

Required Files for 2019 VOCA Victim Assistance Grant Applications

Before logging into the Grants Management System (GMS), make a computer file for each of the 12 items listed below. Each file name must include the bolded description of the file title and the state initials.

1. A Statement Regarding Use of Administrative and Training Funds

Due to the increase in recent years in Victims of Crime Act (VOCA) Victim Assistance Formula grant awards (compared to pre-FY 2015 levels), significant administrative and training funds are available. The Office for Victims of Crime (OVC) expects states and territories to use part of these administrative funds to support technology enhancements that will enable them to comply with OVC's updated data collection requirements. Applicants must notify OVC if they intend to use their award for administrative or training costs. Such notification shall indicate what portion of the 5 percent amount allowed for administration and training will be allocated for training and what portion for administration. See 28 C.F.R. 94.107.

2. Certification of State Eligibility Requirements Statement

Each applicant must provide written certification that—

- it **complies with and will continue to comply with** the requirements of 34 U.S.C. § 20103(a)(2) (applicable provisions of VOCA), and 28 C.F.R. Part 94, Subpart B (the [VOCA Assistance Program Rule](#)), and will require subrecipient compliance with these requirements, as applicable (e.g., 28 C.F.R. 94.111 to 94.122). See 28 C.F.R. 94.103.
- award funds will be used only to provide services to victims of crime, except for a maximum of 5 percent that may be used for administration and training. See 28 C.F.R. 94.107.
- award funds will not be used to supplant state and local public funds that would otherwise be available for crime victim services, or state funds that would otherwise be available for purposes of administering the state victim assistance program. See 28 C.F.R. 94.108.
- it will allocate a minimum of 40 percent of the total grant to the three priority victim categories (sexual assault, domestic violence, and child abuse) and underserved victims of violent crime by subawarding at least 10 percent to each of four categories. Underserved victims of violent crime are designated by the state administering agency by the type of crime or demographic characteristics of the victim, or both. This requirement may be waived by the OVC Director upon a showing of good cause by the applicant. See 28 C.F.R. 94.104.
- it will maintain fund accounting, auditing, and other records, as necessary, to assure fiscal control, proper fund management, and efficient disbursement of funds received

under the VOCA victim assistance program. See Financial Management and System of Internal Controls, below.

- it will maintain documentation describing its methodology for selecting subrecipients. See 28 C.F.R. 94.104(e).
- it will provide OVC with the name of a civil rights contact person who is responsible for ensuring that all applicable civil rights requirements are met and who will act as liaison in civil rights matters with the Office of Justice Programs (OJP) Office for Civil Rights.
- it certifies that no person shall on the grounds of race, color, religion, national origin, disability, or sex be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any undertaking funded in whole or in part with award funds. See 34 U.S.C. § 20110(e).
- it will submit the required programmatic and financial reports on the use of award funds by the OVC deadlines.
- it will promptly notify OVC and the federal cognizant audit agency of any illegal acts or irregularities (e.g., conflicts of interest, falsification of records or reports, misappropriation of funds/assets), and proposed or actual actions, relevant to the award funds, if any.

3. A Statement Regarding Collecting the Data Required for This Solicitation's Performance Measures

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

Applicants should visit OJP's performance measurement page at <https://ojp.gov/performance/> for an overview of performance measurement activities at OJP.

Award recipients will be required to provide the relevant data by submitting quarterly performance metrics through OVC's online Performance Measurement Tool (PMT), located at <https://ovcpmt.ojp.gov/>. Applicants should examine the list of Victim Assistance performance measures in the questionnaires below:

- [Victim Assistance – Subgrant Award Report \(SAR\)](#)
- [Victim Assistance – Subgrantee Performance Measures Report](#)
- [Victim Assistance – Grantee Report](#)

The application should demonstrate the applicant's understanding of the performance data reporting requirements for this grant program and detail how the applicant will gather the required data should it receive funding.

