

**U.S. Department of Justice**

Office of Justice Programs

*Bureau of Justice Statistics*



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The U.S. Department of Justice, Office of Justice Programs (OJP), Bureau of Justice Statistics (BJS) is pleased to announce that it is seeking applications for an agent to (1) assist BJS in determining the reasonableness of certain state record estimates provided by states under the provisions of the NICS Improvement Amendments Act of 2007 (P.L. 110-180) enacted on January 8, 2008; and (2) develop state record estimates for non-responding states. The NICS Improvement Amendments Act of 2007 is intended to improve the records utilized by the National Instant Criminal Background Check System (NICS) by providing assistance to states to improve the completeness, automation and transmittal of records to state and federal systems. Such records include criminal history records, records of felony convictions, warrants, records of protective orders, convictions for misdemeanors involving domestic violence and stalking, records of mental health adjudications, and others, which may disqualify an individual from possessing or receiving a firearm under federal law.

## **FY 2009 NICS State Records Estimates Development and Validation Project Solicitation**

### **Eligibility**

Applications for funding may be submitted by both for-profit (commercial) and nonprofit organizations  
(See "Eligibility" on page 4)

### **Deadline**

Registration with OJP's Grants Management System (GMS) is required prior to application submission.  
(See "Deadline: Registration" on page 3)

All applications are due by 5:00 p.m. eastern time, on June 19, 2009.  
(See "Deadline: Applications" on page 3)

### **Contact Information:**

For assistance with the requirements of this solicitation, contact Gerard Ramker, Associate Director, at 202-307-0765 or via email at [askbjs@usdoj.gov](mailto:askbjs@usdoj.gov). Please include "nicsest" in the subject line. This application must be submitted through GMS. The number to reach the GMS Support Hotline is 1-888-549-9901, option 3. Note: The GMS Support Hotline hours of operation are Monday - Friday from 7:00 a.m. to 9:00 p.m. eastern time.

**2009-BJS-2227**

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# **FY 2009 NICS State Records Estimates Development and Validation Project**

## **CFDA Number 16.813**

### **Overview**

The NICS Improvement Amendments Act of 2007, Pub. L. 110-180 (the NICS Improvement Act), was signed into law on January 8, 2008. The NICS Improvement Act amends the Brady Handgun Violence Prevention Act of 1993 (the Brady Act) (Pub. L. 103-159), under which the Attorney General established the National Instant Criminal Background Check System (NICS). The Brady Act requires Federal Firearms Licensees (FFLs) to contact the NICS before transferring a firearm to an unlicensed person for information on whether the proposed transferee is prohibited from receiving or possessing a firearm under state or federal law.

The NICS Improvement Act was enacted in the wake of the April 2007 shooting tragedy at Virginia Tech. The Virginia Tech shooter was able to purchase firearms from an FFL because information about his prohibiting mental health history was not available to the NICS and the system was therefore unable to deny the transfer of the firearms used in the shootings. The NICS Improvement Act seeks to address the gap in information available to NICS about such prohibiting mental health adjudications and commitments and other prohibiting records. Filling these information gaps will better enable the system to operate as intended to keep guns out of the hands of persons prohibited by federal or state law from receiving or possessing firearms. The automation of records will also reduce delays for law-abiding gun purchasers.

The Act authorized a grant program to assist states in providing certain information to the NICS, and prescribes grant penalties for non-compliance with the Act's record completeness goals. Additionally, pursuant to the Act, there are certain conditions, described below, that a state must satisfy in advance of receiving grants under the Act.

BJS is authorized to issue this solicitation under 42 U.S.C. § 3732(c).

### **Deadline: Registration**

Registration with OJP's Grants Management System (GMS) is required prior to application submission. The due date for GMS registration is June 19, 2009, 5:00 p.m. (ET). To access the GMS system, go to <https://grants.ojp.usdoj.gov>. Applicants should begin the process a few weeks prior to the GMS registration deadline, especially if this is the first time they have used the system. Each application requires a separate GMS registration. For a step-by-step guide, visit <http://www.ojp.gov/gmscbt/> and refer to the section entitled "External Overview: Locating & Applying for Funding Opportunities." For additional assistance, call the GMS Help Desk at 1-888-549-9901 from 7:00 a.m. to 9:00 p.m. eastern time Monday through Friday.

## **Deadline: Application**

Applications must be received by 5:00 p.m. eastern time, Friday, June 19, 2009, to be eligible for funding in FY 2009. Awards are expected to be made by September 30, 2009.

## **Eligibility**

Both for-profit (commercial) and nonprofit organizations (including tribal organizations) may apply for funds. However, consistent with OJP fiscal requirements, for-profit organizations are not allowed to make a profit as a result of this award or to charge a management fee for the performance of this award.

**Faith-Based and Other Community Organizations:** Consistent with Executive Order 13279, dated December 12, 2002, and 28 C.F.R. Part 38, faith-based and other community organizations that statutorily qualify as eligible applicants under DOJ programs are invited and encouraged to apply for assistance awards to fund eligible grant activities. Faith-based and other community organizations will be considered for awards on the same basis as other eligible applicants and, if they receive assistance awards, will be treated on an equal basis with all other grantees in the administration of such awards. No eligible applicant or grantee will be discriminated for or against on the basis of its religious character or affiliation, religious name, or the religious composition of its board of directors or persons working in the organization.

