



Victims of Crime Act (VOCA) Grant Program - Supplemental

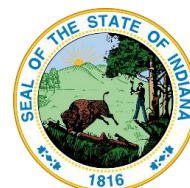
2022-2023

REQUEST *for* PROPOSAL

State of Indiana
Governor
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Executive Director
Devon McDonald

Indiana Criminal Justice Institute
Victim Services Director
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VICTIMS OF CRIME ACT (VOCA) GRANT PROGRAM, 2022-2023 SUPPLEMENTAL

REQUEST FOR PROPOSAL

The Indiana Criminal Justice Institute (ICJI) is now accepting applications for the 2022-2023 VOCA Supplemental Grant Program. This grant is being released through IntelliGrants. All applications must be submitted online through this system. Late or incomplete applications will not be accepted.

HOW TO APPLY



Applicants must be registered in IntelliGrants in order to access the electronic application.

[Register](#)

[Log in](#)

WHEN TO APPLY



Applications must be submitted via IntelliGrants on or before:

11:59 p.m. (ET) on Monday, November 7, 2022

Applicants are strongly encouraged to submit applications at least 48 hours prior to the deadline.

AWARD PERIOD



October 1, 2022 – September 30, 2023

TECHNICAL ASSISTANCE



For technical assistance with submitting an application, contact the ICJI Helpdesk at CJIHelpDesk@cji.in.gov. ICJI Helpdesk hours are Monday – Friday 8:00 am to 4:30 pm ET, except state holidays.

ICJI is not responsible for technical issues with grant submission within 48 hours of grant deadline.



Q&A on the VOCA Supplemental Funding RFP

Date: Thursday, October 20, 2022

Time: 1:30 – 3:30 p.m. (ET)

ICJI's Victim Services Division is hosting a virtual Q&A on the VOCA Supplemental Funding request for proposal. The session is open to 2022-2024 VOCA award recipients and will provide an opportunity for attendees to ask questions about the upcoming funding opportunity. Registration is not required.

Join the WebEx meeting

Meeting number (access code): 2439 972 3154

Meeting password: VOCASupp

[Join Here](#)

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OVERVIEW

The Victims of Crime Act (VOCA) of 1984 established the Crime Victims Fund in the U.S. Treasury. The Crime Victims Fund is financed by fines and penalties paid by convicted federal offenders, and includes deposits from federal criminal fines, forfeited bail bonds, penalties, and special assessments collected by U.S. Attorneys' Offices, federal U.S. courts, and the Federal Bureau of Prisons. Federal revenues deposited into the Crime Victims Fund also include gifts, donations, and bequests from private parties.

The VOCA Victim Assistance Formula Grant Program is administered by the Office for Victims of Crime (OVC), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) and provides funding from the Crime Victims Fund in order to support and enhance direct services to crime victims in each state, the District of Columbia, and U.S. territories.

The purpose of VOCA is to support the provision of services to victims of crime throughout the nation. "Crime Victim" is defined as a person who has suffered physical, sexual, financial, and/or emotional harm as the result of the commission of a crime. Services are defined as those efforts that (1) respond to the emotional, psychological, and/or physical needs of crime victims; (2) assist victims to stabilize their lives after victimization; (3) assist victims to understand and participate in the criminal justice system; and (4) restore a measure of safety and security for the victim.

PROGRAM SCOPE

Activities supported by this grant program are determined by statute, federal regulations, and ICJI policies. If an applicant receives an award, the funded project is bound by the provisions of this solicitation and the DOJ Grants Financial Guide, including updates to the guide after an award is made. All grants from ICJI Victim Services are **reimbursement** grants. Verification of expenses along with verification of payment of expenses must be provided to ICJI on a monthly or quarterly basis prior to the reimbursement of expenses.

FUNDING AVAILABILITY

ICJI is making available one year of funding to supplement VOCA 2022-2024 award recipients. In this application, recipients may only request allowable VOCA expenses that were included in the original application submitted for the VOCA 2022-2024 grant cycle but were later removed from the final budget due to funding reductions. The allowable expenses include all categories: personnel; benefits; travel; supplies; equipment; operating expenses; consultants; and contractors. Any funds awarded for the VOCA 2022 Supplemental grant will not be available to be extended beyond September 30, 2023.

ELIGIBILITY

Eligible entity types include *only* VOCA 2022-2024 awardees. The VOCA 2022-2024 awarded entity may apply, but will not be eligible for a grant award until the entity has prequalified through a series of threshold requirements including:

1. Unique Entity ID (UEI): The UEI is entered in the Organization Information form in IntelliGrants. For more information and/or to obtain a UEI, please visit the following [website](#).
2. System for Award Management (SAM) Registration: An active registration with System for Award Management (SAM). SAM is a federally owned and operated free website, and it will be used to populate the information needed to report subaward information.
3. Confirmation of agency's good standing with Indiana Department of Revenue (DOR), Indiana Department of Workforce Development (DWD) and Secretary of State (SOS).

