



---

The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [Bureau of Justice Assistance](#) (BJA) is seeking applications for the Intellectual Property Enforcement Program. This program furthers the Department's mission by assisting state and local jurisdictions in preventing and reducing crime.

## **The Intellectual Property Enforcement Program: Protecting Public Health, Safety, and the Economy from Counterfeit Goods and Product Piracy FY 2014 Competitive Grant Announcement**

### **Eligibility**

Eligible applicants are limited to state, local, tribal (federally-recognized Indian tribal governments as determined by the Secretary of the Interior), and municipal law enforcement agencies, to include law enforcement agencies within institutions of higher education (including tribal institutions of higher education), and prosecutors.

For the purpose of this solicitation, the following definitions shall apply:

- (A) "law enforcement" shall include state, local, tribal, municipal, or campus law enforcement agencies, to include prosecutors in these jurisdictions.
- (B) "intellectual property enforcement" means matters relating to the enforcement of criminal laws protecting copyrights, patents, trademarks, other forms of intellectual property, and trade secrets, both in the United States and abroad, including in particular matters relating to combating counterfeit and infringing goods.

BJA welcomes applications that involve two or more entities; however, one eligible entity must be the applicant and the others must be proposed as subrecipients. BJA will not fund separate applications from different agencies within the same jurisdiction under this solicitation (i.e., a law enforcement agency and prosecutor agency within the same jurisdiction). In these cases, BJA encourages these agencies to form task force partnerships and submit one application for the entire jurisdiction. The applicant must be the entity with primary responsibility for conducting and leading the project.

BJA may elect to make awards for applications submitted under this solicitation in future fiscal years, dependent on the merit of the applications and on the availability of appropriations.

## Deadline

Applicants must register with [Grants.gov](http://Grants.gov) prior to submitting an application. (See “How To Apply,” page 16.) All applications are due by 11:59 p.m. eastern time on March 13, 2014. (See “Deadlines: Registration and Application,” page 4.)

All applicants are encouraged to read this [Important Notice: Applying for Grants in Grants.gov](#).

## Contact Information

For technical assistance with submitting an application, contact the Grants.gov Customer Support Hotline at 800-518-4726 or 606-545-5035, or via e-mail to [support@grants.gov](mailto:support@grants.gov). The [Grants.gov](http://Grants.gov) Support Hotline hours of operation are 24 hours a day, 7 days a week, except federal holidays.

Applicants that experience unforeseen Grants.gov technical issues beyond their control that prevent them from submitting their application by the deadline must e-mail the BJA contact identified below **within 24 hours after the application deadline** and request approval to submit their application.

For assistance with any other requirement of this solicitation, contact the BJA Justice Information Center at 1-877-927-5657, via e-mail at [JIC@telesishq.com](mailto:JIC@telesishq.com), or via live web chat at [www.justiceinformationcenter.us.com](http://www.justiceinformationcenter.us.com). The BJA Justice Information Center hours of operation are 8:30 a.m. to 5:00 p.m. eastern time, Monday through Friday, and 8:30 a.m. to 8:00 p.m. eastern time on the solicitation close date.

Grants.gov number assigned to this announcement: BJA-2014-3772

Release date: January 9, 2014

## Contents

Overview .....	4
Deadlines: Registration and Application .....	4
Eligibility .....	4
Intellectual Property Theft Enforcement Program—Specific Information .....	4
Performance Measures .....	8
What an Application Should Include .....	9
Information to Complete the Application for Federal Assistance (SF-424) .....	9
Project Abstract .....	10
Program Narrative .....	10
Budget Detail Worksheet and Budget Narrative .....	11
Indirect Cost Rate Agreement (if applicable) .....	11
Tribal Authorizing Resolution (if applicable) .....	12
Additional Attachments .....	12
Accounting System and Financial Capability Questionnaire .....	13
Selection Criteria .....	13
Review Process .....	15
Additional Requirements .....	15
How To Apply .....	16
Provide Feedback to OJP .....	19
Application Checklist .....	20

# **The Intellectual Property Enforcement Program: Protecting Public Health, Safety, and the Economy from Counterfeit Goods and Product Piracy (CFDA #16.752)**

## **Overview**

The Intellectual Property Enforcement Program, administered by BJA, is designed to provide national support and improve the capacity of state, local, and tribal criminal justice systems to address intellectual property criminal enforcement, including prosecution, prevention, training, and technical assistance. Awards will be made by BJA to support law enforcement agencies in coordinating the goals, objectives, and activities of their intellectual property task forces in close collaboration with the relevant state, local, tribal, and federal agencies, to include local U.S. Attorneys' Offices (USAOs). This program is generally informed by section 401 of Public Law 110–403, which authorizes DOJ to provide funding to support state and local intellectual property theft enforcement efforts.

