

**U.S. Department of Justice**  
Office of Justice Programs  
*Office of Juvenile Justice and Delinquency Prevention*



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The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [Office of Juvenile Justice and Delinquency Prevention](#) (OJJDP) is seeking applications for funding under the Fiscal Year (FY) 2019 Title II Formula Grants Program. This program furthers the Department's mission by providing funding to the states to develop programs to address delinquency and improve the juvenile justice system.

## OJJDP FY 2019 Title II Formula Grants Program

### Year 2 of the 3-Year Plan

Deadline to Register in GMS for Category 1: September 24, 2018

**Category 1** (OJJDP-2019-14923): Eligibility Submissions Due: October 1, 2018

Deadline to Register in GMS for Category 2: February 15, 2019

**Category 2** (OJJDP-2019-14924): State Plan, Compliance Data, DMC Plan and Application Requirements Due: February 28, 2019

### Eligibility

Only the agency that the chief executive (e.g., the Governor) of each state designates is eligible to apply for these funds. Applicants that do not meet this criterion are ineligible to apply under this solicitation. **NOTE:** For the purposes of this solicitation, "youth" means any individual who is under juvenile court jurisdiction or is an age at which she or he could be subject to original juvenile court jurisdiction within the state. The terms "youth justice" and "juvenile justice" are used throughout this solicitation to remind us that this work concerns the lives and future of children and youth and is not solely concerned with agencies, systems, and professionals. Additionally, pursuant to the Juvenile Justice and Delinquency Prevention (JJDP) Act, at 34 U.S.C. § 11103(7), the term "state" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, and American Samoa.

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

### Deadline

Applicants must register in the OJP Grants Management System (GMS) at <https://grants.ojp.usdoj.gov/> prior to submitting an application under this solicitation. All applicants must register, even those that have previously registered in GMS. Select the "Apply Online" button associated with the solicitation title. All registrations for Category 1 are due by 8

p.m. eastern time (ET) on September 24, 2018. All registrations for Category 2 are due by 8 p.m. eastern time (ET) on February 15, 2019. Year 2 eligibility submissions are due by 8 p.m. ET on October 1, 2018. State plans, application requirements, and compliance submissions are due by 8 p.m. ET on February 28, 2019.

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

## Contact Information

For technical assistance with submitting an application, contact the Grants Management System Support Hotline at 888-549-9901, option 3, or via email at [GMS.HelpDesk@usdoj.gov](mailto:GMS.HelpDesk@usdoj.gov). The GMS Support Hotline operates 24 hours a day, 7 days a week, including on federal holidays.

An applicant that experiences unforeseen technical issues beyond its control that prevent it from submitting its application by the deadline must email the National Criminal Justice Reference Service Response Center (Response Center) at [grants@ncjrs.gov](mailto:grants@ncjrs.gov) **within 24 hours after the application deadline** to request approval to submit its application after the deadline. For information on reporting technical issues, see “Experiencing Unforeseen GMS Technical Issues” under [How to Apply](#) in [Section D. Application and Submission Information](#).

For assistance with any other requirements of this solicitation, contact the Response Center by telephone at 800-851-3420 or TTY: 301-240-6310 (hearing impaired only) or by email at [grants@ncjrs.gov](mailto:grants@ncjrs.gov). Response Center hours of operation are 10 a.m. to 6 p.m. ET, Monday through Friday, and 10 a.m. to 8 p.m. ET on the solicitation close date. General information on applying for OJJDP awards can be found at <https://www.ojjdp.gov/funding/funding.html>. Answers to frequently asked questions that may assist applicants are posted at <https://www.ojjdp.gov/grants/solicitations/FY2019/FAQ/TitleII.pdf>.

A solicitation webinar for applicants will be held on Monday, September 10, 2018, at 3 p.m. ET. This call will provide a detailed overview of the solicitation and allow an opportunity for interested applicants to ask questions. Preregistration is required for all participants. Register by clicking [here](#) and following the instructions. Due to the limited time, OJJDP encourages participants to review the solicitation and submit any questions they may have in advance and no later than September 6, 2018. Submit your questions to [grants@ncjrs.gov](mailto:grants@ncjrs.gov) with the subject as “Questions for OJJDP FY 2019 Title II Formula Grants Webinar.”

