



Solicitation Requirements: Funding Resource Center

Date Published: 8/10/2016

Date Superseded by Updated Version: 6/6/2016 – current

Updated as of August 2016

The Solicitation Requirements represent statutory and regulatory requirements in addition to those explained in each solicitation. Applicants selected for awards must agree to comply with these 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.

Contents

Solicitation Requirements Home Page	4
Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - 2016 Awards.....	4
Important Alert: Criminal Penalty for False Statements	4
"General Conditions" for OJP Awards in 2016.....	4
Applicability of Part 200 Uniform Requirements	4
Compliance with DOJ Grants Financial Guide	5
POC and FPOCs - Completion of "OJP financial management and grant administration training" required.....	5
Requirements related to "de minimis" indirect cost	5
Requirement to report potentially duplicative funding.....	5
Requirements related to System for Award Management and Universal Identifier Requirements	6
Subawards - all subawards require federal authorization	6
Post-award approval required to use noncompetitive approach in procurement contract (if contract would exceed \$150,000)	6
Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)	6
Compliance with applicable rules regarding approval, planning, and reporting of conferences,	

meetings, trainings, and other events	7
Requirement for data on performance and effectiveness under the award.....	7
OJP Training Guiding Principles.....	7
Effect of failure to address audit issues	7
Potential imposition of additional requirements - awards to recipients designated as "high-risk"	8
Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42	8
Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38	8
Restrictions on "lobbying"	8
Compliance with general appropriations-law restrictions on the use of federal funds (FY 2016)	8
Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct	9
Restrictions and certifications regarding non-disclosure agreements and related matters	9
Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees).....	10
Encouragement of policies to ban text messaging while driving.....	10
Financial Requirements	10
Financial Status Reports	10
Federal Funding Accountability and Transparency Act of 2006 (FFATA) requirements - Reporting of subawards and executive compensation	11
Non-supplanting of State and local funds.....	11
Awards in excess of \$5,000,000 - Certification related to federal taxes	11
Organizational Requirements.....	12
Demonstrating non-profit status	12
Additional requirements pertinent to non-profit organizations (for certain programs).....	12
Conditions specific to for-profit organizations.....	13
Civil Rights Requirements.....	13
Requirements related to Research.....	13
Research and the protection of human subjects	13
Data privacy and confidentiality requirements.....	13
Other Requirements	14
Progress reports (semi-annual and final)	14
Compliance with the National Environmental Policy Act and related federal laws	15
Rights in intellectual property.....	15
DOJ Information Technology Standards (if applicable).....	15
Reporting of information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS.....	16

Solicitation Requirements Home Page

Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - 2016 Awards

Updated as of June 2016

Each recipient of an OJP grant or cooperative agreement must comply with all federal statutes and regulations applicable to the award, as well as the particular award conditions included in the award document

The webpages accessible at the links listed below are intended to give applicants for OJP awards a general overview of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants and cooperative agreements awarded in 2016. Every recipient is expected to review and understand each condition included in the award document. OJP encourages applicants for OJP awards to review this general overview prior to submitting an application.

Important Alert: Criminal Penalty for False Statements

False statements or claims made in connection with OJP grants may result in fines, imprisonment, and debarment from participating in federal grants and contracts, and/or other remedies available by law.

"General Conditions" for OJP Awards in 2016

Virtually all OJP awards made in 2016 will include all of the award conditions set out below.

Individual awards typically also will include additional award conditions. Those additional conditions may relate to the particular statute, program, or solicitation under which the award is made; to the substance of the funded application; to the recipient's performance under other federal awards; to the recipient's legal status (e.g., as a for-profit entity); or to other pertinent considerations.

Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by the Department of Justice (DOJ) in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this 2016 award from the Office of Justice Programs (OJP).

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this 2016 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded in 2014 or earlier years), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this 2016 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the Office of Justice Programs (OJP) website at <http://ojp.gov/funding/Part200UniformRequirements.htm>.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

Compliance with DOJ Grants Financial Guide

The recipient agrees to comply with the Department of Justice Grants Financial Guide as posted on the OJP website (currently, the "[2015 DOJ Grants Financial Guide](#)"), including any updated version that may be posted during the period of performance.

POC and FPOCs - Completion of "OJP financial management and grant administration training" required

Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2015, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after -- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2015, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <http://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

Requirements related to "de minimis" indirect cost

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <http://www.sam.gov>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <http://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

Subawards - all subawards require federal authorization

All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <http://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: Award Condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

Post-award approval required to use noncompetitive approach in procurement contract (if contract would exceed \$150,000)

Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <http://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)), and are incorporated by reference here.

