



---

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Statistics (BJS) is pleased to announce that it is seeking applications for funding under the 2011 National Instant Criminal Background Check System (NICS) Act Record Improvement Program (NARIP). This program implements the grant provisions of the NICS Improvement Amendments Act of 2007 (P.L. 110-180 (codified at 18 U.S.C. § 922 note)) enacted on January 8, 2008. This program furthers the Department's mission by improving the records used by NICS by providing assistance to eligible states and tribes to improve the completeness, automation and transmittal of records to state and federal systems. The records covered include automated information needed by the NICS to identify felony convictions, felony indictments, fugitives from justice, drug arrests and convictions, prohibiting mental health adjudications and commitments, domestic violence protection orders, and misdemeanor crimes of domestic violence.

## **FY 2011 NICS Act Record Improvement Program (NARIP) Solicitation**

### **Eligibility**

Applicants are limited to: (a) the agency designated by the Governor to administer the National Criminal History Improvement Program (NCHIP); (b) the state or territory central administrative office or similar entity designated by statute or regulation to administer federal grant funds on behalf of the jurisdiction's court system; or (c) federally recognized Indian tribal government. Additionally, there are two other specific conditions associated with eligibility for grants under this program (see "Eligibility" on page 3.)

### **Deadline**

Registration with Grants.gov is required prior to application submission. (See "How to Apply," page 11.) All applications are due by 11:59 p.m. Eastern time on Monday, May 16, 2011. (See "Deadlines: Registration and Application," page 3.)

### **Contact Information**

For technical assistance with submitting the application, contact Grants.gov Customer Support Hotline at 800-518-4726 or via e-mail to [support@grants.gov](mailto:support@grants.gov).

**Note:** The Grants.gov Support Hotline hours of operation are 24 hours a day, 7 days a week, except federal holidays.

For assistance with any other requirement of this solicitation, contact Devon B. Adams, Chief, Criminal Justice Data Improvement Program, at 202-307-0765 or by e-mail at [askbjs@usdoj.gov](mailto:askbjs@usdoj.gov). Include "2011NARIP" in the subject line.

Grants.gov number assigned to announcement: **2011-BJS-2978**

# CONTENTS

Overview.....	3
Deadlines: Registration and Application.....	3
Eligibility.....	3
Program-Specific Information.....	4
Performance Measures.....	8
Notice of New Post-Award Reporting Requirements.....	10
How to Apply.....	11
What an Application Should Include: .....	13
Information to Complete the Application for Federal Assistance, Standard Form (SF) 424	
Program Narrative	
Plan for Collecting the Data Required for this Solicitation's Performance Measures	
Budget Detail Worksheet and Budget Narrative	
Indirect Cost Rate Agreement (if applicable)	
Tribal Authorizing Resolution (if applicable)	
Additional Attachments	
Other Standard Forms	
Selection Criteria.....	17
Review Process .....	18
Additional Requirements.....	19
Application Checklist .....	21

# FY 2011 NICS Act Record Improvement Program (NARIP) CFDA # 16.813

## Overview

BJS is publishing this notice to announce the continuation of the National Instant Criminal Background Check System (NICS) Act Record Improvement Program (NARIP) in Fiscal Year 2011, identify the program priorities, and provide information on application requirements.

## Program goals

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

The NIAA 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 NIAA seeks to address the gap in information available to NICS about such prohibiting mental health adjudications and commitments and other prohibiting factors.** 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 NIAA 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 on page 3 under “Eligibility,” that a state must satisfy in advance of receiving grants under the Act.

## Deadlines: Registration and Application

Registration is required prior to submission. OJP strongly encourages registering with Grants.gov several weeks before the deadline for application submission. The deadline for applying for funding under this announcement is 11:59 p.m. Eastern time on Monday, May 16, 2011. Please see the “How to Apply” section on page 11 for more details.

## Eligibility

The NIAA provides that the grants authorized are to be made in a manner consistent with the National Criminal History Improvement Program (NCHIP).

The NARIP applications must be submitted by: (a) the agency designated by the Governor to administer the NCHIP program; (b) the state or territory central administrative office or similar

entity designated by statute or regulation to administer federal grant funds on behalf of the jurisdiction's court system; or (c) federally recognized Indian tribal government.

Note - In accordance with the NIAA (see 18 U.S.C. § 922 note), there are two specific conditions that each state must satisfy before being eligible to receive grants:

