

Solicitation Template to Announce Grant Programs under the American Recovery and Reinvestment Act of 2009 ("Recovery Act")

A. JUSTIFICATION

Necessity of Information: The solicitation template serves as a generic model for the announcement of grant programs as authorized by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (the "Recovery Act"). The template will be used to solicit applications to fund grants to assist state, local, and tribal law enforcement, to combat violence against women, to fight internet crimes against children, to improve the functioning of the criminal justice system, to assist victims of crime, and to support youth mentoring. Recovery Act programs in support of these purposes will be administered by the Office on Violence Against Women and the Office of Justice Programs, including its component program offices - the Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime. Program solicitations being announced under the Recovery Act contain minimal new and different reporting requirements for applicants and funding recipients.

2. Purpose for Use: The solicitation provides direction and a description of required information to be submitted by potential/eligible applicants. The following elements are included –

Overview of Program Announced

Deadline: Registration

Deadline: Application

Eligibility

- General Statement of Eligibility in accordance with program authority and/or policy (outlines organizations generally eligible to apply in response to this solicitation)
- Additional Requirements of the Recovery Act related to Eligibility to Receive Funds
- Faith-Based and Other Community Organizations
- American Indian Tribes and Alaska Native Tribes and/or Tribal Organizations

Program-Project Specific Information

Accountability and Transparency under the Recovery Act

Performance Measures

Instructions on How to Apply

What an Application Must Include

Selection Criteria

Review Process

Additional Requirements

Application Checklist
Appendix: Template(s) for Required Certification(s)

The solicitation notifies and provides information on the content, reporting format, and submission of additional requirements related to the Recovery Act (including certification requirements) are as follows:

For all programs:

Separate Tracking and Reporting of Recovery Act Funds and Outcomes

Consistent with the special purposes and goals of the Recovery Act, and its strong emphasis on accountability and transparency, it is essential that all funds from a Recovery Act grant be tracked, accounted for, and reported on separately from all other funds (including funds from non-Recovery-Act grants awarded for the same or similar purposes or programs). Recipients must also be prepared to track and report on the specific outcomes and benefits attributable to use of Recovery Act funds.

The accounting systems of all recipients and subrecipients must ensure that funds from any award under this Recovery Act solicitation are not commingled with funds from any other source.

Reporting on the Use of Funds In order to be eligible to receive funds under this solicitation, applicants must certify that they will satisfy the reporting requirements of section 1512(c) of the Recovery Act, which requires detailed reporting (including reporting on subawards) not later than ten calendar days after the end of each calendar quarter.

Recovery Act grant recipients may expect that the information posted by OJP will identify grantees that are delinquent in their reporting. In addition, in keeping with standard OJP practice, grant recipients who do not submit required reports by the due date will not be permitted to draw down funds thereafter, during the pendency of the delinquency, and may be subject to other appropriate actions by OJP, including, but not limited to, restrictions on eligibility for other OJP awards, restrictions on draw-down on other OJP awards, and suspension or termination of the Recovery Act award.

Limit on Funds

The Recovery Act specifically provides that funds may not be used by any State or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

Contracts

Generally speaking, the Recovery Act places special emphasis on the use of fixed-price contracts awarded through competitive procedures. As information becomes available, OJP will provide guidance to applicants as to what, if any, particular procurement requirements or procedures may apply to contracts awarded with Recovery Act grant funds, apart from those that appear in 28 C.F.R. Part 66 and 28 C.F.R. Part 70.

Funding Distribution and Appropriate Use of Funds Section 1607 of the Recovery Act requires either a certification by the Governor or a concurrent resolution of the State legislature concerning funds distribution and assurance of appropriate use of funds. States may not receive funds under this Recovery Act solicitation unless section 1607 is satisfied.

For programs to which non-supplanting does not apply:

Non-Supplanting: For purposes of this Recovery Act solicitation, the general non-supplanting requirement of the OJP Financial Guide (Part II, Chapter 3) does not apply.

For programs to which non-supplant requirement does apply:

Non-supplanting: Funds awarded under this solicitation must not supplant existing funds. For additional information on matters concerning this requirement, please refer to the OJP Financial Guide (Part II, Chapter 3), and to the additional information that appears on the “OJP Recovery Act Additional Requirements” webpage.

For programs where funds may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work:

Recovery Act: Buy American

All applicants that propose to use grant funds to construct, alter, maintain, or repair a public building or public work should be aware that the Recovery Act (in section 1605) contains a “Buy American” provision that applies to iron, steel, and manufactured goods, subject to certain exceptions. The provision is to be applied in a manner consistent with United States obligations under international agreements. Government-wide guidance on this provision is not yet available, but is expected.

For programs that permit construction or renovation:

Wage Rate Requirements

All applicants should be aware that the Recovery Act contains a provision on wage rate requirements that concerns projects funded or assisted by Recovery Act funds that employ laborers and mechanics. See section 1606 of the Recovery Act, the text of which appears on the “OJP Recovery Act Additional Requirements” webpage. Government-wide guidance on this provision is not yet available, but is expected.