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Updated: September 19, 2018

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# OJJDP FY 2019 Title II Formula Grants Program CFDA #16.540

## A. Program Description

### Overview

The OJJDP FY 2019 Title II Formula Grants Program provides funding to support state and local efforts to plan, establish, operate, coordinate, and evaluate policies and projects, directly or through grants and contracts with public and private agencies, for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs, as well as justice system improvement efforts.

**Statutory Authority:** The Formula Grants Program is authorized under the JJDP Act of 1974, as amended, at 34 U.S.C. § 11131-11133. Pursuant to Part B of Title II of the JJDP Act, to receive formula grants, states must submit a plan for carrying out Formula Grants Program activities applicable to a 3-year period.

### Program-Specific Information

This announcement provides guidance for the FY 2019 update to the FY 2018 3-Year State Plan. It is not necessary to resubmit the FY 2018 approved 3-Year State Plan if there are no proposed changes being made. All required forms and sample documents can be located [here](#).

For FY 2019, the application process will consist of two steps, detailed in the two categories below:

**Category 1** (OJJDP-2019-14923): **Due October 1, 2018.** Each state should submit the following via [GMS](#):

- Year 2 Eligibility Assurances and Certifications form.
- State Advisory Group (SAG) roster.
- Compliance Plans and some Compliance Certifications (Training Certification and Compliance Plans and Resources Certification, where applicable).
- Budget - GMS requires a “budget document” to be included for application submission. This document does not have to be the proposed FY19 budget. The document you attach can be preliminary/estimated FY19 budget or submit your FY18 budget document as a “placeholder”. FY19 budgets will need to be submitted with Category 2 (see Category 2 requirements below).

Note: Applicants must register in GMS for Category 1 no later than 8 p.m. ET on September 24, 2018. Eligible applicants for Category 2 must register in GMS no later than 8 p.m. ET on February 15, 2019. States/territories will be notified of eligibility by December 31, 2018. Refer to the “How to Apply” section for details on GMS registration.

**Category 2** (OJJDP-2019-14924): **Due February 28, 2019.** Each state should submit the following:

- Via the online [OJJDP Compliance Reporting Tool](#) for the period **October 1, 2017, to September 30, 2018**.
  - State compliance data for DSO, Separation and Jail Removal core requirements of the JJDP Act<sup>1</sup> and any supporting documentation.
  - Compliance Monitoring Data Certification
  - Rural removal exception form, if applicable.
  - Disproportionate minority contact core requirement (DMC) plans and supporting documentation.
  
- Via GMS:
  - Any updates to the 3-Year State Plan with related narrative, or a statement indicating there are no changes to the 3-Year State Plan.
  - The FY 2019 budget.
  - State agency contact information.
  - Disclosure of Lobbying Activities Form.
  - Financial Management Questionnaire.
  - Disclosure of pending applications.
  - Request for waiver of pass-through requirement, if applicable.
  - Research and evaluation information, if applicable.

All required forms and sample documents can be located [here](#).

### Goals, Objectives, and Deliverables

The JJDP Act provides that the purpose of the Formula Grants Program is to assist state and local governments in addressing juvenile crime through effective programs for preventing juvenile delinquency and improving the juvenile justice system.

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

### Overview of Plan Requirements

3-Year State Plan updates should:

1. Demonstrate that the state satisfies **the 28 statutory requirements** listed in 34 U.S.C. § 11133(a), including the requirement to provide data and documentation to demonstrate compliance with the four core requirements of the JJDP Act and the adequacy of the state's compliance monitoring system.

Provide narrative for any programmatic changes to the 3-Year State Plan in accordance with the JJDP Act. The 3-year plan is only to be amended in the second and third years of the 3-year cycle **if** there are new programs, projects, and activities. If there are no changes, provide confirmation that no changes have occurred. In this case, a program narrative or resubmission of the FY 2018 State Plan is not required.

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<sup>1</sup> Refer to 34 U.S.C. § 11133(a)(11), (12), (13), and (22) and Formula Grants Program Areas – Budget and Project Identifier Summary Descriptions located [here](#) for a description of the four core requirements: deinstitutionalization of status offenders, separation, jail removal, and disproportionate minority contact.

