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The [U.S. Department of Justice \(DOJ\)](#), [Office of Justice Programs \(OJP\)](#), [Bureau of Justice Assistance \(BJA\)](#) is pleased to announce that it is seeking applications for funding for the Wrongful Conviction Review Program. This program furthers the Department's mission by providing assistance to public and non-profit entities that seek justice for those who have been wrongfully convicted.

## Wrongful Conviction Review Program FY 2012 Competitive Grant Announcement

### Eligibility

For Category 1, eligible applicants are limited to non-profit organizations with missions dedicated (in whole or in part) to exonerating the innocent and to state or local public defender offices. For Category 2, applicants are limited to public and nonprofit organizations that have experience and expertise in providing representation to wrongfully convicted defendants in post-conviction claims of innocence cases.

Note: BJA may elect to make awards for applications submitted under this solicitation in future fiscal years, dependent on the merit of applications and on the availability of appropriations in future years.

### Deadline

Applicants must register with [Grants.gov](#) prior to submitting an application. (See "How To Apply," page 6, for more details.) All applications are due by 11:59 p.m. eastern time on March 1, 2012. (See "Deadlines: Registration and Application," page 3.)

### Contact Information

For technical assistance with submitting the application, contact Grants.gov Customer Support Hotline at 1-800-518-4726 or 606-545-5035 or via e-mail to [support@grants.gov](mailto:support@grants.gov).

**Note:** The [Grants.gov](#) Support Hotline hours of operation are 24 hours a day, seven days a week, except federal holidays.

For assistance with any other requirement of this solicitation, contact the BJA Justice Information Center at 1-877-927-5657, via e-mail to [JIC@telesishq.com](mailto:JIC@telesishq.com), or via live web chat at [www.justiceinformationcenter.us](http://www.justiceinformationcenter.us). The BJA Justice Information Center hours of operation are 8:30 a.m. to 5:00 p.m. eastern time, Monday through Friday, and 8:30 a.m. to 8:00 p.m. eastern time on the solicitation close date.

**Grants.Gov number assigned to announcement:** BJA-2012-3154

**Release date:** January 3, 2012

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# **Wrongful Conviction Review Program (CFDA #16.746)**

## **Overview**

The purpose of the Wrongful Conviction Review Program is to provide high quality and efficient representation for potentially wrongfully convicted defendants in cases of post-conviction claims of innocence. Funding is available through the FY 2012 general appropriation.

## **Deadlines: Registration and Application**

Applicants must register with Grants.gov prior to submitting an application. OJP encourages applicants to register with Grants.gov several weeks before the application submission deadline. The deadline to apply for funding under this announcement is 11:59 p.m. eastern time on March 1, 2012. See the “How To Apply” section on page 9 for more details. Please note that while the deadline for submission is 11:59 p.m. eastern time on March 1, 2012, staff assistance through the BJA Justice Information Center is only available until 8:00 p.m. eastern time (see “Contact Information” on the title page for more information about BJA’s Justice Information Center).

## **Eligibility**

Refer to the title page for eligibility under this program.

## **Wrongful Conviction Review Program—Specific Information**

The purpose of the Wrongful Conviction Review Program is to provide high quality and efficient representation for defendants in post-conviction claims of innocence. Post-conviction innocence claims are likely to include complex challenges to the reliability and/or accuracy of evidence presented at trial that fall mainly into three categories: 1) eyewitness identification evidence; 2) confession evidence; and 3) forensic evidence. In some cases, post-conviction DNA testing alone can establish innocence, but the majority of cases will rely on other forms of evidence, and many will involve DNA testing together with additional sources of proof and/or expert testimony, the costs of which may be prohibitive.

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

The goals of this initiative are to: provide quality representation to those who may have been wrongfully convicted of crimes they did not commit; alleviate burdens placed on the criminal justice system through costly and prolonged post-conviction litigation; and identify, whenever possible, the actual perpetrator of the crime.

