

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance



FY 2022 National Training and Technical Assistance: Capital Case Litigation Initiative

Assistance Listing Number # 16.746
Grants.gov Opportunity Number: O-BJA-2022-171276
Solicitation Release Date: April 15, 2022 8:00 AM
Grants.gov Deadline: May 26, 2022 8:59 PM
Application JustGrants Deadline: May 31, 2022 8:59 PM

Overview

The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [Bureau of Justice Assistance](#) (BJA) seeks applications for funding for the Capital Case Litigation Initiative (CCLI). This program furthers the DOJ's mission by providing grants to enhance the ability of prosecutors to effectively represent the public in state capital cases and improve capital case litigation representation.

This solicitation incorporates the [OJP Grant Application Resource Guide](#) by reference. The OJP Grant Application Resource Guide provides guidance to applicants to prepare and submit applications to OJP for funding. **If this solicitation expressly modifies any provision in the OJP Grant Application Resource Guide, the applicant is to follow the guidelines in this solicitation as to that provision.**

Solicitation Categories

Competition ID	Category *	Number of Awards	Dollar Amount for Award	Performance Start Date	Performance Duration (Months)
C-BJA-2022-00086-PROD	Category 1: Prosecution-focused Training and Technical Assistance	1	\$1,000,000.00	10/1/22 12:00 AM	36
C-BJA-2022-00088-PROD	Category 2: Defense-focused Training and Technical Assistance	1	\$1,000,000.00	10/1/22 12:00 AM	36

Eligible Applicants:

For-profit organizations other than small businesses, Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education, Nonprofits that do not have a 501(c)(3) status with the IRS, other than institutions of higher education, Private institutions of higher education, Public and State controlled institutions of higher education, Other

Other

Other public or nonprofit organizations, for-profit entities that agree to forego any profit or management fees, and institutions of higher education that have experience and expertise in overseeing capital cases and providing training on death penalty cases. Applicants must also have experience in delivering training and technical assistance nationwide.

To advance Executive Order 13929 Safe Policing for Safe Communities, the Attorney General determined that all state,

local, and university or college law enforcement agencies must be certified by an approved independent credentialing body or have started the certification process, to be eligible for FY 2022 DOJ discretionary grant funding. To become certified, the law enforcement agency must meet two mandatory conditions: (1) the agency's use-of-force policies adhere to all applicable federal, state, and local laws and (2) the agency's use-of-force policies prohibit chokeholds except in situations where use of deadly force is allowed by law. The certification requirement also applies to law enforcement agencies receiving DOJ discretionary grant funding through a subaward. For detailed information on this certification requirement, please visit <https://cops.usdoj.gov/SafePolicingEO> to access the Standards for Certification on Safe Policing for Safe Communities, the Implementation Fact Sheet, and the List of Designated Independent Credentialing Bodies.

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

BJA welcomes applications under which two or more entities would carry out the federal award; however, only one entity may be the applicant. Any others must be proposed as subrecipients (subgrantees). For additional information on subawards, see the [OJP Grant Application Resource Guide](#).

Contact Information

For technical assistance with submitting the Application for Federal Assistance standard form (SF)-424 and a Disclosure of Lobbying Activities form (SF-LLL) in Grants.gov, contact the Grants.gov Customer Support Hotline at 800-518-4726, 606-545-5035, [Grants.gov Customer Support](#), or support@grants.gov. The Grants.gov Support Hotline operates 24 hours a day, 7 days a week, except on federal holidays.

For technical assistance with submitting the full application in DOJ's Justice Grants System (JustGrants), contact the JustGrants Service Desk at 833-872-5175 or JustGrants.Support@usdoj.gov. The JustGrants Service Desk operates 5 a.m. to 9 p.m. eastern time Monday-Friday and 9 a.m. to 5 p.m. Saturday, Sunday, and Federal holidays.

For assistance with any other requirements of this solicitation, contact the OJP Response Center by telephone at 800-851-3420 or TTY: 301-240-6310 (hearing impaired only), or by email at grants@ncjrs.gov. The OJP Response Center hours of operation are 10:00 a.m. to 6:00 p.m., eastern time Monday–Friday, and 10:00 a.m. to 8:00 p.m. on the solicitation closing date.

Submission Information

Applications will be submitted to DOJ in two steps:

Step 1: The applicant must submit by the Grants.gov deadline the required Application for Federal Assistance standard form (SF)-424 and a Disclosure of Lobbying Activities (SF-LLL) form when they register in Grants.gov at <https://www.grants.gov/web/grants/register.html>. To register in Grants.gov, the applicant will need to ensure that its System for Award Management (SAM) registration is current.

Step 2: The applicant must then submit the **full application**, including attachments, in JustGrants at JustGrants.usdoj.gov. To be considered timely, the full application must be submitted in JustGrants by the JustGrants application deadline. OJP encourages applicants to review the "How to Apply" section in the [OJP Grant Application Resource Guide](#) and the [JustGrants website](#) for more information, resources, and training.