2. States must submit compliance data reports and DMC plans, including any supporting documentation for **the period October 1, 2017, to September 30, 2018**, electronically to OJJDP's online compliance reporting tool **no later than February 28, 2019**. The Compliance Data Submission and DMC Plans document located [here](#) provides additional guidance.

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

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

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

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

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

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

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

## **B. Federal Award Information**

Information about FY 2019 state allocations will be available online [here](#). OJJDP will provide notification when the FY 2019 allocations are available online. For planning purposes, use the FY 2018 award amount, available online [here](#). For the award performance period, refer to the following chart:

<b>Funding Year</b>	<b>Budget Period</b>	<b>Period of Performance</b>
FY 2018	Oct. 1, 2018 to Sept. 30, 2022	Oct. 1, 2018 to Sept. 30, 2022
FY 2019	Oct. 1, 2019 to Sept. 30, 2023	Oct. 1, 2019 to Sept. 30, 2023
FY 2020	Oct. 1, 2020 to Sept. 30, 2024	Oct. 1, 2020 to Sept. 30, 2024

The FY 2019 and FY 2020 awards will be assigned new, separate grant award numbers, and a 4-year budget and period of performance from October 1, 2019 to September 30, 2023. States are to manage, monitor, and report on grant activities and programs under each grant award number.

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

A description of how OJJDP calculates the formula grant allocations may be found [here](#).

### **Type of Award**

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

### **Financial Management and System of Internal Controls**

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities<sup>2</sup>) must, as described in the Part 200 Uniform Requirements<sup>3</sup> as set out at 2 C.F.R. 200.303:

- a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that [the recipient (and any subrecipient)] is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States and the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.
- c) Evaluate and monitor [the recipient’s (and any subrecipient’s)] compliance with statutes, regulations, and the terms and conditions of Federal awards.

<sup>2</sup> For purposes of this solicitation, the phrase “pass-through entity” includes any recipient or subrecipient that provides a subaward (subgrant) to a subrecipient (subgrantee) to carry out part of the funded award or program. Additional information on proposed subawards is listed under [What an Application Should Include](#), Section D of this solicitation.

<sup>3</sup> The “Part 200 Uniform Requirements” means the DOJ regulation at 2 C.F.R. Part 2800, which adopts (with certain modifications) the provisions of 2 C.F.R. Part 200.

- d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or [the recipient (or any subrecipient)] considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

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

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

### **Budget Information**

See the Budget section on page 14 for details, and for the format to use to submit your budget as part of Category 2, sample documents can be located [here](#).

### **Cost Sharing or Match Requirement**

This program does require a match. For information on cost sharing or match requirements, see Budget and Associated Documentation, page 14.

### **Preagreement Costs** (also known as Preaward Costs)

Preagreement costs are costs incurred by the applicant prior to the start date of the period of performance of the grant award.

OJP does **not** typically approve preagreement costs; an applicant must request and obtain the prior written approval of OJP for all such costs. All such costs incurred prior to award and prior to approval of the costs are incurred at the sole risk of the applicant. (Generally, no applicant should incur project costs *before* submitting an application requesting federal funding for those costs.) Should there be extenuating circumstances that make it appropriate for OJP to consider approving preagreement costs, the applicant may contact the point of contact listed on the title page of this solicitation for the requirements concerning written requests for approval. If approved in advance by OJP, award funds may be used for preagreement costs, consistent with the recipient's approved budget and applicable cost principles. See the section on Costs Requiring Prior Approval in the DOJ Grants Financial Guide at <https://ojp.gov/financialguide/DOJ/index.htm> for more information.

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

OJP strongly encourages every applicant that proposes to use award funds for any conference-, meeting-, or training-related activity (or similar event) to review carefully—before submitting an



application—the OJP and DOJ policy and guidance on approval, planning, and reporting of such events, available at <https://ojp.gov/financialguide/doi/PostawardRequirements/chapter3.10a.htm>. OJP policy and guidance (1) encourage minimization of conference, meeting, and training costs; (2) require prior written approval (which may affect project timelines) of most conference, meeting, and training costs for cooperative agreement recipients, as well as some conference, meeting, and training costs for grant recipients; and (3) set cost limits, which include a general prohibition of all food and beverage costs.