## **Deadlines: Registration and Application**

Applicants must register with Grants.gov prior to submitting an application. OJP encourages applicants to **register several weeks before** the application submission deadline. In addition, OJP urges applicants to submit applications 72 hours prior to the application due date. The deadline to apply for funding under this announcement is 11:59 eastern time on March 13, 2014. See “How To Apply” on page 16 for details.

## **Eligibility**

Refer to the title page for eligibility under this program.

## **Intellectual Property Enforcement Program—Specific Information**

### **Background**

As stated by President Obama, “our single greatest asset is the innovation and the ingenuity and the creativity of the American people. It is essential to our prosperity, and it will only become more so in this century.”<sup>1</sup> However, this crucial asset is threatened by the increasing perpetration of illegal and damaging acts of intellectual property theft. Not only do these crimes cost the U.S. economy tens of billions of dollars per year, deprive individuals of their livelihoods, and pose a public health threat, but research has shown that intellectual property crimes are closely related to and support other crimes, including violent crime. A report by the Rand Corporation found that “Counterfeiting is widely used to generate cash for diverse criminal organizations. In the case of DVD film piracy, criminal groups are moving to control the entire supply chain, from manufacture to distribution to street sales, consolidating power over this lucrative black market and building substantial wealth and influence in virtually every region of

---

<sup>1</sup> Remarks by the President at the Export-Import Bank's Annual Conference, March 11, 2010.

the globe. Counterfeiting is a threat not only to the global information economy, but also to public safety and national security.”<sup>2</sup>

In February 2010, Attorney General Holder announced the formation of the Department of Justice Task Force on Intellectual Property as part of a Department-wide initiative to confront the growing number of intellectual property (IP) crimes. "The rise in intellectual property crime in the United States and abroad threatens not only our public safety but also our economic wellbeing. The Department of Justice must confront this threat with a strong and coordinated response," said Attorney General Holder. "This Task Force will allow us to identify and implement a multi-faceted strategy with our federal, state and international partners to effectively combat this type of crime." The DOJ Task Force focuses on strengthening efforts to combat intellectual property theft through close coordination with state and local law enforcement partners as well as international counterparts. The current activities of the Task Force are detailed at [www.justice.gov/dag/iptaskforce/](http://www.justice.gov/dag/iptaskforce/). In June 2013, the White House's Office of the U.S. Intellectual Property Enforcement Coordinator (IPEC) released the 2013 Joint Strategic Plan on Intellectual Property Enforcement. This document catalogues the extensive activities undertaken by federal agencies to increase IP protection and enforcement since the dual establishment of the IPEC in 2010, and may be found at [www.whitehouse.gov/omb/intellectualproperty/](http://www.whitehouse.gov/omb/intellectualproperty/).

### **Projects Solicited under this Grant Announcement**

The improved coordination of IP enforcement efforts among federal, state, and local authorities is a central goal of the Strategic Plan and is of primary importance to DOJ. As a result, projects funded under this solicitation must establish and/or enhance state and local IP task forces that include relevant law enforcement agencies, federal agencies (to include, where appropriate, local offices of the Federal Bureau of Investigation, U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigation (HSI), and U.S. Attorneys). Applicants must document a plan to conduct regularly scheduled meetings of the task force members to update, discuss, and collaborate on IP investigations, prosecutions, and training and public awareness activities. These meetings must be held at least quarterly, and must be included on the time-task plan for applicant agencies. The information to be shared through these task forces must include information about targeting, investigation, analysis, and prosecution of matters involving intellectual property as it relates to violations of state and local criminal statutes. Of particular interest to DOJ are proposals that are intended to address—in close coordination with federal law enforcement entities—intellectual property theft that may be linked to organized crime; intellectual property theft in the areas of trade secrets, health, and safety; and commercial online piracy and counterfeiting.

BJA encourages applications that demonstrate a jurisdiction's holistic commitment to the prevention of IP theft through public education and outreach, enforcement of intellectual property statutes, and prosecution of violators. In addition, law enforcement agencies who propose to conduct training, technical assistance, and outreach must also engage in IP theft enforcement efforts.

