

FY22 Byrne Discretionary Grant Program

GRANTEE ORIENTATION AND TRAINING

This webinar will begin shortly



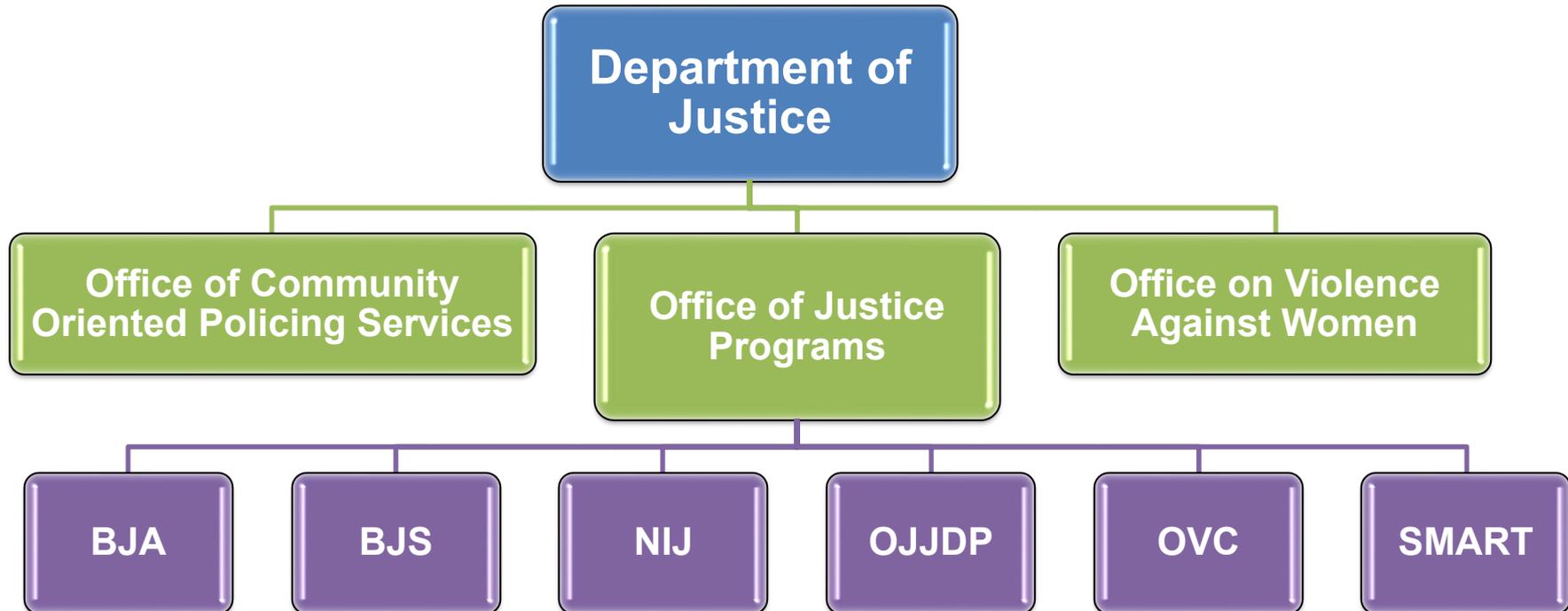
BJA
Bureau of Justice Assistance
U.S. Department of Justice



Agenda

- I. Introduction – Erich Dietrich, Bureau of Justice Assistance
- II. Grants Management Overview and Requirements
 - Nicko Taylor, Bureau of Justice Assistance
 - Ted Robinson, National Institute of Justice
 - Tammy Lovill, Bureau of Justice Assistance
- III. Financial Management – Michael Williams, Office of the Chief Financial Officer (OCFO)
- IV. JustGrants Demonstration and Training – Bridget Mealia, Office of Audit, Assessment, and Management (OAAM)
- V. Questions and Answers/Conclusion

What is the Office of Justice Programs?