APPLICATION SUBMISSION

Completed applications and all required documentation are to be submitted through IntelliGrants no later than 11:59 p.m. (ET) on Monday, November 7, 2022.

ICJI is not responsible for applicants who fail to submit a timely application due to technical difficulties that occur within 48 hours of the deadline.

IMPORTANT: The application in IntelliGrants has been modified to only include the forms necessary to support the expenses requested on this application. On the Project Information form, use the same project title from your VOCA 2022-2024 application, along with the same project summary. In addition, in the project summary text box, add the comment: *"This application supplements <agency name> <VOCA 2022-2024 grant number >, refer to this grant application for information about this project"*.

AWARD PERIOD

The award period for this grant will go retroactive to October 1, 2022, and will end on September 30, 2023.

All projects must conclude, and all funding obligations must be made no later than September 30, 2023. All outstanding expenses must be paid, and the Final Fiscal Report must be submitted via IntelliGrants within thirty (30) days from September 30, 2023. Verification of payment for all expenses must be provided with the Final Fiscal Report. Any expenses that have not been paid within thirty (30) days after September 30, 2023, will not be reimbursed. Late Fiscal and Programmatic Reports will not be accepted.

MATCH REQUIREMENT

Pursuant to the VOCA Fix to Sustain the Crime Victims Fund Act of 2021, the match (i.e., cost sharing) requirement may be waived for all VOCA grants during a declared national emergency. As such, ICJI will issue blanket match waivers pursuant to the national emergency pandemic waiver requirement on behalf of all VOCA grant recipients due to the current declared pandemic national emergency.

ALLOWABLE ACTIVITIES

The activities listed below are allowable activities under this funding.

- *Civil Legal Services for Victims.* Allowable when the need for such services arises as a direct result of the victimization. The following are illustrative examples of some circumstances where civil legal services may be appropriate: protective and restraining orders against a stalker or abuser; campus administrative protection or stay away order proceedings; family, custody, contract, housing, and dependency matters for victims of intimate partner violence, child abuse, sexual assault, and elder abuse; immigration assistance for victims of human trafficking and domestic abuse victims; intervention with creditors, law enforcement (e.g., to obtain police reports), and other entities on behalf of victims of identity theft and financial fraud; intervention with administrative agencies, schools/colleges, tribal entities, and other circumstances where legal advice or intervention would assist in addressing the consequences of a person's victimization.
- *Facilitation of participation in criminal justice and other public proceedings arising from the crime.* The provision of services and payment of costs that help victims participate in the criminal justice system and in other public proceedings arising from the crime (e.g., juvenile justice hearings, civil commitment proceedings), including, but not limited to: (1) Advocacy on behalf of a victim; (2) Accompanying a victim to offices and court; (3) Transportation, meals, and lodging to allow a victim who is not a witness to participate in a proceeding; (4) Interpreting for a non-witness victim who is deaf or hard of hearing, or with limited English proficiency; (5) Providing child care and respite care to enable a victim who is a caregiver to attend activities related to the proceeding; (6) Notification to victims regarding key proceeding dates (e.g., trial dates, case disposition, incarceration, and parole hearings); (7) Assistance with Victim Impact Statements; (8) Assistance in recovering property that was retained as evidence; and (9) Assistance with restitution advocacy on behalf of crime victims.
- *Forensic Interviews.* VOCA funding may be used for forensic interviews of children and adults only when all three of the following criteria is met: 1) the results of the interview will be used not only for law enforcement and prosecution purposes, but also for identification of needs such as social services, personal advocacy, case management, substance abuse treatment, and mental health services, 2) interviews are conducted in the context of a multidisciplinary investigation and diagnostic team, or in a specialized setting such as a child advocacy center and 3) the interviewer is trained to conduct forensic interviews appropriate to the developmental age and abilities of children, or the developmental, cognitive, and physical or communication disabilities presented by adults.
- *Immediate Emotional, Psychological and Physical Health and Safety.* Services that respond to immediate needs of crime victims include, but are not limited to: (1) Crisis intervention services; (2) Accompanying victims to hospitals for medical examinations; (3) Hotline counseling; (4) Safety planning; (5) Emergency food, shelter, clothing, and transportation; (6) Short-term (up to 45 days) in-home care and supervision services for children and adults who remain in their own homes when the offender/caregiver is removed; (7) Short-term (up to 45 days) nursing home, adult foster care, or group-home placement for adults for whom no other safe, short-term residence is available; (8) Window, door, or lock replacement or repair, and other repairs necessary to ensure a victim's safety. (9) Costs of the following, on an emergency basis (i.e., when the State's compensation program, the victim's (or in the case of a minor child, the victim's parent's or guardian's) health insurance plan, Medicaid, or other health care funding source, is not reasonably expected to be available quickly enough to meet the emergency needs of a

