



## 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

### Request for Proposals

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

Established to streamline justice funding and grant administration, the JAG Program allows states, tribes, and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions.

Registration is required in [Intelligrants](#) in order to access the electronic application.

Applications must be submitted via Egrants on or before

**12:00 P.M. EDT (noon) November 6, 2018.**

Applicants are strongly encouraged to submit applications 72 hours prior to the deadline.

**Several changes have been made to the solicitation from previous years. Please be sure to review the application in its entirety before completing. This includes the elimination of JAG Continuation funding for programs after 5 years.**

Late or incomplete applications will not be accepted.

Award Period: January 1, 2019 – December 31, 2019

For technical assistance with submitting an application, contact your grant manager or the Help Desk at [CJIHelpdesk@cji.in.gov](mailto:CJIHelpdesk@cji.in.gov).

ICJI is not responsible for technical issues with grant submission within 24 hours of grant deadline.

For assistance with any other requirements of this solicitation, please contact:

Leann Jagers [LeJagers@cji.in.gov](mailto:LeJagers@cji.in.gov) or Terrie Grantham [TGrantham@cji.IN.gov](mailto:TGrantham@cji.IN.gov)

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## PURPOSE OF THE GRANT

The JAG Program provides reimbursement-based funding to assist state and units of local government in developing and implementing programs, activities, and technologies to prevent and control crime and improve the criminal justice system resulting in a lasting impact for the state of Indiana.

### JAG Purpose Areas

As designated by the federal granting agency and ICJI, JAG funds may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, and criminal justice related research and evaluation activities that will improve or enhance:

1. Law enforcement programs
2. Prosecution, and court programs
3. Prevention and education programs
4. Corrections and community corrections programs
5. Drug treatment and enforcement programs
6. Planning, evaluation, and technology improvement programs
7. Mental Health programs related to law enforcement and corrections

### Priority Areas

Applications for funding should fall into one of the 2018 JAG funding priority areas. Priority funding consideration will be given to programs, which meet and highlight the identified priorities listed below. Additional points can be awarded to proposals that specifically comply with a priority funding area and demonstrate evidence-based practices.

1. Officer Safety & Wellness
2. Reducing Gun Violence
3. Collaborative Prosecution

In addition to the JAG purpose areas, ICJI understands the need for innovation and the adoption of evidence-based practices for programs within all areas of the criminal justice system. ICJI will prioritize new and innovative programs established to impact identifiable public safety problem(s), utilizing evidence-based solutions, which include data to achieve the desired outcome. To be considered a data-driven program, the ICJI will seek programs that contain three main characteristics: (1) the problem has been identified using data; (2) the solution will be driven by data analysis/research; and (3) the program success will be measured by evaluating the outcomes.

## ELIGIBILITY REQUIREMENTS

State agencies, units of local government, and units of tribal governments are eligible to apply for JAG program funds. A local unit of government is defined as: a city, county, town, township, or other general purpose political subdivision of a state; any law enforcement district or judicial enforcement district that is established under applicable state law and has authority to, in a manner independent of other state

entities, establish a budget and impose taxes; and includes Indian tribes which perform law enforcement functions as determined by the Secretary of the Interior. A city or county jurisdiction must be the recipient on behalf of city and county departments.

Additionally, all applicants awarded a grant from ICJI must agree to the following:

1. **Certify compliance with 8 U.S.C. § 1373<sup>1</sup>**
2. Agree to abide by all provisions of the grant agreement
3. Agree to abide by all Special Conditions detailed in ICJI Certified Assurances and Special Conditions.
4. Submit all reports in the prescribed format and time frames as determined by ICJI.
5. Submit quarterly performance measures as listed in the Special Conditions provided upon approval of the proposal.
6. Comply with federal guidelines contained in 2 C.F.R Part 200 and the [DOJ Financial Guide](#)
7. Submit any and all data related to Uniform Crime Reporting (UCR) under IC 5-2-6-10.5. In addition, upon request, the grantee shall submit the same to the State of Indiana.

### Deadlines: Registration and Application

Applications will be submitted through [Intelligrants](#) by 12:00 P.M. EDT (noon) November 6, 2018. **No late or incomplete applications will be considered for funding.**

Everything from the grant application, reporting and fiscal draw downs will occur online within Intelligrants. The registration process can be started by visiting [Intelligrants](#) and clicking on the “New user?” link.