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

OJP considers programs and practices to be evidence-based when their effectiveness has been demonstrated by causal evidence (generally obtained through one or more outcome evaluations). Causal evidence documents a relationship between an activity or intervention

(including technology) and its intended outcome, including measuring the direction and size of a change, and the extent to which a change may be attributed to the activity or intervention. Causal evidence depends on the use of scientific methods to rule out, to the extent possible, alternative explanations for the documented change. The strength of causal evidence, based on the factors described above, will influence the degree to which OJP considers a program or practice to be evidence-based. OJP's [CrimeSolutions.gov](http://CrimeSolutions.gov) web site is one resource that applicants may use to find information about evidence-based programs in criminal justice, juvenile justice, and crime victim services.

## **Amount and Length of Awards**

BJA anticipates that it will make multiple awards of up to \$250,000 each for a 12-24 month project period (as set forth more fully below).

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

The project start date should be on or after October 1, 2012.

### **CATEGORY 1: REPRESENTATION OF WRONGFULLY CONVICTED DEFENDANTS IN POST-CONVICTION CLAIMS OF INNOCENCE. Grant amount: up to \$250,000. Grant period: 12–24 months. Competition ID: BJA-2012-3155.**

Applications are solicited to provide representation to wrongfully convicted defendants in cases of post-conviction claims of innocence. Successful applicants will be non-profit organizations dedicated to exonerating the innocent and public defender offices, both of which should have in-house post-conviction programs with demonstrable experience and competence in litigating post-conviction claims of innocence and which devote at least one full-time employee to the screening and/or representation of post-conviction innocence claims.

Depending on the needs of the applicant, possible uses of grant funds include:

- Evaluate and litigate claims of innocence in cases in which potentially flawed key eyewitness identification evidence was offered at trial and/or cases in which confession evidence, which appears to be unreliable or false, was offered at trial.
- Evaluate and litigate cases in which forensic evidence was offered at trial involving (but not limited to): composite bullet lead analysis, fingerprints, tool marks, bite marks, hair microscopy, shaken baby, arson, time or cause of death; and/or cases involving any other potentially probative evidence of innocence.
- Help defray the costs of potentially exonerative forensic re-analysis, expert consultation and testimony, screening/evaluation, and litigation services, including hiring of qualified defenders.
- Purchase case management systems or software for the purpose of keeping detailed case management data for prospective exoneration cases, including tracking how much time is being spent on which cases and for what purpose/stage of the case.

**CATEGORY 2: TRAINING AND TECHNICAL ASSISTANCE. Grant amount: up to \$250,000.**  
**Grant period: 12 months. Competition ID: BJA-2012-3156.**

Applications are solicited for a national organization to work collaboratively with the public and non-profit entities to support their ability to competently and efficiently litigate post-conviction claims of innocence. Grant funds must be used to produce the following deliverables:

- Provide a national training session pertaining to handling post-conviction claims of innocence cases, which may include such topics as evaluation/screening of cases during intake, forensic re-analysis, expert consultation and testimony, and general litigation issues.
- Provide technical assistance to grantees, which may include onsite consultations and evaluations.
- Host an orientation meeting for grantees.
- Conduct a survey/needs assessment of grantees to determine greatest funding, training and technical assistance needs.

## **Budget Information**

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

With respect to any award of more than \$250,000 made under this solicitation, federal funds may not be used to pay total cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110 percent of the maximum annual salary payable to a member of the Federal Government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (The 2012 salary table for SES employees is available at [www.opm.gov/oca/12tables/indexSES.asp](http://www.opm.gov/oca/12tables/indexSES.asp).) Note: A recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds. (Any such additional compensation will not be considered matching funds where match requirements apply.)

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

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

### **Minimization of Conference Costs**

No OJP funding can be used to purchase food and/or beverages for any meeting, conference, training, or other event. Exceptions to this restriction may be made only in cases where such sustenance is not otherwise available (i.e., extremely remote areas), or where a special presentation at a conference requires a plenary address where there is no other time for sustenance to be attained. Such an exception would require prior approval from OJP. This restriction does not apply to water provided at no cost, but does apply to any and all other refreshments, regardless of the size or nature of the meeting. Additionally, this restriction does

not impact direct payment of per diem amounts to individuals in a travel status under your organization's travel policy.