Faith-based organizations receiving DOJ assistance awards retain their independence and do not lose or have to modify their religious identity (e.g., removing religious symbols) to receive assistance awards. DOJ grant funds, however, may not be used to fund any inherently religious activity, such as prayer or worship. Inherently religious activity is permissible, although it cannot occur during an activity funded with DOJ grant funds; rather, such religious activity must be separate in time or place from the DOJ-funded program. Further, participation in such activity by individuals receiving services must be voluntary. Programs funded by DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion.

**American Indian Tribes and Alaska Native Tribes and/or Tribal Organizations:** Applicants are limited to for-profit (commercial) organizations, nonprofit organizations, faith-based and community organizations, institutions of higher learning, and consortiums with demonstrated organization and community-based experience working with American Indian and Alaska Native communities, including tribal commercial and nonprofit organizations, tribal colleges and universities, and tribal consortiums. All tribal applications must be accompanied by a current authorizing resolution of the governing body of the tribal entity or other enactment of the tribal council or comparable government body. If the grant will benefit more than one tribal entity, a current authorizing resolution or other enactment of the tribal council or comparable government body from each tribal entity must be included. If the grant application is being submitted on behalf of a tribal entity, a letter or similar document authorizing the inclusion of the tribal entity named in the application must be included. Applicants are encouraged to review the Civil Rights Compliance section under "Additional Requirements" in this announcement.

## **Project-Specific Information**

### **Background**

The NICS Improvement Act was enacted in the wake of the April 2007 shooting tragedy at Virginia Tech. Information about the prohibiting mental health history of the perpetrator at Virginia Tech was not available to the NICS to enable the system to deny the transfer of the firearms used in the shootings. The NICS Improvement Act seeks to address the gap in information about such prohibiting mental health adjudications and commitments, as well as other prohibiting records. Filling these information gaps will better enable the system to operate as intended to keep guns out of the hands of those prohibited from receiving or possessing them by federal or state law.

Among other important provisions, the Act contains an authorization for two new federal grant programs that would provide support for states and state court systems in their efforts to improve the quality and completeness of criminal record information available to the NICS. Tribal governments are also eligible for these grants. The grant programs are administered by the Bureau of Justice Statistics (BJS) and are awarded to the states through the agency designated by the Governor to administer the National Criminal History Improvement Program (NCHIP) grants.

It is important to note that states must satisfy two requirements to be eligible for a grant. First, states must have a program in place to allow persons restricted from obtaining firearms due to the presence of a federal mental health prohibitor to apply for relief from that restriction. Second, states must provide the Attorney General with reasonable estimates of certain categories of available records in the state.

In addition to being one of two prerequisites for grant eligibility, the record estimate serves another important purpose. The Act allows for a potential reward to be granted to states that have reported records at a certain level of completeness and for a potential penalty to be imposed on states that fail to report records at a certain minimum level of completeness. The reward consists of a waiver of NCHIP matching grant funds and may be granted on a basis outlined in the Act. The penalty consists of the withholding of a percentage of formula grant funds under the Byrne Justice Assistance Grant program and may be imposed, as early as 2011, on a basis outlined in the Act.

The reward and penalty are enforceable regardless of whether a state applies for a grant authorized under the Act and regardless of whether a state supplies an initial estimate of available records. However, if a state submits an estimate, the Department will use that estimate in evaluating whether the state has met the record completeness goals outlined in the Act. If a state chooses not to submit an estimate, the Attorney General has the authority to, and will, develop an independent estimate of the state's available records.

### **Composition of the State-Supplied Record Estimates**

Pursuant to Section 102 (b)(2) of the Act, states are to provide the Attorney General with reasonable estimates of certain categories of available records in the state "concerning any event occurring within the prior 20 years."

The initial state estimates information collection form was approved by the Office of Management Budget (OMB) on January 29, 2009 and was sent to the states on February 6, 2009. The form as well as additional information about the NICS Improvement Act and DOJ efforts to implement it can be found on the BJS website at <http://www.ojp.usdoj.gov/bjs/niaa.htm>. The states were requested to submit their initial estimates to BJS on or before May 1, 2009.

The state estimates information collection form requests two numbers from the states regarding each of seven categories of records:

- the number of such records available at originating agencies in the state, and
- the number of these records already in the state's criminal record repository.

Essentially, these numbers are to be converted by BJS to a percentage (repository records as a percentage of all available records) to determine the completeness of the state's reporting of required records. BJS will also rely on record counts supplied by the FBI which reflect numbers of state-supplied records to various files utilized by the NICS including NCIC files, the Interstate Identification Index and related files, and the NICS Index.