**Applicants must be registered in Intelligrants in order to access the online application. Registration may take several days for first time registrants.** Failure to register will prevent applicants from accessing the system. ICJI recommends early registration in order to become familiar with the system. This will prevent delays with application submission. ICJI is not responsible for applicants who fail to submit a timely application due to technical difficulties that occur within 24 hours of the deadline. Late applications or applications submitted through any means other than Intelligrants will not be considered for funding.

### Match Requirements

The match requirement for first-year and second-year applicants will be waived. All other programs must follow the match schedule listed below. In an effort to provide funding to new programming, the Indiana Criminal Justice Institute’s Board of Trustees has eliminated funding for continuation programs beyond 5 years.

3rd year – 25% match

4th year – 50% match

5th year – 75% match

6<sup>th</sup> year – Ineligible for JAG funds

Federal funds awarded to sub-recipients may not cover more than the total cost of the project less the match amount designated above. The applicant must identify the source of the non-federal portion of the total project costs. The applicant must explain how the match funds will be used in the budget narrative

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<sup>1</sup> Compliance with 8 U.S.C §1373 is currently being reviewed by the US Courts and may not be a requirement when funding is released.

section of the application. If a successful applicant's proposed match exceeds the required match amount, the match amount in the approved budget is mandatory and subject to audit. Additionally, match is restricted to the same uses as those allowed for federal funds. Applicants may satisfy the match requirement with cash, in-kind services, or program income funds. The formula for calculating match is:

$(\text{Total Federal Funds Requested} / \text{Federal Percentage}) - \text{Federal Funds Requested} = \text{Sub grantee Required Match}$

The total project cost will equal the "Federal Funds Requested" plus the "Sub grantee Required Match".

Example:

A sub grantee is requesting \$100,000 in federal funds and is required to match 75 percent.

$(\$100,000 / 0.25) - \$100,000 = \$300,000$

Total Project Cost:  $\$100,000 + \$300,000 = \$400,000$

## AWARD PERIOD

The award period for the 2019 JAG grant shall be January 1, 2019 – December 31, 2019. Projects should begin on January 1, 2019 and must be in operation no later than 45 days after January 1, 2019. Failure to have the funded project operational within the time allotted may result in the cancellation of the grant and de-obligation of awarded funds. Projects must conclude no later than December 31, 2018. Funding obligations must be made prior to December 31, 2019, project income must be spent, all outstanding expenses must be paid and the Final Financial Report submitted via Intelligrants within 45 days from December 31, 2019 (grant end date). **All program activity must be completed by the end of the approved award period.**

**\*\*\*This includes but is not limited to a program awarded funding for the purchase and utilization of equipment. All grant funded equipment must be purchased, installed, and operational by the end of the award period. Ordering of equipment by the grant end date (without it being installed and operational) will result in the awarding agency not providing reimbursement of purchased items. Additionally, the state will not approve extension requests solely for this purpose and the subrecipient will be required to deobligate any related funds.**

### Selection Process and Award Notification

ICJI staff will conduct an initial screening of the proposal to check for completeness of the application. ICJI staff conducts a risk assessment of all applicants; the proposed applications will be scored and eligible applications will be presented to the Drug and Crime Subcommittee of the ICJI Board of Trustees for consideration. **Incomplete applications will not be scored or considered for review.** The subcommittee will make recommendations for funding and present recommendations to the ICJI Board of Trustees.

## Reporting and Monitoring Requirements

JAG subgrantees are required to submit quarterly programmatic reports via the Bureau of Justice Assistance's Performance Measurement Tool (PMT). Additional information and assistance on the updated measures may be found at the [BJA PMT website](#).

