

CTAS 2012 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:

Award Condition: Central Contractor Registration and Universal Identifier Requirements

The following award term is incorporated by reference into most DOJ awards made on or after October 1, 2010. To determine whether this condition applies to a particular award, consult the award documents.

Award Term: I.

Central Contractor Registration and Universal Identifier Requirements

A. Requirement for Central Contractor Registration (CCR)

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for Data Universal Numbering System (DUNS) Numbers

If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you
2. May not make a subaward to an entity unless the entity has provided its DUNS number to you.

C. Definitions

For purposes of this award term:

1. *Central Contractor Registration (CCR)* means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the CCR Internet site (currently at <http://www.ccr.gov>).

2. *Data Universal Numbering System (DUNS) number* means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).
3. *Entity*, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
 - a. A Governmental organization, which is a State, local government, or Indian Tribe;
 - b. A foreign public entity;
 - c. A domestic or foreign nonprofit organization;
 - d. A domestic or foreign for-profit organization; and
 - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
4. *Subaward*:
 - a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient. b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. __.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations"). c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.
5. *Subrecipient* means an entity that:
 - a. Receives a subaward from you under this award; and
 - b. Is accountable to you for the use of the Federal funds provided by the subaward.

Fiscal Year 2012: 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," on page 8 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 2012 CTAS programs. For OJP funding recipients, the OJP Financial Guide includes the applicable general supplanting provisions. Until the OVW Grants Financial Management Guide is posted, all OVW grants, including any grants made with reference to the OVW Grants Financial Management Guide, are subject to the provisions of the OJP OCFO Financial Guide, unless otherwise specified in the award document. See <http://www.ovw.usdoj.gov/docs/gfmd-financial-grants-management-guide.pdf>. 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 – Tribal Sexual Assault Services Program (OVW)
- Purpose Area #6 - Violence Against Women Tribal Governments Program (OVW)
- Purpose Area #9 – 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 Planning Demonstration Program (BJA)
- Purpose Area #3 – Justice Systems and Alcohol and Substance Abuse (BJA)
- Purpose Area #4 – Corrections and Correctional Alternatives (BJA)
- Purpose Area #7 – Children’s Justice Act Partnerships for Indian Communities (OVC)
- Purpose Area #8 – Comprehensive Tribal Victim Assistance Program (OVC)
- Purpose Area #10 – 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 non-supplanting 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 and #6

Supplanting Provision Applicable to Purpose Areas 5 and 6. (See Examples B and C 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.

Examples - CTAS: OVW Purpose Area #5 (Tribal Sexual Assault Services Program)

Example 1

In FY 2010, Tribe X allocated \$300,000 in federal funds to support four (4) victim advocate positions to work with underserved populations and provide specialized sexual assault services. The Tribe used **non-federal** funds to cover the costs of a fifth victim advocate. In September 2011, the Tribe received OVW FY 2011 CTAS grant funding. The Tribe used this federal funding to pay for the fifth victim advocate position and shifted the non-federal funds previously used to pay for the fifth victim advocate position to cover the costs of a staff attorney to represent survivors. (The staff attorney is not considered a victim advocate for purposes of this grant funding.)

Under these circumstances, supplanting occurred. Even though the Tribe maintained the same level of Violence Against Women Act (VAWA) grant activity, as it did not eliminate the fifth victim advocate position, the Tribe used the new federal funds in such a way as to enable it to pay for the staff attorney. The new federal funds did not increase or “supplement” the VAWA grant activity for which the Tribe had previously used non-federal funds.

Example 2

In FY 2010, Tribe X allocated \$300,000 in federal funding to support four (4) victim advocate positions to work with underserved populations and provide sexual assault services. The Tribe also used non-federal funds to cover the costs of a fifth victim advocate. In September 2011, the Tribe received OVW FY 2011 CTAS funding, which it used to pay for the fifth victim advocate position, and transferred the non-federal funds to pay for a new position in which staff would work with sexual assault victims and provide advocacy in hospital settings.

Under these circumstances, supplanting did *not* occur. The Tribe transferred non-federal funds to fund a VAWA statutorily-permissible position, and used OVW FY 2011 CTAS funding to fund a statutorily-permissible position. In this instance, the use of OVW FY 2011 CTAS funds *supplemented* the non-federal funds being used by the tribe for VAWA grant activities.

Example - CTAS: OVW Purpose Area #6 (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 #9 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 #9

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 and 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

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](#).

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. 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
TTY: 202-307-2027

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](#)), 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](#).

Confidentiality and Human Subjects Protection (if applicable)

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](#) 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](#)
[National Institute of Justice Protecting Human Subjects](#)

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](#). 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:** [Until the OVW Grants Financial Management Guide is posted](#), all OVW grants, including any grants made with reference to the OVW Grants Financial Management Guide, are subject to the provisions of the OJP OCFO Financial Guide, unless otherwise specified in the award document.

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](#), the [Global Justice XML Data Model](#), and the Law Enforcement Information Sharing Plan. A list of additional standards can be found at the [OJP Standards Clearinghouse](#).

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 on pages 4 through 10 of this document

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.frs.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](#).

Purpose Area 1
Office of Community Oriented Policing Services (COPS)
Updated 2/19/2012

Allowable Costs List

(this is not an exclusive list, but commonly requested and approved items)

Purpose Area #1- Public Safety and Community Policing (COPS Tribal Hiring Program), CFDA#16.710

Personnel:

- Newly hired and/or rehired sworn career law enforcement officers, including Village Public Safety Officers (approved entry-level salaries and benefits for full-time career law enforcement officers) ***Applicants must plan to retain officers awarded for 12 months after the expiration of the grant period.**
- Indirect Costs

Purpose Area#1- Public Safety and Community Policing (Tribal Resources Grant Equipment & Training), CFDA#16.710

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
- Personal Protection Equipment (respirators and accessories, gloves, suits, boots, bags) for meth projects
- 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

(this is not an exclusive list, but commonly requested and disapproved items)

- Salaries and benefits of existing employees
- Salaries and benefits for civilian personnel
- Overtime hours
- Ammunition
- Assault weapons
- Communication towers
- Construction/renovation costs
- Dictation systems
- 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
- Radar equipment/radar guns
- Surveillance equipment
- Televisions/VCRs/DVD players/projectors
- Vehicle leasing or rental agreements
- Vehicle fuel, parts, service, maintenance, registration, title, licenses
- Video camera (other than vehicle mounted)/film
- Gun range equipment (target pop-ups, practice devices, etc.)
- Evidence lockers
- Prisoner transport vehicles
- Narcotic test kits

Purpose Area 1

Office of Community Oriented Policing Services (COPS)

COPS Office Sworn Force Guidelines

The COPS Office will be considering a variety of criteria when making grant award decisions. The following guidelines are provided to help Tribes assess funding needs and understand COPS evaluation criteria.

Force Size	Recommended Officer Positions
Up to 20 Sworn Force	2-4 officer positions
21 to 40 Sworn Force	10-20% of current sworn force strength
41 or more Sworn Force	10-20% of current sworn force strength

Purpose Area 9

Office of Juvenile Justice Delinquency & Prevention

Calculation of Match Requirements

Match requirements only pertain to Purpose Area # 9, 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:

$$\underline{\$350,000} = \$388,889 \text{ } 10\% \times \$388,889 = \$38,889 \text{ match}$$

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:

$$\underline{\$350,000} = \$700,000 \text{ } 50\% \times \$700,000 = \$350,000 \text{ match}$$

50%