Program Overview

- OJP was authorized to distribute funds to support projects designated for funding in the Consolidated Appropriations Act, 2022 (Public Law 117-103) that improve the functioning of the criminal justice system, prevent or combat juvenile delinquency, and assist victims of crime (other than compensation).
- Funding shall be used for the projects, and in the amounts, specified under the heading “Byrne Discretionary Community Project Grants/Byrne Discretionary Grants” in the [Joint Explanatory Statement– Division B](#), which is incorporated by reference into [Pub. L. 117-103](#).
- Grant awards are administered by Bureau of Justice Assistance (BJA), Office of Victims of Crime (OVC), Office of Juvenile Justice and Delinquency Prevention (OJJDP), and National Institute of Justice (NIJ).



Grant Management Overview



Award Acceptance

- The grant award agreement is a legally binding contract with the federal government that must be accepted by the recipient's Authorized Representative.
- **The Authorized Representative accepts the award electronically in JustGrants. In doing so, the recipient certifies it has reviewed and agrees to the information in the application and in the award agreement itself, to include the award conditions and certifications and assurances.**

TIP: Before the award can be accepted in JustGrants, the Entity Administrator must assign a Grant Award Administrator and Financial Manager to the award.



Award Conditions: OJP Standard Conditions

- All awards include standard terms and conditions concerning compliance with, for example:
 - DOJ Grants Financial Guide and 2 CFR Part 200
 - Use of Federal Funds
 - Audit requirements, the Anti-Lobbying Act
 - Civil Rights – EEOP (Equal Employment Opportunity Plan)
 - Reporting Potential Fraud, Waste, and Abuse
- **Grantees are responsible for adhering to all award conditions.**
- The award conditions numbered 1 through 29 in your agreement are the OJP standard conditions. These are followed by program specific conditions.
- Information on the standard OJP conditions is available at the following link – <https://www.ojp.gov/funding/explore/legal-overview-fy-2022-awards>

Award Conditions: Programs Specific

Program specific award conditions begin at number 30 in the award agreement. These may differ by award depending on the project or which OJP office issued the award. All Byrne Discretionary Grant awards will have this award condition:

“As of the first day of the period of performance for the award, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum, all applicable withholding conditions are removed by OJP (via an Award Condition Modification (ACM)).

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at-risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through an Award Condition Modification (ACM), the recipient is authorized to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.”

Award Conditions: Withholding Funds

- Your award may have one or more other award conditions that prohibit expenditure and draw down of award funds until certain conditions are met.
- If OJP identified issues with the budget, the conditional clearance withholding award condition was applied until revisions to the budget are made and then it is approved by OJP's accounting office (OCFO).
- New OJP recipients will have a withholding award condition for completion of grants financial management training
- Other withholding conditions may have been applied due to missing or insufficient information from your application that must be addressed.
- **It is important to work with your grant manager to provide necessary documents needed to remove active withholding award conditions. The grant manager will then process an award condition modification (ACM) to remove the hold(s).**

Award Conditions: Budget Clearance Process

- Prior to award, if OJP identified issues with your application budget, it was not approved (“cleared”) by OCFO.
- OCFO reviews all costs to see if they are properly calculated and classified, allowable, and reasonable. The OJP program office will also review the budget to confirm appropriate programmatic uses.
- If OJP requests changes to your budget, a Budget Clearance GAM will be “change requested” and assigned to the award’s GAA in JustGrants.



Award Conditions: Unallowable Costs

In addition to the unallowable costs listed in the DOJ Grants Financial Guide, the following costs are unallowable per the solicitation:

- No funds provided under this program may be used, directly or indirectly, to provide any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.
- Absent sufficiently specific authorization in the Consolidated Appropriations Act, 2022 (Public Law 117-103), the use of OJP grant funds for unmanned aircraft systems (UAS), including unmanned aircraft vehicles (UAV), and all accompanying accessories to support UAS or UAV, is unallowable.
- Award funds may not be used for the following: rewards, entertainment, prizes, trinkets, or any other monetary incentives; client/participant stipends; gift cards; food and beverage.