Contents

Contact Information	2
Program Description	5
Overview	5
Statutory Authority	5
Specific Information	5
Goals, Objectives, Deliverables, and Timeline	6
Evidence-Based Programs or Practices	6
Information Regarding Potential Evaluation of Programs and Activities	7
OJP Priority Areas	7
Federal Award Information	7
Awards, Amounts and Durations	8
Continuation Funding Intent	8
Availability of Funds	8
Types of Awards	8
Financial Management and System of Internal Controls	8
Budget Information	8
Cost Sharing or Matching Requirement	8
Pre-agreement Costs (also known as Pre-award Costs)	8
Limitation on Use of Award Funds for Employee Compensation: Waiver	9
Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs	9
Costs Associated with Language Assistance (if applicable)	9
Unmanned Aircraft Systems	9
Eligibility Information	9
Application and Submission Information	9
Information to Complete the Application for Federal Assistance (SF-424)	9
Standard Applicant Information (JustGrants 424 and General Agency Information)	9
Proposal Abstract	10
Proposal Narrative	10
Goals, Objectives, Deliverables, and Timeline	11
Budget and Associated Documentation	11
Budget Worksheet and Budget Narrative (Web-based Form)	11
Indirect Cost Rate Agreement (if applicable)	12
Financial Management Questionnaire (including applicant disclosure of high-risk status)	12
Disclosure of Process Related to Executive Compensation	12
Digital Trust	12
Additional Application Components	12
Curriculum Vitae or Resumes	12
Tribal Authorizing Resolution	12
Timeline Form	12
Letters of Support	12
Research and Evaluation Independence and Integrity Statement	12
Supporting Documentation of Past TTA Delivery Experience	13
Documentation of Proposed Subrecipients	13
Disclosures and Assurances	13
Disclosure of Lobbying Activities	13
DOJ Certified Standard Assurances	13
Applicant Disclosure of Duplication in Cost Items	13

DOJ Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements	13
Applicant Disclosure and Justification – DOJ High Risk Grantees (if applicable)	13
How to Apply	13
Submission Dates and Time	13
Experiencing Unforeseen Technical Issues	14
Application Review Information	14
Review Criteria	14
Review Process	15
Federal Award Administration Information	15
Federal Award Notices	15
Administrative, National Policy, and Other Legal Requirements	15
Information Technology (IT) Security Clauses	15
General Information about Post-Federal Award Reporting Requirements	16
Federal Awarding Agency Contact(s)	16
Other Information	16
Freedom of Information and Privacy Act (5 U.S.C. 552 and 5 U.S.C. 552a)	16
Provide Feedback to OJP	16
Application Checklist	16
Appendix A	19

Program Description

Overview

OJP is committed to advancing work that promotes civil rights and racial equity, increases access to justice, supports crime victims and individuals impacted by the justice system, strengthens community safety and protects the public from crime and evolving threats, and builds trust between law enforcement and the community. The purpose of the Capital Case Litigation Initiative (CCLI) is to assist states with: (1) enhancing the ability of prosecutors to effectively represent the public in state capital cases, (2) supporting state prosecutors to develop and implement appropriate standards of practice and qualifications, (3) minimizing the potential for error in the trial of capital cases, and (4) improving the quality of legal representation provided to indigent defendants in state capital cases. BJA achieves this purpose by forming partnerships with national training and technical assistance (TTA) providers to offer key support, expertise, and coaching to states, prosecutors, and defense counsel in capital cases.

Statutory Authority

Pub. L. No. 108-405, Subtitle B (codified at 34 U.S.C. 60301-60306)

Specific Information

Death as a punishment for a crime, or capital punishment, is currently authorized in 24 states, with governor-imposed moratoriums in 3 states. From pretrial to execution, each stage of a capital case is unique and requires extensive knowledge and training in order to represent the interests of crime victims, their families, and the public, and ensure that the constitutional rights of indigent defendants are protected. These cases also are governed by unique evidentiary rules and processes and require a specific set of skills. This includes strategies related to charging decisions, competency of defendants, litigation, and handling of the mitigation phase for cases where defendants are found guilty of capital offenses.

A strong criminal justice system has a robust adversarial system and ensures that both prosecutors and defense attorneys have the TTA necessary to effectively carry out their legal and constitutional obligations in all cases. CCLI focuses on training for prosecutors and defense counsel, standards of practice, qualifications and performance assessments for prosecutors and defense counsel, and potential justice system improvements that minimize the potential for error in the trial of capital cases.

Category 1: Prosecution

Applicants to this category should propose a strategy that supports the purposes of the program, including training, technical assistance, and information to provide capital case litigation TTA services, tools, and resources to state and local prosecutors. Applicants should build on the tools and resources developed under this program to date, including:

- Developing and applying model standards of practice and qualifications for state and local prosecutors, including ethics standards.
- Working to develop resources that minimize the potential for error in capital trials.
- Preparing for and litigating the phases of a capital trial.
- Providing intensive support on capital cases being prepared for litigation.

These approaches should include development or enhancement of training curricula, regional and virtual training sessions, onsite mentoring or technical assistance, cross-site or train-the-trainer models, peer-to-peer support, and telephone and web-based resources, including a capital litigation listserv for prosecutors. The information should include comparisons in circuits and case resources.

Category 2: Defense

Applicants to this category should propose a strategy that supports the purposes of the program, including training, technical assistance, and information to provide capital case litigation TTA services, tools, and resources to state and local defense attorneys to help them meet the recognized standards of competence in death penalty representation. Applicants should build on the tools and resources developed under this program to date, including:

- Training for state trial-level capital defense teams.
- Information on relevant law, trial preparation skills, and fundamentals of investigating and presenting evidence during the phases of a capital case.
- Coaching and training for litigators to address vital capital defense issues, such as mental health and competency, the mitigation strategy, communication with clients and their families, and conducting effective investigations to ensure effective representation at trial and reduce post-conviction and appellate claims of ineffective assistance of counsel.

These approaches should include development or enhancement of training curricula, regional and virtual training sessions, onsite mentoring or technical assistance, access to experts to support case preparation, peer-to-peer support, and telephone and web-based resources including a capital litigation listserv for defense counsel.

Goals, Objectives, Deliverables, and Timeline

The goal of CCLI is to create training programs and provide resources and tools for state and local prosecutors and defense attorneys to ensure effective representation in state capital cases.