Updated Department of Justice and OJP guidance on conference planning, minimization of costs, and conference cost reporting will be forthcoming and will be accessible on the OJP website at [www.ojp.usdoj.gov/funding/funding.htm](http://www.ojp.usdoj.gov/funding/funding.htm).

**Costs Associated with Language Assistance (if applicable)**

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

**Match Requirement**

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

**Performance Measures**

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

**Category 1:** Category 1 award recipients will report on a semi-annual basis in OJP's Grants Management System.

Objective	Performance Measure(s)	Data Grantee Provides
Provide representation to defendants in post-conviction claims of innocence cases.	Number of subject matter experts consulted.  Number of hours of services provided.  Number of hours of services provided.  Percent increase in cases reviewed.	Number of forensic experts consulted.  Number of hours of forensic re-analysis services provided.  Number of hours of screening, evaluation, and litigation services provided.  Number of post-conviction claims of innocence awaiting review during reporting period.  Number of post-conviction claims of innocence reviewed during the previous reporting period.

	<p>Number of perpetrators identified through re-examination of evidence.</p> <p>Percent of cases analyzed that yielded a result .</p>	<p>Number of post-conviction claims of innocence reviewed during the current reporting period.</p> <p>Number of perpetrators identified through re-examination of evidence in handling post-conviction innocence claims.</p> <p>Number of cases re-examined due to post-conviction innocence claims.</p> <p>Number of cases re-examined due to post-conviction innocence claims resulting in the identification of a perpetrator.</p>
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**Category 2:** Category 2 award recipients will be required to report the applicable performance measures quarterly in BJA’s online Training and Technical Assistance Reporting System (TTARS), located at: [www.bjaperformancetools.org/](http://www.bjaperformancetools.org/). A complete listing of the performance measures can also be found at: [www.bjaperformancetools.org/tta2/View/BJATTARSReportingMatrix.pdf](http://www.bjaperformancetools.org/tta2/View/BJATTARSReportingMatrix.pdf).

Objectives	Performance Measures(s)	Data Grantee Provides
To enhance and support litigation services for defendants in post-conviction claims of innocence through training and technical assistance.	<p>Number of participants who attend the training.</p> <p>Percentage of participants who rated the training as satisfactory or better.</p> <p>Percentage of participants trained and subsequently demonstrated performance improvement</p> <p>Number participants receiving technical assistance</p> <p>Percentage of participants who rated the technical assistance as satisfactory or better</p> <p>Percentage of deliverables that meet expectations</p> <p>Percentage of agencies that rated services as satisfactory or better visit.</p>	<p><b>For the current reporting period:</b>  Number of individuals who: <ul style="list-style-type: none"> <li>Started the training.</li> <li>Completed the training</li> <li>Completed an evaluation at the conclusion of the training.</li> <li>Completed an evaluation and rated the training as satisfactory or better.</li> <li>Completed a pre- and post-test.</li> <li>Number of participants whose post-test indicated an improved score over their pre-test.</li> </ul> </p> <p>Number of participants receiving technical assistance</p> <p>Number of participants who rated the technical assistance as satisfactory or better</p> <p>Number of deliverables (e.g., survey/needs assessment)</p> <p>Number of deliverables that meet expectation.</p> <p><b>For the current reporting period:</b>  Number of onsite visits completed.</p> <p>Number of requesting agencies who completed an evaluation of services.</p>