### **Costs Associated With Language Assistance (if applicable)**

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

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

## **C. Eligibility Information**

For eligibility information, see the title page.

For information on cost sharing or match requirements, see Budget and Associated Documentation, page 14.

## **D. Application and Submission Information**

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

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

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

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

## 1. Application for Federal Assistance (SF-424)

The SF-424 is a required standard form used as a cover sheet for submission of preapplications, applications, and related information. GMS takes information from the applicant's profile to populate the fields on this form.

To avoid processing delays, an applicant must include an accurate legal name on its SF-424. On the SF-424, current OJP award recipients, when completing the field for "Legal Name" (box 5), should use the same legal name that appears on the prior year award document (which is also the legal name stored in OJP's financial system.) Also, current recipients should enter the Employer Identification Number (EIN) in box 6 exactly as it appears on the prior year award document. An applicant with a current, active award(s) must ensure that its GMS profile is current. If the profile is not current, the applicant should submit a Grant Adjustment Notice (GAN) updating the information on its GMS profile prior to applying under this solicitation.

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

**Intergovernmental Review:** This solicitation ("funding opportunity") is subject to [Executive Order 12372](#). An applicant may find the names and addresses of state Single Points of Contact (SPOCs) at the following website: <https://www.whitehouse.gov/wp-content/uploads/2017/11/Intergovernmental-Review-SPOC-01-2018-OFFM.pdf>. If the state appears on the SPOC list, the applicant must contact the state SPOC to find out about, and comply with, the state's process under E.O. 12372. In completing the SF-424, an applicant whose state appears on the SPOC list is to make the appropriate selection in response to question 16 once the applicant has complied with its state E.O. 12372 process. (An applicant whose state does not appear on the SPOC list should answer question 16 by selecting the response that the "Program is subject to E.O. 12372 but has not been selected by the state for review.")

## 2. Program Narrative

For FY 2019, OJJDP does not require states to resubmit a new 3-Year State Plan unless the state has proposed to make changes to their currently approved FY 2018 State Plan. If the state is proposing to make changes, the state should follow the instructions below.

The program narrative should be double-spaced with 1-inch margins, not exceeding 30 pages of 8½ by 11 inches, and use a standard 12-point font, preferably Times New Roman. Pages should be numbered "1 of 30," etc. The tables, charts, pictures, etc., including all captions, legends, keys, subtext, etc., may be single-spaced and will count in the 30-page limit. Material required under the Budget and Budget Narrative and Additional Attachments sections will not count toward the program narrative page count. Applicants may provide bibliographical references as a separate attachment that will not count toward the 30-page program narrative limit.

The following sections are to be included as part of the program narrative:<sup>4</sup>

**a. Description of the Issue**

**Analysis of juvenile delinquency problems (youth crime) and needs.** Based on the structure and operation of the state's juvenile justice system and as part of the 3-year planning process, states are required to provide an analysis of juvenile delinquency problems and control and prevention needs, including educational needs in their jurisdiction, to include any geographical area in which an American Indian tribe performs law enforcement functions.

The analysis is developed to inform the state's proposed plan. The plan is to include a description of the manner in which proposed activities and funded programs are expected to resolve the identified juvenile crime problems and juvenile justice and delinquency prevention needs, and to link identified problems and needs with the state's proposed budget, goals, and priorities.

The analysis is to be based on the most recent data available by county, parish, or city. Refer to the Juvenile Problem/Needs Analysis [here](#) for data elements informing the development of such an analysis.

- b. Goals and objectives.** Goals are broad statements that identify the proposed plan's intended short- and long-term results, are derived from the crime analysis, and respond to the identified needs and problems. Objectives are more specific, actionable, and quantifiable statements that further define each goal and specify the means to measure program performance.

In this section, (1) describe the state's goals and objectives, (2) indicate the priority ranking for each goal, and (3) briefly explain how the state proposes to accomplish them.

For each goal and all of its subsidiary objectives that the FY 2019 Title II award will fund, identify the relevant program area or areas using the list of OJJDP's program area codes and titles in the Formula Grants Program Areas [here](#). (Program areas are groups of projects or activities with common or similar goals and objectives.)