Additional quarterly performance measures, narrative reports, and financial reports should be submitted as directed in Intelligrants. To validate requests for reimbursement, supporting documents must be included for the reported expenses, to demonstrate "proof of payment" and the details of the expense. **Details of the expense to include "proof of payment" may consist of but is not limited to the following items:**

- **Copies of timesheets**
- **Invoices**
- **Employee paystubs**
- **Detailed Ledger sheets**
- **Canceled checks**

## SPECIFIC REQUIREMENTS BY PROGRAM TYPE

### Evidence-Based Programming

Programs that identify as being evidence-based and/or a promising practice should provide data related to the program it is seeking to replicate. ICJI considers a program and/or practice to be evidence-based, promising or a best practice when:

1. The program or practice has been evaluated and the findings published in an academic, peer-reviewed journal(s) (i.e. *Punishment & Society*, *Psychology*, *Crime & Law*, etc.) demonstrating positive results; or,
2. Effectiveness of the program or practice has been demonstrated by causal evidence (generally obtained through one or more outcome evaluations); or,
3. The program or practice can be found on a list or registry of evaluated programs and practices (i.e. [Crime Solutions](#), NREPP.SAMHSA.gov, George Mason University's Center for Evidence-Based Crime Policy: <http://gemini.gmu.edu/cebcp/>, etc.) and is categorized as evidence-based, effective, promising, a model practice, or a best practice.

### Information Sharing

Programs and plans considering information sharing should be familiar with the [Global Criminal Justice Information Sharing Standards](#). In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, ICJI requires the applicant to comply with DOJ's Global Justice Information Sharing Initiative guidelines and recommendations for this award. Applicants must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described in the [Global Standards Package Grant Condition](#). Recipients must document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

### Multi-Jurisdictional Task Forces (MJTF)

- A program that integrates a minimum of three agencies in at least two Indiana counties, or the integration of at least two county task forces which show collaboration with state and federal law enforcement agencies for the purpose of enhancing interagency coordination, intelligence, and facilitating multi-jurisdictional investigations.
- Detail a comprehensive strategy that includes undercover investigation, direction, and control of confidential informants, drug interdiction efforts, and prosecutorial support.
- Attach copies of policies and procedures concerning task force asset forfeitures and program income.
- Ensure Task force members' required training is complete
- A memorandum of understanding between all participating agencies must be submitted to ICJI with the first quarter reports.

### Technology/Equipment Improvements

- Body Worn Cameras: Copy of the agency's [Body Worn Camera Certification](#).
- Bullet Proof Vest: Copy of the agency's [Body Armor Certification](#).

### Confidential Funds

- Applications requesting confidential funds must read and comply with the requirements set forth in the DOJ Financial Guide. Additionally, all applications including a request for confidential funds must provide the [Confidential Fund Certification](#).

### DNA Testing Programs

- If JAG funds are used for DNA testing of evidentiary materials, any resulting eligible profiles must be uploaded to the Combined DNA Index System (CODIS) by a government DNA lab with access to CODIS. No profiles generated with JAG funds may be entered into any other nongovernmental DNA database.

### Problem Solving Court Programs

Court programs seeking JAG funding should provide the following at the time of application:

- Copy of Certification as an Indiana Problem Solving Court.
- Policies and procedures related to operation of the program.
- The schedule for fees charged to participants.
- Copy of all agreements with service providers working with the court. This is not to be limited to only treatment providers, but should include those providing education services, job enhancement skills, individual/family behavioral counseling, etc.

### Conference Costs

Any approved conferences or trainings must abide by the Office of Justice Programs policy on conference costs, including related expenses for lodging and transportation. Visit the [DOJ Financial Guide](#) for the most updated and current eligible conference information, as cost limitations are dependent upon overall cost and costs per attendee.

## Contracts & Consultants

When a sub-grantee contracts for work or services, the following is required:

1. Follow Indiana procurement procedures located at <http://www.in.gov/idoa/2354.htm>.
2. All consultant and contractual services shall include written contracts stating the services to be performed, rate of compensation, and length of time over which the services will be provided. This shall not exceed the length of the grant contract period.
3. A copy of all written contracts shall be attached in Intelligrants upon their ratification.
4. Payments shall be supported by statements outlining the services rendered and supporting the period covered.

**Any consultant costs exceeding those allowable by the OJP Financial Guide (maximum of \$81.25 per hour or \$650 per day) must be approved by ICJI prior to the start of the grant.** Applicants must provide an explanation and documentation of costs exceeding the allowable rates.