Award Conditions: Grants Financial Management Training

- The Grant Award Administrator and Financial Manager assigned to your award must complete training within 120 days of grant acceptance (if it was not previously completed on/after 10/15/2020).
 - If the Grant Award Administrator and/or Financial Manager change, they will have 120 days to complete their training from the day they are added within the JustGrants system.
- For certain recipients, this will be a withholding condition.
- Must be completed every three years
- Available online at <https://onlinegfmt.training.ojp.gov/>
- Submit Grants Financial Management Training certificates to your Grant Manager





Award Conditions: National Environmental Protection Act

- Projects involving use of chemicals and/or construction (to include expansion, renovation, facility planning, site selection, site preparation, and security or facility upgrades) must be reviewed for compliance with the National Environmental Protection Act (NEPA).
- If your project involves these activities or if OJP had questions about any potential NEPA impacts, conditions, including a withholding condition, were applied to your award to complete an Environmental Assessment (EA) or to provide additional information to determine if one is required.
- Here is a link to more information on NEPA requirements:
<https://bja.ojp.gov/national-environmental-policy-act-nepa-guidance#:~:text=Overview,and%20enhancement%20of%20the%20environment.>
- Contact the NEPA coordinator listed in your award document or your grant manager for questions.



Accessing Funds

In order to access funds, the following actions must be completed:

- Valid award acceptance in JustGrants.
- Removal of all withholding award conditions, if applicable.
- Entity registration in the U.S. Treasury's Automated Standard Application for Payments (ASAP) system.
- Submission of any delinquent reports, if applicable.

This program does not allow unlimited advance payments. Advance payment requests are restricted to no more than 10 days of future cash needs. If not spent or disbursed within 10 days, funds must be returned to OJP. There are no limitations on the number or frequency of reimbursement payment requests. See the [DOJ Financial Guide Section 3.1 on Payments](#).



Accessing Funds: ASAP

ASAP is a shared service provided by the Department of the Treasury for grant payments. It allows organizations receiving federal funding to draw funds securely through pre-authorized accounts established by the agency issuing the payment.

- If you are a current or former OJP grant recipient with an active ASAP account: You do not need to take any action in ASAP for this award.
- If you are a new OJP grant recipient: After the award is accepted in JustGrants, your agency's Entity Administrator (EA)/SAM Electronic Business POC will receive two automatically generated emails from ASAP (DoNotReply.asap@mail.twai.gov) inviting you to register.

To have the ASAP registration email resent and/or for assistance registering in ASAP, contact OCFO Customer Service at ask.ocfo@ojp.usdoj.gov or 800-458-0786.

Reporting Requirements: Overview

Report Type	Reporting Period	Due*	JustGrants Role
Federal Financial Report (SF-425)	<ul style="list-style-type: none"> • Jan 1 – Mar 31 • Apr 1 – Jun 30 • Jul 1 – Sep 30 • Oct 1 – Dec 31 	<ul style="list-style-type: none"> • April 30 • July 30 • October 30 • January 30 	Financial Manager
Semi-Annual Performance Report	<ul style="list-style-type: none"> • Jan 1 – Jun 30 • Jul 1 – Dec 31 	<ul style="list-style-type: none"> • July 30 • January 30 	Grant Award Administrator (Alternate GAA can edit but not submit)

***Final FFR and Final Performance Reports will be due 120-days from the project end date.**



Reporting Requirements: Additional Information

- Performance report questions/format may differ by OJP program office.
- Final Performance Reports: Must include sufficient narrative to detail the project's overall accomplishments and the extent to which project goals/objectives were met.
- Final FFRs: Should include the final federal expenditure total, which should be = to the final amount to be drawn down in ASAP.
- You do not need to wait until the end of the project period to submit the Final reports if the project is completed early.

TIP: If a report is not submitted by deadline, JustGrants will automatically suspend the ASAP account and funds will not be available until the delinquent report(s) are submitted. A pattern of delinquent reports will increase the chances of being selected for in depth monitoring by DOJ.