1. First, "each State shall provide the Attorney General with a reasonable estimate, as calculated by a method determined by the Attorney General... of the number of the records" subject to the NIAA completeness requirements. (*Id.*) BJS developed an information collection to be used by states to submit these estimates. The form is available on the BJS website at [www.bjs.gov/index.cfm?ty=tp&tid=49#calculate](http://www.bjs.gov/index.cfm?ty=tp&tid=49#calculate).
2. Second, "[a]s a condition of receiving a grant under this [program], a State shall certify, to the satisfaction of the Attorney General, that the State has implemented a relief from disabilities program." (*Id.*) For the purpose of this solicitation, a "relief from disabilities program" is a program that permits persons who have been adjudicated a mental defective or committed to a mental institution to obtain relief from the firearms disabilities imposed by law as a result of such adjudication or commitment. This relief must be based on a finding, in accordance with principles of due process, by a state court, board, commission, or other lawful authority, that the circumstances of the disability and the person's record and reputation are such that the person will not be likely to act in a manner dangerous to the public safety and that the granting of relief would not be contrary to the public interest. The certification form is available on the ATF website at [www.atf.gov/forms/download/atf-f-3210-12.pdf](http://www.atf.gov/forms/download/atf-f-3210-12.pdf). For further information, please visit NICS Improvement Act Questions and Answers on the BJS website at [www.bjs.gov/index.cfm?ty=tp&tid=49#q\\_and\\_a](http://www.bjs.gov/index.cfm?ty=tp&tid=49#q_and_a).

Further, applications submitted on behalf of state court systems must specifically assure that: (1) the court system has the capability to contribute and will transmit pertinent information to the NICS established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note), and (2) that it will coordinate the programs proposed for NARIP funding with other federally funded information technology programs, including directly funded local programs.

(See "Additional Attachments" on page 16)

## Program-Specific Information

### Authorizing statutes

The NARIP is authorized by the NICS Improvement Amendments Act of 2007 (P.L. 110-180), enacted on January 8, 2008. Among other things, the Act provides that the grants are to be made in a manner consistent with BJS's NCHIP Program. Therefore, NARIP application procedures parallel the provisions of the Crime Identification Technology Act of 1998 that guide NCHIP and implement the requirements of—

- The Crime Identification Technology Act of 1998 (CITA), Pub. L. No. 109-162, 112 Stat.1871 (1998), codified at 42 USC Section 14601 et seq.;
- The Brady Handgun Violence Prevention Act (Brady Act), Pub. L. No. 103-159, 107 Stat.1536 (1993), codified as amended at 18 U.S.C. Section 921 et seq.;

- The National Child Protection Act of 1993 (NCPA), Pub. L. No. 103-209, 107 Stat. 2490 (1993), codified as amended at 42 U.S.C. Sections 3759, 5101 note, 5119, 5119a, 5119b, 5119c;
- Those provisions of the Omnibus Crime Control and Safe Streets Act of 1968 (Omnibus Act), Pub. L. No. 90-351, 82 Stat. 197 (1968), codified as amended at 42 U.S.C. Section 3711 et seq., as amended; and the Violent Crime Control and Law Enforcement Act of 1994 (Violent Crime Control Act), Pub. L. No. 103-322, 108 Stat. 1796 (1994), codified as amended at 42 U.S.C. Section 13701 et seq., which pertain to the establishment, maintenance, analysis, or use of criminal history records and criminal record systems;
- Relevant requirements of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, Pub. L. No. 103-322, 108 Stat. 2038, Megan's Law, Pub.L. No. 104-145, 110 Stat. 1345, and the Pam Lychner Sexual Offender Tracking and Identification Act of 1996, Pub. L. No. 104-236, 110 Stat. 3093; and Title 1 of the Adam Walsh Child Protection and Safety Act of 2006, Pub L. 109-248; and
- The Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000) and related laws pertaining to the identification, collection, analysis and interstate exchange of records relating to domestic violence and stalking (including protection orders).

### **Record Completeness Goals and Incentives**

The NIAA has provisions that require states to meet specified goals for completeness of the records submitted to the Attorney General on individuals prohibited by federal law from possessing firearms. The records covered include automated information needed by the NICS to identify felony convictions, felony indictments, fugitives from justice, drug arrests and convictions, prohibiting mental health adjudications and commitments, domestic violence protection orders, and misdemeanor crimes of domestic violence. The Act provides for a number of incentives for states to meet the goals it sets for greater record completeness:

- First, the Act allows states to obtain a waiver, beginning in 2011, of the state matching requirement under the NCHIP grant program, if a state provides at least 90 percent of its records identifying persons in specified prohibited categories;
- Second, the Act authorizes grant programs described herein, which, pursuant to the Act, are being administered consistent with NCHIP, for state executive and judicial agencies to establish and upgrade information automation and identification technologies for timely submission of final criminal record dispositions and other information relevant to NICS checks; and
- Finally, the Act provides for discretionary and mandatory Byrne Justice Assistance Grant (JAG) program funding penalties, (unless the penalties are waived by the Attorney General for good cause), beginning 3 years after enactment, for non-compliance with specified record completeness requirements within specified timeframes: after 3 years, 3 percent may be withheld in the case of less than 50 percent completeness; after 5 years, 4 percent may be withheld in the case of less than 70 percent completeness; and after 10 years, 5 percent shall be withheld in the case of less than 90 percent completeness.