Objectives

Category 1:

- Enhance the expertise of state and local prosecutors to effectively and fairly prosecute capital cases.
- Enhance opportunities for peer-to-peer learning for information sharing and training purposes around best practices in capital cases.

Category 2:

- Enhance the expertise of defense attorneys to provide effective representation in capital cases.
- Enhance opportunities for peer-to-peer learning among defense attorneys around best practices in capital cases.

Deliverables

The selected providers will engage the field and build capacity to understand and address capital case litigation. As part of this work, they will develop resources for prosecutors and defense attorneys involved in litigating capital cases, consistent with the information outlined in the program-specific information above. BJA's overall training and knowledge transfer expectations include:

1. Need-driven, evidence-based, efficient, and consistent delivery of services in order to expand knowledge and capacity of the criminal justice field to leverage and access resources to implement programs and strategies. To accomplish this, the provider will be required to:
 - a. Assess the needs of the defined audience and develop strategies to expand awareness and build skills and knowledge. Create work plans based on the goals outlined in its funded application. The work plan should be presented to BJA staff and include tools such as spreadsheets or dashboards to track execution of key tasks. Please note that BJA may require the selected provider to submit for review and approval the proposed plans, protocols, or strategies in advance of implementation.
 - b. Support the field where relevant with the creation of online tools and implementation guides to clarify governance, support implementation of activities, and collect performance measures to track success and support sustainability.
 - c. The selected provider must undertake efforts to anticipate, quickly identify, and address challenges that arise during delivery. When challenges arise, the provider should engage in strategies like case conferencing to harness the collective knowledge of its staff and partners.
 - d. All training provided with BJA funding must provide a mechanism for pre- and post-testing of knowledge and other assessment of impact.
2. TTA provider staff are expected to have sufficient subject expertise in the execution of their projects. The staff should have the necessary technical skill sets and experience to effectively complete the tasks under the award. There are also occasions when an external expert will be required. To this end, the TTA provider must utilize a range of vetted local and national subject experts, including practitioners, academics, and federal partners. The TTA provider must identify and maintain a list of subject matter experts whose expertise and experience best fit the needs of the project. This includes a key priority of ensuring that the provider considers and has a plan to ensure that they have a set of diverse staff, trainers, and/or subject matter experts that reflect a mix of experiences and perspectives to be able to effectively reach the communities and practitioners that they will serve.
3. With BJA's approval, the TTA provider will assign these experts and report on and monitor the TTA services provided. The roles of the subject matter experts will vary across engagements, so the TTA provider must develop protocols to define the scope of the role of the subject matter experts, when needed (e.g., trainer, development of a product, participating in webinars). The TTA provider must provide written reports to BJA on the TTA provided and the status of ongoing activities.
4. The TTA provider must proactively build field knowledge and capacity in the area of capital case litigation. This includes coordinating and supporting a presence at national meetings and conferences via workshops, panel presentations, and briefings. It must also review trends from requests and TTA needs assessments, as well as propose to and work with BJA on tailoring the TTA strategy to meet emerging needs and trends.

The Goals, Objectives, and Deliverables are directly related to the performance measures that show the completed work's results, as discussed in the "Application and Submission Information" section.

Evidence-Based Programs or Practices

OJP strongly encourages the use of data and evidence in policymaking and program development for criminal justice,

juvenile justice, and crime victim services. For additional information and resources on evidence-based programs or practices, see the [OJP Grant Application Resource Guide](#).

Information Regarding Potential Evaluation of Programs and Activities

OJP may conduct or support an evaluation of the programs and activities funded under this solicitation. For additional information, see the [OJP Grant Application Resource Guide](#) section entitled “Information Regarding Potential Evaluation of Programs and Activities.”

OJP Priority Areas

The Department of Justice is committed to advancing work that promotes civil rights and racial equity, increases access to justice, supports crime victims and individuals impacted by the justice system, strengthens community safety and protects the public from crime and evolving threats, and builds trust between law enforcement and the community.

1. Priority Considerations Supporting Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*

Consistent with this Executive Order, the term “underserved community” refers to a population sharing a particular characteristic, as well as a geographic community, that has been systematically denied a full opportunity to participate in aspects of economic, social, and civic life or whose members have been historically underserved, marginalized, and adversely affected by inequality. Such communities include, among others, Black people, Hispanics and Latino/a/e people, Native American and other Indigenous peoples of North America (including Alaska Natives, Eskimos, and Aleuts), Asian Americans, Native Hawaiians, and Pacific Islanders.

In support of Executive Order 13985, OJP will:

A. Give priority consideration to applications that include project(s) that will promote racial equity and the removal of barriers to access and opportunity for communities that have been historically underserved, marginalized, and adversely affected by inequality when making award decisions.

To receive this consideration, the applicant must describe how the proposed project(s) will address potential inequities and barriers to equal opportunity, and/or contribute to greater access to services for underserved and historically marginalized populations.

B. Give priority consideration to applicants that can demonstrate that their capabilities and competencies for implementing their proposed project(s) are enhanced because the applicant (or at least one proposed subrecipient that will receive at least 30 percent of the requested award funding, as demonstrated in the budget worksheet and budget narrative) identifies as a culturally specific organization. To receive this additional priority consideration, applicants must describe how being a culturally specific organization (or funding the culturally specific subrecipient organization(s)) will enhance their ability to implement the proposed project(s) and should also specify which culturally specific populations are intended or expected to be served or to have their needs addressed under the proposed project(s).

Culturally specific organizations are defined for purposes of this solicitation as private nonprofit or tribal organizations whose primary purpose as a whole is to provide culturally specific services to, among others, Black people, Hispanics and Latino/a/e people, Native American and other Indigenous peoples of North America (including Alaska Natives, Eskimos, and Aleuts), Asian Americans, Native Hawaiians, and/or Pacific Islanders.