Link each goal and/or objective with the delinquency problem/need analysis.

- c. Implementation (activities and services).** In this section, states are to describe if there are any updates that include a new service, activity, or project category added to the approved 2018 3-year plan. The narrative should be specific and concrete in elaborating how the state will achieve the goals and objectives.

**3. Plans for Compliance (see the Compliance and DMC Plans document located [here](#) for more specific instructions and guidance).** States must submit their compliance plans, Training Certifications, and Compliance Plans and Resources Certifications (where

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<sup>4</sup> For information on subawards (including the details on proposed subawards that should be included in the application), see "Budget and Associated Documentation" under [Section D. Application and Submission Information](#).

applicable) in GMS as part of Category 1. DMC plans, the Compliance Monitoring Data Certifications, compliance data with any supporting documentation for **the period October 1, 2017, to September 30, 2018**, must be submitted electronically by February 28, 2019 to OJJDP's online compliance reporting tool as part of Category 2.<sup>5</sup>

4. **Additional Requirements.** Refer to the Year 2 Eligibility Assurances and Certifications checklist, to be submitted as part of Category 1, for specific information on how to meet Title II eligibility requirements.
5. **Plan for Collecting the Data Required for This Solicitation's Performance Measures** (Submit as part of Category 2 only if there are changes.)

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

Performance measures for this solicitation are listed in the [Performance Measures Table](#).

Applicants should visit OJP's performance measurement page at [www.ojp.gov/performance](http://www.ojp.gov/performance) for an overview of performance measurement activities at OJP.

In this section, the application should demonstrate the applicant's understanding of the performance data reporting requirements for this grant program and detail how the applicant will gather the required data should it receive funding. For the FY 2019 update year, this information is only required if there are changes to this section of the state's FY 2018 3-Year Plan.

Beginning with the October 1, 2016 to September 30, 2017 data collection period, states must collect and report data on the mandatory performance measures for each applicable program area for each year of the award period through the performance measurement tool. Although not required, states may collect and report on nonmandatory measures, if they choose.

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

#### **Note on Project Evaluations**

An applicant that proposes to use award funds through this solicitation to conduct project evaluations should be aware that certain project evaluations (such as systematic investigations designed to develop or contribute to generalizable knowledge) may constitute "research" for purposes of applicable DOJ human subjects protection regulations. However, project evaluations that are intended only to generate internal improvements to a program or service, or are conducted only to meet OJP's performance measure data reporting

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<sup>5</sup> States may request an extension for one additional month—to March 29, 2019,—only if they can show extenuating circumstances that justify the extension.

requirements, likely do not constitute “research.” Each applicant should provide sufficient information for OJP to determine whether the particular project it proposes would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ regulatory definition of research that appears at 28 C.F.R. Part 46 (“Protection of Human Subjects”).

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

For additional information on determining whether a proposed activity would constitute research for purposes of human subjects protection, applicants should consult the decision tree in the “Research and the protection of human subjects” section of the "Requirements related to Research" webpage, available through the OJP Funding Resource Center at <https://ojp.gov/funding/Explore/LegalOverview/index.htm>. Every prospective applicant whose application may propose a research or statistical component also should review the “Data Privacy and Confidentiality Requirements” section on that webpage.

## 6. Budget and Associated Documentation (Submit as part of Category 2)

See sample budget documents located [here](#) for the format to use to submit your budget as part of Category 2.

Applicants are to present total federal funds the state plans to use in each program area from its Formula Grants allocation, along with any expected state, local, or private funds used to support the match:

### **Fiscal Year 2019   Formula Grant Funds (\$)   State/Local Funds (\$)   Total (\$)**

Applicants are to provide a budget that (1) is complete, allowable, and cost effective in relation to the proposed activities and (2) provides a brief supporting narrative to link costs with project activities. The budget for this new award should account for the 4-year budget period of October 1, 2019 to September 30, 2023.