## Program goals

NARIP is intended to improve the completeness, automation, and transmittal of records used by the NICS to state and federal systems. Such records include criminal history records, records of felony convictions, warrants, records of protective orders, convictions for misdemeanor involving domestic violence and stalking, drug arrests and convictions, records of mental health adjudications, and others, which may disqualify an individual from possessing or receiving a firearm under federal law. Helping states, state court systems, and tribes to automate these records will also reduce delays for law-abiding gun purchasers.

## **FY 2011 Priority Area – Improve Reporting of Mental Health Information to NICS**

Please note that, for FY 2011, BJS is emphasizing the need for applicants to focus their efforts on making information on persons prohibited from possessing firearms for mental health reasons accessible to NICS. Therefore, recipients of funds must agree to use a significant portion of awarded funds to make such records accessible to NICS (the applicant should discuss with BJS whether requested funds are deemed to be significant) unless the state certifies in the application that it:

- (1) already submits to NICS information on all persons prohibited from possessing firearms for mental health reasons; or
- (2) will focus funds on another category of qualifying NICS records that the state reasonably argues represents a greater information gap; or
- (3) is prohibited by law from sharing information with NICS on persons prohibited for mental health reasons (with citations to the relevant law).

## State Grants

Section 103 of the NIAA, regarding implementation assistance to the states, provides that the grants "shall be used by the States and Indian tribal governments, in conjunction with units of local government and State and local courts, to establish or upgrade information and identification technologies for firearms eligibility determinations."

In accordance with the Act, a grant to a state, territory or Indian tribe may only be used to—

- **supply accurate and timely information to the Attorney General concerning the identity of persons who have a federally prohibiting mental health adjudication or commitment;**
- create electronic systems, that provide accurate and up-to-date information directly related to checks under the NICS, including court disposition and corrections records;
- assist states in establishing or enhancing their own capacities to perform NICS background checks;
- supply accurate and timely information to the Attorney General concerning final dispositions of criminal records to databases accessed by NICS;
- supply accurate and timely court orders and records of misdemeanor crimes of domestic violence for inclusion in federal and state law enforcement databases used to conduct

NICS background checks;

- collect and analyze data needed to demonstrate levels of state compliance with the NIAA; and
- maintain the required relief from disabilities program in accordance with the NIAA (however, by statute not less than 3 percent and no more than 10 percent of each grant shall be used for this purpose).

### **State Court Grants**

Section 301 of the NIAA provides that grants shall be made to each state and territory, consistent with plans for the integration, automation, and accessibility of criminal history records, for use by the court systems to improve automation and transmittal to federal and state repositories of: (1) criminal history dispositions; (2) records relevant to determining whether a person has been convicted of a misdemeanor crime of domestic violence or a prohibiting domestic violence protection order; and **(3) prohibiting mental adjudications and commitments.**

Further, the law provides that the amounts granted shall be used by the state court system only to implement –

- assessments, as necessary, of the capabilities of state courts to automate and transmit arrest and conviction records, court orders, and mental health adjudications or commitments to federal and state record repositories; and
- policies, systems, and procedures to automate and transmit arrest and conviction records, court orders, and mental health adjudications or commitments to federal and state record repositories.

### **Amount and Length of Awards**

All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

FY 2011 NARIP awards will be made for up to 12 months. Funded activities may begin on or after October 1, 2011. All activities must be scheduled to be completed by September 30, 2012.

### **Budget Information**

**Limitation on Use of Award Funds for Employee Compensation; Waiver:** With respect to any award of more than \$250,000 made under this solicitation, federal funds may not be used to pay total cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the Federal Government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (The 2011 salary table for SES employees is available at [www.opm.gov/oca/11tables/indexSES.asp](http://www.opm.gov/oca/11tables/indexSES.asp)) Note: A recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds. (Any such additional compensation will not be considered matching funds where match requirements apply.)

The limitation on compensation rates allowable under an award may be waived on an individual basis at the discretion of the Director of the Bureau of Justice Statistics. An applicant that wishes to request a waiver must include a detailed justification in the budget narrative of its application. Unless the applicant submits a waiver request and justification with the application, the applicant should anticipate that OJP will request the applicant to adjust and resubmit its budget.

The justification should include: the particular qualifications and expertise of the individual, the uniqueness of the service being provided, the individual's specific knowledge of the program or project being undertaken with award funds, and a statement explaining that the individual's salary is commensurate with the regular and customary rate for an individual with his/her qualifications and expertise, and for the work that is to be done.

### Match Requirement

This solicitation does not require a match.