	<p>Percentage of agencies that implemented one or more recommendations.</p> <p>Percentage of peer visitors who reported that the visit to the other agency was useful in providing information on policies or practices.</p> <p>Percentage of peer visitors who implemented one or more policies or practices 6 months after they were observed at the visited site.</p> <p>Quality of other onsite services provided</p>	<p>Number of requesting agencies who rated services as satisfactory or better in terms of timeliness and quality following completion of an onsite visit.</p> <p>Number of reports submitted to requesting agencies after onsite visits.</p> <p>Number of follow-ups with requesting agencies completed six months after onsite visit.</p> <p>Number of requesting agencies that were planning to implement at least some of the report recommendations six months after the onsite visit.</p> <p>Number of peer to peer visits completed.</p> <p>Number of reports completed by peer visitors after completion of the visit.</p> <p>Number of peer visitors who reported that the visit to the other agency was useful in providing information on policies or practices.</p> <p>Number of follow-ups with the requesting peer visitor completed 6 months after the peer-to-peer visit.</p> <p>Number of peer visitors that implemented one or more recommended policies or practices 6 months after they were observed at the visited site.</p> <p>Number of other onsite services provided.</p> <p>Number of reports submitted to requesting agencies following other onsite services.</p> <p>Number of requesting agencies who completed an evaluation of other onsite services.</p> <p>Number of requesting agencies that rated the services as satisfactory or better.</p>
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Submission of performance measures data is not required for the application. Instead, applicants should discuss in their application their proposed methods for collecting data for performance measures. Please refer to the section “What an Application Should Include” on page 11 for additional information.

## Note on Project Evaluations

Applicants that propose to use federal 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 OJP’s performance measure data reporting requirements likely do not constitute “research.” Applicants should provide sufficient information for OJP 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.

Research, for the purposes of human subjects protections for OJP-funded programs, is defined as, “a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge” 28 C.F.R. § 46.102(d). For additional information on determining whether a proposed activity would constitute research, see the decision tree to assist applicants on the “Research and the Protection of Human Subjects” section of the OJP “Other Requirements for OJP Applications” web page ([www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm)). Applicants whose proposals may involve a research or statistical component also should review the “Confidentiality” section on that web page.

## Notice of Post-Award FFATA Reporting Requirement

Applicants should anticipate that OJP will require all recipients (other than individuals) of awards of \$25,000 or more under this solicitation, consistent with the Federal Funding Accountability and Transparency Act of 2006 (FFATA), 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. Each applicant entity must ensure that it has the necessary processes and systems in place to comply with the reporting requirements should it receive funding. Reports regarding subawards will be made through the FFATA Subaward Reporting System (FSRS), found at [www.fsrs.gov](http://www.fsrs.gov).

Please note also that applicants should anticipate that no subaward of an award made under this solicitation may be made to a subrecipient (other than an individual) unless the potential subrecipient acquires and provides a Data Universal Numbering System (DUNS) number.

## How To Apply

Applications will be submitted through Grants.gov. Grants.gov is a “one-stop storefront” that provides a unified process for all customers of federal awards to find funding opportunities and apply for funding. Complete instructions on how to register and submit an application can be found at [www.Grants.gov](http://www.Grants.gov). If the applicant experiences technical difficulties at any point during this process, call the Grants.gov Customer Support Hotline at **800-518-4726** or **606-545-5035**, 24 hours a day, 7 days a week, except federal holidays. Registering with Grants.gov is a one-time process; however, **processing delays may occur, and it can take up to several weeks** for first-time registrants to receive confirmation and a user password. OJP highly recommends that applicants start the registration process as early as possible to prevent delays in submitting an application package by the specified application deadline.

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All applicants are required to complete the following steps:

1. **Acquire a Data Universal Numbering System (DUNS) number.** In general, the Office of Management and Budget requires that all applicants (other than individuals) for federal funds include a DUNS number in their applications for a new award or renewal of an existing award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and subrecipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, one-time activity. Obtain a DUNS number by calling Dun and Bradstreet at 866-705-5711 or by applying online at [www.dnb.com](http://www.dnb.com). A DUNS number is usually received within 1-2 business days.
2. **Acquire or renew registration with the Central Contractor Registration (CCR) database.** OJP requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the Central Contractor Registration (CCR) database. An applicant must be registered in the CCR to successfully register in Grants.gov. The CCR database is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. Organizations that have previously submitted applications via Grants.gov are already registered with CCR, as it is a requirement for Grants.gov registration. Please note, however, that applicants must **update or renew their CCR registration annually** to maintain an active status. Information about CCR registration procedures can be accessed at [www.ccr.gov](http://www.ccr.gov).
3. **Acquire an Authorized Organization Representative (AOR) and a Grants.gov username and password.** Complete the AOR profile on Grants.gov and create a username and password. The applicant organization's DUNS Number must be used to complete this step. For more information about the registration process, go to [www.grants.gov/applicants/get\\_registered.jsp](http://www.grants.gov/applicants/get_registered.jsp).
4. **Acquire confirmation for the AOR from the E-Business Point of Contact (E-Biz POC).** The E-Biz POC at the applicant organization must log into Grants.gov to confirm the applicant organization's AOR. Please note that there can be more than one AOR for the organization.
5. **Search for the funding opportunity on Grants.gov.** Please use the following identifying information when searching for the funding opportunity on Grants.gov. The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is 16.746, titled "Capital Case Litigation," and the funding opportunity number is BJA-2012-3154.
6. **Select the correct Competition ID.** Some OJP solicitations posted to Grants.gov contain multiple purpose areas, denoted by the individual Competition ID. If applying to a solicitation with multiple Competition IDs, select the appropriate Competition ID for the intended purpose area of the application.
7. **Complete the Disclosure of Lobbying Activities.** All applicants must complete this information. An applicant that expends any funds for lobbying activities must provide the detailed information requested on the form, *Disclosure of Lobbying Activities*, (SF-LLL). An

applicant that does not expend any funds for lobbying activities should enter “N/A” in the required highlighted fields.

8. **Submit an application consistent with this solicitation by following the directions in Grants.gov.** Within 24–48 hours after submitting the electronic application, the applicant should receive an e-mail validation message from Grants.gov. The validation message will state whether the application has been received and validated, or rejected, with an explanation. **Important:** Applicants are urged to submit applications **at least 72 hours prior** to the due date of the application to allow time to receive the validation message and to correct any problems that may have caused a rejection notification.

**Note: Grants.gov will forward the application to OJP’s Grants Management System (GMS). GMS does not accept executable file types as application attachments.** The disallowed file types include, but are not limited to, the following extensions: “.com,” “.bat,” “.exe,” “.vbs,” “.cfg,” “.dat,” “.db,” “.dbf,” “.dll,” “.ini,” “.log,” “.ora,” “.sys,” and “.zip.”

**Note: Duplicate Applications**

If an applicant submits multiple versions of an application, BJA will review the most recent version submitted.

**Experiencing Unforeseen Grants.gov Technical Issues**

If an applicant experiences unforeseen Grants.gov technical issues beyond the applicant’s control that prevent submission of its application by the deadline, the applicant must e-mail the BJA Justice Information Center (see page 1 for contact information) **within 24 hours after the deadline** and request approval to submit its application. The applicant must include in the e-mail: a description of the technical difficulties, a timeline of submission efforts, the complete grant application, the applicant DUNS number, and Grants.gov Help Desk tracking number(s) received. **Note: Requests are not automatically approved by BJA.** After the program office reviews all of the information submitted, and contacts the Grants.gov Help Desk to validate the technical issues reported, BJA will contact the applicant to either approve or deny the request to submit a late application. If the technical issues reported cannot be validated, the application will be rejected as untimely.

The following conditions are not valid reasons to permit late submissions: (1) failure to begin the registration process in sufficient time, (2) failure to follow Grants.gov instructions on how to register and apply as posted on its Web site, (3) failure to follow all of the instructions in the OJP solicitation, and (4) technical issues experienced with the applicant’s computer or information technology (IT) environment, including firewalls.

Notifications regarding known technical problems with Grants.gov, if any, are posted at the top of the OJP funding web page, [www.ojp.usdoj.gov/funding/solicitations.htm](http://www.ojp.usdoj.gov/funding/solicitations.htm).

**What an Application Should Include**

Applicants should anticipate that failure to submit an application that contains all of the specified elements may negatively affect the review of the application and, should a decision nevertheless be made to make an award, may result in the inclusion of special conditions that preclude access to or use of award funds pending satisfaction of the conditions.