Note: Addressing these priority areas is one of many factors that OJP considers in making funding decisions. Receiving priority consideration for one or more priority areas is not a guarantee of an award.

Federal Award Information

Solicitation Categories

Competition ID	Category *	Number of Awards	Dollar Amount for Award	Performance Start Date	Performance Duration (Months)
C-BJA-2022-00086-PROD	Category 1: Prosecution-focused Training and Technical Assistance	1	\$1,000,000.00	10/1/22 12:00 AM	36
C-BJA-2022-00088-PROD	Category 2: Defense-focused Training and Technical Assistance	1	\$1,000,000.00	10/1/22 12:00 AM	36

Awards, Amounts and Durations

Period of Performance Start Date
10/1/22 12:00 AM

Period of Performance Duration (Months)
36

Anticipated Total Amount to be Awarded Under Solicitation
\$2,000,000.00

Continuation Funding Intent

BJA may, in certain cases, provide additional funding in future years to awards made under this solicitation through continuation awards. OJP will consider, among other factors, OJP's strategic priorities, a recipient's overall management of the award, and the award-funded work's progress, when making continuation award decisions.

Availability of Funds

This solicitation, and awards (if any are made) under this solicitation, are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by the agency or by law. In addition, nothing in this solicitation is intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Types of Awards

BJA expects to make awards under this solicitation as cooperative agreements, which provide for OJP to have substantial involvement in carrying out award activities. See the "Administrative, National Policy, and Other Legal Requirements" section of the [OJP Grant Application Resource Guide](#) for additional information.

Financial Management and System of Internal Controls

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities) must, as described in the Part 200 Uniform Requirements as set out at 2 C.F.R. 200.303, comply with standards for financial and program management. See the [OJP Grant Application Resource Guide](#) for additional information.

Budget Information

Applicants should consider the most effective and efficient ways for reaching the field in proposing approaches to the work.

Cost Sharing or Matching Requirement

This solicitation does not require a match.

Pre-agreement Costs (also known as Pre-award Costs)

See the [OJP Grant Application Resource Guide](#) information on Pre-agreement Costs (also known as Pre-award Costs).

Limitation on Use of Award Funds for Employee Compensation: Waiver

See the [OJP Grant Application Resource Guide](#) information on the Limitation on Use of Award Funds for Employee Compensation; Waiver.

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

See the [OJP Grant Application Resource Guide](#) for information on Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs.

Costs Associated with Language Assistance (if applicable)

See the [OJP Grant Application Resource Guide](#) for information on Costs Associated with Language Assistance.

Unmanned Aircraft Systems

The use of BJA grant funds for unmanned aircraft systems (UAS), including unmanned aircraft vehicles (UAV), and all accompanying accessories to support UAS or UAV, is unallowable.

Eligibility Information

For eligibility information, see the solicitation cover page.

For information on cost sharing or match requirements, see the “Federal Award Information” section.

Application and Submission Information

The following application elements **must** be included in the application to meet the basic minimum requirements to advance to peer review and receive consideration for funding:

- Proposal Abstract
- Proposal Narrative
- Budget Worksheet and Budget Narrative (Web-based Form) (The web-based form includes the budget details and the budget narrative.)
- Timeline/Project Plan

See the “Application Elements and Formatting Instructions” section of the [OJP Grant Application Resource Guide](#) for information on what happens to an application that does not contain all the specified elements or is nonresponsive to the scope of the solicitation.

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

The SF-424 must be submitted in Grants.gov. The SF-424 is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. See the [OJP Grant Application Resource Guide](#) for additional information on completing the SF-424.

In Section 8F. of the SF-424, please include the name and contact information of the individual **who will complete the application in JustGrants**. JustGrants will use this information (*email address*) to assign the application to this user in JustGrants.

Intergovernmental Review: This solicitation (“funding opportunity”) is **not** subject to [Executive Order 12372](#). (In completing the SF-424, an applicant is to answer question 19 by selecting the response that the “Program is not covered by E.O. 12372.”)

Standard Applicant Information (JustGrants 424 and General Agency Information)

The Standard Applicant Information section of the JustGrants application is pre-populated with the SF-424 data submitted in Grants.gov. The applicant will need to review the Standard Applicant Information in JustGrants and make edits as

needed. Within this section, the applicant will need to: add zip codes for areas affected by the project; confirm its Authorized Representative; and verify and confirm the organization's unique entity identifier, legal name, and address.

Proposal Abstract

A proposal abstract (no more than 400 words) summarizing the proposed project, including the purpose of the project, primary activities, expected outcomes, the service area, intended beneficiaries and subrecipients (if known), will be completed in the JustGrants web-based form. This abstract should be written in the third person and will be made publicly available on the OJP website if the project is awarded. Proposal abstracts should be:

- Written for a general public audience.
- Submitted as a separate attachment with "Proposal Abstract" as part of its file name.
- Single-spaced, using a standard 12-point Times New Roman font with 1-inch margins.

If the applicant is seeking priority consideration, applicant **must** provide the following information:

- Which priority consideration is being sought: 1(A), 1(B), or both.
- What page(s) in the proposal narrative provide documentation of the applicant's plan to respond to the priority consideration.
- For applicants seeking priority consideration 1(B), who is the proposed subawardee to receive the funding and the amount of funds proposed.

The abstract should include the legal name of the applicant and any key partners, project period, and an overall summary of the activities proposed to address the TTA objectives and deliverables.