### Performance Measures

To assist in fulfilling the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants that receive funding under this solicitation must provide data that measures the results of their work. Any award recipient will be required, post award, to provide the data requested in the "Data Grantee Provides" column so that OJP can calculate values for the "Performance Measures" column. Performance measures for this solicitation are as follows:

Program Objectives	Performance Measures	Data to be Provided by Grantees
<p>Ensure that the infrastructure is developed to connect each state's/tribe's records systems to the national records systems operated by the FBI, including the National Crime Information Center (NCIC), the Integrated Automated Fingerprint Identification System (IAFIS), the Integrated Identification Index (III), and the National Instant Criminal Background Check System (NICS) Index.</p>	<p>Number of states participation and/or making records available to the NICS (within the 7 categories).</p>	<p>Total number of state/tribal participating.</p> <p>Total number of state/tribal records in the 7 categories.</p> <p>The number of states making 90% (or more) of records available to the NICS. States are required to make at least 50% of their records available to NICS by 2011.</p> <p>Number of state/tribal records made available for use by NICS in 7 categories, including:</p> <p>Category 1: Records that identify a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year (e.g., federal or state felonies), and of any state misdemeanor</p>



		<p>punishable by imprisonment for more than 2 years.</p> <p>Category 2: Records that identify a person who is 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.</p> <p>Category 3: Records that identify a person who is a fugitive from justice, as demonstrated by an active felony or misdemeanor want or warrant.</p> <p>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.</p> <p>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.</p> <p>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) that restrains the person from committing acts of violence against another person.</p> <p>Category 7: Records that are electronically available and identify a person convicted in any court of a misdemeanor crime of domestic violence.</p>
--	--	---

	<p>Percentage of records made available to NICS that are complete.</p> <p>Number of records available in NICS.</p> <p>Percentage of applications for firearm transfers rejected due to data made available to the NICS.</p>	<p>Number of records made available to NICS that are complete.</p> <p>Number of applications for firearm transfers.</p> <p>Number of applications for firearm transfers rejected for the presence of a domestic violence misdemeanor conviction.</p> <p>Number of applications for firearm transfers rejected due to the presence of a mental health prohibitor.</p>
--	---	--

Submission of performance measures data is not required for the application. Instead, applicants should discuss in their application their proposed methods for collecting data for performance measures. Please refer to the section “What an Application Should Include” (page 13) for additional information.

**Note on project evaluations:** Applicants that propose to use funds awarded through this solicitation to conduct project evaluations should be aware that certain project evaluations (such as systematic investigations designed to develop or contribute to generalizable knowledge) may constitute “research” for purposes of applicable DOJ human subjects protections. However, project evaluations that are intended only to generate internal improvements to a program or service, or are conducted only to meet OJP’s performance measure data reporting requirements likely do not constitute “research.” Applicants should provide sufficient information for OJP to determine whether the particular project they propose would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ regulatory definition of research.

Research, for the purposes of human subjects protections for OJP-funded programs, is defined as, “a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge.” 28 C.F.R. § 46.102(d). For additional information on determining whether a proposed activity would constitute research, see the decision tree to assist applicants on the “Research and the Protection of Human Subjects” section of the OJP “Other Requirements for OJP Applications” Web page ([www.ojp.gov/funding/other\\_requirements.htm](http://www.ojp.gov/funding/other_requirements.htm)). Applicants whose proposals may involve a research or statistical component also should review the “Confidentiality” section on that Web page.

## Notice of New Post-Award Reporting Requirements

Applicants should anticipate that all recipients (other than individuals) of awards of \$25,000 or

more under this solicitation, consistent with the Federal Funding Accountability and Transparency Act of 2006 (FFATA) will be required to report award information on any first-tier subawards totaling \$25,000 or more, and, in certain cases, to report information on the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients. Each applicant entity must ensure that it has the necessary processes and systems in place to comply with the reporting requirements should it receive funding. Reports regarding subawards will be made through the FFATA Subaward Reporting System (FSRS), found at [www.fsrs.gov](http://www.fsrs.gov).

Please note also that applicants should anticipate that no subaward of an award made under this solicitation may be made to a subrecipient (other than an individual) unless the potential subrecipient acquires and provides a Data Universal Numbering System (DUNS) number.

## How to Apply

Applications will be submitted through Grants.gov. Grants.gov is a “one-stop storefront” that provides a unified process for all customers of federal awards to find funding opportunities and apply for funding. Complete instructions on how to register and submit an application can be found at [www.Grants.gov](http://www.Grants.gov). If the applicant experiences technical difficulties at any point during this process, please call the Grants.gov Customer Support Hotline at **800-518-4726**, 24 hours a day, 7 days a week, except federal holidays. Registering with Grants.gov is a one-time process; however, **processing delays may occur, and it can take up to several weeks** for first-time registrants to receive confirmation and a user password. OJP highly recommends that applicants start the registration process as early as possible to prevent delays in submitting an application package by the specified application deadline.

All applicants are required to complete the following steps:

1. **Acquire a Data Universal Numbering System (DUNS) number.** A DUNS number is required for [Grants.gov](http://Grants.gov) registration. In general, the Office of Management and Budget requires that all applicants (other than individuals) for federal funds include a DUNS number in their applications for a new award or renewal of an existing award. 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, one-time activity. Obtain a DUNS number by calling Dun and Bradstreet at 866-705-5711 or by applying online at [www.dnb.com](http://www.dnb.com). Individuals are exempt from this requirement.
2. **Acquire or renew registration with the Central Contractor Registration (CCR) database.** OJP requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the Central Contractor Registration (CCR) database. An applicant must be registered in the CCR to successfully register in Grants.gov. 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 annually** to maintain an active status. Information about CCR registration procedures can be accessed at [www.ccr.gov](http://www.ccr.gov).