### **Goals, Objectives, and Deliverables**

The specific focus of this program is to support criminal investigation, prosecution, prevention, and education as it relates to intellectual property theft enforcement. IP task forces supported

---

<sup>2</sup> Film Piracy, Organized Crime, and Terrorism. The Rand Corporation. 2009. ([www.rand.org/pubs/monographs/MG742.html](http://www.rand.org/pubs/monographs/MG742.html))

under this program will conduct proactive investigations of IP crimes within each task force location in coordination and collaboration with local, state, tribal, regional, and federal law enforcement and regulatory agencies. These task forces are encouraged to enhance community capacity to identify and report IP theft by conducting training, public awareness, and outreach activities. Priority consideration will be given to applicants who include all of the following permissible activities in their project plan:

- Establish or expand existing IP task forces to include state, local, or tribal law enforcement entities, and to exclusively conduct investigations and forensic analyses of evidence and prosecutions in matters involving criminal laws related to intellectual property theft. Agencies are strongly encouraged to engage in sustainability planning before proposing to create a new task force for intellectual property theft enforcement.
- Assist state, local, and tribal IP task force member agencies in enforcing criminal laws related to intellectual property theft, including the reimbursement of expenses incurred in performing criminal enforcement operations, such as overtime payments and storage fees for seized evidence.
- Assist state, local, and tribal IP task force member agencies, in conjunction with their enforcement efforts, in reaching out to and educating the general public and businesses to prevent, deter, and identify criminal violations of intellectual property laws. Agencies engaged in public education efforts should use existing public awareness materials and resources available from BJA's national IP public awareness campaign, and share and coordinate these and any additional materials created by these efforts with BJA's national public awareness campaign provider. More information about the BJA's national IP public awareness campaign can be found at [www.ncpc.org/getreal](http://www.ncpc.org/getreal).
- Assist state, local, and tribal IP task force member agencies in acquiring and implementing technology to conduct investigations and forensic analyses of evidence in matters involving criminal laws related to intellectual property theft.
- Ensure deconfliction<sup>3</sup> of the participating agencies' investigative and enforcement efforts. To this end, in addition to the coordination requirements as stated within this solicitation, agencies are encouraged to consider participating in the Regional Information Sharing Systems (RISS) RISSafe deconfliction system. More information on RISSafe can be found by contacting your regional RISS Center ([www.riss.net/](http://www.riss.net/)).

Program sustainability beyond the grant period must be addressed by every applicant under this program (see Selection Criteria, page 13).

## **Evidence-Based Programs or Practices**

OJP strongly emphasizes the use of data and evidence in policy making and program development in criminal justice, juvenile justice, and crime victim services. OJP is committed to:

- improving the quantity and quality of evidence OJP generates;

---

<sup>3</sup> For the purposes of this solicitation, "deconfliction" is defined as the sharing of information among law enforcement agencies about planned law enforcement events—such as raids, controlled buy operations, surveillance and warrant service actions—in order to identify and alert affected agencies and officers of potential conflicts.

- integrating evidence into program, practice, and policy decisions within OJP and the field; and
- improving the translation of evidence into practice.

OJP considers programs and practices to be evidence-based when their effectiveness has been demonstrated by causal evidence, generally obtained through one or more outcome evaluations. Causal evidence documents a relationship between an activity or intervention (including technology) and its intended outcome, including measuring the direction and size of a change, and the extent to which a change may be attributed to the activity or intervention. Causal evidence depends on the use of scientific methods to rule out, to the extent possible, alternative explanations for the documented change. The strength of causal evidence, based on the factors described above, will influence the degree to which OJP considers a program or practice to be evidence-based. OJP's [CrimeSolutions.gov](http://CrimeSolutions.gov) web site is one resource that applicants may use to find information about evidence-based programs in criminal justice, juvenile justice, and crime victim services.

## **Amount and Length of Awards**

BJA anticipates that it will make up to 6 awards of up to \$400,000 each for a 24-month project period. The project start date should be on or after October 1, 2014.

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

## **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, recipients may not use federal funds to pay total cash compensation (salary plus cash bonuses) to any employee of the award recipient at a rate that exceeds 110 percent 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 2014 salary table for SES employees is available at [www.opm.gov/pay-leave](http://www.opm.gov/pay-leave). Note: A recipient may compensate an employee at a greater 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 Assistant Attorney General for OJP may exercise discretion to waive, on an individual basis, the limitation on compensation rates allowable under an award. An applicant requesting a waiver should include a detailed justification in the budget narrative of the 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 the budget.

The justification should include the particular qualifications and expertise of the individual, the uniqueness of the service the individual will provide, 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 to be done.

### **Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs**

OJP strongly encourages applicants that propose to use award funds for any conference-, meeting-, or training-related activity to review carefully – before submitting an application – the OJP policy and guidance on “conference” approval, planning, and reporting available at [www.ojp.gov/funding/confcost.htm](http://www.ojp.gov/funding/confcost.htm). OJP policy and guidance (1) encourage minimization of conference, meeting, and training costs; (2) require prior written approval (which may affect project timelines) of most such costs for cooperative agreement recipients and of some such costs for grant recipients; and (3) set cost limits, including a general prohibition of all food and beverage costs.

### **Costs Associated with Language Assistance (if applicable)**

If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services or benefits for individuals with limited English proficiency may be allowable. Reasonable steps to provide meaningful access to services or benefits may include interpretation or translation services where appropriate.