Proposal Narrative

The proposal narrative should be submitted as an attachment in JustGrants. The attached document should be double-spaced, using a standard 12-point font; have no less than 1-inch margins; and should not exceed 15 pages. Pages should be numbered and submitted as an attachment. If the proposal narrative fails to comply with these length restrictions, BJA may consider such noncompliance in peer review and in final award decision.

The proposal narrative must respond to the requirements outlined in the solicitation, address the objectives and deliverables that are included, and explain the strategies they will use to accomplish and complete them.

The following sections must be included as part of the proposal narrative:

Description of the Issue OR Statement of the Problem if research is involved

The applicant should describe and demonstrate understanding of the use of capital punishment nationwide and the challenges facing prosecutors and defense counsel in being trained and prepared to litigate these cases.

An applicant seeking to provide TTA to prosecutors must address how standards of practice and qualifications are set by states for prosecutors, and describe the challenges with those systems and how any national-level standards of practice can inform this process. The applicant must explain how it intends to address these issues.

An applicant seeking to provide TTA to defense attorneys must show a solid understanding of the challenges the attorneys and their clients face, demonstrated expertise on competency issues and capital case litigation, including the mitigation phase, as well as an understanding of the challenges capital defense counsel face in accessing key resources.

Project Design and Implementation

The applicant should demonstrate how it will design and implement TTA to address the objectives, deliverables, and requirements outlined in this solicitation. Describe how the applicant will identify and assess TTA needs of those seeking the training assistance. The applicant must include as an attachment a timeline/project plan that identifies the major tasks and deliverables of the proposed project and who is responsible for each activity, which will be evaluated as part of this strategy. Describe how the TTA will encompass data-driven and evidence-based practices. The applicant may choose to include other items or deliverables in addition to the ones listed in this grant announcement and should provide detailed information on those items as well.

If the applicant is seeking priority consideration for Priority 1(A), it should address in this section how the proposed project (s) will promote racial equity and/or the removal of barriers to access and opportunity, and/or contribute to greater access

to services, for communities that have been historically underserved, marginalized, and adversely affected by inequality.

Capabilities and Competencies

The applicant should have either demonstrated expertise in providing representation to defendants, overseeing capital cases, and providing training to defense attorneys and/or experience in representing the public in state capital cases and providing training to prosecutors.

Additionally, the applicant's capabilities and competencies should include: curriculum development, recruitment and maintenance of subject experts, nationwide instruction delivery using a range of training modalities such as online and in-person training to defense and/or prosecuting attorneys, training/meeting logistics planning and implementation, and conducting individual course evaluations.

If the applicant is seeking priority consideration under Priority 1(B), it should describe within this section how being a culturally specific organization (or funding a culturally specific subrecipient organization at a minimum of 30 percent of the project budget) will enhance its ability to implement the proposed project(s) and should also specify which culturally specific populations are intended or expected to be served or have their needs addressed under the proposed project(s).

Plan for Collecting the Data Required for this Solicitation's Performance Measures

Describe the process the applicant will use to measure project performance. This should include measures for adhering to project timelines, meeting deliverable schedules, obtaining input from customers, and seeking feedback from stakeholders.

Identify what data will be collected, who will be responsible for collecting and reporting the data, who is responsible for the accuracy of the performance data, how the data will be stored, how any personally identifiable information (PII) will be protected, and how the information will be used to guide the provision of TTA.

Note: Applicants are **not** required to submit performance data with the application. Rather, performance measure information is included as an alert that successful applicants will be required to submit performance data as part of each award's reporting requirements.

OJP will require each successful applicant to submit regular performance data that show the completed work's results. The performance data directly relate to the goals, objectives, and deliverables identified in the "Goals, Objectives, and Deliverables" discussion. Applicants can visit OJP's performance measurement page at www.ojp.gov/performance for an overview of performance measurement activities at OJP.

A list of performance measure questions for this program can be found [here](#).

BJA will require award recipients to submit performance measure data in the TTA Reporting Portal and separately submit a semi-annual performance report in JustGrants. BJA will provide further guidance on the post-award submission process, if selected for award.

Note on Project Evaluations

An applicant that proposes to use award funds through this solicitation to conduct project evaluations must follow the guidance in the "Note on Project Evaluations" section in the [OJP Grant Application Resource Guide](#).

Goals, Objectives, Deliverables, and Timeline

The applicant will submit the National Training and Technical Assistance: Capital Case Litigation Initiative goals, objectives, and deliverables in the JustGrants web-based form.

Budget and Associated Documentation

Budget Worksheet and Budget Narrative (Web-based Form)

The applicant will complete the JustGrants web-based budget form. See the [OJP Grant Application Resource Guide](#) for additional information.

If the applicant is seeking priority consideration under Priority 1(B) based on the identification of at least one proposed subrecipient as a culturally specific organization, the proposed funding for the subrecipient in the web-based budget form **must be a minimum of 30% of award funding**.

The budget narrative must also describe how the activities that will be funded with the (minimum) 30% of award funding provided to the subrecipient **specifically relate to the priority consideration requested under Priority 1(B)** and described in the Capabilities and Competencies section of the application.

Indirect Cost Rate Agreement (if applicable)

The applicant will submit its indirect cost rate agreement by uploading it as an attachment in JustGrants. See the [OJP Grant Application Resource Guide](#) for additional information.

Financial Management Questionnaire (including applicant disclosure of high-risk status)

The applicant will download the questionnaire, complete it, and submit it by uploading it as an attachment in JustGrants. See the [OJP Grant Application Resource Guide](#) for the link to the questionnaire and additional information.

Disclosure of Process Related to Executive Compensation

If applicable, the applicant will submit a description of the process used to determine executive compensation by uploading the document as an attachment in JustGrants. See the “Application Attachments” section of the [OJP Grant Application Resource Guide](#) for information.