#### What the State Estimates are to Cover

The basic issue of record completeness being addressed by the NICS Improvement Act is the fact that not all relevant events, even though recorded in some fashion at the originating agency, are being recorded at the state central record repositories and/or provided to the FBI's national automated record systems that are used for NICS checks. Therefore, the required record estimates seek to obtain a count of the number of unique records of the events, i.e., the number of convictions, adjudications, commitments, orders, outstanding indictments, etc., and, for comparison purposes, the number of those events reflected in records that are electronically available through state record repositories. These comparisons will allow an assessment of the percentage of automated records of the events that are or can be made available for use by the NICS.

#### Record Categories Covered

For the purposes of the estimates provided by the states, the term "event" means an action by a government agency that results in the creation of one or more of the following categories of records pertaining to persons prohibited from purchasing a firearm pursuant to the Federal Gun Control Act of 1968, as amended, 18 U.S.C. 921 et. seq. including the following:

- Category 1: Records that identify a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year (e.g., federal or state felonies), and of any state misdemeanor punishable by imprisonment for more than 2 years.
- Category 2: Records that identify a person who is currently under an indictment or information returned or filed with a court, or a criminal complaint issued or verified by a prosecutor, for the crimes described in Category 1.
- Category 3: Records that identify a person who is a fugitive from justice, as demonstrated by an active felony or misdemeanor want or warrant.

- Category 4: Records that identify a person who is an unlawful user of or addicted to any controlled substance, as demonstrated by specified arrests, convictions and adjudications, not protected from disclosure to the Attorney General by federal or state law.
- Category 5: Records that identify a person who has been adjudicated as a mental defective or has been formally and involuntarily committed to any mental institution, not protected from disclosure to the Attorney General by federal or state law.
- Category 6: Records that are electronically available and identify a person subject to an active court order (e.g., issued by a criminal court or any civil court, such as divorce court, family court, magistrate or general jurisdiction court) which restrains a person from committing acts of violence against another person.
- Category 7: Records that are electronically available and identify a person convicted in any court of a misdemeanor crime of domestic violence.

#### Definitional Guidance Provided to the States

##### *Originating Agencies vs. Record Repositories*

The primary sources of information about relevant events are the originating agencies, i.e., the agencies that make the arrests, issue the warrants, indictments, or informations, or enter the convictions or orders. These agencies will typically have “original” records about these events, although other agencies involved may also have records of the event. For example, a court will have a record of a conviction it enters, but so may the arresting agency or prosecutor’s office involved in the case. Estimates are requested for records available at appropriate originating agencies in each record category.

At the same time, each state has a central record repository for criminal justice information and some may have central record repositories for mental health adjudications and commitments. It is through the state central record repositories that automated information about these events is electronically entered into the national repositories maintained by the FBI and used for NICS checks. Estimates are requested for records available at the state repository, data warehouses, or other locations in each record category.

##### *Disqualifying Events and Records that Reflect Them*

It is recognized that the disqualifying events reflected in the categories of records specified in the Act may be available from more than one agency in the state. For example, a record of a single arrest or conviction may appear in the record systems of a police agency, a prosecutor’s office, the courts, and the state central record repository. It is not intended that each record associated with a single event be counted but rather that a single report of the event be identified in the estimates.

The estimates of available records are to be based on the number of unique records available at the state repository (or equivalent statewide database) and at an originating agency. A Court’s Judgment and Conviction Order, whether it involves multiple counts or one count, represents a single record of a disqualifying event for purposes of these estimates. Conversely, several events may be included on a single, consolidated record about a person in a central record

system, such as the “Record of Arrest and Prosecution” or “RAP Sheet,” reflecting that the person has two or more felony convictions or other disqualifying events. That consolidated record should not be counted as a “single” disqualifying event, if the convictions are the subject of separate Judgment and Conviction Orders as stated above. Each conviction on a consolidated record or RAP sheet is to be counted as a separate conviction if it meets the definition of a conviction or disqualifying event.

### Relevant Definitions

“Conviction” – A Court’s Judgment and Conviction Order, whether it involves multiple counts or a single count, represents a “conviction.” Example: When a defendant’s criminal court case results in convictions on separate charges of burglary, assault, and armed robbery, it should be counted as one conviction.

“Records that identify a person” are: (1) fingerprint-based records which may be made available to the Interstate Identification Index (“III”) or name-based records which may be made available to the files in (a) the National Crime Information Center (“NCIC”) or (b) the National Instant Criminal Background Check System (NICS) Index Files (“NICS Index”). Such records may be available in state or local agency or court files and systems.

“Active records” – In the case of felony and/or misdemeanor wants or warrants, the term “active” means the want or warrant has not expired or been satisfied, removed, retired, deleted, or otherwise invalidated in terms of its status, and it retains its authority for a police officer to arrest the subject of the want or warrant.

In the case of protection or restraining orders, the term “active” means the order has not expired or been removed, retired, deleted, or otherwise invalidated in terms of its status, and it retains its authority to be enforced by a court and/or the police.

In the case of indictments, informations, and verified complaints, the term “active” means the prosecution associated with the indictment, information, or complaint has not concluded, been finally disposed of by the court, or has not been otherwise terminated.