For additional information, see the "Civil Rights Compliance" section of the OJP "Other Requirements for OJP Applications" web page at [www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm).

### **Match Requirement**

This solicitation does not require a match. However, if a successful application proposes a voluntary match amount, and OJP approves the budget, the total match amount incorporated into the approved budget becomes mandatory and subject to audit.

### **Performance Measures**

To assist in fulfilling the Department's responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 103-62, and the GPRA Modernization Act of 2010, Public Law 111-352, applicants that receive funding under this solicitation must regularly provide data that measure the results of their work under this solicitation. Applicants are strongly encouraged to document in the application anticipated performance data benchmarks relevant to the proposed project (e.g. the number of task force members that will be recruited/maintained, percent increase in arrests, number of personnel expected to complete training, etc.) Post award, recipients will be required to submit quarterly performance metrics through BJA's online Performance Measurement Tool (PMT), located at [www.bjaperformancetools.org](http://www.bjaperformancetools.org). Applicants should review the complete list of IPEP program performance measures at: [www.bjaperformancetools.org/help/IPEPgrid.pdf](http://www.bjaperformancetools.org/help/IPEPgrid.pdf).

OJP does not require applicants to submit performance measures data with their applications. Instead, applicants should discuss in their application their proposed methods for collecting data for performance measures. Refer to the section “What an Application Should Include” on page 9 for additional information. Applicants who receive awards under this solicitation may be required to provide baseline data at the outset of their project to inform future performance metric analyses.

### **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 protection regulations. 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.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.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.

## What an Application Should Include

Applicants should anticipate that if they fail to submit an application that contains all of the specified elements, it may negatively affect the review of their application; and, should a decision be made to make an award, it may result in the inclusion of special conditions that preclude the recipient from accessing or using award funds pending satisfaction of the conditions.

Moreover, applicants should anticipate that applications that are determined to be nonresponsive to the scope of the solicitation, or that do not include the application elements that BJA has designated to be critical, will neither proceed to peer review nor receive further consideration. Under this solicitation, BJA has designated the following application elements as critical: Program Narrative, Budget Detail Worksheet, and Budget Narrative. The Program Narrative must document the applicant’s plan to establish/enhance an IP Task Force in coordination with appropriate federal, state, local and tribal agencies as outlined on page 5 of this solicitation (Specific Information). Applicants may combine the Budget Narrative and the Budget Detail Worksheet in one document. However, if an applicant submits only one budget document, it must contain **both** narrative and detail information.

OJP strongly recommends that applicants use appropriately descriptive file names (e.g., “Program Narrative,” “Budget Detail Worksheet and Budget Narrative,” “Timelines,” “Memoranda of Understanding,” “Resumes”) for all attachments. Also, OJP recommends that applicants include resumes in a single file.

### 1. Information to Complete the Application for Federal Assistance (SF-424)

The SF-424 is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. Grants.gov and OJP’s Grants Management System (GMS) take information from the applicant’s profile to populate the fields on this form. When selecting “type of applicant,” if the applicant is a for-profit entity, select “For-Profit Organization” or “Small Business” (as applicable).

## 2. Project Abstract

Applicants should provide an abstract identifying the applicant's name, title of the project, dollar amount requested. The abstract should include goals of the project, a description of the strategies to be used, a numerical listing of key/major deliverables, and coordination plans.

Applications should include a high-quality project abstract that summarizes the proposed project in 400 words or less. Project abstracts should be—

- written for a general public audience.
- submitted as a separate attachment with "Project Abstract" as part of its file name.
- single-spaced, using a standard 12-point font (Times New Roman) with 1-inch margins.

As a separate attachment, the project abstract will **not** count against the page limit for the program narrative.

All project abstracts should follow the detailed template available at [www.ojp.usdoj.gov/funding/Project\\_Abstract\\_Template.pdf](http://www.ojp.usdoj.gov/funding/Project_Abstract_Template.pdf).

**Permission to Share Project Abstract with the Public:** It is unlikely that BJA will be able to fund all promising applications submitted under this solicitation, but it may have the opportunity to share information with the public regarding promising but unfunded applications, for example, through a listing on a webpage available to the public. The intent of this public posting would be to allow other possible funders to become aware of such proposals.

In the project abstract template, applicants are asked to indicate whether they give OJP permission to share their project abstract (including contact information) with the public. Granting (or failing to grant) this permission will not affect OJP's funding decisions, and, if the application is not funded, granting permission will not guarantee that abstract information will be shared, nor will it guarantee funding from any other source.

**Note:** OJP may choose not to list a project that otherwise would have been included in a listing of promising but unfunded applications, should the abstract fail to meet the format and content requirements noted above and outlined in the project abstract template.