Digital Trust

Technological devices, artificial intelligence, predictive analytics, and other data-driven solutions (“Technological Enhancements”) are increasingly used to augment crime reduction strategies and efforts. Care must be taken to assess and address any potential harm that could be activated by these solutions to ensure privacy, civil rights, and civil liberties are protected. Applicants proposing to utilize grant funds to support technological enhancements directly or via training and technical assistance may receive priority consideration if their proposal addresses the tenants of digital trust such as:

- How the technology will be carefully implemented through training of personnel and the setting and enforcement of policies governing its use to ensure that it contributes to positive outcomes for public safety, the community and/or the criminal justice system.
- How the applicant will safeguard privacy, civil rights, and civil liberties throughout the duration of the project period.

Additional Application Components

Applicants will attach the additional requested documentation in JustGrants.

Curriculum Vitae or Resumes

Staff Résumés and/or Position Descriptions and Qualifications Relative to Their Job Roles

Identify which staff are considered key project staff. Applicants will submit the résumés by uploading the document as an attachment in JustGrants.

Tribal Authorizing Resolution

An application in response to this solicitation may require inclusion of tribal authorizing documentation as an attachment. If applicable, the applicant will submit the tribal authorizing documentation by uploading it as an attachment in JustGrants. See the [OJP Grant Application Resource Guide](#) for information on tribal authorizing resolutions.

Timeline Form

Provide a timeline broken out by year indicating roughly when key activities or deliverables are to be accomplished and responsible person or organization and percentage of time spent on that activity. Applicants will submit the timeline by uploading the document as an attachment in JustGrants.

Letters of Support

If applicable, attach memoranda of understanding or letters of support from collaborative partners and any subawardees or grantees (signed copies should be scanned and submitted with the electronic submission of the application).

Research and Evaluation Independence and Integrity Statement

If an application proposes 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 will submit documentation of its research and evaluation independence and integrity by uploading it as an attachment in JustGrants. For additional information, see the [OJP Grant Application Resource Guide](#).

Supporting Documentation of Past TTA Delivery Experience

Attach documentation of prior experience delivering TTA, including: URL of a website built and maintained, example of individualized technical assistance work plan, sample policy documents, fact sheets, sample curriculum. Applicants will submit the examples by uploading the document as an attachment in JustGrants.

Documentation of Proposed Subrecipients

Complete Appendix A to indicate proposed subrecipients, including the name, organizational affiliation, city and state of the proposed subrecipient entity and key activities. Applicants will submit Appendix A by uploading the document as an attachment in JustGrants.

Disclosures and Assurances

The applicant will address the following disclosures and assurances.

Disclosure of Lobbying Activities

Complete and submit the SF-LLL in Grants.gov. See the [OJP Grant Application Resource Guide](#) for additional information.

DOJ Certified Standard Assurances

Review and accept the DOJ Certified Standard Assurances in JustGrants. See the [OJP Grant Application Resource Guide](#) for additional information.

Applicant Disclosure of Duplication in Cost Items

Complete the JustGrants web-based Applicant Disclosure of Duplication in Cost Items form. See the [OJP Grant Application Resource Guide](#) for additional information.

DOJ Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements

Review and accept the DOJ Certified Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements; Law Enforcement and Community Policing in JustGrants. See the [OJP Grant Application Resource Guide](#) for additional information.

Applicant Disclosure and Justification – DOJ High Risk Grantees (if applicable)

If applicable, submit the DOJ High Risk Disclosure and Justification as an attachment in JustGrants. A DOJ High Risk Grantee is an award recipient that has received a DOJ High Risk designation based on a documented history of unsatisfactory performance, financial instability, management system or other internal control deficiencies, or noncompliance with award terms and conditions on prior awards, or is otherwise not responsible. See the [OJP Grant Application Resource Guide](#) for additional information.

How to Apply

Step 1: The applicant must submit the **SF-424** and **SF-LLL** in Grants.gov at <https://www.grants.gov/web/grants/register.html>.

Step 2: The applicant must then submit the **full application**, including attachments, in JustGrants in [JustGrants.usdoj.gov](https://www.justgrants.usdoj.gov).

For additional information, see the “How to Apply” section in the [OJP Grant Application Resource Guide](#) and the [DOJ Application Submission Checklist](#).

Submission Dates and Time

The **SF-424** and the **SF-LLL** must be submitted in Grants.gov by 5/26/2022 8:59 PM.

The **full application** must be submitted in JustGrants by 5/31/2022 8:59 PM.

OJP urges applicants to submit their Grants.gov and JustGrants submissions prior to the due dates to allow sufficient time to correct errors and resubmit by the submission deadlines if a rejection notification is received. To be considered timely, the **full application** must be submitted in JustGrants by the JustGrants application deadline.

Experiencing Unforeseen Technical Issues

An applicant that experiences unforeseen SAM.gov, Grants.gov, or JustGrants technical issues beyond its control that prevent application submission by the deadline must demonstrate all efforts in requesting technical support in order to submit an application by the deadline. Technical support is available via phone and email to the applicable SAM.gov, Grants.gov, or JustGrants support centers or service desks in which an applicant received a ticket number for resolution. If an applicant misses a deadline due to unforeseen technical difficulties, the applicant may request a waiver to submit an application after the deadline. *Note: If an applicant does not submit all the required Grants.gov forms by the Grants.gov deadline, the applicant will not be able to proceed to the JustGrants portion of the application process.*

An applicant experiencing technical difficulties with the following systems must contact the associated support desk indicated below to report the technical issue and receive a tracking number:

- Grants.gov — Contact the [Grants.gov Customer Support Hotline](#).
- SAM.gov — Contact the [SAM Help Desk \(Federal Service Desk\)](#).
- JustGrants — Contact the JustGrants Support Desk at JustGrants.Support@usdoj.gov or 833-872-5175.