victim (typically within 48 hours of the crime): Non-prescription and prescription medicine, prophylactic or other treatment to prevent HIV/AIDS infection or other infectious disease, durable medical equipment (such as wheelchairs, crutches, hearing aids, eyeglasses), and other healthcare items are allowed; and (10) Emergency legal assistance, such as for filing for restraining or protective orders, and obtaining emergency custody orders and visitation rights.

- *Legal Assistance for Victims.* Legal assistance services (including, but not limited to, those provided on an emergency basis), where reasonable and where the need for such services arises as a direct result of the victimization. Such services include, but are not limited to: (1) Those (other than criminal defense) that help victims assert their rights as victims in a criminal proceeding directly related to the victimization, or otherwise protect their safety, privacy, or other interests as victims in such a proceeding; (2) Motions to vacate or expunge a conviction, or similar actions, where the jurisdiction permits such a legal action based on a person's being a crime victim; and (3) Those actions (other than tort actions) that, in the civil context, are reasonably necessary as a direct result of the victimization.
- *Mental Health Counseling and Care.* Mental health counseling and care, including, but not limited to, outpatient therapy/counseling (including, but not limited to, substance-abuse treatment so long as the treatment is directly related to the victimization) provided by a person who meets professional standards to provide these services in the jurisdiction in which the care is administered.
- *Peer-Support.* Including, but not limited to, activities that provide opportunities for victims to meet other victims, share experiences, and provide self-help, information, and emotional support.
- *Personal Advocacy and Emotional Support.* Personal advocacy and emotional support, including, but not limited to: (1) Working with a victim to assess the impact of the crime; (2) Identification of victim's needs; (3) Case management; (4) Management of practical problems created by the victimization; (5) Identification of resources available to the victim; (6) Provision of information, referrals, advocacy, and follow-up contact for continued services, as needed; and (7) Traditional, cultural, and/or alternative therapy/healing (e.g., art therapy, yoga).

Personal advocacy may also include services to assist crime victims with managing practical problems created by the victimization, such as acting on behalf of the victim with other service providers, creditors, or employers; assisting the victim to recover property that is retained as evidence; assisting in filing for compensation benefits; and helping to apply for public assistance.

- *Relocation Expenses. Relocation of victims (generally where necessary for the safety and well-being of a victim), including but not limited to:* reasonable moving expenses; security deposits on housing; rental expenses; and utility startup costs. Arrears for utilities are an allowable expense if the cost was incurred during the grant period. Programs approved to provide relocation services to crime victims must submit agency policies with their application that identify the criteria that must be met for a victim to be eligible for relocation assistance.
- *Services to Incarcerated Individuals.* Victim service providers may provide services to incarcerated individuals, but the services must address issues directly arising from the victimization and not the crime for which that individual was incarcerated. The rule does not mandate that states make funding available for services to incarcerated victims, but rather, merely permits them to do so; therefore, ICJI will make a determination regarding the appropriate delegation of responsibility (and fiscal burden)

between victim service agencies/organizations and detention/correctional facilities with regard to caring for this victim population.

- *Transitional Housing.* Transitional housing is generally allowed for those who have a particular need for such housing, and who cannot safely return to their previous housing, due to the circumstances of their victimization. Transitional housing may include travel expenses, rental assistance, security deposits, utilities, and other costs incidental to the relocation to such housing, as well as voluntary support services such as childcare and counseling.

Transitional housing will be viewed as appropriate for victims of domestic violence and their dependents, victims of human trafficking, victims with disabilities abused by caretakers, and other victims who have a particular need for transitional housing, and who cannot (or should not) return to their previous housing situation due to the circumstances of their victimization. Programs applying for transitional housing must submit agency policies with their application that identify the criteria that must be met for a victim to be eligible for transitional housing assistance.

- *Transportation.* Transportation is allowable for victims to receive services and to participate in criminal justice proceedings.