Moreover, applicants should anticipate that applications that are unresponsive to the scope of the solicitation, or that do not include application elements designated by BJA to be critical, will neither proceed to peer review nor receive further consideration. Under this solicitation, BJA has designated the following application elements as critical: Program Narrative, Budget Detail Worksheet, and Budget Narrative. The Budget Detail Worksheet and Budget Narrative may be combined in one document. However, if only one document is submitted, it must contain **both** narrative and detail information.

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

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

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

**2. Program Abstract**

Applicants should provide an abstract identifying the applicant's name, title of the project, dollar amount requested, and category for which the applicant is applying (e.g., Category 1: Representation of Wrongfully Convicted Defendants in Post-Conviction Claims of Innocence). The abstract should include goals of the project, a description of the strategies to be used, a numerical listing of key/major deliverables, and coordination plans. The abstract should also be double-spaced, using a standard 12-point font (Times New Roman is preferred) with 1-inch margins, and must not exceed 1 page.

**3. Program Narrative**

The program narrative should respond to the solicitation and Selection Criteria (1-5) listed below in the order given. The program narrative should be double-spaced, using a standard 12-point font (Times New Roman is preferred) with 1-inch margins, and must not exceed 10 pages. Please number pages "1 of 10," "2 of 10," etc.

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

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

- a. Statement of the Problem
- b. Project Design and Implementation
- c. Capabilities and Competencies

- d. Plan for Collecting the Data Required for this Solicitation's Performance Measures  
Submission of performance measures data is not required for the application. Performance measures are included as an alert that successful applicants will be required to submit specific data to BJA as part of their reporting requirements. For the application, the applicant should indicate an understanding of these requirements and discuss how the applicant will gather the required data, should the applicant receive funding.
- e. Sustainability Plan

Further information is available under the Selection Criteria section, page 14.

#### **4. Budget Detail Worksheet and Budget Narrative**

##### **a. Budget Detail Worksheet**

Provide a proposed budget that is complete, reasonable and allowable, cost-effective, and necessary for project activities. See pages 3-4 for examples of what can be funded under this initiative. Applicants must budget funding to travel to one Department of Justice-sponsored financial management training, offered regionally. For locations and dates of the trainings, see [www.esi-bethesda.com/OJPtraining/locations.html](http://www.esi-bethesda.com/OJPtraining/locations.html).

Applicants must also budget funding to travel to one 2-day national training sponsored by BJA's national training and technical assistance provider for the Wrongful Conviction Review Program. A location for the FY 2012 national training event is to be determined, so applicants may provide a reasonable best estimate of travel costs.

A sample budget detail worksheet can be found at [www.ojp.gov/funding/forms/budget\\_detail.pdf](http://www.ojp.gov/funding/forms/budget_detail.pdf). If the budget is submitted in a different format, the budget categories listed in the sample budget worksheet should be included. If the grant period is longer than one year, the applicant should ensure that the budget reflects the entire grant period, not just one year. For questions pertaining to budget and examples of allowable and unallowable costs, please see the OJP Financial Guide at [www.ojp.usdoj.gov/financialguide/index.htm](http://www.ojp.usdoj.gov/financialguide/index.htm).

##### **b. Budget Narrative**

The Budget Narrative should thoroughly and clearly describe every category of expense listed in the Budget Detail Worksheet. Proposed budgets are expected to be complete; reasonable and allowable; cost effective; and necessary for project activities. The narrative should be mathematically sound and correspond with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how all costs were estimated and calculated and how they are relevant to the completion of the proposed project. The narrative may include tables for clarification purposes but need not be in a spreadsheet format. As with the Budget Detail Worksheet, the Budget Narrative should be broken down by year to reflect the entire grant period; however, the budget summary page totals should reflect the entire grant period.

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

Indirect costs are allowed only if the applicant has a federally-approved indirect cost rate. (This requirement does not apply to units of local government.) A copy of the rate approval should be attached. If the applicant does not have an approved rate,

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one can be requested by contacting the applicant's cognizant federal agency, which will review all documentation and approve a rate for the applicant organization or, if the applicant's accounting system permits, costs may be allocated in the direct cost categories. If DOJ is the cognizant federal agency, obtain information needed to submit an indirect cost rate proposal at [www.ojp.usdoj.gov/funding/pdfs/indirect\\_costs.pdf](http://www.ojp.usdoj.gov/funding/pdfs/indirect_costs.pdf).