3. **Acquire an Authorized Organization Representative (AOR) and a Grants.gov username and password.** Complete the AOR profile on Grants.gov and create a username and password. The applicant organization's DUNS Number must be used to complete this step. For more information about the registration process, go to [www.grants.gov/applicants/get\\_registered.jsp](http://www.grants.gov/applicants/get_registered.jsp).
4. **Acquire confirmation for the AOR from the E-Business Point of Contact (E-Biz POC).** The E-Biz POC at the applicant organization must log into Grants.gov to confirm the applicant organization's AOR. Please note that there can be more than one AOR for the organization.
5. **Search for the funding opportunity on Grants.gov.** Please use the following identifying information when searching for the funding opportunity on Grants.gov. The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is CFDA 16.813, titled "NICS Act Record Improvement Program" (NARIP) and the funding opportunity number is 2011-BJS-2978.
6. **Submit an application consistent with this solicitation by following the directions in Grants.gov.** Within 24-48 hours after submitting the electronic application, the applicant should receive an e-mail validation message from Grants.gov. The validation message will state whether the application has been received and validated, or rejected, with an explanation. **Important:** Applicants are urged to submit applications **at least 72 hours prior** to the due date of the application to allow time to receive the validation message and to correct any problems that may have caused a rejection notification.

**Note: Grants.gov will forward the application to OJP's Grants Management System (GMS). 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."

### **Experiencing Unforeseen Grants.gov Technical Issues**

If an applicant experiences unforeseen Grants.gov technical issues beyond the applicant's control that prevent submission of its application by the deadline, the applicant must contact BJS staff **within 24 hours after the deadline** and request approval to submit its application. At that time, BJS staff will instruct the applicant to submit specific information detailing the technical difficulties. The applicant must e-mail: a description of the technical difficulties, a timeline of submission efforts, the complete grant application, the applicant DUNS number, and Grants.gov Help Desk tracking number(s) received. After the program office reviews all of the information submitted, and contacts the Grants.gov Help Desk to validate the technical issues reported, OJP will contact the applicant to either approve or deny the request to submit a late application. If the technical issues reported cannot be validated, the application will be rejected as untimely.

To ensure a fair competition for limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) failure to begin the registration process in sufficient time, (2) failure to follow Grants.gov instructions on how to register and apply as posted on its Web site, (3) failure to follow all of the instructions in the OJP solicitation, and (4) technical issues experienced with the applicant's computer or information technology (IT) environment.

Notifications regarding known technical problems with Grants.gov, if any, are posted at the top

of the OJP funding web page, [www.ojp.gov/funding/solicitations.htm](http://www.ojp.gov/funding/solicitations.htm).

## What an Application Should Include

This section describes what an application should include and sets out a number of elements. Applicants should anticipate that failure to submit an application that contains all of the specified elements may negatively affect the review of the application; and, should a decision be made to make an award, it may result in the inclusion of special conditions that preclude access to, or use of, award funds pending satisfaction of the conditions.

Moreover, applicants should anticipate that some application elements are so critical that applications unresponsive to the scope of the solicitation, or that do not include a program narrative, budget detail worksheet including a budget narrative, will neither proceed to peer review nor receive further consideration.

OJP strongly recommends use of appropriately descriptive file names (e.g., "Program Narrative," "Budget and Budget Narrative," "Timelines," "Memorandum of Understanding," "Resumes") for all required attachments. Where resumes are required, OJP recommends that all resumes be included in a single file.

Applicants must submit the following:

**Application for Federal Assistance (SF 424).** The SF 424 is a standard form required for use as a cover sheet for submission of pre-applications, applications, and related information. Grants.gov and GMS take information from the applicant's profile to populate the fields on this form. When selecting "type of applicant is a for-profits entity, please select "For Profit Organization" or "Small Business" (as applicable).

### Program Narrative (Attachment #1)

The Program Narrative attachment should include three (3) separate sections:

**1. Activities to be funded.** The program narrative should describe each and all of the tasks to be funded with FY 2011 NARIP funds over the project period outlined under Program Goals. All proposed tasks should demonstrate the intent of this program to improve the completeness, automation, and transmittal of records used by the NICS to state and federal systems. Dollar amounts must be included for each funded task. **Applications must specifically address the priority area regarding submission of mental health information to NICS (as outlined on page 6).**

**2. Compatibility with other systems.** The application should describe the extent to which proposed activities are compatible with current NCIC, NICS, IAFIS, and other applicable statewide or regional criminal justice information sharing standards or plans, including state anti-terrorism plans.