ELIGIBLE COSTS

- *Personnel Costs.* The costs directly related to providing direct services, such as staff salaries and employee benefits, including malpractice insurance, the cost of advertising to recruit VOCA-funded personnel, and the cost of training paid and volunteer staff. Overtime and on-call pay are allowable expenses but must be on a separate line item in the budget that includes the rate of pay.
- *Costs Necessary to Providing Direct Service.* This includes prorated costs of rent, telephone services, transportation costs for victims to receive services, emergency transportation costs that enable a victim to participate in the criminal justice system, and local travel expenses for service providers.
- *Skills Training for Staff.* Developing the skills of direct services providers so that they are better able to offer quality services to crime victims. VOCA funds can be used for training both VOCA funded and non-VOCA funded service providers who work within a VOCA subrecipient organization and provide VOCA allowable services. Volunteers can be included in VOCA supported training.
- *Training Material.* Purchase of materials such as books, training manuals, and videos for direct service providers, within the VOCA funded organization, and costs for in-service staff development. Any printed material must include the federal award that paid for the material.
- *Equipment.* Purchase of furniture and equipment that provides or enhances direct services to crime victims, as demonstrated by the VOCA subrecipient. Costs must be prorated if the equipment is not used exclusively for VOCA victim-related activities. Equipment is defined as tangible, non-expendable personal property having a useful life or more than one year and an acquisition cost of \$500.00 or more per unit. Three bids or quotes are required for all equipment.

- *Repair and/or Replacement of Essential Items.* Repair or replacement “of items that contribute to maintaining a healthy and/or safe environment for crime victims, such as a furnace in a shelter.” The cost of the repair or replacement must be prorated among all sources of income.
- *Public Presentations and Awareness.* Presentations in public forums, such as schools and community centers that are designed to identify crime victims and refer them to needed services. These costs may include staff time, materials, brochures, and advertising costs. Costs for food, gifts, give away trinkets, or honorariums are **not** allowable expenses under VOCA.
- *Operating and Supply Costs.* Prorated Operating costs are allowable if costs are part of an approved project and are necessary to the project implementation and operation. Examples of allowable costs include office supplies, equipment use fees when supported by usage logs, printing/photocopying, postage, brochures which describe available services, and books and other victim related materials. Supplies that will not benefit victims are not allowable, such as kitchenette supplies (coffee, cups, and napkins).
- *Administrative Time.* Administrative time to complete VOCA-required time and attendance sheets and programmatic documentation, reports, and required statistics; administrative time to collect and maintain crime victims’ satisfaction surveys and needs assessments used to improve victim services delivery within the VOCA funded project; and the prorated share of audit costs. Administrative costs cannot exceed 10% of the total award amount.
- *Professional Fees.* Any contract entered into by a subrecipient using federal funds must follow the rules covering Procurement as described in 2 CFR Part 200 and the current version of the OJP Financial Guide. Individual consultant fees, under VOCA, are limited to \$650 per day or \$81.25 per hour.
- *Supervision of Direct Service Providers.* Supervision of direct service providers when it is “necessary and essential to providing direct services to crime victims”.

INELIGIBLE ACTIVITIES AND COSTS

The activities listed below are out of the program scope, and they cannot be supported by this program’s funding.

- Direct cash assistance to victims.
- Most medical costs (including nursing home care, in-patient treatment, hospital, and non-emergency medical or dental treatment).
- Prevention of crime activities or activities that assist in prosecution of perpetrators.
- Perpetrator rehabilitation.
- Property loss such as replacement of stolen or damaged property.
- Substance abuse counseling for victims when not related to victimization.

- Alcohol, food (except emergency food for victims), and entertainment costs.
- Bonuses or commissions.
- Construction, capital improvement, or land acquisition (purchase of real property).
- Costs associated with Boards including insurance and fees.
- Costs not associated with direct services to victims.
- Expenses incurred outside of the grant period.
- Fundraising (including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions) and time spent procuring funding including completing federal and state funding applications.
- Inherently (or explicitly) religious activities.
- Indirect administrative costs over 10% of the total grant budget.
- Legal fees of applicant.
- Lobbying.
- Management or administrative training.
- Needs assessments, surveys, research projects and studies.
- State and local taxes.

PROGRAM REQUIREMENTS

I. CONFIDENTIALITY

Subrecipients of VOCA funds shall, to the extent permitted by law, reasonably protect the confidentiality and privacy of persons receiving services under this program and shall not disclose, reveal, or release, except pursuant to paragraphs (b) and (c) of this section.

1. Any personally identifying information or individual information collected in connection with VOCA-funded services requested, utilized, or denied, regardless of whether such information has been encoded, encrypted, hashed, or otherwise protected; or
2. Individual client information, without the informed, written, reasonably time-limited consent of the person about whom information is sought, except that consent for release may not be given by the abuser of a minor, incapacitated person, or the abuser of the other parent of the minor. If a minor or a

person with a legally appointed guardian is permitted by law to receive services without a parent's (or the guardian's) consent, the minor or person with a guardian may consent to release of information without additional consent from the parent or guardian.

II. DETERMINATION OF SUITABILITY TO INTERACT WITH PARTICIPATING MINORS

The recipient must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status. The details of this requirement are posted on the OJP website in a PDF titled "Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors" and can be found [here](#).