“Available” – A record is deemed available if it contains the minimum data required for entry into the III, NCIC or the NICS Index. A record is deemed “electronically available” if it contains the minimum data required for entry into the III, NCIC or the NICS Index, and currently resides in a database, spreadsheet, data file, or other electronic structure from which an automated transfer of the relevant data can be made. Paper or manual records are not considered “electronically available.”

### Narrative Descriptions

The information collection form requires two narrative explanations: (a) a description of how the state maintains required records; and (b) the approach(es) taken to develop the record estimates. The state’s own assessment of record availability involves several considerations, including what agencies or entities originate the records, the number of these agencies, the number of available records, the format of the records, and how long agencies may retain such records. The requested narratives provide the opportunity for states to address these issues in an effort to help guide the state’s development of record estimates. The narratives also may be used for states to provide explanations for any missing data or failure to provide breakdowns of



the estimates as requested. It is also envisioned that these narratives will be used by the Attorney General to help evaluate the reasonableness of the estimates, as required under the Act.

## **Scope of Work**

Through this program announcement, BJS is seeking applications for an agent that will (1) help BJS determine the reasonableness of state record estimates provided to BJS by states, and (2) develop reasonable state record estimates for non-responding states. In close collaboration with BJS staff, the recipient of funds will plan, design and implement a methodology for: determining the reasonableness of the state record estimates provided by individual states; and, produce state record estimates for states that do not submit initial estimates to BJS. It is expected that this work will rely on the production of model-based estimates

## Conceptual Approach

The recipient of funds is expected to:

- (A) Assess the feasibility of utilizing currently available data and information (listed below in “Access to Information and Data”) for determining the completeness of the records reported by states, including an examination of the internal and external validity of these data for these purposes.
- (B) Determine the need for additional data including statistical surveys and/or information collections to improve the validity of estimates and their precision. If other data sources are required in order to assess the completeness of state reports, the recipient of funds will provide an assessment of the use of these data for this purpose, including an assessment of their reliability for determining completeness of state reports.
- (C) Prepare a preliminary plan containing options for developing model-based or survey-based estimates for determining state record completeness, and show how the proposed modeling approaches will result in data that will provide reliable assessments of the completeness of required state records. Subject to BJS approval of the plan, the recipient will implement the proposed plan.
- (D) Assess the reliability of currently available data as well as additional data for producing valid and reliable estimates of required state record completeness for states that have not provided the record estimates. Based on this assessment, the recipient of funds will develop a final plan for producing model-based estimates of the required data elements for non-responding states. This plan will include, among other elements (see below for standards and requirements), a statement of how the model will address nonresponse, how it will address possible selection bias issues related to nonresponse, and how robust the models are to alternative specifications.

The recipient of funds will be expected to adhere to standards and guidelines published by the Office of Management and Budget (OMB).<sup>1</sup> In particular, the recipient of funds will:

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<sup>1</sup>See: [http://www.whitehouse.gov/omb/assets/omb/inforeg/statpolicy/standards\\_stat\\_surveys.pdf](http://www.whitehouse.gov/omb/assets/omb/inforeg/statpolicy/standards_stat_surveys.pdf) regarding statistical surveys and information collections and, in particular, policies regarding the development of survey- and model-based estimates.

- (1) Use accepted theory and methods when developing record completeness estimates, and must follow guidelines identified by OMB as “best practices” in this regard.
- (2) If direct survey estimates will be produced, the recipient of funds must:
  - (a) Employ weights appropriate for the sample design to calculate population estimates. However, the recipient of funds may employ an alternative method (e.g., ratio estimators) to calculate estimates if it has evaluated the alternative method and determined that it leads to acceptable results.
  - (b) Use auxiliary data to improve precision and/or reduce the error associated with direct survey estimates.
  - (c) Calculate variance estimates by a method appropriate to a survey’s sample design taking into account probabilities of selection, stratification, clustering, and the effects of nonresponse, post-stratification, and ranking. The estimates must reflect any design effect resulting from a complex design.
- (3) Develop the model-based record completeness estimates according to accepted theory and practices (e.g., assumptions, mathematical specifications) which are comprehensively documented in the final report.
- (4) Develop projections, if utilized, in accordance with accepted theory and practices (e.g., assumptions, mathematical specifications) which are comprehensively documented in the final report.
- (5) Subject model(s) used for developing estimates to the following:
  - (a) Sensitivity analysis to determine if changes in key model inputs cause key model outputs to respond in a sensible fashion;
  - (b) Model validation to analyze a model’s performance by comparing the results to available independent information sources; and
  - (c) Demonstration of reproducibility to show that, given the same inputs, the model produces similar results.
- (6) Prior to producing record completeness estimates, establish criteria for determining when the error (both sampling and nonsampling) associated with a direct survey estimate, model-based estimate, or projection is too large to publicly release the estimate/projection.
- (7) Document methods and models used to generate estimates and projections to help ensure objectivity, utility, transparency, and reproducibility of the estimates and projections. BJS intends to archive data and models so the estimates/projections can be reproduced.