**3. Coordination.** The administering agency should coordinate efforts with relevant emergency management task forces and agencies to ensure that records development activities are compatible with security measures for preventing acts of terrorism. NARIP activities will be coordinated with other OJP efforts authorized and funded under CITA. To encourage coordination and information sharing among criminal justice systems, all OJP awards supporting information technology development o require that a description of the project be submitted to

the state Information Technology Point of Contact (POC), if one has been designated. A copy of the correspondence can be submitted as part of Other Attachments (see below) or sent directly to BJS prior to accessing funds. There is no requirement that the point of contact concur with the information technology project. The intent of this condition is to facilitate communication within the state.

## **NICS Record Improvement Plan (Attachment #2)**

In order to make the most effective use of the grant program funds for improvement to the quality and availability of records used by the NICS, FY 2011 NARIP grant applications must provide for the development and implementation of comprehensive strategic planning. Such planning must include activities designed to examine the current condition of the involved state, local, and tribal records, problems associated with incomplete reporting and/or records availability, and demonstrate a commitment to a long range planning process to address such issues to achieve the goals of the NICS Improvement Amendments Act of 2007.

Therefore, FY 2011 NARIP applications should include funding, as needed, for the development or continuation of a NICS Record Improvement Plan through a four-step process:

### **Step 1. Establishment of a NICS Record Improvement Task Force.**

Because achieving complete reporting and transmission of state or tribal records to national files can only be achieved through the cooperative efforts of all record originating entities, BJS recommends that the applicant propose to use some FY 2011 NARIP funding to establish and/or support a NICS Record Improvement Task Force to guide the development and implementation of an ongoing long-range records improvement plan. The task force might include representatives from the central record repository and source agencies, including state, local, and tribal law enforcement, prosecuting attorneys, the courts, local jails, state correctional facilities, probation and parole agencies, and state mental health program agencies.

A task force with wide representation from throughout the system could provide a forum for exploring the range of possible options for improving the quality, completeness and availability of NICS records in the state. The task force could review the results of the assessment and the problem identification phases in Steps 2 and 3 and could also develop recommendations for the achievement of improvements in the quality, completeness, and availability of NICS records. Current legislation and administrative procedures related to reporting, maintaining, sharing, and use of relevant records might be reviewed to determine if they are adequate.

A list of the proposed task force members and the agencies they represent should be included in the preliminary plan. If components of the system listed above are not included in the task force, the plan should describe how input and participation will be achieved. If a task force is not to be established, the applicant should propose instituting other mechanisms to provide for the input and participation of all affected components of the criminal justice system.

### **Step 2. Assessment of the completeness and availability of NICS records**

The record estimates and other information provided by the state in response to the information collection developed by BJS pursuant to the Act provide an initial or baseline assessment on which FY 2011 activities can be based. However, for the purposes of long-term strategic planning, an applicant may wish to use the task force to examine (and address) in greater detail issues surrounding the accuracy, completeness and availability of such records as part of its

assessment. In any event, the ongoing assessment must result in a comprehensive understanding of the following:

- availability of the records in terms of entities that originate, maintain, and/or receive such records;
- how relevant records are currently transmitted to the state's central repository and/or how they are otherwise made available to the NICS; and
- completeness of the records in the various categories described in terms of what portion of the records is actually made available to the NICS.

Such an assessment may involve an examination of records in the state central record repository, surveys of local reporting/originating agencies, analyses of court statistics, data collection from sample(s) of local agency records, estimates derived from audits of local reporting agencies, or other analytical work which may or may not have been performed to support the development of record estimates.

### **Step 3. Identification of reasons for incomplete and/or unavailable NICS records**

The task force may also seek to identify challenges or obstacles encountered in efforts to ensure that all qualifying records are made available to the NICS. Understanding such challenges may help focus specific improvement strategies, and may include factors such as: the type and number of state/local/tribal agencies that originally create such records; the typical "life cycle" of such original records, including when and where the records are created, whether such records are maintained in paper or electronic form, if and how such records are transmitted to state and national files, and when and how such records are ultimately disposed of, deleted, or otherwise made unavailable. The task force might identify factors that affect the availability of records for state and national files, including whether categories of records may be protected from disclosure under a provision of state, tribal, or federal law.

### **Step 4. Development of a NICS Record Improvement Plan.**

The final step is the development of strategies for addressing each of the challenges identified in Step 3, including the use of federal grant funds appropriated under the NIAA in FY 2011. The plan should clearly identify goals, objectives, and a general timetable for achievements. It is expected that subsequent iterations of the plan will include a progress report on the strategies previously employed.

## **Budget Detail Worksheet and Budget Narrative (Attachment #3)**

### **1. Budget Detail Worksheet and Budget Narrative**

#### **a. Budget Detail Worksheet**

A sample Budget Detail Worksheet can be found at [www.ojp.gov/funding/forms/budget\\_detail.pdf](http://www.ojp.gov/funding/forms/budget_detail.pdf). If the budget is submitted in a different format, the budget categories listed in the sample budget worksheet should be included.

For questions pertaining to budget and examples of allowable and unallowable costs, please see the OJP Financial Guide at [www.ojp.gov/financialguide/index.htm](http://www.ojp.gov/financialguide/index.htm).