ADMINISTRATIVE COSTS

Administrative costs are an allowable expense but are limited to 10% of the total grant funded budget. Administrative costs include time to complete VOCA required time and attendance sheets and programmatic documentation, reports, and required statistics; administrative time to collect and maintain satisfaction surveys; and needs assessments used to improve services delivery within the VOCA funded project.

CONTRACTORS & CONSULTANTS

When a grant recipient contracts for work or services, the following is required:

1. All contractual services must be obtained through a procurement method. Verification of this method must be supplied upon completion of the contract.
2. All consultant and contractual services shall be supported by written contracts signed by all parties stating the services to be performed, rate of compensation, and length of time over which the services will be provided.
3. A copy of all written contracts for contractual or consultant services shall be attached in IntelliGrants to the grant file upon their ratification.
4. Payments shall be supported by statements outlining the services rendered, date of service, and cost of service.

Any consultant costs exceeding the allowable rate (maximum of \$81.25 per hour or \$650 per day) will not be allowed.

INDIRECT COSTS

According to 2 CFR Part 200.56, indirect costs are defined as: "Those costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved."

Indirect costs are costs of an organization that are not readily assignable to a particular project but are necessary to the operation of the organization and the performance of the project. Indirect costs are those that benefit more than one activity and are common or joint purpose costs.

Requesting Indirect Costs: Requesting indirect costs is optional. Applicants do not have to request indirect costs, but it is allowable. To calculate indirect costs, applicants must first determine the Modified Total Direct Costs (MTDC) amount of the project budget. Indirect costs that can be requested are not based on the entire project budget, but on the MTDC amount.

Applicants have two options when requesting Indirect Costs: using a formal Indirect Cost Rate Agreement (ICRA) or using a de minimis rate. These two options are outlined below.

1. Indirect Cost Rate Agreement (ICRA)

- This is a formal rate agreement that an organization has applied for and received from the federal cognizant agency (ICJI does not approve ICRA's).
- Organizations will have a letter or other documentation that lists the federally-negotiated rate.
- The rate in the ICRA must be accepted, unless otherwise specified by federal awarding agency.
- Applicants can request the percentage (as outlined in the ICRA) of the Modified Total Direct Costs (MTDC) of their budget for indirect costs.

2. De Minimis Rate

- This can be used by organizations that have never had a federally approved Indirect Cost Rate Agreement.
- Can use a rate of up to 10 percent of the Modified Total Direct Costs (MTDC) of their budget for indirect costs.
- If an applicant elects to use the *de minimis* rate of 10% of modified total direct costs (MTDC), then it must provide a list of indirect costs and the calculation used to determine the amount charged.

If an applicant elects to include indirect costs in their proposed grant budget, this intent must be included the Budget Narrative section of the application. In addition, if the applicant has an ICRA, the approved agreement must be uploaded in the attachment section of the application. If an applicant is requesting to utilize a De Minimis Rate, then an attachment must be uploaded in IntelliGrants indicating how the indirect costs were calculated and the costs assigned as indirect. For more information related to indirect costs, please refer to the DOJ Grants Financial Guide.

ATTACHMENTS REQUIRED WITH APPLICATION

- **Total Agency Budget:** If the applicant agency is a nonprofit, nongovernmental entity, please complete and upload a "Subgrantee Basic Budget (non-profit Applicant budget form)". Be sure

to complete both the Organizational tab and the Employee tab. The form can be found on the ICJI website [here](#). *This does not apply to units of government.*

- *Indirect Cost Rate:* If the applicant agency has a federally approved indirect cost rate, ICJI will accept this rate. You must provide ICJI with a copy of the federally Indirect Cost Rate agreement showing the rate and effective date. If the applicant elects to use the *de minimis* rate of 10% of modified total direct costs (MTDC), then it must provide a list of indirect costs and the calculation used to determine the amount charged.
- *Miscellaneous.*
 - A. If applying for funds for personnel costs, attach the relevant job descriptions.
 - B. If applicable, attach other requested information.

TRAVEL COSTS

Expenses and reimbursements for in-state and out-of-state travel must follow the most current Indiana Department of Administration [State Travel Policy](#) or the subgrantee's travel policy, whichever is more restrictive. [Learn more.](#)

PROGRAM COSTS

Costs must meet the following criteria:

1. Costs must be necessary and reasonable for the stated purpose of the grant.
2. Costs must be in accordance with generally accepted accounting principles. [Learn more.](#)
3. Costs must conform to any limitations or exclusions set forth in 2 C.F.R Part 200 or the VOCA Grant Program Requirements.
4. Costs must be consistent with policies and procedures of this grant program and applied uniformly.
5. Costs must be adequately documented with supporting materials including receipts, invoices, timesheets, paystubs, etc.