#### Deliverables

- (1) Not later than the end of the 1<sup>st</sup> month of the project, the recipient of funds will deliver a proposed timetable covering each task in the project. The timetable must be detailed

and comprehensive. After the BJS manager has agreed to the timetable, all work must be completed as scheduled.

Not later than the end of the 6<sup>th</sup> month of the project, the recipient of funds will produce the following interim deliverables:

- (2) An assessment of the feasibility of utilizing currently available data and information for producing model-based estimates of state record completeness which includes an examination of the internal and external validity of these data; and
- (3) A proposal identifying any additional data deemed necessary (including statistical surveys and/or information collections) to improve the validity of the required estimates and their precision.<sup>2</sup>

At the conclusion of the 12-month project the recipient of funds will produce the following additional deliverables:

- (4) A detailed and comprehensive final report that provides the documentation required above in sufficient detail to reproduce the model-based estimates produced;
- (5) A separate table which includes individual state-supplied record estimates and the recipient of funds' determination of the reasonableness of these estimates;
- (6) A separate table of individual record completeness estimates for each state that did not supply such estimates; and
- (7) Copies of all data utilized in the by the model(s) produced.

#### Access to Information and Data

The recipient of funds will be provided access to:

- The individual record estimates and narrative information submitted to BJS by the states.
- State responses to the *Survey of Criminal History Information Systems, 2006* conducted on behalf of BJS by SEARCH Group, Inc (available online at: <http://www.ncjrs.gov/pdffiles1/bjs/grants/224889.pdf>).
- State-level monthly counts for multiple years of records in relevant files of the National Crime Information Center (NCIC) including:
  - Protection Order File- The Protection Order File was established by the FBI in 1997 for the entry, storage, and retrieval of protection order records. The file is designed to: (1) enable civil and criminal courts to receive timely and accurate information on active protection orders and historical records for use in domestic

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<sup>2</sup> Applicants should not include program narrative or budget information related to such additional data collection in the application submitted in response to this program announcement. In response to the proposal submitted by the recipient of funds, BJS may or may not supplement the initial award to accommodate the additional data collection proposed.

violence and stalking cases; (2) enable law enforcement agencies to access information regarding the existence and terms of a protection order, including orders issued in another state; and, (3) identify persons prohibited by federal or state laws from purchasing a firearm.

- Wanted Persons and Foreign Fugitives File- The Wanted Person File was created in 1967 and contains records for individuals who have an outstanding warrant. This file also contains records for juveniles who have been judged delinquent and who have escaped from custody or supervision or who have absconded while on probation or parole. The file also contains records for juveniles who were charged with committing an act of delinquency that would be a crime if committed by an adult and who have fled from the state in which the act was committed.
- Supervised Release File - This file was created in 1999 and contains records for individuals who are under specific restrictions during their probation, parole, supervised release, or pre-trial sentencing periods. Local, state, and federal supervision officers may enter records in NCIC for subjects who are put under specific restrictions during their probation, parole, supervised release sentence, or pre-trial sentencing. Any local, state, or federal criminal justice supervision agency may enter information on probationers and subjects of supervised releases.
- Convicted Sexual Offender Registry File- This file was created in 1999 to hold records of persons who have been convicted for a criminal offense against a minor, or for a sexually violent offense or for persons whom authorities determined are sexually violent predators. As per Title 42, U.S.C., Section 14072(a), sexual offender registry information records can be entered in the file for the following subjects: (a) a person who has been convicted of a criminal offense against a minor; (b) a person who has been convicted of a sexually violent offense; (c) a person who is a sexually violent predator; or (d) records for offenders who have failed to register or are noncompliant.
- State-level counts for multiple years of records in the NICS Index File, consisting of records corresponding to the following categories of prohibited persons:
  - Persons who are convicted felons. This includes misdemeanor offenses with a potential term of imprisonment in excess of two years, whether or not sentence was imposed. Local, state, and federal law enforcement agencies have the authority to enter and update such records.
  - Persons convicted of misdemeanor crimes of domestic violence. Local, state, and federal law enforcement agencies have the authority to enter and update such records.
  - Persons who are fugitives from justice. This includes the subject of an active felony or misdemeanor warrant. Local, state, and federal law enforcement agencies have the authority to enter and update such records.
  - Persons who are unlawful users of or addicted to any controlled substance. The Department of Defense, the U.S. Coast Guard, and local, state, and federal law

enforcement agencies have the authority to enter and update records of persons who have been unlawful users of or are addicted to any controlled substance.