## INELIGIBLE ACTIVITIES AND BUDGET ITEMS

1. Food and/or beverages
2. Lobbying
3. Fundraising activities
4. Weapons and/or accessories
5. Vehicles
6. Fuel
7. Ammunition (lethal or less-lethal)
8. Electronic Immobilization Devices ("EID")
9. Construction or renovation costs
10. Acquisition cost of real estate property
11. Military type equipment
12. Repair and maintenance for equipment obtained through the DoD program
13. Canines and related expenses
14. Restitution payments
15. Fines and penalties
16. Entertainment expenses
17. Bonuses or commissions
18. Calculation and reimbursement for mileage, per diem, and lodging cannot exceed state rates. Check with the Indiana Department of Administration at <http://www.in.gov/idoa/>
19. Daily subsistence within the targeted service area (daily subsistence can only be requested if travel occurs outside the targeted service area and in accordance with such rules established by the Indiana Department of Administration)
20. First Class travel
21. Pre-agreement costs
22. Rental costs are limited to fair market value for similar facilities in your locality. Rental rates in excess of this amount will need special approval
23. Funds may not be expended or obligated prior to January 1, 2019

## Supplanting

Federal funds must be used to supplement existing funds for program activities and cannot replace or supplant nonfederal funds that have been appropriated for the same purpose.

## APPENDIX A. ATTACHMENTS

This section is available for mandatory and supplemental documentation.

Applicants must provide:

- a. Most recent agency audit summary
- b. Equal Employment Opportunity Certification (EEOP) [EEOP Certification](#)

Applicants must provide (if applicable):

- a. Memorandum of Understanding (MOU) - A MOU must exist between all agencies involved in a multi-jurisdictional task force (MJTF) to include guidance on task force asset forfeitures and program income
- b. Information Sharing/Interoperable Communication (see [Information Sharing](#))
- c. Mandatory Wear Policy (see [Technology/Equipment Improvements](#))
- d. Body Worn Camera Policy Certification (see [Technology/Equipment Improvements](#))
- e. Problem Solving Courts
  - Copy of Certification as an Indiana Problem Solving Court.
  - Policies and procedures related to operation of the Problem Solving Court
  - The schedule for fees charged participants of the program.
  - Copy of all agreements with service providers working with the court. This is not to be limited to only treatment providers, but should include those providing education services, job enhancement skills, individual/family behavioral counseling, etc.
- f. Certifications
- g. Job Descriptions of proposed employees
- h. Equipment estimates/quotes
- i. Agency's travel policy if stricter than the State of Indiana's. If a travel policy is not attached, the State travel policy will be followed.
- j. Local (direct) JAG awards received by your agency
- k. Contracts/Consultant Agreements - Any program that has contractual or consultant fees included in their budget must attach a copy of the contract/consultant agreement. All contracts/agreements and MOUs must contain a date range for services that covers the project period of the grant, a list of deliverables and expectations, and signatures from all parties. If the above documents are required for your grant, they should be attached in the first quarter report. Should the above documents not be completed by the end of the first quarter, an explanation as to why they are not completed should be included in your JAG Narrative Section. If at any time during the grant period these documents are revised, please include an updated copy of the document in the attachments section.

## APPENDIX B. APPLICABLE LAW AND MANDATORY REQUIREMENTS

### General

This award is governed by 2 C.F.R. Part 200 and the 2015 DOJ Grants Financial Guide. All applicants must adhere to all provisions set forth in federal and state statute, regulation, or rule. Failure to abide by the federal and state mandates may, at the discretion of the State, be considered to be a material breach. The consequences of a material breach include, but are not limited, to:

- The Applicant becoming ineligible for this grant funding opportunity;
- Requiring repayment of any grant funds already received;
- The de-obligation of grant funds; and
- The material breach becoming a factor in the scoring process for future grant applications.

Furthermore, the Applicant may not obligate, expend or draw down grant funds until the Federal Office of the Chief Financial Officer notifies the State that the grant has been awarded to Indiana. The State shall not reimburse an Applicant for expenditures outside the grant period of performance.

Pursuant to 2 C.F.R. Part 200, all applicants are required to establish and maintain grant accounting systems and financial records to accurately account for funds awarded to them.