## **6. Additional Attachments: Project Timeline and Position Descriptions/Resumes**

Attach a project timeline with each project goal, related objective, activity, expected completion date, and responsible person or organization; and position descriptions for key positions and resumes for current staff in addition to job posting descriptions for anticipated new hires. If you are hiring attorneys, please detail in your timeline when you anticipate the hiring process to be complete and when the new hires' efforts will commence.

## **7. Other Standard Forms**

Additional forms that may be required in connection with an award are available on OJP's funding page at [www.ojp.usdoj.gov/funding/forms.htm](http://www.ojp.usdoj.gov/funding/forms.htm). For successful applicants, receipt of funds may be contingent upon submission of all necessary forms. Note in particular the following forms:

### **a. [Standard Assurances](#)**

Applicants must read, certify, and submit this form in GMS prior to the receipt of any award funds.

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

Applicants must read, certify and submit in GMS prior to the receipt of any award funds.

### **c. [Accounting System and Financial Capability Questionnaire](#) (required for any applicant other than an individual that is a non-governmental entity and that has not received any award from OJP within the past 3 years; this form must be downloaded, completed, and submitted).**

## **Selection Criteria**

The following six selection criteria will be used to evaluate each application, with the different weight given to each based on the percentage value listed after each individual criteria. For example, the first criteria, "Statement of the Problem," is worth 20 percent of the entire score in the application review process.

### **1. Statement of the Problem (20 percent of 100)**

Identify the problem or challenge your office faces in handling post-conviction claims of innocence. Describe your office's intake policy, including how cases are screened and the different stages they move through including how many cases your office has processed in the last two calendar years (2009 and 2010), if any, and the case outcomes. Detail at what stage of the process these cases were completed or closed. Describe any regional, state, or local issues pertaining to the lack of adequate representation in these cases in relation to the number of potential cases. Include details about whether your office or region has a current backlog of these types of cases. Describe problems involving the ability to screen, evaluate, and process post-conviction claims of innocence, including any problems or

shortfalls in providing litigation services and quality representation to wrongfully convicted defendants. You will be required in the next section, "Project Design and Implementation" to provide details of how the project design and implementation directly relates to the Statement of the Problem.

**2. Project Design and Implementation (40 percent of 100)**

Describe your strategy to address the needs identified in the Statement of the Problem. Describe how you plan to alleviate burdens (financial and operational) that result from handling post-conviction claims of innocence. Discuss how funding under this initiative will improve the quality of representation and how it will contribute to improvements in the speed and efficiency with which claims are handled and the overall administration of justice. Describe how your program differs, complements, or builds upon the efforts of other offices in your region/state/locality that are also representing potentially innocent clients in post-conviction proceedings. Also describe whether your project design seeks to build capacity by hiring/ building infrastructure to begin accepting additional cases, or whether your office currently is operating at capacity and merely seeks to expand the current caseload.

**3. Capabilities and Competencies (15 percent of 100)**

Describe the management structure for implementation of the strategy, including staffing. Specifically identify who will serve as attorneys involved in screening, evaluation, and litigation of post-conviction claims of innocence and their specific qualifications to do so. Demonstrate the capability to implement the project successfully. If you are planning to hire attorneys, provide job posting descriptions, and your anticipated recruitment efforts. Describe how this structure will be tied to the strategy identified in the "Project Design and Implementation" section. Provide most recent position descriptions outlining the roles and responsibilities of key positions and resumes for current staff (as an attachment).

**4. Plan for Collecting the Data Required for this Solicitation's Performance Measures (10 percent of 100)**

Explain how the use of funds to defray costs associated with handling post-conviction claims of innocence will be tracked, and how the applicant will assess the impact of the program's efforts. Explain how the progression of claims, including case outcomes, will be tracked. If you do not have a current case management system, and you plan to use grant funds implement one, detail how this will be utilized. For attorney positions funded under this grant, describe how activities of grant-funded attorney positions will be tracked, including amount of time spent on specific cases, the nature of the work performed on said cases, and the amount of time spent on specific tasks pertaining to individual cases. Also identify who will be responsible for performance measures and how the information will be used.