Requirements pertaining to prohibited conduct related to trafficking

in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <http://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "2015 DOJ Grants Financial Guide").

Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of activities under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act, and other applicable laws.

OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://ojp.gov/funding/ojptrainingguidingprinciples.htm>.

Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

Potential imposition of additional requirements - awards to recipients designated as "high-risk"

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries. Part 38 of 28 C.F.R., a DOJ regulation, was amended effective May 4, 2016.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

Restrictions on "lobbying"

Federal funds may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government.

Should any question arise as to whether a particular use of Federal funds by a recipient (or subrecipient) would or might fall within the scope of this prohibition, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

Compliance with general appropriations-law restrictions on the use of federal funds (FY 2016)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2016, are set out at

<http://ojp.gov/funding/Explore/FY2016-AppropriationsLawRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct

The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, N.W. Room 4706, Washington, DC 20530; (2) e-mail to: oig.hotline@usdoj.gov; and/or (3) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <http://www.usdoj.gov/oig>.

Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--
 - a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
 - b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.
2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement

contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

Financial Requirements

This webpage is intended to identify some significant additional conditions that OJP may include in 2016 awards, in order to address matters related to finances and financial management. These additional conditions are used as appropriate to supplement the "[general conditions](#)" included on virtually all OJP awards made in 2016.

Financial Status Reports

Each recipient must submit financial status reports to OJP (at <https://grants.ojp.usdoj.gov>) using the SF-425 "Federal Financial Report" form. In most cases, award conditions require recipients to submit these reports on a quarterly basis during the period of performance, no later than 30 days after the end of each calendar quarter. In addition, recipients must submit a final financial status report no later than 90 days after the end of the period of performance.

Federal Funding Accountability and Transparency Act of 2006 (FFATA) requirements - Reporting of subawards and executive compensation

The Federal Funding Accountability and Transparency Act of 2006 (FFATA) led to the establishment of a single searchable website (USASpending.gov) that is accessible by the public and includes quite-detailed information on each federal award. Information on OJP awards, as well as certain information on subawards made under OJP awards, is posted there.

OJP provides certain information on its awards to USASpending.gov. In addition, virtually all OJP awards include the condition set out below, which requires recipients to report certain information using the FFATA Subaward Reporting System (FSRS), currently accessible at <http://www.fsr.gov/>.

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <http://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

Non-supplanting of State and local funds

Certain OJP programs, and the awards made under those programs, are authorized by statutes that (among other things) prohibit supplanting. When supplanting is prohibited by statute, precisely what constitutes supplanting can vary from program to program. Generally speaking, however, supplanting arises when a State or unit of local government reduces State or local funds for an activity specifically because federal funds are available (or are expected to be available) to fund that same activity. When supplanting is prohibited, federal funds must be used to **supplement** existing State or local funds for program activities, and may not replace (that is, may not "supplant") State or local funds that have been appropriated or allocated for the same purpose. Additionally, federal funding may not **replace** State or local funding that is required by law.

When supplanting is prohibited, potential supplanting will be the subject of OJP monitoring and audit. Should a question of supplanting arise, the applicant or recipient will be required to substantiate that any reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.

Awards in excess of \$5,000,000 - Certification related to federal taxes

A prospective recipient of an OJP award in excess of \$5,000,000 may be required to submit a particular certification concerning filing of federal tax returns, criminal convictions under the Internal Revenue Code, and unpaid federal tax assessments. In such cases, no award funds may be used until OJP receives a satisfactory certification.

Organizational Requirements

This webpage is intended to identify some significant **additional** conditions that OJP may include in 2016 awards, in order to address matters that may be particularly pertinent to particular types or categories of recipients. These additional conditions are used as appropriate to supplement the "[general conditions](#)" included on virtually all OJP awards made in 2016.