CONTRACT REQUIREMENTS

All applicants awarded funding from ICJI must agree to:

1. Enter into a grant agreement between ICJI and the applicant agency and agree to abide by all provisions of the grant agreement.

2. Enter into agreement to abide by all special conditions detailed in the Certified Assurances and Special Conditions.
3. Submit all reports in the prescribed format and timeframes determined by ICJI.
4. Comply with federal guidelines contained within 2 CFR Part 200 found [here](#) and the Office of Justice Programs, Office of the Chief Financial Officer Financial Guide found [here](#).
5. Complete quarterly or monthly Fiscal and Program Reports in IntelliGrants and submit data for the quarterly Performance Measurement Tool (PMT). Information about the PMT can be found [here](#).

SUPPLANTING

Federal funds must be used to supplement existing funds for program activities and cannot replace or supplant non-federal funds that have been appropriated for the same purpose. Supplanting occurs when a state, local, or Tribal Government reduces state, local, or tribal funds for an activity specifically because federal funds are available (or expected to be available) to fund that same activity.

MONITORING

All grant awards will be monitored by an ICJI Grant Manager and/or ICJI Compliance Monitoring team using a combination of desk reviews and site visits. Additionally, the grant manager will review all submitted reports for timeliness and accuracy. Delinquencies and report contents will be addressed as needed by ICJI staff. Late and repeated incorrect reports could disqualify subrecipients from future funding.

AUDIT REQUIREMENTS

Pursuant to 2 C.F.R. Part 200, specifically, § 200.500 *et seq*, recipients of federal funds are subject to annual audit requirements.

1. *Audit required:* A non-federal entity that expends \$750,000 or more during the non-federal entity's fiscal year in federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.
2. *Single audit:* A non-federal entity that expends \$750,000 or more during the non-federal entity's fiscal year in federal awards must have a single audit conducted in accordance with §200.514 Scope of audit, except when it elects to have a program-specific audit conducted in accordance with paragraph (3) of this section.
3. *Program-specific audit election:* When an entity expends federal awards under only one federal program (excluding research and development) and the federal program's statutes, regulations, or the terms and conditions of the federal award do not require a financial statement audit of the entity, the entity may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits.

A program-specific audit may not be elected for research and development unless all of the federal awards expended were received from the same federal agency, or the same federal agency and the same pass-through entity, and that federal agency, or pass-through entity in the case of a subrecipient, approves in advance a program-specific audit.

4. *Exemption when federal awards expended are less than \$750,000:* A non-federal entity that expends less than \$750,000 during the non-federal entity's fiscal year in federal awards is exempt from federal audit requirements for that year, except as noted in §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the federal agency, pass-through entity, and Government Accountability Office (GAO).
5. *Federally Funded Research and Development Centers (FFRDC):* Management of an entity that owns or operates a FFRDC may elect to treat the FFRDC as a separate entity for purposes of this part.
6. *Subrecipients and Contractors:* An entity may simultaneously be a recipient, a subrecipient, and a contractor. Federal awards expended as a recipient or a subrecipient are subject to audit under this part. The payments received for goods or services provided as a contractor are not federal awards. Section §200.330 Subrecipient and contractor determinations sets forth the considerations in determining whether payments constitute a federal award or a payment for goods or services provided as a contractor.
7. *Compliance responsibility for contractors:* In most cases, the entity's compliance responsibility for contractors is only to ensure that the procurement, receipt, and payment for goods and services comply with federal statutes, regulations, and the terms and conditions of federal awards. Federal award compliance requirements normally do not pass through to contractors. However, the entity is responsible for ensuring compliance for procurement transactions, which are structured such that the contractor is responsible for program compliance or the contractor's records must be reviewed to determine program compliance. Also, when these procurement transactions relate to a major program, the scope of the audit must include determining whether these transactions are in compliance with federal statutes, regulations, and the terms and conditions of federal awards.
8. *For-profit subrecipient:* Since this part does not apply to for-profit subrecipients, the pass-through entity is responsible for establishing requirements, as necessary, to ensure compliance by for-profit subrecipients. The agreement with the for-profit subrecipient must describe applicable compliance requirements and the for-profit subrecipient's compliance responsibility. Methods to ensure compliance for federal awards made to for-profit subrecipients may include pre-award audits, monitoring during the agreement, and post-award audits. See also §200.331 Requirements for pass-through entities.