NIJ Requirements Overview

Ted Robinson, Grants Management Specialist, NIJ



NIJ

NIJ performance reporting

In addition to standard quarterly financial reports, NIJ award recipients are required to submit the following—

- Semi-annual progress reports
- Final report
- Final Research Report

Semi-annual and final reports

These reports are to be submitted in the Research Performance Progress Report (RPPR) format. See the [NIJ website](#) for [additional information](#).

- [Semi-annual progress reports](#) are (generally) for 6-month reporting periods.
 - Due at the end of July and the end of January.
- The final report is, essentially, a semi-annual progress report that encompasses the entire project period.
 - Due no later than 120 days after project end date.

Final Research Report

The Final Research Report should be well-developed, concise, and suitable for publication. Recipients should expect all or part of this deliverable to be made available to the public. See the NIJ website for complete details.

This report is due at the end of the project period.

Human subjects protection and privacy

To ensure that human subjects are adequately protected from unreasonable risks and properly informed of the potential harms and benefits from their participation in research, NIJ and recipients of its funds are required to comply with Department of Justice regulations at 28 CFR Part 46 (Protection of Human Subjects).

These regulations generally require that projects involving human subjects are reviewed and approved by an Institutional Review Board (IRB) prior to the expenditure of federal funds for that research.

Human subjects protections

Not sure if your project constitutes research involving human subjects?

- Review the [“Overview of Human Subjects Protection”](#) webpage.
- See the [Research Decision Tree](#).
- NIJ’s Human Subjects Protection Officer (HSPO) has reviewed these projects and provided their comments on what is needed—review your kick-off email for additional information on what is needed (if applicable).



Privacy

NIJ's HSPO review may have required that a Privacy Certificate (PC) be completed and returned. See [Privacy Certificate Guidance on NIJ.OJP.gov](#) for a copy of this form, and instructions on how to complete it.

- Note that even if your project *does not* include human subjects, a privacy certificate may still be required.
- Consult your kick-off email and award conditions for additional information.

Institutional Review Board (IRB)

For some projects, NIH's HSPO will determine that IRB review is required. If IRB approval is required for a project, applicants must submit a copy of the IRB's approval as well as supporting documentation concerning the IRB's institutional affiliation, necessary assurances, etc., to NIH prior to the initiation of any research activities that are not exempt from the requirements of 28 CFR Part 46.

- Note that IRB approvals are generally made for a set period, and continuing IRB review and approval will be required.
- If you do not have an internal IRB, but need to have a project reviewed by one, contact your Grant Manager.



Administrative Requirements: Subawards and Procurement Contracts

Grantees must determine if pass-through funds are considered subawards or procurement contracts.

- Proper determination is critical as **significantly** different grants administrative requirements apply to entities based on determination.
- The substance of the relationship is more important than the form of agreement between the prime recipient and the outside entity.

OJP guidance documents found here: <https://www.ojp.gov/training/subawards-and-procurement> will help clarify the differences between subawards and procurement contracts:

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

Administrative Requirements: Procurement Overview

- All procurement transactions must be conducted in a manner to provide, to the maximum extent practical, open and free competition.
- OJP must give prior approval for any non-competitive (sole source) procurement contract over \$250,000.
- Grantees should follow their organization's procurement guidelines as long as they do not contradict Federal regulations on procurement. Contracts must include all of the provisions listed in Appendix II of 2 C.F.R Part 200
- See [DOJ Grants Financial Guide Section 3.8](#) and [2 C.F.R. §200.317 - §200.327](#) for more information.



Administrative Requirements: Subawards

The requirements for pass through entities related to making and managing subawards are found in [2 CFR 200.332](#). See also [DOJ Grants Financial Guide Section 3.14](#). Requirements include **but are not limited to**:

- Conducting a risk assessment of all subrecipients.
- Executing a subaward agreement with the required elements and passing on all award conditions to the subrecipient.
- Monitoring each subrecipient, which at a minimum includes review of financial and performance reports; ensuring subrecipients address any identified deficiencies; and making management decisions on audit findings.

Pass through Entities must maintain policies/procedures on making and monitoring subawards consistent with and inclusive of all federal requirements.