- Persons who are the subject of a protection order. Qualifying orders include those issued after a hearing in which the respondent had notice that restrains them from harassing, stalking, or threatening an intimate partner or child of such partner. This does not include *ex parte* orders. Local, state, and federal law enforcement agencies have the authority to enter and update such records.
- Persons who are under indictment or information for a crime punishable by imprisonment for a term exceeding one year. Local, state, and federal law enforcement agencies have the authority to enter and update such records.
- Persons who are aliens and are illegally or unlawfully in the United States. The U.S. Immigration and Customs Enforcement and state law enforcement agencies have the authority to enter/update records of individuals who are aliens and are unlawfully/illegally in the United States or (except as provided in Title 18, U.S.C., Section 922[y][2]) are individuals who have been admitted to the United States under a nonimmigrant visa, e.g., aliens traveling temporarily in the United States for business or pleasure, students who maintain a residence abroad or aliens who are temporary foreign workers.
- Persons who have renounced their U.S. citizenship. The Department of State alone has the authority to enter/update records on persons who have renounced their U.S. citizenship.
- Persons who have been adjudicated as a mental defective or have been involuntarily committed to a mental institution. The Department of Veterans Affairs, the Department of Defense, and local, state, and federal law enforcement agencies have the authority to enter and update records of persons who have been adjudicated as mental defectives or have been involuntarily committed to mental institutions.
- Persons who have been discharged from the U.S. Armed Forces under dishonorable conditions. The Department of Defense and the U.S. Coast Guard have the authority to enter and update records of persons who have been dishonorably discharged from the U.S. Armed Forces.
- Persons who are federally disqualified when a record is not already included in the NCIC or the III. Local, state, and federal law enforcement agencies have the authority to enter and update such records.

## **Funding**

BJS anticipates making one (1) initial award under this program announcement and may allocate up to \$400,000 for this project. As indicated herein, a supplemental award may be made, at the sole discretion of BJS, for additional data collection activity BJS deems necessary. However, any award made pursuant to this solicitation is subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

## Award Period

The award will be made for a 12-month period. Funded activities should begin no later than October 1, 2009.

## Performance Measures

To ensure compliance with the Government Performance and Results Act (GPRA), Public Law 103-62, this program announcement notifies applicants that they are required to provide performance data used to measure the results of this program. BJS requires applicants to provide data to measure progress and achievements of the program. To ensure accountability of these data, for which OJP is responsible, the following performance measures are provided:

Program Objectives	Performance Measures	Data to be Provided by Grantees
<p>To assist BJS in determining the reasonableness of state record estimates provided by states</p>	<p>Assessment of the feasibility of utilizing currently available data and information for determining the completeness of the records reported by states, including an examination of the internal and external validity of these data for these purposes.</p> <p>Determination of the need for additional data including statistical surveys and/or information collections to improve the validity of estimates and their precision. If other data sources are required in order to assess the completeness of state reports, the recipient of funds will provide an assessment of the use of these data for this purpose, including an assessment of their reliability for determining completeness of state reports.</p> <p>Assess the reliability of currently available data as well as additional data for producing valid and reliable estimates of required state record completeness for states that have not provided the record estimates.</p> <p>Percentage of state estimates that are verified as reliable.</p>	<p>Within one month, the recipient of funds will deliver a proposed timetable covering each task in the project. The timetable must be detailed and comprehensive.</p> <p>Within six months, the recipient of funds will produce:</p> <ul style="list-style-type: none"> <li>• An assessment of the feasibility of utilizing currently available data and information for producing model-based estimates of state record completeness which includes an examination of the internal and external validity of these data.</li> <li>• A plan containing options for developing model-based or survey-based estimates for determining state record completeness, and show how the proposed modeling approaches will result in data that will provide reliable assessments of the completeness of required state records. Subject to BJS approval of the plan, the recipient will implement the proposed plan.</li> <li>• A proposal identifying any additional data deemed necessary (including statistical surveys and/or information collections) to improve the validity of the required estimates and their precision.</li> </ul>
<p>Develop reasonable state record estimates for non-responding states.</p>	<p>Development of a plan for producing model-based estimates of the</p>	<p>At the conclusion of the 12-month project the recipient of funds will</p>

	<p>required data elements for non-responding states. The plan will include, among other elements, a statement of how the model will address nonresponse, how it will address possible selection bias issues related to nonresponse, and how robust the models are to alternative specifications.</p> <p>Percentage of non-responding states for which an estimate is successfully modeled.</p> <p>Percent of deliverables (including Final reports) that meet BJS' expectations for depth, breadth, scope, quality of study, and pertinence (as determined by BJS).</p> <p>Percentage of planned deliverables submitted on time.</p>	<p>produce:</p> <ul style="list-style-type: none"> <li>• A detailed and comprehensive final report that provides the documentation required above in sufficient detail to reproduce the model-based estimates produced.</li> <li>• A separate table which includes individual state-supplied record estimates and the recipient of funds' determination of the reasonableness of these estimates.</li> <li>• A separate table of individual record completeness estimates for each state that did not supply such estimates.</li> <li>• Copies of all data utilized in the by the model(s) produced.</li> </ul> <p>Number of deliverables (including Final reports) that meet BJS' expectations for depth, breadth, scope and quality of study, and pertinence (As determined by BJS program manager and management).</p> <p>Number of deliverables (including Final reports) that meet BJS' expectations for depth, breadth, scope and quality of study, and pertinence (As determined by BJS program manager and management).</p> <p>Number of deliverables submitted on schedule.</p>
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## How to Apply

Applications must be submitted through OJP's Grants Management System (GMS). The Grants Management System Support Hotline at 1-888-549-9901, option 3. Note: The GMS Support Hotline hours of operation are Monday-Friday from 7:00 a.m. to 9:00 p.m. eastern time.