**5. Sustainability Plan (5 percent of 100)**

Outline a strategy for sustaining the project when the federal grant ends.

**6. Budget (10 percent of 100)**

Provide a proposed budget for the entire project period that is complete; reasonable and allowable; cost effective; and tied to the proposed activities. See the additional budget and budget narrative requirements on page 13.

## Review Process

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

Peer reviewers will be reviewing the applications submitted under this solicitation that meet basic minimum requirements. BJA may use either internal peer reviewers, external peer reviewers, or a combination to review the applications under this solicitation. An external peer reviewer is an expert in the field of the subject matter of a given solicitation who is NOT a current U.S. Department of Justice employee. An internal reviewer is a current U.S. Department of Justice employee who is well-versed or has expertise in the subject matter of this solicitation. Applications that meet basic minimum requirements will be evaluated, scored, and rated by a peer review panel. Peer reviewers' ratings and any resulting recommendations are advisory only. In addition to peer review ratings, considerations for award recommendations and decisions may include, but are not limited to, underserved populations, geographic diversity, strategic priorities, past performance, and available funding.

The Office of the Chief Financial Officer (OCFO), in consultation with BJA, conducts a financial review of applications for potential discretionary awards to evaluate the fiscal integrity and financial capability of applicants; examines proposed costs to determine if the budget detail worksheet and budget narrative accurately explain project costs; and determines whether costs are reasonable, necessary, and allowable under applicable federal cost principles and agency regulations.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final award decisions will be made by the Assistant Attorney General (AAG), who also may give consideration to factors including, but not limited to, underserved populations, geographic diversity, strategic priorities, past performance, and available funding when making awards.

## Additional Requirements

Applicants selected for awards must agree to comply with additional legal requirements upon acceptance of an award. OJP strongly encourages applicants to review the information pertaining to these additional requirements prior to submitting an application. Additional information for each requirement can be found at [www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm).

- Civil Rights Compliance
- Faith-Based and Other Community Organizations
- Confidentiality
- Research and the Protection of Human Subjects
- Anti-Lobbying Act

- Financial and Government Audit Requirements
- National Environmental Policy Act (NEPA)
- DOJ Information Technology Standards (if applicable)
- Single Point of Contact Review
- Non-Supplanting of State or Local Funds
- Criminal Penalty for False Statements
- Compliance with [Office of Justice Programs Financial Guide](#)
- Suspension or Termination of Funding
- Nonprofit Organizations
- For-profit Organizations
- Government Performance and Results Act (GPRA)
- Rights in Intellectual Property
- Federal Funding Accountability and Transparency Act (FFATA) of 2006
- Awards in Excess of \$5,000,000 – Federal Taxes Certification Requirement
- Active CCR Registration

## **Provide Feedback to OJP on This Solicitation**

To assist OJP in improving its application and award processes, we encourage applicants to provide feedback on this solicitation, application submission process, and/or the application review/peer review process. Feedback can be provided to [OJPSolicitationFeedback@usdoj.gov](mailto:OJPSolicitationFeedback@usdoj.gov).

## **Application Checklist**

### **FY 2012 Wrongful Conviction Review Program**

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

#### **Eligibility Requirement:**

- Public or non-profit entity
- The federal amount requested is within the allowable limit of \$250,000

#### **What an Application Should Include:**

- Application for Federal Assistance (SF-424) (see page 12)
- Program Abstract (see page 12)
- Program Narrative\* (see page 12)
- Budget Detail Worksheet\* (see page 13)
- Budget Narrative\* (see page 13)
- Indirect Cost Rate Agreement (if applicable) (see page 13)
- Project Timeline (see page 14)
- Position Descriptions/Resumes (see page 14)
- Other Standard Forms as applicable, including (see page 14):
  - Accounting System and Financial Capability Questionnaire (if applicable)

\*These elements are the basic minimum requirements for applications. Applications that do not include these elements shall neither proceed to peer review nor receive further consideration by BJA.