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

4. Financial Management and System of Internal Controls Questionnaire (including applicant disclosure of high-risk status)

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

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

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

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

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

5. Applicant Disclosure of Pending Applications

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

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

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

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

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

Each applicant should include the table as a separate attachment to its application. The file should be named “Disclosure of Pending Applications.” The applicant Legal Name on the application must match the entity named on the disclosure of pending applications statement.

Any applicant that does not have any pending applications as described above is to submit, as a separate attachment, a statement to this effect: “[Applicant Name on SF-424] does not have (and is not proposed as a subrecipient under) any pending applications submitted within the last 12 months for federally funded grants or cooperative agreements (or for subawards under federal grants or cooperative agreements) that request funding to support

the same project being proposed in this application to OJP and that would cover all identical cost items outlined in the budget submitted as part of this application.”

6. Applicant Disclosure and Justification – DOJ High Risk Grantees¹ (if applicable)

An applicant that is designated as a DOJ High Risk Grantee is to submit, as a separate attachment to its application, information that OJP will use, among other pertinent information, to determine whether it will consider or select the application for an award under this solicitation. The file should be named “DOJ High Risk Grantee Applicant Disclosure and Justification.” (See, also, “Review Process,” below, under Section E. Application Review Information, for a brief discussion of how such information may be considered in the application review process.)

OJP constantly seeks to optimize its investments in criminal- and juvenile justice-focused programs and activities, increase program effectiveness, and maximize the return – and program impact – from limited programmatic resources. Therefore, OJP may remove from consideration or not select for award a "DOJ High Risk Grantee" applicant that is determined to pose a substantial risk of program implementation failure. In making such determinations, OJP will consider one or more of the following factors: the applicant's lack of sufficient progress in addressing required corrective actions necessary for removal of the DOJ High Risk Grantee designation; the nature and severity of the issues leading to or accompanying the applicant's DOJ High Risk Grantee designation; or the applicant's expected ability to manage grant funds and achieve grant goals and objectives.

In this attachment, the applicant is to provide any additional information or justification – especially with regard to corrective actions yet to be implemented (as of the application date) – that may help demonstrate how the applicant has addressed or otherwise mitigated such uncorrected matters, such that any negative impact on the proposed program and its implementation would be immaterial or would be significantly reduced or eliminated. (To the extent that the applicant believes that any of the information provided pursuant to this disclosure may be confidential in nature, the applicant should specifically identify it.)

7. Disclosure of Lobbying Activities

Each applicant must complete and submit this information. An applicant that expends any funds for lobbying activities is to provide all of the information requested on the form [Disclosure of Lobbying Activities \(SF-LLL\)](#). An applicant that does not expend any funds for lobbying activities is to enter “N/A” in the text boxes for item 10 (“a. Name and Address of Lobbying Registrant” and “b. Individuals Performing Services”).

¹ A “DOJ High Risk Grantee” is a 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 that is otherwise not responsible.

8. Statement Regarding Plan To Subgrant Funds

Applicants must describe the process used to make subgrants with the VOCA victim assistance funding and describe the process that will be used to award FY 2019 funding. Applicants should describe the following:

- Efforts to identify additional needs for victim services in the state or territory.
- How subawards will be made, including the extent to which new awards will be made and the extent to which awards to existing subgrantees will be increased. If a strategic plan has already been developed that covers part of the planning for VOCA funds, please submit the plan with the application.
- Any planning process that is underway or anticipated with regard to providing victim assistance in the state or territory.
- VOCA requires that states and territories ensure that subrecipients meet certain organizational capacity requirements, see 28 C.F.R. 94.112(b); 34 U.S.C. § 20103(b)(1)(B), by showing a record of effective services to victims of crime and financial support from non-Crime Victims Fund sources, or substantial financial support from non-Crime Victims Fund sources. Given the amount of funding available in recent years, in addition to organizations that have traditionally been funded, OVC encourages states and territories to consider funding organizations that have not traditionally received VOCA funds, — organizations that can demonstrate the capacity and expertise to provide direct services to crime victims. Describe how this will be accomplished in your state.