**b. Budget Narrative**

The Budget Narrative should thoroughly and clearly describe every category of expense listed in the Budget Detail Worksheet. The narrative should be mathematically sound and correspond with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how all costs were estimated and calculated and how they are relevant to the completion of the proposed project. The narrative may include tables for clarification purposes but need not be in a spreadsheet format. As with the Budget Detail Worksheet, the Budget Narrative should be broken down by year.

**Match.** There is no required cash or in-kind match required under this program. However, if the applicant chooses to offer such a commitment, the narrative should include a description of cash contributions, in-kind services, or activities, with accompanying fiscal implications, which are offered as matching support for the activities to be funded under NARIP. BJS will consider all matching support which contributes to or meets NARIP program goals as additional demonstrated commitment to the application.

**2. Indirect Cost Rate Agreement** (if applicable)

Indirect costs are allowed only if the applicant has a federally approved indirect cost rate. (This requirement does not apply to units of local government.) A copy of the rate approval should be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant federal agency, which will review all documentation and approve a rate for the applicant organization or, if the applicant's accounting system permits, costs may be allocated in the direct cost categories. If DOJ is the cognizant federal agency, obtain information needed to submit an indirect cost rate proposal at [www.ojp.gov/financialguide/part3/part3chap17.htm](http://www.ojp.gov/financialguide/part3/part3chap17.htm).

**3. Tribal Authorizing Resolution** (if applicable)

If an application is being submitted by either (1) a tribe or tribal organization or (2) a third party proposing to provide direct services or assistance to residents on tribal lands, then a current authorizing resolution of the governing body of the tribal entity or other enactment of the tribal council or comparable governing body authorizing the inclusion of the tribe or tribal organization and its membership should be included with the application. In those instances when an organization or consortium of tribes proposes to apply for a grant on behalf of a tribe or multiple specific tribes, then the application should include a resolution from all tribes that will be included as a part of the services/assistance provided under the grant. A consortium of tribes for which existing consortium bylaws allow action without support from all tribes in the consortium (i.e., without authorizing resolution or other enactment of each tribal governing body) may submit a copy of its consortium bylaws with the application in lieu of tribal resolutions.

**Additional Attachments (Attachment #4)**

The following **required** documents should be submitted either as a single file attachment or as separate attachments:

1. A copy of the latest completed NICS Improvement State Records Estimates Information Collection (or a statement indicating the estimates form has been or, with prior approval, will be submitted to BJS); and



2. A copy of the approved application for certification of the state/territory's relief from disabilities program; or indication that certification is being sought by ATF (the certification form must be approved by ATF to be eligible for funding).
3. If the application does *not* include a significant portion of funds to improve submission to NICS of information on persons prohibited from possessing firearms for mental health reasons, the applicant must include certification for one of the following: (1) already submits to NICS information on all persons prohibited from possessing firearms for mental health reasons; (2) will focus funds on another category of qualifying NICS records that the state reasonably argues represents a greater information gap; or (3) is prohibited by law from sharing information with NICS on persons prohibited for mental health reasons (with citations to the relevant law).

### **Other Standard Forms**

Additional forms that may be required in connection with an award are available on OJP's funding page at [www.ojp.gov/funding/forms.htm](http://www.ojp.gov/funding/forms.htm). For successful applicants, receipt of funds may be contingent upon submission of all necessary forms. Please note in particular the following forms.

- a. Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements (required to be submitted in GMS prior to the receipt of any award funds)
- b. Disclosure of Lobbying Activities (required for any applicant that expends any funds for lobbying activities; this form must be downloaded, completed, and then uploaded)
- c. Accounting System and Financial Capability Questionnaire (required for any applicant other than an individual that is a non-governmental entity and that has not received any award from OJP within the past 3 years; this form must be downloaded, completed, and then uploaded)
- d. Standard Assurances (required to be submitted in GMS prior to the receipt of any award funds)

### **Selection Criteria**

All applications must be responsive to this Program Announcement. Applicants are strongly encouraged to review the evaluation criteria BJS will use in making funding decisions before deciding whether to submit an application for this solicitation. Applicants should understand that applications must respond to priorities identified and that full funding may not be possible for all proposed activities. For FY 2011 NARIP grants, completeness of the application in terms of all required information will be a key consideration for BJS. Awards will also be based on the following review criteria:

#### **(1) Program Narrative (25%)**

- the program narrative must describe each proposed task in accordance with the program goals as outlined on pages 6 and 7. Applications should address how proposed activities directly relate to the improvement of the NICS.
- applications should specifically address the FY 2011 Priority Area – Improve Reporting of Mental Health Information to NICS.

## **(2) Project/Program Design and Implementation (20%)**

- the extent to which the application recognizes the role of the courts in ensuring complete records.
- the extent to which the proposal appears reasonable in light of the applicant's current level of system development and statutory framework.
- the technical feasibility of the proposal.