### **Important Notes**

**Subawards.** The JJDP Act, at 34 U.S.C. § 11133(a)(5), provides that unless the OJJDP Administrator grants a waiver to any state in which the services for delinquent or other youth are organized primarily on a statewide basis, the state plan must provide that at least 66 and 2/3 percent of funds that the state receives under 34 U.S.C. § 11132, reduced by the percentage (if any) that the state specifies under 34 U.S.C. § 11133(a)(25) and excluding funds made available to the SAG under 34 U.S.C. § 11132, shall be expended through subawards as required in section 223(a)(5). Refer to the waiver requirements document located [here](#) for details.

**Planning and administration funds and match requirement.** Pursuant to the JJDP Act at 34 U.S.C. § 11132(c), states may use no more than 10 percent of their Formula Grant allocation for planning and administration. States that choose to use funds in this manner must indicate that choice in their state plans and attached budgets and provide a detailed breakdown of those costs. States must match, on an equal basis, any amount of federal funds that they expend or obligate for such purposes. States must identify the source of the match and how they will use match funds in their attached budget. States must satisfy this

match requirement with cash. If a state's proposed additional match exceeds the required match amount, the match amount that is incorporated into the OJP-approved budget is also mandatory and subject to audit.

**State Advisory Group allocation.** For planning and budget purposes, states may make as much as \$20,000 (5 percent of the minimum annual allocation to any state) of their annual allocations available to assist the SAG. Territories may allocate up to \$3,750 to assist the SAG.

**State allocations and program areas.** As required under the JJDP Act at 34 U.S.C. § 11133(c), OJJDP will reduce a state's FY 2019 allocation by 20 percent for each of the core requirements with which the state was determined not to be in compliance based on its FY 2018 compliance data. States should plan their FY 2019 expenditures using the FY 2018 allocations, reflecting any reductions that may be required based on the applicant's known or anticipated noncompliance with one or more of the core requirements. FY 2018 and, when available, FY 2019 allocations are located [here](#). The Formula Grants Program areas can be found [here](#).

**American Indian tribal pass-through.** The required amount of the American Indian tribal pass-through represents the minimum amount a state must pass through to tribes that perform law enforcement functions as determined by the Secretary of the Interior, and that agree to attempt to comply with the provisions of the JJDP Act at 34 U.S.C. §§ 11133(a)(11), (12), and (13) (the deinstitutionalization of status offenders (DSO), separation, and jail removal requirements). Although this amount is based on a statutory formula, in many instances it may be insufficient to support effective juvenile justice and delinquency prevention activities. Therefore, where appropriate, OJJDP encourages the states to pass through greater amounts. In addition, OJJDP advises states to encourage tribes to apply for a discretionary grant under OJP's Coordinated Tribal Assistance Solicitation. FY 2019 state pass-through amounts will be posted online [here](#) when available. OJJDP will notify the state juvenile justice specialists at that time. For reference, the prior year American Indian tribal pass-through amount is available [here](#).

**Align application budget and GMS Project Information screen.** Total costs that the state specifies in its complete budget must match the amount it provides in the "Estimated Funding" section of the "Project Information" screen in GMS. All funds listed in the budget will be subject to audit.

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

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

This attachment should include the amount the state has budgeted for each program area it has identified to receive FY 2019 Formula Grant funds. See sample budget documents located [here](#) for the format to use to submit your budget. All applicants are to submit a budget as part of Category 2. FY 2019 state allocations will be posted online [here](#) when available.

OJJDP will provide notification of the state allocation chart when available. For planning and budget submission purposes, use the FY 2018 allocations, located [here](#). Funds allocated for planning and administration and the match requirement, the SAG, and the American Indian

tribal pass-through (where applicable) are required line items OJP expects proposed budgets to be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities).

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

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

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

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

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

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

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

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

## 1. Information on proposed subawards

A recipient of an OJP award may not make subawards ("subgrants") unless the recipient has specific federal authorization to do so. Unless an applicable statute or DOJ regulation specifically authorizes (or requires) subawards, a recipient must have authorization from OJP before it may make a subaward. **In the case of Title II Formula Grant funds, the JJDP Act requires subawards; therefore, additional approval will generally not be needed.**

A particular subaward may be authorized by OJP because the recipient included a sufficiently detailed description and justification of the proposed subaward in the Program Narrative, Budget Detail Worksheet, and Budget Narrative as approved by OJP. If, however, a particular subaward is not authorized by federal statute or regulation, and is not approved by OJP, the recipient will be required, post-award, to request and obtain written authorization from OJP before it may make the subaward.