## 3. Program Narrative

If the program narrative fails to comply with these length-related restrictions, BJA may consider such noncompliance in peer review and in final award decisions.

The following sections should be included as part of the program narrative.

- a. Statement of the Problem
- b. Project Design and Implementation
- c. Capabilities and Competencies
- d. Plan for Collecting the Data Required for this Solicitation's Performance Measures

BJA does not require applicants to submit performance measures data with their application. Performance measures are included as an alert that BJA will require successful applicants to submit specific data as part of their reporting requirements. For the application, applicants should indicate an understanding of these requirements and discuss how they will gather the required data, should they receive funding.

- e. Sustainment

#### **4. 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). Applicants that submit their budget in a different format should include the budget categories listed in the sample budget worksheet.

For questions pertaining to budget and examples of allowable and unallowable costs, see the OJP Financial Guide at [www.ojp.usdoj.gov/financialguide/index.htm](http://www.ojp.usdoj.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. OJP expects proposed budgets to be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities).

Applicants should demonstrate in their budget narratives how they will maximize cost effectiveness of grant expenditures. Budget narratives should generally describe cost effectiveness in relation to potential alternatives and the goals of the project. For example, a budget narrative should detail why planned in-person meetings are necessary, or how technology and collaboration with outside organizations could be used to reduce costs, without compromising quality.

The narrative should be mathematically sound and correspond with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how the applicant estimated and calculated all costs, 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.

##### **c. Non-Competitive Procurement Contracts In Excess of Simplified Acquisition Threshold**

If an applicant proposes to make one or more non-competitive procurements of products or services, where the non-competitive procurement will exceed the simplified acquisition threshold (also known as the small purchase threshold), which is currently set at \$100,000 the application should address the considerations outlined in the [OJP Financial Guide](#).

#### **5. 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.) Attach a copy of the federally approved indirect cost rate agreement to the application. Applicants that do not

have an approved rate may request one through their 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. For assistance with identifying your cognizant agency, please contact the Customer Service Center at 1-800-458-0786 or at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov). If DOJ is the cognizant federal agency, applicants may obtain information needed to submit an indirect cost rate proposal at [www.ojp.usdoj.gov/funding/pdfs/indirect\\_costs.pdf](http://www.ojp.usdoj.gov/funding/pdfs/indirect_costs.pdf).

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

Tribes, tribal organizations, or third parties proposing to provide direct services or assistance to residents on tribal lands should include in their applications a resolution, a letter, affidavit, or other documentation, as appropriate, that certifies that the applicant has the legal authority from the tribe(s) to implement the proposed project on tribal lands. In those instances when an organization or consortium of tribes applies for a grant on behalf of a tribe or multiple specific tribes, the application should include appropriate legal documentation, as described above, from all tribes that would receive services or assistance 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 an authorizing resolution or comparable legal documentation from each tribal governing body) may submit, instead, a copy of its consortium bylaws with the application.

**7. Additional Attachments**

**a. Letter Affirming Assurances and Relevant Legislation, and Memorandum of Understanding or Inter-Local Agreement (if applicable)**

.Applicants must attach a letter addressed to the BJA Director affirming the required assurances required under this grant program and signed by the Chief Executive of the applying agency. The letter must provide assurances that the state in which the applicant is located has legislation for "intellectual property enforcement" with regard to criminal violations; specifically, matters relating to the enforcement of laws protecting copyrights, patents, trademarks, other forms of intellectual property, and trade secrets, both in the United States and abroad, including in particular matters relating to combating counterfeit and infringing goods. Provide associated citations and a summary of the legislation

Applicants must include the appropriate Memorandum of Understanding (MOU) or Inter-Local Agreements that spell out the roles, responsibilities and commitments of each agency and member of the IP task force to be established or sustained under this grant program. Should additional agencies join a grantee agency's IP Task Force over the course of the project period, new MOUs, or addenda to the original MOU that identifies these additional agencies, must be immediately provided to BJA upon execution of these documents.

**b. Timeline**

Include a comprehensive timeline that identifies milestones, numerically listed deliverables, and who is responsible for each activity (provide title and agency).

**c. Applicant disclosure of pending applications**

Applicants are to disclose whether they have pending applications for federally funded grants or subgrants (including cooperative agreements) that include requests for funding

to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation. The disclosure should include both direct applications for federal funding (e.g., applications to federal agencies) and indirect applications for such funding (e.g., applications to State agencies that will subaward federal funds).