Demonstrating non-profit status

Under certain OJP programs, an award may be made to a non-profit organization only if the organization has "501(c)(3)" status under applicable Internal Revenue Service rules. Under certain other OJP programs, an award may be made to a non-profit organization regardless of whether the organization has "501(c)(3)" status. If "non-profit" status -- but not "501(c)(3)" status -- is required for an organization to be eligible under a particular OJP program, an organization may demonstrate its non-profit status through one of following four methods:

1. Submission of proof that the Internal Revenue Service currently recognizes the applicant entity as an organization to which contributions are tax deductible under section 501(c)(3) of the Internal Revenue Code.
2. Submission of a statement from the State taxing authority or State Secretary of State (or other authorized State official) certifying that the applicant organization is a non-profit organization operating within the State, and that no part of its net earnings may lawfully benefit any private shareholder or individual.
3. Submission of a certified copy of the applicant organization's certificate of incorporation (or comparable legal instrument) that clearly establishes the non-profit status of the organization.
4. For an applicant organization that is a local non-profit affiliate or local non-profit subsidiary of a parent non-profit organization, submission of any item above, if that item applies to the parent, together with a written certification from an authorized officer of the parent that the applicant organization is a local non-profit affiliate or local non-profit subsidiary of the parent.

Additional requirements pertinent to non-profit organizations (for certain programs)

Certain OJP programs, and the awards made under those programs, are authorized by statutes that (among other things) include requirements specific to non-profit organizations. As a result, awards under some OJP programs may include a condition that, under certain circumstances, requires a recipient that is a non-profit organization to disclose information regarding the process the organization uses to determine the compensation of its officers, directors, trustees, and key employees. Another award condition that may be included under some OJP programs requires a recipient that is a non-profit organization to represent and agree that it does not, and will not during the period of performance, hold money in offshore accounts for the purpose of avoiding paying the tax described in 26 U.S.C. 511(a).

Conditions specific to for-profit organizations

Certain additional conditions are placed on OJP awards to for-profit organizations. Under these conditions, with a few exceptions, the specific cost principles and audit requirements set out in the Part 200 Uniform Requirements do not apply to awards to for-profit organizations. Generally speaking, for-profit recipients are required to follow the contract cost principles set out in Subpart 31.2 of the Federal Acquisition Regulation (the "FAR"). The audit requirements that pertain to for-profit recipients (including requirements for submission of audit reports and corrective action plans) are specifically set out in detailed award conditions. (The audit "threshold" is the same as that under the Part 200 Uniform Requirements.) With regard to procurement contracts under the award, for-profit recipients must follow the "Procurement Standards" set out in the Part 200 Uniform Requirements (at subpart D of 2 C.F.R. Part 200).

Other provisions included in conditions on awards to for-profit recipients specifically preclude any profit or management fee, and impose certain restrictions -- typically for one calendar year after the end date of the award -- on competition for (or acceptance of) any federal procurement contract or federal grant or cooperative agreement that may result or derive from the award.

Civil Rights Requirements

This webpage is intended to provide applicants for OJP awards with a **general overview** of select statutes, regulations, and award conditions related to civil rights that apply to many or all OJP grants and cooperative agreements.

IMPORTANT ALERT: An update to this webpage to address recent changes in applicable law and related matters is expected by September 2016. OJP encourages applicants to return to this page to review the updated information once it is posted.

Requirements related to Research

This webpage is intended to identify some significant additional conditions that OJP may include in 2016 awards, in order to address various matters related to research, protection of human subjects, and confidentiality. These additional conditions are used as appropriate to supplement the "[general conditions](#)" included on virtually all OJP awards made in 2016.

Research and the protection of human subjects

DOJ regulations (28 C.F.R. Part 46, "Protection of Human Subjects") protect the human subjects of federally-funded research. In brief, the regulations require that, unless an exemption applies, OJP-funded research projects that involve human subjects must be reviewed and approved by an Institutional Review Board (IRB). Before a recipient will be permitted to use OJP funds for any research activity involving human subjects, the recipient must submit to OJP documentation of IRB approval that is sufficient to demonstrate compliance with the requirements of 28 C.F.R. Part 46.

OJP has developed a [decision tree](#) to assist OJP applicants and recipients in determining whether an activity planned to be undertaken with OJP funds constitutes research involving human subjects.

Data privacy and confidentiality requirements

DOJ regulations (28 C.F.R. Part 22, "Confidentiality of Identifiable Research and Statistical Information")

require recipients, and any subrecipients under an OJP award, to protect the privacy of individuals by requiring that information identifiable to a private person obtained during an OJP-funded research or statistical program may only be used for the purpose for which the information was obtained.

Applicants that propose to conduct a research or a statistical project that will collect personally identifiable information must submit an acceptable "Privacy Certificate" as part of the application. The Privacy Certificate must include a complete description of the policies and procedures that the applicant will use to ensure the confidentiality of identifiable data. The eight elements required for a Privacy Certificate are outlined at 22 C.F.R. 22.23.