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

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

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

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



include a detailed justification that explains to OJP why, in the particular circumstances, it is appropriate to proceed without competition.

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

### c. Preagreement Costs

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

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

Indirect costs may be charged to an award only if:

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

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

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

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

## **8. Financial Management and System of Internal Controls Questionnaire (including applicant disclosure of high-risk status) (Submit as part of Category 2)**

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

systems, and the associated potential risks of an applicant as part of the preaward risk assessment process.

The questionnaire should only be completed by financial staff most familiar with the applicant's systems, policies, and procedures in order to ensure that the correct responses are recorded and submitted to OJP. The responses on the questionnaire directly impact the preaward risk assessment and should accurately reflect the applicant's financial management and internal controls system at the time of the application. The preaward risk assessment is only one of multiple factors and criteria used in determining funding. However, a preaward risk assessment that indicates that an applicant poses a higher risk to OJP may affect the funding decision and/or result in additional reporting requirements, monitoring, special conditions, withholding of award funds, or other additional award requirements.

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

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

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

## **9. Disclosure of Lobbying Activities (Submit as part of Category 2)**

Each applicant must complete and submit this information. An applicant that expends any funds for lobbying activities is to provide all of the information requested on the form Disclosure of Lobbying Activities (SF-LLL) at

<https://ojp.gov/funding/Apply/Resources/Disclosure.pdf>. An applicant that does not expend any funds for lobbying activities is to enter “N/A” in the text boxes for item 10 (“a. Name and Address of Lobbying Registrant” and “b. Individuals Performing Services”).

**Important note:** Funds allocated to the SAG under section 222(d) may support recommendations to the chief executive officer and state legislature regarding compliance with DSO, separation, and jail removal.

**10. Additional Attachments**

All required forms, additional documents and sample documents can be located [here](#).

**a. Applicant Disclosure of Pending Applications (Submit as part of Category 2)**

Each applicant is to disclose whether it has (or is proposed as a subrecipient under) any pending applications for federally funded grants or cooperative agreements that (1) include requests for funding to support the same project being proposed in the application under this solicitation and (2) would cover all identical cost items outlined in the budget submitted to OJP as part of the application under this solicitation. The applicant is to disclose applications made directly to federal awarding agencies, and also applications for subawards of federal funds (e.g., applications to state agencies that will subaward (“subgrant”) federal funds).

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

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

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

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

Each applicant should include the table as a separate attachment to its application. The file should be named “Disclosure of Pending Applications.” The applicant’s legal name

on the application must match the entity named on the disclosure of pending applications statement.

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

**b. Research and Evaluation Independence and Integrity (Submit as part of Category 2 only if applicable)**

If an application involves research (including research and development) and/or evaluation, the applicant must demonstrate research/evaluation independence and integrity, including appropriate safeguards, before it may receive award funds. The applicant must demonstrate independence and integrity regarding both this proposed research and/or evaluation, and any current or prior related projects.

Each application should include an attachment that addresses **both** i. and ii. below.

- i. For purposes of this solicitation, each applicant is to document research and evaluation independence and integrity by including one of the following two items:
  - a. A specific assurance that the applicant has reviewed its application to identify any actual or potential apparent conflicts of interest (including through review of pertinent information on the principal investigator, any coprincipal investigators, and any subrecipients), and that the applicant has identified no such conflicts of interest—whether personal or financial or organizational (including on the part of the applicant entity or on the part of staff, investigators, or subrecipients)—that could affect the independence or integrity of the research, including the design, conduct, and reporting of the research.

OR

- b. A specific description of actual or potential apparent conflicts of interest that the applicant has identified—including through review of pertinent information on the principal investigator, any coprincipal investigators, and any subrecipients—that could affect the independence or integrity of the research, including the design, conduct, or reporting of the research. These conflicts may be personal (e.g., on the part of investigators or other staff), financial, or organizational (related to the applicant or any subrecipient entity). Some examples of potential investigator (or other personal) conflict situations are those in which an investigator would be in a position to evaluate a spouse’s work product (actual conflict), or an investigator would be in a position to evaluate the work of a former or





