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

Applicants that have pending applications as described above are to provide the following information about pending applications submitted within the last 12 months:

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

Federal or State Funding Agency	Solicitation Name/Project Name	Name/Phone/E-mail for Point of Contact at Funding Agency
DOJ/COPS	COPS Hiring Program	Jane Doe, 202/000-0000; <a href="mailto:jane.doe@usdoj.gov">jane.doe@usdoj.gov</a>
HHS/ Substance Abuse & Mental Health Services Administration	Drug Free Communities Mentoring Program/ North County Youth Mentoring Program	John Doe, 202/000-0000; <a href="mailto:john.doe@hhs.gov">john.doe@hhs.gov</a>

Applicants should include the table as a separate attachment, with the file name “Disclosure of Pending Applications,” to their application. Applicants that do not have pending applications as described above are to include a statement to this effect in the separate attachment page (e.g., “[Applicant Name on SF-424] does not have pending applications submitted within the last 12 months for federally funded grants or subgrants (including cooperative agreements) that include requests for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation.”).

## 8. Accounting System and Financial Capability Questionnaire

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 must download, complete, and submit this [form](#).

## Selection Criteria

The following five selection criteria will be used to evaluate each application, with the different weight given to each based on the percentage value listed after each individual criteria. For example, the first criteria, “Statement of the Problem,” is worth 15 percent of the entire score in the application review process.

### 1. Statement of the Problem (15 percent of 100)

Identify the precise intellectual property theft issue to be addressed by the project. Provide specific data for the jurisdiction(s) in question, including the nature and scope of its/their

intellectual property theft problem. Explain the problems associated with or challenges to current enforcement and coordination efforts.

**2. Program Design and Implementation (25 percent of 100)**

Fully describe how the project will reach the stated task force goals and objectives by providing a complete description of its design and proposed implementation. Tie intellectual property theft program enforcement activities to goals, objectives, and the performance measures applicable to the project. Include a comprehensive discussion of how the task force will ensure collaboration and coordination among all appropriate federal, state, local, and/or tribal law enforcement entities, including prosecutors, the appropriate federal agencies, partnership organizations (e.g., industry), and the general public. Include a comprehensive timeline that identifies milestones, numerically listed deliverables, and who is responsible for each activity (provide title and agency).

**3. Capabilities/Competencies (25 percent of 100)**

Fully describe the applicant's capabilities to implement the intellectual property theft enforcement project and the competencies of the staff assigned to or who oversee the project. Identify personnel who are critical to the project's successful implementation and discuss their roles, responsibilities, and qualifications. Discuss organizational capabilities or competencies that will directly impact the ability to successfully implement the proposed enforcement project.

**4. Impact/Outcomes, Evaluation, and Plan for Collecting Data for this Solicitation's Performance Measures (20 percent of 100)**

Explain how the intellectual property theft enforcement program's effectiveness will be demonstrated. Describe how performance measure data will be collected, who will collect and report the data, how the data will be stored, and how it will be assessed to measure the impact of proposed efforts. Describe how your program's performance data will be shared with customers and stakeholders.

**5. Sustainment (5 percent of 100)**

Outline a strategy for sustaining intellectual property rights enforcement initiatives when the federal grant ends.

**6. Budget (10 percent of 100)**

Provide a proposed budget for the entire project period that is complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). Budget narratives should generally demonstrate how applicants will maximize cost effectiveness of grant expenditures. Budget narratives should demonstrate cost effectiveness in relation to the goals of the project.<sup>4</sup> Note that use of funds for overtime and other incurred investigatory expenses are allowable. Applicants are strongly encouraged to avoid unsubstantiated purchases and requested equipment must directly relate to the intellectual property rights theft enforcement program as prescribed in this announcement. The funds awarded under this solicitation may not be used for land acquisition or construction projects, and may not be used to provide any security enhancements or any equipment to any non-governmental entity that is not engaged in law enforcement or law enforcement support, criminal or juvenile justice, or delinquency prevention.

---

<sup>4</sup> Generally speaking, a reasonable cost is a cost that, in its nature or amount, does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs.

## Review Process

OJP is committed to ensuring a fair and open process for awarding grants. BJA 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. BJA may use internal peer reviewers, external peer reviewers, or a combination, to review the applications. An external peer reviewer is an expert in the subject matter of a given solicitation who is NOT a current DOJ employee. An internal reviewer is a current DOJ employee who is well-versed or has expertise in the subject matter of this solicitation. A peer review panel will evaluate, score, and rate applications that meet basic minimum requirements. 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, in consultation with BJA, reviews 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.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final award decisions will be made by the Assistant Attorney General, who may consider 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 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.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm).