An applicant requesting a waiver to submit a late application must document their request for technical assistance in an email to OJP Response Center at grants@ncjrs.gov **within 24 hours after the application deadline** to request approval to submit its application after the deadline. If an applicant has technical issues with Grants.gov, the applicant must contact the OJP Response Center within 24 hours of the Grants.gov deadline to request approval to submit after the deadline. However, waiver requests will not be reviewed until after the JustGrants deadline to allow time for all waivers to be submitted. Waiver requests to submit after the submission deadline must:

- Describe the technical difficulties experienced.
- Include a timeline of the applicant's submission efforts (e.g., what date and time did the error occur, what date and time was action taken to resolve the issue and resubmit, and what date and time did support representatives respond).
- Include an attachment(s) of the complete grant application and all required documentation and material.
- Include the applicant's Unique Entity Identifier (UEI) and any applicable SAM.gov tracking number(s), Grants.gov Help Desk, and JustGrants Support Desk Ticket Numbers.

OJP will review each request for late submission and required supporting documentation and notify the applicant whether the request has been approved or denied. For more details on the waiver process, OJP encourages applicants to review the "Experiencing Unforeseen Technical Issues" section in the [OJP Grant Application Resource Guide](#).

Application Review Information

Review Criteria

Merit Review Criteria

Applications that meet the basic minimum requirements will be evaluated by peer reviewers. Applications will be evaluated on how the proposed project/program addresses the following criteria:

1. Statement of the Problem/Description of the Issue (15 percent) - evaluate the applicant's understanding of the program/issue to be addressed.
2. Project Design and Implementation (40 percent) - evaluate the adequacy of the proposal, including the goals, objectives, timelines, milestones, and deliverables.
3. Capabilities and Competencies (30 percent) - evaluate the administrative and technical capacity of the applicant to successfully accomplish the goals and objectives.
4. Plan for Collecting the Data Required for this Solicitation's Performance Measures (5 percent) - evaluate the

applicant's understanding of the performance data reporting requirements and the plan for collecting the required data.

5. Budget (10 percent) - evaluate for completeness, cost effectiveness, and allowability (e.g., reasonable, allocable, and necessary for project activities).

Other Review Criteria/Factors

Other important considerations for BJA include geographic diversity, strategic priorities (specifically including, but not limited to, those priority areas already mentioned), available funding, past performance, and the extent to which the Budget Worksheet and Budget Narrative (web-based form) accurately explain project costs that are reasonable, necessary, and otherwise allowable under federal law and applicable federal cost principles.

Review Process

Applications submitted under this solicitation that meet the basic minimum requirements, will be evaluated for technical merit by a peer review panel(s) in accordance with OJP peer review policy and procedures using the stated review criteria listed above.

OJP screens applications to ensure they meet the basic minimum requirements prior to conducting the peer review. Although specific requirements may vary, the following are common requirements applicable to all OJP solicitations:

- The application must be submitted by an eligible type of applicant.
- The application must request funding within programmatic funding constraints (if applicable).
- The application must be responsive to the scope of the solicitation.
- The application must include all items necessary to meet the basic minimum requirements.

Pursuant to the Part 200 Uniform Requirements, before award decisions are made, OJP also reviews information related to the degree of risk posed by the applicant. Among other things to help assess whether an applicant with one or more prior federal awards has a satisfactory record with respect to performance, integrity, and business ethics, OJP checks whether the applicant is listed in SAM as excluded from receiving a federal award.

In addition, if OJP anticipates that an award will exceed \$250,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the non-public segment of the integrity and performance system accessible through SAM (currently, the Federal Awardee Performance and Integrity Information System, FAPIIS).

Important note on FAPIIS: An applicant may review and comment on any information about itself that currently appears in FAPIIS and was entered by a federal awarding agency. OJP will consider such comments by the applicant, in addition to the other information in FAPIIS, in its assessment of the risk posed by the applicant.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final award decisions will be made by the Assistant Attorney General, who may consider not only peer review ratings and BJA recommendations, but also other factors as indicated in this section.

Federal Award Administration Information

Federal Award Notices

See the [OJP Grant Application Resource Guide](#) for information on award notifications and instructions.

Administrative, National Policy, and Other Legal Requirements

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award conditions and all applicable requirements of federal statutes and regulations, including the applicable requirements referred to in the assurances and certifications executed in connection with award acceptance. For additional information on these legal requirements, see the "Administrative, National Policy, and Other Legal Requirements" section in the [OJP Grant Application Resource Guide](#).

Information Technology (IT) Security Clauses

An application in response to this solicitation may require inclusion of information related to information technology security. See the [OJP Grant Application Resource Guide](#) for information on information technology security.

General Information about Post-Federal Award Reporting Requirements

In addition to the deliverables described in the “Program Description” section, all award recipients under this solicitation will be required to submit certain reports and data.

Required reports. Award recipients typically must submit quarterly financial reports, semi-annual performance reports, final financial and performance reports, and, if applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions. Future awards and fund drawdowns may be withheld if reports are delinquent. (In appropriate cases, OJP may require additional reports.)

See the [OJP Grant Application Resource Guide](#) for additional information on specific post-award reporting requirements, including performance measure data.

Federal Awarding Agency Contact(s)

For OJP contact(s), see the solicitation cover page.

For contact information for Grants.gov, see the solicitation cover page.

For contact information for JustGrants, see the solicitation cover page.