The Applicant understands and agrees that it cannot use federal funds from different funding sources for one or more of the identical cost items, in whole or in part. If this scenario presents itself, the Applicant must contact the ICJI program manager in writing and refrain from the expenditure, obligation, or draw down of any federal funds awarded from ICJI concerning the identical cost items.

### Civil Rights Laws and Requirements

Recipients of federal grants are required to adhere to all federal and state laws concerning civil rights including, but not limited to, the laws set forth below.

#### ➤ **Nondiscrimination.**

Pursuant to the Indiana Civil Rights Law, specifically including IC §22-9-1-10, and in keeping with the purposes of the federal Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act, the Applicant covenants that it shall not discriminate against any employee or applicant for employment relating to this grant with respect to the hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of the employee or applicant's race, color, national origin, religion, sex, age, disability, ancestry, status as a veteran, or any other characteristic protected by federal, state, or local law ("Protected Characteristics"). Furthermore, Applicant certifies compliance with applicable federal laws, regulations, and executive orders prohibiting discrimination based on the Protected Characteristics in the provision of services.

Applicant covenants that it shall not discriminate against any individual based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity as outlined in the Violence Against Women Act Reauthorization Act of 2013.

The Applicant understands that the State is a recipient of federal funds, and therefore, where applicable, Applicant and any subcontractors shall comply with requisite affirmative action requirements, including reporting, pursuant to 41 C.F.R. Chapter 60, as amended, and Section 202 of Executive Order 11246 as amended by Executive Order 13672.

➤ **Services to Limited English Proficiency (LEP) Individuals.**

In accordance with Department of Justice (DOJ) guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41, 455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <http://www.lep.gov>.

➤ **Ensuring Equal Treatment for Faith-Based Organizations.**

Faith-based organizations are prohibited from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by this grant, and recipients cannot compel beneficiaries to participate in these activities. The Equal Treatment Regulation also makes it clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of the beneficiary's religion. For more information on the regulation, please see the Office of Civil Right's (OCR) website at [http://www.ojp.usdoj.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm).

Faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789(c); the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5672(b); and the Violence Against Women Act Reauthorization Act of 2013, Pub. L. no. 113-4, sec. 3(b)(4), 127 Stat. 54, 61-62 (to be codified at 42 U.S.C. § 13925(b)(13)) contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funding while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

➤ **Using Arrest and Conviction Records in Making Employment Decisions.**

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at [http://www.ojp.usdoj//about/ocr/pdfs/UseofConviction\\_Advisory.pdf](http://www.ojp.usdoj//about/ocr/pdfs/UseofConviction_Advisory.pdf). Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or

national origin, resulting in unlawful employment discrimination. In light of the advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Opportunity Plans (EEOs).

➤ **Complying with the Safe Streets Act.**

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEO (see 28 C.F.R. pt.42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

➤ **Meeting the EEO Requirement.**

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEO requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and receives an award of \$25,000 or more, but less than \$500,000, and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEO Short Form), but it does not have to submit the report to the OCR for review. Instead, your organization has to maintain the Utilization Report on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and has received an award for \$500,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEO Short Form) and submit it to OCR for review within sixty days from the date of the award. For assistance in developing a Utilization Report, please consult the OCR's website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>. In addition, your organization has to complete Section C of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

To comply with the EEO requirements, you may request technical assistance from an EEO specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at [EEOsubmission@usdoj.gov](mailto:EEOsubmission@usdoj.gov).

➤ **Ensuring Access to Federally Assisted Programs.**

Federal laws that apply to recipients of federal grant awards prohibit discrimination on the basis of actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity in funded programs or activities, not only in employment but also in the delivery of services or benefits. Federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

➤ **Enforcing Civil Rights Laws.**

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful

discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

➤ **Meeting the Requirement to Submit Findings of Discrimination.**

If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to OCR. A copy must also be sent to the State.

**State Laws and Requirements**

Recipients of grant funds from the State are required to adhere to all state laws concerning the receipt and use of grant funds from federal and state funding sources. Those laws include, but are not limited to, the laws set forth below.