## **(3) Capabilities/Competencies (30%)**

- evidence of the applicant's progress in record quality improvement efforts.
- the extent to which the applicant has fulfilled goals of previous NARIP and/or NCHIP awards, including consideration of the total funds already awarded and expended funds from previous awards, and the applicant's cooperation with BJS-sponsored NCHIP evaluation efforts.
- the applicant's commitment to the national record system as evidenced by membership in the FBI's Interstate Identification Index and participation in the National Fingerprint File, and the current status of development of its criminal records.

## **(4) Budget (10%)**

- the reasonableness of the budget, including the nature of the proposed expenditures and their relation to the priorities identified herein.

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

- the extent to which proposed project(s), by virtue of the record numbers involved, levels of technical development, or operating procedures, will have a significant impact on availability of records throughout the national system.

## **Review Process**

OJP is committed to ensuring a fair and open 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 the solicitation.

Peer reviewers will review the applications submitted under this solicitation that meet basic minimum requirements. BJS may use either internal peer reviewers, external peer reviewers, or a combination 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 a current U.S. Department of Justice employee who is well-versed or has expertise in the subject matter of this solicitation. Eligible applications 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 for award recommendations and decisions may include, but are not limited to, underserved populations, geographic diversity, strategic priorities, past performance, and available funding.

The Office of the Chief Financial Officer (OCFO), in consultation with Bureau of Justice Statistics, conducts a financial review of applications for potential discretionary awards to evaluate the fiscal integrity and financial capability of applicants; examines proposed costs to determine if the Budget Detail Worksheet and Budget Narrative accurately explain project costs; and determines whether costs are reasonable, necessary, and allowable under applicable federal cost principles and agency regulations.

All final award decisions will be made by the Director of the Bureau of Justice Statistics who also may give consideration to factors including, but not limited to, underserved populations, geographic diversity, strategic priorities, past performance, and available funding when making awards.

## **Additional Requirements**

Applicants selected for awards must agree to comply with additional legal requirements upon acceptance of an award. OJP strongly encourages applicants to review the information pertaining to these additional requirements prior to submitting an application. Additional information for each requirement can be found at [www.ojp.gov/funding/other\\_requirements.htm](http://www.ojp.gov/funding/other_requirements.htm).

- Civil Rights Compliance
- Faith-Based and Other Community Organizations
- Confidentiality
- Research and the Protection of Human Subjects
- Anti-Lobbying Act
- Financial and Government Audit Requirements
- National Environmental Policy Act (NEPA)
- DOJ Information Technology Standards (if applicable)
- Single Point of Contact Review
- Non-Supplanting of State or Local Funds
- Criminal Penalty for False Statements
- Compliance with 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
- Awards in Excess of \$5,000,000 – Federal Taxes Certification Requirement
- Active CCR Registration

## Application Checklist

### FY 2011 NICS Record Improvement Program (NARIP)

The application check list has been created to aid you in developing your application. Please refer to corresponding sections in the Program Announcement to determine specific content of each of these sections.

#### Eligibility Requirements:

- \_\_\_\_\_ Agency Designated by the Governor to Administer NCHIP/State Court Agency/Federally recognized Indian tribal government
- \_\_\_\_\_ Copy of Year 3 estimates of record completeness (or statement indicating estimates have been submitted to BJS)
- \_\_\_\_\_ Copy of approved ATF certification form for relief from disabilities provision (or statement indicating the applicant is working with ATF toward certification in FY 2011, subject to ATF concurrence)

#### What an Application Should Include:

- \_\_\_\_\_ Application for Federal Assistance (SF-424) (see page 13)
- \_\_\_\_\_ Program Narrative (see page 13)
- \_\_\_\_\_ Address Mental Health Priority (see page 13)
- \_\_\_\_\_ Budget Detail Worksheet (see page 15)
- \_\_\_\_\_ Budget Narrative (see page 16)
- \_\_\_\_\_ Indirect Cost Rate Agreement (if applicable) (see page 16)
- \_\_\_\_\_ Tribal Authorizing Resolution (if applicable) (see page 16)
  
- \_\_\_\_\_ Additional Attachments (see page 16-17)
  - \_\_\_\_\_ Copy of Year 3 estimates of record completeness (or statement indicating estimates have been submitted to BJS)
  - \_\_\_\_\_ Copy of approved ATF certification form for relief from disabilities provision (or statement indicating the applicant is working with ATF toward certification in FY 2011, subject to ATF concurrence)
  - \_\_\_\_\_ If application does **not** request a significant portion of funds to improve submission of mental health information to NICS, certification for one of the following:
    - \_\_\_\_\_ already submits all qualifying mental health information to NICS;
    - \_\_\_\_\_ will focus funds on another category of qualifying NICS records that the state reasonably argues represents as a greater information gap; or
    - \_\_\_\_\_ is prohibited by law from sharing information with NICS on persons prohibited for mental health reasons, and provides citations to the relevant law.
  
- \_\_\_\_\_ Other Standard Forms as applicable (see page 17)
  - \_\_\_\_\_ Disclosure of Lobbying Activities (if applicable)
  - \_\_\_\_\_ Accounting System and Financial Capability Questionnaire (if applicable)