APPENDIX: APPLICABLE LAWS AND MANDATORY REQUIREMENTS

I. GENERAL

This award is governed by 2 C.F.R. Part 200 and the DOJ Grants Financial Guide. All subgrantees must adhere to all provisions set forth in federal and state statute, regulation, or rule. Failure to abide by the federal and state mandates may, at the discretion of the state, be considered to be a material breach. The consequences of a material breach include, but are not limited, to:

- The subgrantee becoming ineligible for this grant funding opportunity;
- Requiring repayment of any grant funds already received;
- The de-obligation of grant funds; and
- The material breach becoming a factor in the scoring process for future grant applications.

Furthermore, the subgrantee may not obligate, expend, or draw down grant funds until the federal Office of the Chief Financial Officer notifies the state that the grant has been awarded to Indiana. The state shall not reimburse a subgrantee for expenditures outside the grant period of performance.

Pursuant to 2 C.F.R. Part 200, all subgrantees are required to establish and maintain grant accounting systems and financial records to accurately account for funds awarded to them.

The subgrantee understands and agrees that it cannot use federal funds from different funding sources for one or more of the identical cost items, in whole or in part. If this scenario presents itself, the subgrantee must contact the ICJI program manager in writing and refrain from the expenditure, obligation, or drawn down of any federal funds awarded from ICJI concerning the identical cost items.

II. CIVIL RIGHTS LAWS AND REQUIREMENTS

Recipients of federal grants are required to adhere to all federal and state laws concerning civil rights including, but not limited to, the laws set forth below:

- *Nondiscrimination*: Pursuant to the Indiana Civil Rights Law, specifically including IC §22-9-1-10, and in keeping with the purposes of the federal Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act, the subgrantee covenants that it shall not discriminate against any employee or subgrantee for employment relating to this grant with respect to the hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of the employee or subgrantee's race, color, national origin, religion, sex, age, disability, ancestry, status as a veteran, or any other characteristic protected by federal, state, or local law ("Protected Characteristics"). Furthermore, the subgrantee certifies compliance with applicable federal laws, regulations, and executive orders prohibiting discrimination based on the protected characteristics in the provision of services.

Subgrantee covenants that it shall not discriminate against any individual based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity as outlined in

the Violence Against Women Act Reauthorization Act of 2013. The subgrantee understands that the state is a recipient of federal funds, and therefore, where applicable, the subgrantee and any subcontractors shall comply with requisite affirmative action requirements, including reporting, pursuant to 41 C.F.R. Chapter 60, as amended, and Section 202 of Executive Order 11246 as amended by Executive Order 13672.

- *Services to Limited English Proficiency (LEP) Individuals:* In accordance with Department of Justice (DOJ) guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41, 455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see this [website](#).
- *Ensuring Equal Treatment for Faith-Based Organizations:* Faith-based organizations are prohibited from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by this grant, and recipients cannot compel beneficiaries to participate in these activities. The Equal Treatment Regulation also makes it clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of the beneficiary's religion. For more information on the regulation, please see the Office of Civil Rights (OCR) [website](#).

Faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789(c); the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5672(b); and the Violence Against Women Act Reauthorization Act of 2013, Pub. L. no. 113-4, sec. 3(b)(4), 127 Stat. 54, 61-62 (to be codified at 42 U.S.C. § 13925(b)(13)) contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funding while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

- *Using Arrest and Conviction Records in Making Employment Decisions:* The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available [here](#). Recipients should be mindful that the misuse of arrest or conviction records to screen either subgrantees for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Opportunity Plans (EEOs).

- *Complying with the Safe Streets Act:* An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEOP (see 28 C.F.R. pt.42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c),.205(c)(5)).
- *Meeting the EEOP Requirement:* If your organization has less than fifty (50) employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEOP requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online [here](#).

If your organization is a government agency or private business and receives an award of \$25,000 or more, but less than \$500,000, and has fifty (50) or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form), but it does not have to submit the report to the OCR for review. Instead, your organization has to maintain the Utilization Report on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form is available [here](#).

If your organization is a government agency or private business and has received an award for \$500,000 or more and has fifty (50) or more employees (counting both full- and part- time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form) and submit it to OCR for review within sixty days from the date of the award. For assistance in developing a Utilization Report, please consult the OCR's [website](#). In addition, your organization has to complete Section C of the Certification Form and return it to the OCR. The Certification Form is available [here](#).

To comply with the EEOP requirements, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at EEOSubmission@usdoj.gov.

- *Ensuring Access to Federally Assisted Programs:* Federal laws that apply to recipients of federal grant awards prohibit discrimination on the basis of actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity in funded programs or activities, not only in employment but also in the delivery of services or benefits. Federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.
- *Enforcing Civil Rights Laws:* All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.
- *Meeting the Requirement to Submit Findings of Discrimination:* If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due process hearing, from a state or federal court or from a

state or federal administrative agency, your organization must send a copy of the finding to OCR. A copy must also be sent to the state.

