applying for technology funds from this grant program, 28 CFR Part 23 does not apply.

EPIC Reporting (if applicable)

Recipients agree to complete and submit to the El Paso Intelligence Center (EPIC) a Form 143 for each clandestine methamphetamine laboratory that is seized and closed during the grant award period. The data compiled from the submitted EPIC forms may be used to determine the number, types, and locations of seized laboratories, as well as sources of chemicals and precursors, and may be used in allocating future resources.

DOJ Information Technology Standards (if applicable)

As appropriate, all equipment and software developed under awards that result from this solicitation must be compliant with DOJ information technology interface standards, including the National Criminal Intelligence Sharing Plan http://it.ojp.gov/documents/National_Criminal_Intelligence_Sharing_Plan.pdf , the Global Justice XML Data Model <http://it.ojp.gov/jxdm/> , and the Law Enforcement Information Sharing Plan. A list of additional standards can be found at the OJP Standards Clearinghouse <http://www.it.ojp.gov/default.aspx?area=implementationAssistance&page=1017>.

Non-Supplanting of State and Local Funds

Generally, recipients must use federal funds to supplement existing funds for program activities and may not replace (supplant) nonfederal funds that they have appropriated for the same purpose. Specific program requirements, however, may vary with regard to treatment of supplanting. For example, programs may have specific statutory prohibitions regarding supplanting or may permit the supplementation of existing nonfederal resources with federal funds under specified circumstances. For programs that prohibit supplanting, potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of current and future funds under DOJ-funded programs, suspension or debarment from federal grants, recoupment of monies provided under DOJ-funded grants, and civil and/or criminal penalties. For additional guidance regarding supplanting, including DOJ program-specific examples, refer to the Supplanting Guidance FAQ located at www.tribaljusticeandsafety.gov/ctas11/supplantingguide.pdf.

Criminal Penalty for False Statements

False statements or claims made in connection with DOJ grants may result in fines, imprisonment, and debarment from participating in federal grants or contracts, and/or other remedy available by law.

Suspension or Termination of Funding

DOJ awarding agencies may suspend funding in whole or in part, terminate funding, or impose other sanctions on a recipient for the following reasons:

- Failing to comply substantially with the requirements or statutory objectives of the appropriate Act, program guidelines issued thereunder, or other provisions of federal law.
- Failing to make satisfactory progress toward the goals, objectives, or strategies set forth in the application.
- Failing to adhere to the requirements in the agreement, standard conditions, or special conditions.
- Implementing substantial plan changes without the express prior written approval of the awarding agency to the extent that, if originally submitted, the application would not have been selected for funding.
- Failing to submit reports in a timely manner.
- Filing a false certification in this application or other report or document.

Before imposing sanctions, the respective DOJ awarding agency will provide reasonable notice to the recipient of its intent to impose sanctions and will attempt to resolve the problem informally. Hearing and appeal procedures will follow those in DOJ regulations in 28 CFR Part 18.

Non-Profit Organizations

In all funded programs for which non-profit organizations are eligible subrecipients, DOJ's policy is that an organization can demonstrate its non-profit status in any one of four methods:

1. Submission of proof of 501(c)(3) status from the Internal Revenue Service.
2. Submission of a statement from the state or tribal taxing authority or state Secretary of State, or other similar official certifying that the organization is a non-profit operating within the jurisdiction, and that no part of its net earnings may lawfully benefit any private shareholder or individual.
3. Submission of a certified copy of the applicant's certificate of incorporation or similar document.

4. Submission of any item above, if that item applies to a state or national parent organization, together with a statement by the state or parent organization that the applicant is a local non-profit affiliate.

For-Profit Organizations

For-profit organizations that receive grant funds should be aware that additional special conditions are placed on awards to such organizations. Among other things, commercial organizations must agree not to make a profit as a result of an award and not to charge a management fee for the performance of an award. Also, commercial organizations must agree to comply with the contract cost principles of subpart 31.2 of the Federal Acquisition Regulations.

Government Performance and Results Act (GPRA)

The funding recipient agrees to collect data (on a quarterly, semi-annually, or annual basis, as requested) appropriate for facilitating reporting requirements established by Public Law 103-62 for the Government Performance and Results Act. The funding recipient will ensure that valid and auditable source documentation is available to support all data collected for each performance measure specified in the program solicitation.