➤ **State Ethical Requirements.**

The Applicant and its agents shall abide by all ethical requirements that apply to persons who have a business relationship with the State as set forth in IC §4-2-6, *et seq.*, IC §4-2-7, *et seq.* and the regulations promulgated thereunder. If the Applicant has knowledge, or would have acquired knowledge with reasonable inquiry, that a state officer, employee, or special state appointee, as those terms are defined in IC § 4-2-6-1, has a financial interest in the grant, the Applicant shall ensure compliance with the disclosure requirements in IC § 4-2-6-10.5 prior to the execution of this grant. If the Applicant is not familiar with these ethical requirements, the Applicant should refer any questions to the Indiana State Ethics Commission or visit the Inspector General’s website at <http://www.in.gov/ig/>. If the Applicant or its agents violate any applicable ethical standards, the State may, in its sole discretion, terminate this grant immediately upon notice to the Applicant. In addition, the Applicant may be subject to penalties under IC §§4-2-6, 4-2-7, 35-44.1-1-4, and under any other applicable laws.

➤ **Indiana Secretary of State.**

Pursuant to Indiana Code Title 23, applicant must be properly registered and owes no outstanding reports to the Indiana Secretary of State.

➤ **Telephone Solicitation of Consumers; Automatic Dialing Solicitations.**

As required by Indiana Code §5-22-3-7,

(1) the Applicant and any principals of the Applicant certify that

(A) except for de minimis and nonsystematic violations, it has not violated the terms of:

(i) IC §24-4.7 [Telephone Solicitation Of Consumers];

(ii) IC §24-5-12 [Telephone Solicitations]; or

(iii) IC §24-5-14 [Regulation of Automatic Dialing Machines];

in the previous three hundred sixty-five (365) days, even if IC § 24-4.7 is preempted by federal law; and

(B) the Applicant will not violate the terms of IC §24-4.7 for the duration of this Grant Agreement, even if IC §24-4.7 is preempted by federal law.

(2)The Applicant and any principals of the Applicant certify that an affiliate or principal of the Applicant and any agent acting on behalf of the Applicant or on behalf of an affiliate or principal of the Applicant, except for de minimis and nonsystematic violations,

(A) has not violated the terms of IC §24-4.7 in the previous three hundred sixty-five (365) days, even if IC §24-4.7 is preempted by federal law; and

(B) will not violate the terms of IC §24-4.7 for the duration of the grant agreement even if IC §24-4.7 is preempted by federal law.

➤ **Drug-Free Workplace Certification.**

Applicant hereby covenants and agrees to make a good faith effort to provide and maintain a drug-free workplace as required by Executive Order 90-5, April 12, 1990. Executive Order 90-5 applies to all individuals and private legal entities who receive grants or contracts from State agencies. This clause was modified in 2005 to apply only to Contractor's employees within the State of Indiana and cannot be further modified, altered or changed. Applicant will give written notice to the State within ten (10) days after receiving actual notice that the Applicant, or an employee of the Applicant in the State of Indiana, has been convicted of a criminal drug violation occurring in the workplace. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of grant payments, termination of the grant and/or debarment of grant opportunities with the State of Indiana for up to three (3) years.

In addition to the provisions of the above paragraphs, if the total amount set forth in this Grant Agreement is in excess of \$25,000.00, the Applicant certifies and agrees that it will provide a drug-free workplace by:

A. Publishing and providing to all of its employees a statement notifying them that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violations of such prohibition; and

B. Establishing a drug-free awareness program to inform its employees of (1) the dangers of drug abuse in the workplace; (2) the Applicant's policy of maintaining a drug-free workplace; (3) any available drug counseling, rehabilitation, and employee assistance programs; and (4) the penalties that may be imposed upon an employee for drug abuse violations occurring in the workplace; and

C. Notifying all employees in the statement required by subparagraph (A) above that as a condition of continued employment the employee will (1) abide by the terms of the statement; and (2) notify the Applicant of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction; and

D. Notifying in writing the State within ten (10) days after receiving notice from an employee under subdivision (C)(2) above, or otherwise receiving actual notice of such conviction; and

E. Within thirty (30) days after receiving notice under subdivision (C)(2) above of a conviction, imposing the following sanctions or remedial measures on any employee who is convicted of drug abuse violations occurring in the workplace: (1) take appropriate personnel action against the employee, up to and including termination; or (2) require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency; and

F. Making a good faith effort to maintain a drug-free workplace through the implementation of subparagraphs (A) through (E) above.