**Grants Management System Instructions.** To access the GMS system, go to <https://grants.ojp.usdoj.gov>. Applicants should begin the process a few weeks prior to the GMS registration deadline, especially if this is the first time they have used the system. Each application requires a separate GMS registration. For a step-by-step guide, visit <http://www.ojp.gov/gmscbt/> and refer to the section entitled "External Overview: Locating & Applying for Funding Opportunities." For additional assistance, call the GMS Help Desk at 1-888-549-9901 from 7:00 a.m. to 9:00 p.m. eastern time Monday through Friday.

**Note: OJP will not review any application whose attachments are in Microsoft Vista or Microsoft 2007 format.** Applications submitted via GMS must be in the following formats: Microsoft Word (\*.doc), Word Perfect (\*.wpd), Microsoft Excel (\*.xlm), PDF files (\*.pdf), or Text Documents (\*.txt). . GMS is not yet compatible with Vista and cannot yet process Microsoft Word 2007 documents saved in the new default format with the extension “.docx.” Please ensure the documents you are submitting are saved using "Word 97-2003 Document (\*.doc)" format. Additionally, GMS does not accept executable file types as application attachments. These disallowed file types include, but are not limited to, the following extensions: ".com," ".bat," ".exe," ".vbs," ".cfg," ".dat," ".db," ".dbf," ".dll," ".ini," ".log," ".ora," ".sys," and ".zip."

**CFDA Number:** The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is 16.813, titled “NICS Act Record Improvement Program,” and the funding opportunity number is 2009-BJS-2227.

**A DUNS number is required:** The Office of Management and Budget requires that all businesses and nonprofit applicants for federal funds include a DUNS (Data Universal Numbering System) number in their application for a new award or renewal of an award. Applications without a DUNS number are incomplete. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and subrecipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, simple, one-time activity. Obtain one by calling 1-866-705-5711 or by applying online at <http://www.dnb.com/us/>. Individuals are exempt from this requirement.

**Central Contractor Registration (CCR) is required:** In addition to the DUNS number requirement, OJP requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the Central Contractor Registration (CCR) database. The CCR database is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. Organizations that have previously submitted applications via Grants.gov are already registered with CCR, as it is a requirement for Grants.gov registration. Please note, however, that applicants must update or renew their CCR registration at least once per year to maintain an active status. Information about registration procedures can be accessed at [www.ccr.gov](http://www.ccr.gov).

## What an Application Must Include

When applying for federal funding, applicants must provide the following:

- Standard Form 424
- Program Narrative
- Budget and Budget Narrative
- Indirect Cost Rate Agreement (if applicable)
- Other Attachments

- Applicant must complete the online Application for Federal Assistance (SF-424), a standard form that most federal agencies use.



## Program and Budget Related Attachments

- The program narrative should describe activities as discussed in the Scope of Work and address the Selection criteria. The project narrative should contain a detailed time line for project activities.
- The Budget Detail Worksheet may be found through the Internet at < [http://www.ojp.usdoj.gov/funding/forms/budget\\_detail.pdf](http://www.ojp.usdoj.gov/funding/forms/budget_detail.pdf)>, OJP Standard Forms & Instructions. The OJP Financial Guide, which governs the administration of funds and, contains information on allowable costs, methods of payment, audit requirements, accounting systems, and financial records, is available on the OJP website at < <http://www.ojp.usdoj.gov/financialguide/index.htm>>. If you have any questions, please contact the OJP Office of the Comptroller's Customer Service Center at 1-800-458-0786. Note: Applicants should not include program narrative or budget information related to any additional data collection which may be subsequently proposed as described in the Statement of Work section. In response to that proposal delivered by the recipient of funds, BJS may or may not supplement the initial award to accommodate such additional data collection.
- Applicants that do not have a federally negotiated indirect cost rate and wish to establish one, may submit a indirect cost proposal to their "cognizant" federal agency. In general, the cognizant federal agency is the agency that provides the preponderance of direct federal funding. This can be determined by reviewing an organization's schedule of federal financial assistance. If DOJ is your cognizant federal agency, obtain information needed to submit an indirect cost rate proposal can be obtained at < [http://www.ojp.usdoj.gov/funding/pdfs/indirect\\_costs.pdf](http://www.ojp.usdoj.gov/funding/pdfs/indirect_costs.pdf)>.