Administrative Requirements: FFATA Reporting on Subawards

- ***Reported at the end of the month following issuance of subaward.***
- The Federal Funding Accountability and Transparency Act (FFATA) requires information on federal awards be made available to the public via a single, searchable website, www.USASpending.gov.
- FSRS (www.fsrs.gov) is the FFATA Subaward Reporting System used to report sub-award and executive compensation data regarding the first-tier sub-awards to meet the FFATA reporting requirements.
- Prime recipients of awards \$30,000 or more report on any first-tier subawards of \$30,000 or more (effective October 1, 2010).
- To help navigate the submission process, user guides, FAQs, helpdesk and online demos are available at www.fsrs.gov/resources.
- For more information about FFATA, see <https://ojp.gov/funding/Explore/FFATA.htm>.



Administrative Requirements: Other

Other Administrative requirements include but are not limited to:

- Reporting any waste, fraud, and abuse, or similar misconduct to the OIG. See the award condition #29 and [DOJ Grants Financial Guide Section 3.20](#).
- Determination of suitability to interact with participating minors. See award condition #15 and this site: <https://ojp.gov/funding/Explore/Interact-Minors.htm>
- Requirements related to projects that involve “research.”
- Requirements related to purchase of body armor or body worn cameras.
- Requirements related to projects that involve DNA or other forensics testing.
- Requirements related to websites or other publications funded under the grant awards.

Reminder: Make sure to thoroughly read the award conditions and contact your grant manager if you have any questions or concerns.

Grant Award Modifications (GAM): Overview

- A GAM is used to request project changes and/or corrections. The assigned Grant Award Administrator (GAA) for your agency is the only role able to submit a GAM for your award.
- GAMs are submitted and approved through JustGrants. GAM types include:
 - Budget Modifications (movement of funds between budget categories)
 - Change of Scope
 - Project Period
 - Sole Source (Non-competitive procurement contract >\$250,000)
 - Programmatic Costs (Costs Requiring Prior Approval, for example consultant rates >\$650 per day)



GAMs: Restrictions under this Program

Per the solicitation: “Note: Funding will only be provided for the specific projects designated for funding in the Consolidated Appropriations Act, 2022 (Public Law 117-103). Further, [OJP] will not be in a position to approve any changes to the purpose of the project after an award has been made.”

What this means and doesn't mean:

- You can request budget and scope changes, to alter activities and costs from what you submitted as long as the changes clearly support the program name as listed in the JES (i.e., there is no change to the purpose of the funds).

Example 1: Project title is “Acquisition of Body Worn Cameras.” A proposed post-award change to use remaining funds to purchase radios would NOT be allowed.

Example 2: Project title is “Crisis Intervention Team.” A proposed post-award change to move funding from Personnel costs on the CIT to equipment costs for the CIT. This would be allowable because the new costs clearly support the appropriated project.

GAM: Project Period Extension

- Must be requested through JustGrants at least 30 days prior to the current end date.
- Generally, no more than one no-cost extension not to exceed 12-months may be made to an award;
- Generally, an extension may be made only for award recipients that have no significant performance or compliance issues.
- OJP will consider exceptions to these policies on a case-by-case basis.

Compliance Monitoring

- OJP program offices will conduct formal monitoring activities (site visits and desk reviews) of grant recipients to ensure you are:
 - conducting activities that were proposed and approved;
 - meeting programmatic, administrative, and fiscal requirements;
 - identifying and resolving problems and/or issues; and
 - receiving needed training and guidance.



Compliance Monitoring

- **Common Issues For Resolution:**
- Incorrect classification of subaward as a procurement contract and/or FFATA report not submitted.
- Unallowable costs (e.g. food/beverage, gift cards, etc.)
- Unauthorized costs (costs not listed in the approved budget)
- Accounting policies and procedures are not documented or need improvement, and lack of tracking award expenditures by approved budget category, including match.
- Subrecipient and/or procurement policies not adequate and/or not followed
- Programmatic or financial changes made without prior approval



Closeout

- All obligations on grant-funded activities must be incurred on or before the last day of the period of performance.
- Recipients have a liquidation period of up to 120-days after the project period ends to make any remaining payments.
- After you have submitted the Final Performance Report, Final FFR, and made the last drawdown in ASAP, the Grant Award Administrator submits the closeout in JustGrants.
- Note: the ASAP account will be suspended automatically upon submission of the closeout or 120-days after the project end date.
- Reminder: you can complete the closeout steps before the project end date if the project is completed early. You do not need to wait.