➤ **Employment Eligibility Verification.**

As required by IC §22-5-1.7, the Applicant hereby swears or affirms under the penalties of perjury that:

- A. The Applicant has enrolled and is participating in the E-Verify program;
- B. The Applicant has provided documentation to the State that it has enrolled and is participating in the E-Verify program;
- C. The Applicant does not knowingly employ an unauthorized alien; and
- D. The Applicant shall require its contractors who perform work under this Grant Agreement to certify to Applicant that the contractor does not knowingly employ or contract with an unauthorized alien and that the contractor has enrolled and is participating in the E-Verify program. The Applicant shall maintain this certification throughout the duration of the term of a contract with a contractor.

The State may terminate for default if the Applicant fails to cure a breach of this provision no later than thirty (30) days after being notified by the State.

**Application Review**

Pursuant to 2 C.F.R. Part 200, the State will review and score all grant applications as part of the competitive bid process. The State will assess:

- The completeness of the grant application;
- The Applicant's eligibility
- The Project's eligibility;
- Whether the grant application, the Applicant, and the Project are in compliance with all federal and state laws, regulations, and rules;
- Whether the proposed expenditures set forth in the Project Budget are allowable and allocable;
- Any potential conflicts of interest;
- Whether the Applicant has any federal and/or state debt delinquency;
- The Applicant's ability to successfully pass clearance checks from the Indiana Department of Workforce Development, Indiana Department of Revenue, and Indiana Secretary of State;
- Any and all risk associated with granting funds to the Applicant;
- Whether the Applicant is debarred or suspended by any federal or state department or agency; and
- Whether the Applicant maintains a current registration in the SAM (System for Award Management) and has an active DUNS (DATA Universal Number Systems) number.

Any item, factor, or circumstance that would adversely affect or contribute to the adverse effect of the Applicant's fitness to successfully complete the Project must be reported to the State prior to or contemporaneous with the grant application. Those items would include, but are not limited to, federal or state debt; conflicts of interest; federal or state debarments or suspensions; current, pending or outstanding criminal, civil, or enforcement actions initiated by the State; and whether the Applicant has been designated as high risk

by any federal or state department or agency. If the Applicant has been designated as high risk, it must specifically disclose to the State:

- The federal or state agency that currently designated the Applicant as high risk.
- Date the Applicant was designed high risk.
- The high risk point of contact name, phone number, and email address, from the federal or state agency.
- Reason(s) for the high risk status.

The grant application shall include accurate and descriptive information detailing the Project thereby allowing the State to adequately assess and score the grant application. This documentation shall include, but is not limited to:

- The total budget for the Applicant's organization (including all sources of funds);
- Detailed information concerning Applicant's employees and/or contractors including, but not limited to, information regarding compensation, benefits, overtime, and travel.
- A sustainability plan detailing the Applicant's plan to succeed once the grant fund period expires;
- A timeline for the completion of the Project and/or expenditure of the grant funds; and
- Letters of endorsement evidencing community support for the (1) Applicant's program and mission and (1) value and need in its community.

### **Monitoring**

2 C.F.R. Part 200 sets forth monitoring requirements whereby the State must establish and carry out a process of assessing the progress of projects and programs that are funded, in whole or in part, by federal funds. This monitoring function measures both financial and programmatic progress. It also provides an opportunity for technical assistance to the Applicant, measures compliance, builds partnerships for success, and provides results based feedback to the Applicant. The State will monitor all grant awards via an ICJI Program Manager and/or ICJI Compliance Monitoring Team. As part of the monitoring process, the ICJI Program Manager will review all reports submitted by the Grantee for accuracy, timeliness, completeness, etc. The State will conduct on-site or off-site monitoring reviews of the Project during the term of the grant agreement and for up to three (3) years after it expires or is otherwise terminated. At the request of the State, any and all documentation related to the grant shall be provided at no cost. If the Applicant fails to cooperate with the State's monitoring process, the State may consider such non-cooperation as a material breach.

Delinquent, inaccurate, incomplete, or fraudulent reports will be addressed by ICJI. ICJI's remedies include, but are not limited to, identifying the Grantee as high risk, de-obligated funding, disqualification from future funding, and referral to the federal Office of Inspector General. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the State determines that the recipient is a high-risk Applicant or Grantee pursuant to 28 C.F.R. parts 66, 70.