For programs that permit infrastructure investment

Preference for Quick-Start Activities

Pursuant to section 1602 of the Recovery Act, recipient of funds under this solicitation for infrastructure investment are to give preference to activities that can be started and completed expeditiously, and also are expected to use grant funds in a manner that maximizes job creation and economic benefit. For the details of this requirement, please refer to the text of section 1602, which appears on the “OJP Recovery Act Additional Requirements” webpage.

Certification regarding Infrastructure Investments

Pursuant to section 1511 of the Recovery Act, a State or local government (including a federally-recognized Indian tribal government) may not receive funds for an infrastructure investment (for example, construction or major renovation of a correctional facility) unless the Governor, mayor, or other chief executive, as appropriate, certifies that the infrastructure investment has received the full vetting required by law and that the chief executive accepts responsibility that the infrastructure is an appropriate use of taxpayer dollars.

Consistent with section 1511, all applicants under this solicitation must complete a “General Certification as to Requirements for Receipt of Funds for Infrastructure Investments,” a template for which is included in the appendix. Recipients that are awarded funds for one or more infrastructure investment projects must also submit and post a certification that satisfies section 1511 as to each such specific project prior to obligating, expending, or drawing down funds for such a project.

3. Use of Information Technology: Additional information on application requirements, certifications, and assurances is provided through hyperlinks to the OJP website. The application process is managed through the Internet, using Office of Justice Programs’ electronic application system entitled the [Grants Management System \(GMS\)](#). Prospective applicants can apply using this electronic paper less system at: <https://grants.ojp.usdoj.gov/>

All data collection instruments mentioned in the solicitation and required as part of the application process has OMB clearance approval, under OMB Control No. 1121-0243.

4. Identification of Duplication: The information provided in the Recovery Act solicitation template is specific to minimal new and different reporting requirements for applicants and funding recipients.

5. Impact on Small Businesses or Other Entities: The GMS system provides benefits to small business and other small sized entities relating to their record-keeping capabilities. GMS provides a centralized location to locate and manage all of the information about their OJP and OVW grants.

6. Consequences if Collection is not Conducted: The solicitation template provides a standardized format and agency-approved language governing the pre- and post-award grant and contract process as required by OMB guidance and statutory provisions of the Recovery Act.

7. Special Circumstances: There are no special circumstances that would require the applicant to provide information under any of the described methods.

8. Federal Register Publication and Consultation: The 60 day and 30 day notices have been published for public comment. OJP has not received any comments on this package.

9. Payment to Respondents: There is neither payment nor gifts given to respondents outside of merited funding.

10. Assurance of Confidentiality: All information submitted by applicants and funding recipients maintained in accordance with the Privacy Act. Any release of information will conform to the stipulations of the Privacy Act Authorization for Release Information. For collection systems, such as the OJP Grants Management System (GMS), only those individuals with a valid identification and password are authorized to access the personal information. A Privacy Notice is displayed on the GMS sign-in page. The GMS Privacy Impact Assessment is available to the Public at http://www.ojp.usdoj.gov/GMS_PIA_01292007.pdf

11. Questions of a Sensitive Nature: No sensitive questions are asked of the respondents.

12. Estimates of the Hour Burden: It is estimated that the average time to prepare and submit a funding application in response to solicitation requirements for formula grant applications is 5 hours per application, and 10 hours for discretionary applications.

Formula and Discretionary Grant Applications – Est. 250 x 30 hours = 7,500 hours

13. Estimate of Cost Burden for Respondents: The estimate of the total annual cost to respondents is minimal. The cost of internet access can be nullified by use of public internet service providers such as public libraries or similar facilities. The GMS incurs no special fee from a respondent, and requires no purchases or costs to complete the collection tool. The effort spent on paper-based reporting would be significantly higher to respondents due to the costs of production of a paper form, postal service, and other necessities of a paper-based system.

14. Estimates of Annualized Cost to the Federal Government:

OJP and OVW is projecting that approximately 250 applications will be submitted under FY 2009 Recovery Act grant program solicitations. Federal government employees spend an average of 6 hours a year processing each application.

250 new applications X 6 hours = 1,500 annual hours

The estimated hourly rate for an OJP employee (GS/12-1) including benefits is \$47.44.

1,500 hours X \$47.44 = \$71,160

Personnel and Benefits	\$ 71,160
Staff Overtime	\$ 0
Operations & Maintenance	<u>\$ 21,348</u>
Total Cost to the Federal Government	\$ 92,508

15. Program Changes or Adjustments: This is an emergency clearance request based on the deadlines required under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (the “Recovery Act”).

16. Publishing Information: The Recovery Act places great emphasis on accountability and transparency in the use of taxpayer dollars. Among other things, it creates a new Recovery Accountability and Transparency Board and a new website, Recovery.gov, to provide information to the public, including access to detailed information on grants and contracts made with Recovery Act funds.

17. Display of Expiration Date

The OJP and OVW Program Offices are prepared to display all expiration dates.

18. Collection of Information Employing Statistical Methods

Not applicable.