Other Information

Freedom of Information and Privacy Act (5 U.S.C. 552 and 5 U.S.C. 552a)

See the [OJP Grant Application Resource Guide](#) for information on the Freedom of Information and Privacy Act (5 U.S.C. 552 and 5 U.S.C. 552a).

Provide Feedback to OJP

See the [OJP Grant Application Resource Guide](#) for information on how to provide feedback to OJP.

Application Checklist

FY 2022 National Training and Technical Assistance: Capital Case Litigation Initiative

This application checklist has been created as an aid in developing an application. The [DOJ Application Submission Checklist](#) is another resource.

What an Applicant Must Do:

Prior to registering in Grants.gov:

- Confirm your Entity’s [System Award Management \(SAM\)](#) Registration Information (see [OJP Grant Application Resource Guide](#))

To register in Grants.gov:

- Acquire an AOR and a Grants.gov username and password (see [OJP Grant Application Resource Guide](#))
- Acquire AOR confirmation from the E-Business Point of Contact (E-Biz POC) (see [OJP Grant Application Resource Guide](#))

To find the funding opportunity:

- Search for the funding opportunity in Grants.gov using the opportunity number, Assistance Listing or keyword(s)
- Select the correct Competition ID
- Access the funding opportunity and application package (see Step 7 in the [OJP Grant Application Resource Guide](#))
- Sign up for Grants.gov email [notifications](#) (optional) (see [OJP Grant Application Resource Guide](#))
- Read [Important Notice: Applying for Grants in Grants.gov](#)
Read OJP policy and guidance on conference approval, planning, and reporting available at ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm (see [OJP Grant Application](#))

[Resource Guide](#)

Overview of Post-Award Legal Requirements:

- Review the “[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2022 Awards](#)” in the [OJP Funding Resource Center](#).

Review Scope Requirement:

- The federal amount requested is within the allowable limit(s) of \$1,000,000.

Review Eligibility Requirement:

Eligible applicants are limited to:

- Public and state-controlled institutions of higher education
- Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education
- Nonprofits that do not have a 501(c)(3) status with the IRS, other than institutions of higher education
- Private institutions of higher education
- For-profit organizations other than small businesses
- Other public or nonprofit organizations, for-profit entities that agree to forego any profit or management fees, and institutions of higher education that have experience and expertise in overseeing capital cases and providing training on death penalty cases. Applicants must also have experience in delivering training and technical assistance nationwide.

Prepare to submit the Application for Federal Assistance standard form (SF)-424 and Disclosure of Lobbying Activities form (SF-LLL)

- Review Information to complete the Application for Federal Assistance (SF-424) in Grants.gov
- Complete Standard Applicant Information (SF-424 information from Grants.gov)
- Submit the **SF-424** and **SF-LLL** in Grants.gov

After the SF-424 and SF-LLL submission in Grants.gov, receive Grants.gov email notifications that:

- Submission has been received in Grants.gov
- Submission has either been successfully validated or rejected with errors (see [OJP Grant Application Resource Guide](#))

If no Grants.gov receipt and validation, or error notifications are received:

- Contact the Grants.gov Customer Support Hotline at 800-518-4726, 606-545-5035, [Grants.gov customer support](#), or support@grants.gov regarding technical difficulties (see [OJP Grant Application Resource Guide](#))

Receive email notification to complete application in JustGrants:

- Proceed to complete application in JustGrants

Content of Application Submission: Critical Application Elements

The following items are critical application elements required to pass the basic minimum requirements review. If OJP determines that an application does not include the following elements, it will neither proceed to peer review, nor receive further consideration.

- Proposal Abstract
- Proposal Narrative
- Budget Worksheet and Budget Narrative (web-based form)
- Timeline/Project Plan

Budget and Associated Documentation:

- Indirect Cost Rate Agreement (if applicable) (see [OJP Grant Application Resource Guide](#))
- Financial Management and System of Internal Controls Questionnaire (see [OJP Grant Application Resource Guide](#))
- Disclosure of Process related to Executive Compensation (see [OJP Grant Application Resource Guide](#))

Additional Application Components:

- Tribal Authorizing Resolution (if applicable) (see [OJP Grant Application Resource Guide](#))
- Research and Evaluation Independence and Integrity (see [OJP Grant Application Resource Guide](#))
- Request and Justification for Employee Compensation; Waiver (if applicable) (see [OJP Grant Application Resource Guide](#))
- Documentation of Proposed Subrecipients
- Staff Résumés and/or Position Descriptions and Qualifications Relative to Their Job Roles
- Memoranda of Understanding/Letters of Support
- Supporting Documentation of Past TTA Delivery Experience

Disclosures and Assurances:

- [Disclosure of Lobbying Activities \(SF-LLL\)](#) (see [OJP Grant Application Resource Guide](#))
- Applicant Disclosure of Duplication in Cost Items (see [OJP Grant Application Resource Guide](#))
- DOJ Certified Standard Assurances (see [OJP Grant Application Resource Guide](#))
- DOJ Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements (see [OJP Grant Application Resource Guide](#))
- Applicant Disclosure and Justification – DOJ High Risk Grantees (if applicable) (see [OJP Grant Application Resource Guide](#))

Submit application in JustGrants:

- Application has been successfully submitted in JustGrants

If no JustGrants application submission, validation, or error notifications are received:

- Contact the JustGrants Service Desk at 833-872-5175 or JustGrants.Support@usdoj.gov regarding technical difficulties.

Appendix A: Documentation of Proposed Subrecipients

In the table below, indicate proposed subrecipients, including the name, organizational affiliation, city and state of the proposed subrecipient entity and key activities. Applicants will submit Appendix A by uploading the document as an attachment in JustGrants.

Partner Name (Last, First)	Partner Organization	Partner Location (City, State)	Key Activities