### **Reporting**

Reporting requirements are included in both 2 C.F.R and 28 C.F.R. Reporting to the State shall be completed on a quarterly basis via Intelligrants. In addition, Applicant is required to submit quarterly reports via the Bureau of Justice Assistance's Performance Measurement Tool (PMT). Failure to submit any report in a timely fashion may be considered a material breach, at the discretion on the State.

The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs website at <http://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

### **Audit Requirements**

Pursuant to 2 C.F.R. Part 200, specifically, § 200.500 *et.seq*, recipients of federal funds are subject to annual audit requirements.

- A. *Audit required.* A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.
- B. *Single audit.* A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.
- C. *Program-specific audit election.* When an entity expends Federal awards under only one Federal program (excluding research and development) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the entity, the entity may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits. A program-specific audit may not be elected for research and development unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a subrecipient, approves in advance a program-specific audit.
- D. *Exemption when Federal awards expended are less than \$750,000.* A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).
- E. *Federally Funded Research and Development Centers (FFRDC).* Management of an entity that owns or operates a FFRDC may elect to treat the FFRDC as a separate entity for purposes of this part.
- F. *Subrecipients and Contractors.* An entity may simultaneously be a recipient, a subrecipient, and a contractor. Federal awards expended as a recipient or a subrecipient are subject to audit under this part. The payments received for goods or services provided as a contractor are not Federal awards. Section §200.330 Subrecipient and contractor determinations sets forth the considerations in

determining whether payments constitute a Federal award or a payment for goods or services provided as a contractor.

- G. *Compliance responsibility for contractors.* In most cases, the entity's compliance responsibility for contractors is only to ensure that the procurement, receipt, and payment for goods and services comply with Federal statutes, regulations, and the terms and conditions of Federal awards. Federal award compliance requirements normally do not pass through to contractors. However, the entity is responsible for ensuring compliance for procurement transactions, which are structured such that the contractor is responsible for program compliance or the contractor's records must be reviewed to determine program compliance. Also, when these procurement transactions relate to a major program, the scope of the audit must include determining whether these transactions are in compliance with Federal statutes, regulations, and the terms and conditions of Federal awards.
- H. *For-profit subrecipient.* Since this part does not apply to for-profit subrecipients, the pass-through entity is responsible for establishing requirements, as necessary, to ensure compliance by for-profit subrecipients. The agreement with the for-profit subrecipient must describe applicable compliance requirements and the for-profit subrecipient's compliance responsibility. Methods to ensure compliance for Federal awards made to for-profit subrecipients may include pre-award audits, monitoring during the agreement, and post-award audits. See also §200.331 Requirements for pass-through entities.

### **Grant Amendments, Modifications & Exemptions**

An amendment would include any modification to the grant agreement or any of its terms or conditions. Any amendment to the grant agreement must be submitted in writing and approved by the State prior to the implementation of the amendment. Amendments include, but are not limited to, changes to the Project Budget or scope of the Project, extensions to the period of performance, changes concerning an authorized official. Amendments require strong justification and supporting documentation. Furthermore, the amendment must comply with all federal and state laws, rules, and regulations.

If the Applicant wishes to seek an exemption to a federal or state law, regulation, or rule, such request must be submitted in writing and approved by the State prior to the Applicant obligating or expending any grant funds related to the desired exemption. For example, if the Applicant wishes to hire a consultant at a rate in excess of \$650 per day, a detailed justification must be submitted to and approved by the State prior to obligation or expenditure of such funds.

### **Unallowable Costs for all Federal Grants**

Federal law prohibits the use of federal funds from certain activities irrespective of the federal funding source or the specifics of the grant program. These prohibitions include:

- Lobbying, including attempts to influence legislation or the outcome of any federal, state, or local elections. Recent changes to the law have expanded the prohibition to any federally appropriated funding used, either directly or indirectly, to support the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government, without the express written approval of OJP. Violations of this prohibition are now subject to civil fines of up to \$100,000 per violation.

- Fundraising (including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions).
- The direct or indirect support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.

The Applicant understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of victims who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such victims.