Useful Links and Numbers

- OJP Website <http://www.ojp.usdoj.gov/>
- OJP Funding Opportunities
<https://ojp.gov/funding/Explore/CurrentFundingOpportunities.htm>
- OJP Funding Resources <http://ojp.gov/funding/index.htm>
- OJP Recipient Resources
<https://www.ojp.gov/funding/implement/overview>
- DOJ Grants Financial Guide
<https://www.ojp.gov/funding/financialguidedoj/overview>
- Title 2 Part 200: <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1>

Useful Links and Numbers

- JustGrants <https://justgrants.usdoj.gov>
- JustGrants Support 833–872–5175 or JustGrants.Support@usdoj.gov
- JustGrants Training: <https://justicegrants.usdoj.gov>
- Automated Standard Application for Payments (ASAP)
<https://fiscal.treasury.gov/asap>
- OCFO Customer Service (800) 458-0786 or ask.ocfo@usdoj.gov
- DOJ Grants Financial Management Online Training
<https://onlinegfmt.training.ojp.gov>



Financial Management

T R A I N I N G

BJA's New Grantee Orientation

FY-22 Byrne Discretionary Grants

Office of the
Chief Financial Officer

Office of Justice Programs



Topics of Discussion

- Agency Requirements
- Internal Controls
- Supplanting
- Commingling of Funds
- Subrecipient Monitoring

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Agency Requirements Financial Management Systems



Financial Management Systems

All recipients are required to:

Establish/maintain auditable accounting records



Accurately account for funds awarded



Funds for each award must be accounted for separately from other grants and other funding sources

Records shall include Federal, matching, and program income



Financial Management Systems

States and other non-Federal entities must expend/account for grant funds per their own policies and procedures, applicable Federal statutes, regulations, and terms and conditions of the award.
(whichever are more restrictive)





Financial Management Systems

Accounting and Internal Controls:

Proper stewardship of federal resources is an essential responsibility of the grantee organization.



Grantees must ensure that Federal programs and resources are used efficiently and effectively to achieve desired objectives.



Financial Management Systems

Adequate Accounting System:

Present and classifies costs, as required for budgetary and evaluation purposes.

Provides cost and property control to ensure optimal use of funds.

Controls funds/resources to assure conformance with general or special conditions.





Financial Management Systems

Adequate Accounting System:

Meets requirements for periodic reporting.



Provides financial data for planning, control, measurement, and evaluation of direct and indirect costs.



Financial Management Systems

Financial Management Systems must be able to record and report on the:



RECEIPT



OBLIGATION



**EXPENDITURE
S**

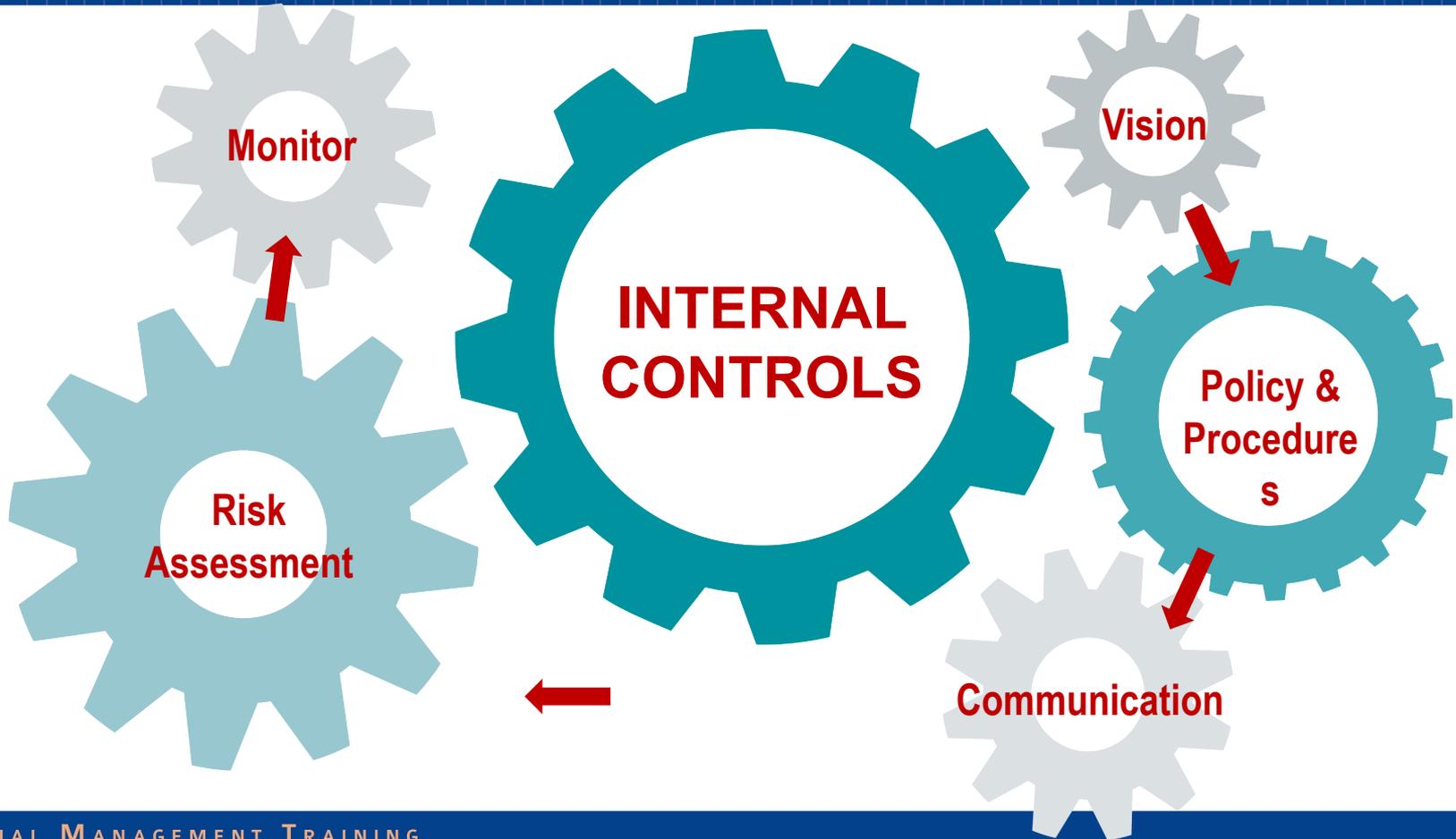


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Internal Controls



Internal Controls

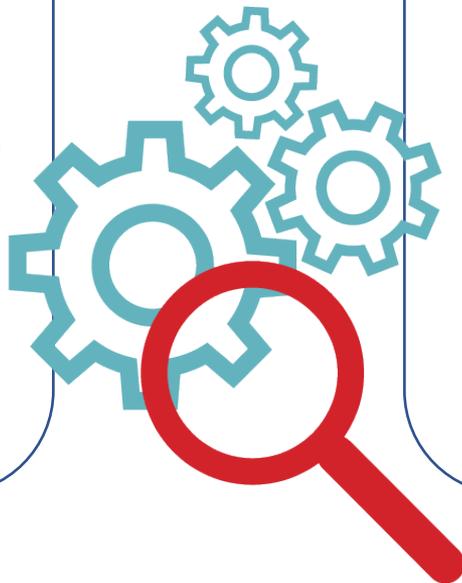




Internal Controls

Internal Controls and Segregation of Duties:

Strong internal controls allow for effective and efficient operations, reliable financial reporting, and compliance with applicable laws and regulations.