- Civil Rights Compliance
- Civil Rights Compliance Specific to State Administering Agencies
- Faith-Based and Other Community Organizations
- Confidentiality
- Research and the Protection of Human Subjects
- Anti-Lobbying Act
- Financial and Government Audit Requirements
- Reporting of Potential Fraud, Waste, and Abuse, and Similar Misconduct



- 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
- Non-profit Organizations
- For-profit Organizations
- Government Performance and Results Act (GPRA)
- Rights in Intellectual Property
- Federal Funding Accountability and Transparency Act of 2006 (FFATA)
- Awards in Excess of \$5,000,000 – Federal Taxes Certification Requirement
- Active SAM Registration
- Policy and Guidance for Approval, Planning, and Reporting of Conferences (including Meetings and Trainings)
- OJP Training Guiding Principles for Grantees and Subgrantees

## How To Apply

Applicants must register in, and submit applications through Grants.gov, a “one-stop storefront” to find federal funding opportunities and apply for funding. Find complete instructions on how to register and submit an application at [www.Grants.gov](http://www.Grants.gov). Applicants that experience technical difficulties during this process should call the Grants.gov Customer Support Hotline at **800-518-4726** or **606-545-5035**, 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 several weeks** for first-time registrants to receive confirmation and a user password. OJP encourages applicants to **register several weeks before** the application submission deadline. In addition, OJP urges applicants to submit applications 72 hours prior to the application due date to allow time to receive validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification.



BJA strongly encourages all prospective applicants to sign up for Grants.gov email notifications regarding this solicitation. If this solicitation is cancelled or modified, individuals who sign up with Grants.gov for updates will be notified.

**Note on File Names and File Types:** Grants.gov only permits the use of certain specific characters in names of attachment files. Valid file names may include only the following characters: A-Z, a-z, 0-9, underscore (\_), hyphen (-), space, and period. Grants.gov is designed to reject any application that includes an attachment(s) with a file name that contain any other characters. Grants.gov is designed to forward successfully submitted applications 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." GMS may reject applications with files that use these extensions. It is important to allow time to change the type of file(s) if the application is rejected.

All applicants are required to complete the following steps:

- 1. Acquire a Data Universal Numbering System (DUNS) number.** 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 a supplement to an existing award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and differentiating 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. Call Dun and Bradstreet at 866-705-5711 to obtain a DUNS number or apply online at [www.dnb.com](http://www.dnb.com). A DUNS number is usually received within 1-2 business days.
- 2. Acquire registration with the System for Award Management (SAM).** SAM is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. OJP requires all applicants (other than individuals) for federal financial assistance to maintain current registrations in the SAM database. Applicants must be registered in SAM to successfully register in Grants.gov. Applicants must **update or renew their SAM registration annually** to maintain an active status.

Applications cannot be successfully submitted in Grants.gov until Grants.gov receives the SAM registration information. The information transfer from SAM to Grants.gov can take up to 48 hours. OJP recommends that the applicant register or renew registration with SAM as early as possible.

Information about SAM registration procedures can be accessed at [www.sam.gov](http://www.sam.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. Note that an organization can have more than one AOR.
5. **Search for the funding opportunity on Grants.gov.** Use the following identifying information when searching for the funding opportunity on Grants.gov. The Catalog of Federal Domestic Assistance number for this solicitation is 16.752, titled "Economic High-Tech and Cyber Crime Prevention," and the funding opportunity number is BJA-2014-3772.
6. **Complete the Disclosure of Lobbying Activities.** All applicants must complete this information. Applicants that expend any funds for lobbying activities must provide the detailed information requested on the form *Disclosure of Lobbying Activities* (SF-LLL). Applicants that do not expend any funds for lobbying activities should enter "N/A" in the required highlighted fields.
7. **Submit a valid 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 message will state whether the application has been received and validated, or rejected due to errors, with an explanation. It is possible to first receive a message indicating that the application is received and then receive a rejection notice a few minutes or hours later. Submitting well ahead of the deadline provides time to correct the problem(s) that caused the rejection. **Important:** OJP urges applicants to submit applications **at least 72 hours prior** to the application due date to allow time to receive validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification.

Click [here](#) for further details on DUNS, SAM, and Grants.gov registration steps and timeframes.

#### **Note: Duplicate Applications**

If an applicant submits multiple versions of an application, BJA will review only the most recent valid version submitted.

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

Applicants that experience unforeseen Grants.gov technical issues beyond their control that prevent them from submitting their application by the deadline must e-mail the BJA contact identified in the Contact Information section on page 2 **within 24 hours after the application deadline** and request approval to submit their application. The e-mail must describe the technical difficulties, and include a timeline of the applicant's submission efforts, the complete grant application, the applicant's DUNS number, and any Grants.gov Help Desk or SAM tracking number(s). **Note: BJA does not automatically approve requests.** After the program office reviews the submission, and contacts the Grants.gov or SAM Help Desks to validate the reported technical issues, OJP will inform the applicant whether the request to submit a late application has been approved or denied. If OJP determines that the applicant failed to follow all required procedures, which resulted in an untimely application submission, OJP will deny the applicant's request to submit their application.