An application that lacks an acceptable Privacy Certificate may result in restrictions that preclude use of award funds until an acceptable certificate is submitted.

A model Privacy Certificate can be found here: [Standard Forms and Instructions](#).

Emphasis on 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;
- 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](#) 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.

Other Requirements

This webpage is intended to identify some significant **additional** conditions that OJP may include in 2016 awards, in order to address various matters that are not readily categorized. These additional conditions are used as appropriate to supplement the "[general conditions](#)" included on virtually all OJP awards made in 2016.

Note to OAAM - links for list immediately below to the text of the conditions (further down on the page) may need to be updated. The final item on the list is entirely new, and needs to be linked to the text at the end of this webpage.

Progress reports (semi-annual and final)

Recipients of OJP awards are required to submit progress reports throughout the period of performance. In most cases, award conditions require recipients to submit semiannual progress reports no later than 30 days after the end of the reporting periods, which end on June 30 and December 31 during the life of the

award. OJP recipients submit progress reports through [GMS](#) using the "Application" module. Recipients may address questions to the GMS Help Desk at 1-888-549-9901.

In most cases, award conditions also require recipients to submit a final report no later than 90 days after the end of the period of performance for the award. This final report is to document all relevant project activities during the entire period of the award.

Compliance with the National Environmental Policy Act and related federal laws

All OJP awards are subject to the National Environmental Policy Act (NEPA), and to other related federal laws, if applicable. 42 U.S.C. 4321 et seq. DOJ's procedures to implement NEPA are set out at 28 C.F.R. Part 61. The regulations state that "all federal agencies are required to give appropriate consideration to the environmental effects of their proposed actions in their decision-making and to prepare detailed environmental statements on ... major federal actions significantly affecting the quality of the human environment." 28 C.F.R. 61.1. Under the regulations, DOJ, among other things, is required to "[c]onsider from the earliest possible point in the process all relevant environmental documents in evaluating proposals for Department action[.]" 28 C.F.R. 61.6.

OJP is responsible for compliance with NEPA and 28 C.F.R. Part 61, including Appendix D. For many projects that are funded by OJP, NEPA may require no action on the part of the OJP award recipient. However, if OJP funds will be used, for example, to pay for renovation projects or new construction, programs involving the use of chemicals, or any other activity (including research and technology development) that may have an effect on the environment, at a minimum, the recipient must provide a full description of proposed project activities to OJP. In such cases, OJP will determine whether an Environmental Assessment must be prepared for the project. Prior to allowing a recipient to use OJP funds for such a project, OJP must make a finding that the project does not significantly affect the human environment and that further environmental assessment is not necessary.

Rights in intellectual property

By regulation and by award condition(s), DOJ reserves certain rights with respect to data, patentable inventions, works subject to copyright, and other intellectual property associated with an award of federal funds. See, e.g, the Part 200 Uniform Requirements as set out at 2 C.F.R. 200.315.

Generally speaking, a recipient (or subrecipient, as appropriate) may copyright any work that is subject to copyright and that was developed, or for which ownership was acquired, under a federal grant or cooperative agreement. DOJ reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work (in whole or in part, including in connection with derivative works) for federal purposes, and to authorize others to do so. DOJ reserves the right to (1) obtain, reproduce, publish, or otherwise use the data first produced under an award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes. ("Data" includes data as defined in Federal Acquisition Regulation (FAR) provision 52.227-14.)

With respect to patents and inventions, recipients (and subrecipients, as appropriate) are subject to the clauses governing patents and inventions set out in the regulations at 37 C.F.R. Part 401, appropriately modified by OJP for OJP grants and cooperative agreements.

DOJ Information Technology Standards (if applicable)

Awards under certain OJP solicitations may include conditions that require all equipment and software

developed under the award to comply with DOJ information technology standards, such as [the Global Standards Package](#) and the [Prescription Monitoring Information Exchange \(PMIX\) Architecture](#). Certain other standards that may be pertinent to particular awards can be found at the [Justice Standards Clearinghouse](#).

Reporting of information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

OJP grants and cooperative agreements that exceed \$500,000 typically will include a condition that requires the recipient -- if the total value of its currently active grants, cooperative agreements, and procurement contracts from all federal agencies exceeds \$10 million, as set out in the condition -- to report particular information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either its OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Reports are submitted to the federal designated integrity and performance system (currently, "FAPIIS") within the System for Award Management ("SAM").