## Other Attachments

- **Key staff information.** Information on key staff includes a staff loading chart, by task and contract year, showing the role and number of hours (per year) committed for proposed staff; identification of proposed key personnel and their qualifications for the significant functions in this project, along with concise descriptions of the duties each will perform under the grant; and an identification by name of all key personnel with decision-making authority. Resumes of the proposed project director and key staff should be submitted with the proposal.
- **Privacy Certification.** The Privacy Certificate is a funding recipient's certification of compliance with federal regulations requiring confidentiality of information identifiable to a private person, which is collected, analyzed, or otherwise used in connection with an OJP-funded research or statistical activity. The funding recipient's Privacy Certificate includes a description of its policies and procedures to be followed to protect identifiable data. A model certificate is located at <<http://www.ojp.usdoj.gov/bjs/pub/pdf/bjsmpc.pdf>>.
- **Human Subjects Protection Certification of Compliance.** BJS requires the funding recipient to submit proper documentation to be used to determine that the research project meets the federal requirements for human subjects protections set forth in 28 CFR Part 46. A model certificate, describing the necessary information to be provided by the funding recipient, can be accessed at <<http://www.ojp.usdoj.gov/bjs/hscr.htm>>.

**Assurances and Certifications.** Applicants are required to review, accept, and “sign off” on these assurances and certifications electronically through GMS. Please verify that the name, address, phone number, fax number, and e-mail address of the authorizing official on these online forms are correct.

- (1) **Assurances.** The applicant must comply with the assurances in order to receive federal funds under this program. It is the responsibility of the recipient of federal funds to fully understand and comply with these requirements. Failure to comply may result in withholding of funds, termination of the award, or other sanctions.
- (2) **Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace.** This form commits the applicant to comply with the certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," and 28 CFR Part 67, "A Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for a Drug-Free Workplace (Grants)."

## **Selection Criteria**

Proposals should describe the plan and implementation strategies outlined in the Scope of Work. Information on staffing levels and qualifications should be included for each task and descriptions of experience relevant to the project. Applications will be evaluated on the basis of:

### **1. Program Narrative (15%)**

Content of the proposal and how it addresses the tasks in the scope of work and proposed timeline.

### **2. Program Design and Implementation (25%)**

Demonstrated knowledge of applied research methodology, including survey construction, interview techniques, data collection, data coding, entry and verification, and the production of public-use data files. This includes availability of an adequate computing environment, knowledge of standard social science data processing software, and demonstrated ability to produce SPSS readable data files for analysis and report production.

### **3. Capabilities/Competencies (25%)**

Demonstrated ability and experience in collecting and analyzing data from a large number of justice related agencies or similar entities.

### **4. Budget (20%)**

Demonstrated fiscal, management, staff, and organizational capacity to provide sound management for the project. Reasonableness of the proposed budget. Applicant should include detailed staff resources and other costs by project tasks.

## **5. Impact/Outcomes and Evaluation (15%)**

Demonstrated ability to produce reliable survey- and/or model-based estimates and projections.

### **Review Process**

The applicant will be evaluated based on the requirements provided under the Selection Criteria. OJP is committed to ensuring a standardized process for awarding grants. The Bureau of Justice Statistics reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with program or legislative requirements as stated in the solicitation.

Peer Reviewers will be reviewing the applications submitted under this solicitation as well. The Bureau of Justice Statistics may use either internal peer reviewers, external peer reviewers or a combination of both to review the applications under this solicitation. An external peer reviewer is an expert in the field of the subject matter of a given solicitation who is NOT a current U.S. Department of Justice employee. An internal reviewer is an expert in the field of the subject matter of a given solicitation who is a current U.S. Department of Justice employee. Applications will be screened initially to determine whether the applicant meets all eligibility requirements. Only applications submitted by eligible applicants that meet all other requirements will be evaluated, scored, and rated by a peer review panel. Peer reviewers' ratings and any resulting recommendations are advisory only. In addition to peer review ratings, considerations may include, but are not limited to, underserved populations, strategic priorities, past performance, and available funding.

After the peer review is finalized, the Office of the Chief Financial Officer (OCFO), in consultation with the Bureau of Justice Statistics, conducts a financial review of all potential discretionary awards and cooperative agreements to evaluate the fiscal integrity and financial capability of applicants; examines proposed costs to determine if the budget and budget narrative accurately explain project costs; and determines whether costs are reasonable, necessary, and allowable under applicable federal cost principles and agency regulations. OCFO also reviews the award document and verifies the OJP Vendor Number.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final grant award decisions will be made by the Assistant Attorney General (AAG), who may also give consideration to factors including, but not limited to, underserved populations, strategic priorities, past performance, and available funding when making awards.

### **Additional Requirements**

Successful applicants selected for award must agree to comply with additional applicable requirements prior to receiving grant funding. We strongly encourage you to review the list below pertaining to these additional requirements prior to submitting your application. Additional information for each can be found at [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm).

- Civil Rights Compliance
- Funding to Faith-Based Organizations

- Confidentiality and Human Subjects Protections Regulations
- Anti-Lobbying Act
- Financial and Government Audit Requirements
- National Environmental Policy Act (NEPA) Compliance
- DOJ Information Technology Standards
- Single Point of Contact Review
- Non-Supplanting of State or Local Funds
- Criminal Penalty for False Statements
- Compliance with the Office of Justice Programs' [Financial Guide](#)
- Suspension or Termination of Funding
- Nonprofit Organizations
- For-Profit Organizations
- Government Performance and Results Act (GPRA)
- Rights in Intellectual Property
- Federal Funding Accountability and Transparency Act (FFATA) of 2006