The following conditions are generally insufficient to justify late submissions:

- failure to register in SAM or Grants.gov in sufficient time

- failure to follow Grants.gov instructions on how to register and apply as posted on its web site
- failure to follow each instruction in the OJP solicitation
- technical issues with the applicant's computer or information technology environment, including firewalls.

Notifications regarding known technical problems with Grants.gov, if any, are posted at the top of the OJP funding web page at [www.ojp.usdoj.gov/funding/solicitations.htm](http://www.ojp.usdoj.gov/funding/solicitations.htm).

## Provide Feedback to OJP

To assist OJP in improving its application and award processes, we encourage applicants to provide feedback on this solicitation, the application submission process, and/or the application review/peer review process. Provide feedback to [OJPSolicitationFeedback@usdoj.gov](mailto:OJPSolicitationFeedback@usdoj.gov).

**IMPORTANT:** This e-mail is for feedback and suggestions only. Replies are **not** sent from this mailbox. If you have specific questions on any program or technical aspect of the solicitation, **you must** directly contact the appropriate number or e-mail listed on the front of this solicitation document. These contacts are provided to help ensure that you can directly reach an individual who can address your specific questions in a timely manner.

If you are interested in being a reviewer for other OJP grant applications, please e-mail your resume to [ojppeerreview@lmbps.com](mailto:ojppeerreview@lmbps.com). The OJP Solicitation Feedback email account will not forward your resume. **Note:** Neither you nor anyone else from your organization can be a peer reviewer in a competition in which you or your organization have submitted an application.

## **Application Checklist**

### **FY 2014 Intellectual Property Enforcement Program**

This application checklist has been created to assist in developing an application.

#### **What an Applicant Should Do:**

##### *Prior to Registering in Grants.gov:*

- \_\_\_\_\_ Acquire a DUNs Number (see page 17)
- \_\_\_\_\_ Acquire or renew registration with SAM (see page 17)

##### *To Register with Grants.gov:*

- \_\_\_\_\_ Acquire AOR and Grants.gov username/password (see page 17)
- \_\_\_\_\_ Acquire AOR confirmation from the E-Biz POC (see page 18)

##### *To Find Funding Opportunity:*

- \_\_\_\_\_ Search for the funding opportunity on Grants.gov (see page 18)
- \_\_\_\_\_ Download Funding Opportunity and Application Package (see page 18)
- \_\_\_\_\_ Sign up for Grants.gov email notifications (optional) (see page 17)
- \_\_\_\_\_ Read [Important Notice: Applying for Grants in Grants.gov](#)

#### **General Requirements:**

- \_\_\_\_\_ Review "[Other Requirements](#)" web page

#### **Scope Requirement:**

- \_\_\_\_\_ The federal amount requested is within the allowable limit(s) of \$400,000.

#### **Eligibility Requirement:**

- \_\_\_\_\_ State, local, tribal (federally-recognized Indian tribal governments as determined by the Secretary of the Interior), and municipal law enforcement agencies, to include law enforcement agencies within institutions of higher education (including tribal institutions of higher education), and prosecutors.

#### **What an Application Should Include:**

- \_\_\_\_\_ Application for Federal Assistance (SF-424) (see page 9)
- \_\_\_\_\_ Project Abstract (see page 10)
- \_\_\_\_\_ \*Program Narrative (see page 10)
- \_\_\_\_\_ \*Budget Detail Worksheet (see page 11)
- \_\_\_\_\_ \*Budget Narrative (see page 11)
  - \_\_\_\_\_ Employee Compensation Waiver request and justification (if applicable) (see page 7)
  - \_\_\_\_\_ Read OJP policy and guidance on "conference" approval, planning, and reporting available at [www.ojp.gov/funding/confcost.htm](http://www.ojp.gov/funding/confcost.htm) (see page 8)
- \_\_\_\_\_ Disclosure of Lobbying Activities (SF-LLL) (see page 18)
- \_\_\_\_\_ Indirect Cost Rate Agreement (if applicable) (see page 11)
- \_\_\_\_\_ Tribal Authorizing Resolution (if applicable) (see page 12)
- \_\_\_\_\_ Additional Attachments

- \_\_\_\_\_ Letter Affirming Assurances and Relevant Legislation (see page 12)
- \_\_\_\_\_ Memorandum of Understanding or Inter-Local Agreement (if applicable) (see page 12)
- \_\_\_\_\_ Timeline (see page 12)
- \_\_\_\_\_ Applicant Disclosure of Pending Applications (see page 12)
- \_\_\_\_\_ Accounting System and Financial Capability Questionnaire (if applicable) (see page 13)

\* NOTE: These elements are the basic minimum requirements for applications. Applications that do not include these elements shall neither proceed to peer review nor receive further consideration by BJA.