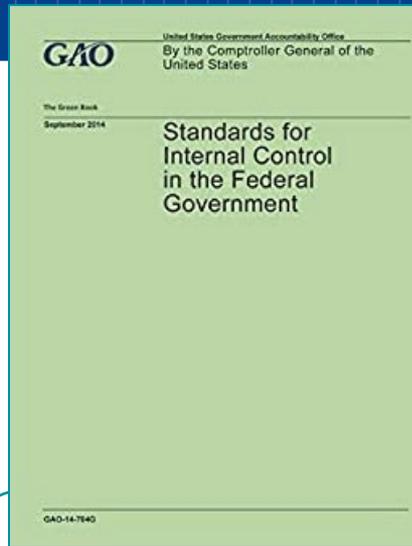


Proper segregation of duties should ensure that no individual has the ability to either conceal or misdirect funds within the agency.

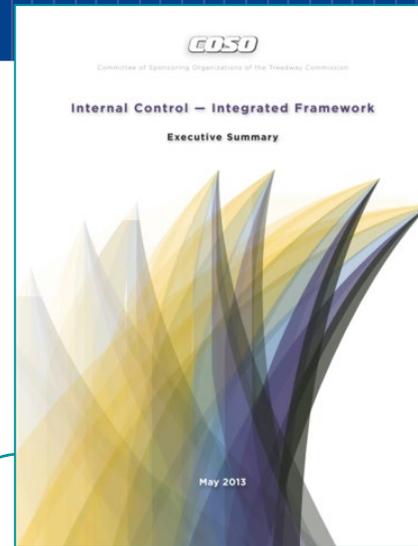


Internal Controls

Non-federal entities are required to implement adequate internal controls to ensure full compliance with all regulations.



Standards for Internal Controls in the Federal Government – (Green Book).



Internal Control Integrated Framework / (Committee of Sponsoring Organizations of the Treadway Commission – COSO).

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Supplanting



Supplanting

DOJ funds must be used to supplement existing funds for program activities and may not replace (supplant) non-federal funds that have been appropriated for the same purpose.





Supplanting

- To deliberately reduce State or local funds because of the existence of Federal funds.

Example:

- State funds are appropriated for a stated purpose and Federal funds are awarded for that same purpose. The State replaces its State funds with Federal funds, thereby reducing the total amount available for the stated purpose.



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Commingling of Funds



Commingling

Although Federal regulations do not require physical segregation of cash deposits, the accounting systems must ensure that agency funds are not commingled with funds from other Federal or private agencies.

- Recipients and subrecipients must account for each award separately.
- Recipients and subrecipients are prohibited from commingling funds on either a program-by-program or project-by-project basis.
- Funds specifically budgeted and/or received for one project may not be used to support another.
- If the recipient's or subrecipient's automated general ledger accounting system cannot comply with this requirement, a system should be established to adequately track funds according to each budget category.



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Subrecipient Monitoring



Subrecipient Monitoring



A pass-through entity must have writing policies and procedures on how subawards will be made and subrecipients managed.



Ensure that subrecipients are not suspended or debarred by the federal government prior to making the award.



Subrecipient Monitoring

The pass-through entity's annual monitoring plan should include:

- ✓ All subrecipients that will be monitored
 - Subrecipients from each risk level should be monitored (i.e., high, medium, and low)
- ✓ Type of monitoring
 - On-site or in-house review

Effective implementation of the monitoring plan may also result in the identification of potential areas for training and technical assistance.





Subrecipient Monitoring

In preparation for a review, the pass-through entity should review all documentation, such as:

- ✓ Subrecipient's application for funding;
- ✓ Written agreement with the subrecipient;
- ✓ Financial and progress reports;
- ✓ Drawdown history (payments made to the subrecipient); and
- ✓ Copies of recent audit reports.

The result of this review may inform the pass-through entity about the subrecipient's operations and identify potential problem areas that may require additional examination.

(Title 2 CFR 200.332)





Subrecipient Monitoring



BEST PRACTICES

1. Notification
2. Entrance conference
3. Supporting documentation, data gathering and analysis
4. Exit conference
5. Follow-up
6. Corrective action plan (if applicable)
7. Closure





The End