Rights in Intellectual Property

DOJ reserves certain rights with respect to data, patentable inventions, works subject to copyright, and other intellectual property associated with an award of Federal funds. See 28 CFR §§ 66.34, 70.36, and 37 CFR Part 401.

Federal Funding Accountability and Transparency Act Subaward Reporting System

Applicants receiving an award should be aware of the requirements of the Federal Funding Accountability and Transparency Act of 2006 (FFATA), which calls for the establishment of a single searchable website (www.USASpending.gov) that is accessible by the public and includes the following information for each Federal award:

- The name of the entity receiving the award.
- The amount of the award.
- Information on the award including the transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source, and an award title descriptive of the purpose of each funding action,
- The location of the entity receiving the award and primary location of performance under the award, including the city, state, congressional district, and country.
- A unique identifier of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity.
- Any other relevant information specified by OMB.

DOJ awarding agencies will be responsible for collecting grantee information and providing it to the public website, using data provided by grantees through the Grants Management System.

Additional information regarding these requirements will be provided when available. For more information, visit the USASpending.gov web site.

Applicants should note that all recipients of awards of \$25,000 or more under this solicitation, consistent with FFATA, will be required to report award information on any first-tier subawards totaling \$25,000 or more, and, in certain cases, to report information on the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients. If applicable, the FFATA Subaward Reporting System (FSRS), accessible via the Internet at www.fsr.gov, is the reporting tool recipients under this solicitation will use to capture and report subaward information and any executive compensation data required by FFATA. The subaward information entered in FSRS will then be displayed on www.USASpending.gov associated with the prime award, furthering Federal spending transparency.

Each applicant entity must ensure that it has the necessary processes and systems in place to comply with the applicable reporting requirements should it receive funding.

Tribes without internet access for whom this would be problematic should contact the Response Center at 1-800-421-6770 to discuss alternatives.

For additional information regarding the executive compensation and subaward reporting requirements, please see Vol. 75, No. 177 (September 14, 2010) of the Federal Register, www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf.

Training Guiding Principles for Grantees and Subgrantees (if applicable)

Any training or training materials developed or delivered with grant funding provided by DOJ is to adhere to the following guiding principles.

1. **Trainings must comply with applicable law.** In developing and conducting grant-funded training, grantees (and any subgrantees) shall not violate the Constitution or any federal law, including any law prohibiting discrimination.
2. **The content of trainings and training materials must be accurate, appropriately tailored, and focused.** The content of training programs must be accurate, useful to those being trained, and well-matched to the program's stated objectives. Training materials used or distributed at trainings must be accurate, relevant, and consistent with these guiding principles.
3. **Trainers must be well-qualified in the subject area and skilled in presenting it.** Trainers must possess the subject-matter knowledge and the subject-specific training experience necessary to meet the objectives of the training. In selecting or retaining a trainer, grantees (or subgrantees) should consider such factors as the trainer's resume and written materials, interviews with the trainer, observation of other trainings conducted by the trainer, feedback from other entities with which the trainer has worked, training participant feedback and evaluations, and the general reputation of the trainer.
4. **Trainers must demonstrate the highest standards of professionalism.** Trainers must comport themselves with professionalism. While trainings will necessarily entail varying teaching styles, techniques, and degrees of formality, as appropriate to the particular training goal, professionalism demands that trainers instruct in the manner that best communicates the subject matter while conveying respect for all.

Applicant Disclosure of Pending Applications

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

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

Purpose Area 1

Office of Community Oriented Policing Services (COPS)

Allowable Costs List

Public Safety and Community Policing (COPS Tribal Hiring Program), CFDA#16.710

Personnel:

- Newly hired and/or rehired sworn law enforcement officers, including Village Public Safety Officers (approved entry-level salaries and benefits for full-time career law enforcement officers)
- Indirect Costs

**Public Safety and Community Policing (Tribal Resources Grant Equipment & Training),
CFDA#16.710**

Personnel:

- Salaries and fringe benefits for methamphetamine coordinator

Uniforms and Basic Issue Equipment

- Background Investigations (newly hired officers)
- Baton and baton holders
- Bicycle helmets
- Bulletproof vests*/Body armor
- Dress uniforms (dress coat, dress shirts, dress pants, ties)
- Standard uniforms (uniform shirts, trousers, ties, belts)
- Footwear (dress shoes, athletic shoes, boots)
- Gas masks
- Gun belts and belt accessories
- Handcuffs and cases/holders
- Hats/caps/gloves
- Hazmat suits
- Holsters
- Identification badge(s)/other insignia (nameplates, etc.)
- Manuals, reference books, etc.
- Other miscellaneous items issued to police recruits (e.g., flashlights, templates, and whistles)
- Other standard issue apparel/uniform accessories (subject to approval)
- Outerwear (raincoat, coat, jacket, reflective vest)
- Pepper spray and holders
- Portable/mobile radios and holders
- Primary issue handguns
- Rescue equipment (first aid kits, diving gear, flotation devices, etc.)

*** Any bulletproof vest purchased under TRGP (CTAS) must meet National Institute of Justice standards.**

Technology

- Automated booking systems
- Automated fingerprint identification systems
- Breathalyzers
- Cell phones (no airtime minutes allowed)
- Communication systems including narrow band upgrade equipment

- Computer Aided Dispatch (CAD) systems/Dispatch systems
- Computer hardware and printer
- Computer software
- Conducted energy devices (Tasers)
- Crime mapping software
- Global Positioning Systems (GPS)
- Hardware/software upgrades
- In-car video cameras
- Interoperable communications technology
- Mobile data computers/laptops/terminals
- National Crime Information Center (NCIC) systems
- National Incident-Based Reporting System (NIBRS)/UCR compliant crime data systems
- Night vision equipment
- Records Management Systems (RMS)
- Satellite phones

Police Vehicles:

- Police vehicles
- Basic vehicle accessory packages
- Special conveyances such as sport utility vehicles, bicycles, motorcycles, snowmobiles, terrain vehicle, boats, etc. (based on demonstration of need)

Other Cost:

- Indirect Cost (when applicable)

Training:

- Basic Law Enforcement training (state academy, BIA Indian Police Academy in Artesia, NM, Navajo Nation's Academy)
- Specialized Law Enforcement training
- Uniform Crime Reporting (UCR) Training
- Computer Training
- Grant Management Training
- Transportation, lodging, per diem (meals and incidental expenses), etc.(travel must be more than 50 miles from program location)

Tribes may request items to fund a meth related project

Unallowable Costs List

- Salaries and benefits of existing employees
- Salaries and benefits for civilian personnel **

- Overtime hours
- Ammunition
- Assault weapons
- Construction/renovation costs
- Dogs (K-9)
- Office equipment (copiers, fax machines)
- Office furniture (desk, chairs, file cabinets, etc.)
- Supplies (stamps, paper, pencils, pens, stationary, etc.)
- Office rental space
- Phone lines/utilities/voice-mail system
- Vehicle leasing or rental agreements
- Vehicle fuel, parts, service, maintenance, registration, title, licenses
- Prisoner transport vehicles

****Tribes may request funding for salaries and benefits for a methamphetamine coordinator.***

Purpose Area 8
Office of Juvenile Justice Delinquency & Prevention

Calculation of Match Requirements

Match requirements only pertain to Purpose Area # 8, Juvenile Justice

Match Requirement (cash or in-kind)

Federal funds awarded under this program may not cover more than 90% of the total costs of the project being funded. The applicant must identify the source of the 10% non-federal portion of the total project costs and how match funds will be used. (Match is restricted to the same uses of funds as allowed for the federal funds). Applicants may satisfy this match requirement with either cash or in-kind services. The formula for calculating the match is:

Federal Award Amount = Adjusted (Total) Project Costs

Federal Share Percentage

Required Recipient's Share Percentage x Adjusted Project Cost = Required Match

Example: 90%/10% match requirement: for a federal award amount of \$500,000, match would be calculated as follows:

\$500,000 = \$555,555 10% x \$555,555 = \$55,555 match

90%

Example: 90%/10% match requirement: for a federal award amount of \$350,000, match would be calculated as follows:

\$350,000 = \$388,889 10% x \$388,889 = \$38,889 match

90%

With respect to the cost of constructing juvenile detention or correctional facilities (only), the Federal share of a grant received under this Purpose Area may not exceed 50 percent of approved cost.

Example (for construction projects only): 50%/50% match requirement: for a federal award amount of \$350,000, match would be calculated as follows:

\$350,000 = \$700,000 50% x \$700,000 = \$350,000 match

50%