It is understood that the plan for FY 2019 is a preliminary plan that may change as the planning process unfolds.

Applicants will make subawards to eligible organizations. Subrecipients are to provide match in accordance with the Victim Assistance Program Rule. OVC may waive the match requirement, all or in part, as provided in 28 C.F.R. 94.118.

9. List of Staff Positions Paid With VOCA Victim Assistance Administrative Funds

Please provide a complete list of each assistance staff person whose salary is paid with VOCA Victim Assistance Formula grant administrative funding. Please list the positions' titles and the percentage of funding supported with VOCA victim assistance funds. If your program does not use administrative funds to support staff salaries, please indicate this in your attachment.

10. Information on Proposed Subawards (if any), and on Proposed Procurement Contracts (if any)

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

Whether an action—for federal grants administrative purposes—is a subaward or procurement contract is a critical distinction as significantly different rules apply to subawards and procurement contracts. If a recipient enters into an agreement that is a subaward of an OJP award, specific rules apply—many of which are set by federal statutes

and DOJ regulations; others by award conditions. These rules place particular responsibilities on an OJP recipient for any subawards the OJP recipient may make. The rules determine much of what the written subaward agreement itself must require or provide. The rules also determine much of what an OJP recipient must do both before and after it makes a subaward. If a recipient enters into an agreement that is a procurement contract under an OJP award, a substantially different set of federal rules applies.

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

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

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

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

i. Information on proposed subawards

A recipient of an OJP award may not make subawards ("subgrants") unless the recipient has specific federal authorization to do so. Unless an applicable statute or DOJ regulation specifically authorizes (or requires) subawards, a recipient must have authorization from OJP before it may make a subaward.

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

If an applicant proposes to make one or more subawards to carry out the federal award and program, and those subawards are not specifically authorized (or required)

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

(Note: The Victims of Crime Act, 34 U.S.C. § 20103(a)(1), specifically authorizes subawards; so specific authorization by OJP of those subawards is not required for this program.)

ii. Information on proposed procurement contracts (with specific justification for proposed noncompetitive contracts over \$250,000²)

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

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

If the applicant receives an award, sole source procurements that do not exceed the simplified acquisition threshold must have written justification for the noncompetitive procurement action maintained in the procurement file. If a procurement file does not have the documentation that meets the criteria outlined in 2 C.F.R. 200, the procurement expenditures may not be allowable. Sole source procurement over the simplified acquisition threshold must have prior approval from OJP using a Sole Source Grant Adjustment Notice (GAN). Written documentation justifying the

² Consistent with the provisions of Office of Management and Budget memorandum, OMB M-18-18, dated June 20, 2018, and entitled, “Implementing Statutory Changes to the Micro-Purchase and the Simplified Acquisition Thresholds for Financial Assistance,” DOJ will allow recipients (and any subrecipients) of awards made under this solicitation to use a simplified acquisition threshold of \$250,000 and a micro-purchase threshold of \$10,000, for federal grants administrative purposes.

noncompetitive procurement must be submitted with the GAN and maintained in the procurement file.

11. Monitoring of Subawards

Please describe your monitoring activity of subawards in FY 2018. Are you meeting your monitoring goals? If you are not meeting your monitoring goals, please explain.

12. Indirect Cost Rate Agreement (if applicable)

Indirect costs may be charged to an award only if:

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

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

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

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

If your program does not have a federally approved indirect cost rate, and you are not eligible to use the “de minimis” indirect cost rate, please indicate this in your attachment.

Note: Indirect costs, to the extent that they include administrative costs, are limited by the statutory cap on administrative (and training) costs. See 28 C.F.R. 94.107; 94.109.