III. STATE LAWS AND REQUIREMENTS

Recipients of grant funds from the state are required to adhere to all state laws concerning the receipt and use of grant funds from federal and state funding sources. Those laws include, but are not limited to, the laws set forth below.

- *State Ethical Requirements:* The subgrantee and its agents shall abide by all ethical requirements that apply to persons who have a business relationship with the state as set forth in IC §4-2-6, et seq., IC §4-2-7, et seq. and the regulations promulgated thereunder. If the subgrantee has knowledge, or would have acquired knowledge with reasonable inquiry, that a state officer, employee, or special state appointee, as those terms are defined in IC § 4-2-6-1, has a financial interest in the grant, the subgrantee shall ensure compliance with the disclosure requirements in IC § 4-2-6-10.5 prior to the execution of this grant. If the subgrantee is not familiar with these ethical requirements, the subgrantee should refer any questions to the Indiana State Ethics Commission or visit the Inspector General's [website](#). If the subgrantee or its agents violate any applicable ethical standards, the state may, in its sole discretion, terminate this grant immediately upon notice to the subgrantee. In addition, the subgrantee may be subject to penalties under IC §§4-2-6, 4-2-7, 35-44.1-1-4, and under any other applicable laws
- *Indiana Secretary of State:* Pursuant to Indiana Code Title 23, subgrantee must be properly registered and owes no outstanding reports to the Indiana Secretary of State.
- *Telephone Solicitation of Consumers; Automatic Dialing Solicitations:* As required by Indiana Code §5-22-3-7:
 - (1) the Subgrantee and any principals of the Subgrantee certify that
 - (A) except for de minimis and nonsystematic violations, it has not violated the terms of:
 - (i) IC §24-4.7 [Telephone Solicitation Of Consumers];
 - (ii) IC §24-5-12 [Telephone Solicitations]; or
 - (iii) IC §24-5-14 [Regulation of Automatic Dialing Machines];in the previous three hundred sixty-five (365) days, even if IC § 24-4.7 is preempted by federal law; and
 - (B) the Subgrantee will not violate the terms of IC §24-4.7 for the duration of this Grant Agreement, even if IC §24-4.7 is preempted by federal law.
 - (2) The Subgrantee and any principals of the Subgrantee certify that an affiliate or principal of the Subgrantee and any agent acting on behalf of the Subgrantee or on behalf of an affiliate or principal of the Subgrantee, except for de minimis and nonsystematic violations,
 - (A) has not violated the terms of IC §24-4.7 in the previous three hundred sixty-five (365) days, even if IC §24-4.7 is preempted by federal law; and
 - (B) will not violate the terms of IC §24-4.7 for the duration of the grant agreement even if IC §24-4.7 is preempted by federal law.
- *Drug-Free Workplace Certification:* Subgrantee hereby covenants and agrees to make a good faith effort to provide and maintain a drug-free workplace as required by Executive Order 90-5, April 12, 1990. Executive Order 90-5 applies to all individuals and private legal entities who receive grants or contracts

from state agencies. This clause was modified in 2005 to apply only to contractor's employees within the State of Indiana and cannot be further modified, altered, or changed. Subgrantee will give written notice to the state within ten (10) days after receiving actual notice that the subgrantee, or an employee of the subgrantee in the State of Indiana, has been convicted of a criminal drug violation occurring in the workplace. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of grant payments, termination of the grant and/or debarment of grant opportunities with the State of Indiana for up to three (3) years.

In addition to the provisions of the above paragraphs, if the total amount set forth in this grant agreement is in excess of \$25,000.00, the subgrantee certifies and agrees that it will provide a drug-free workplace by:

- A. Publishing and providing to all of its employees a statement notifying them that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the subgrantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition; and
 - B. Establishing a drug-free awareness program to inform its employees of (1) the dangers of drug abuse in the workplace; (2) the subgrantee's policy of maintaining a drug-free workplace; (3) any available drug counseling, rehabilitation, and employee assistance programs; and (4) the penalties that may be imposed upon an employee for drug abuse violations occurring in the workplace; and
 - C. Notifying all employees in the statement required by subparagraph (A) above that as a condition of continued employment the employee will (1) abide by the terms of the statement; and (2) notify the subgrantee of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction; and
 - D. Notifying in writing the state within ten (10) days after receiving notice from an employee under subdivision (C)(2) above, or otherwise receiving actual notice of such conviction; and
 - E. Within thirty (30) days after receiving notice under subdivision (C)(2) above of a conviction, imposing the following sanctions or remedial measures on any employee who is convicted of drug abuse violations occurring in the workplace: (1) take appropriate personnel action against the employee, up to and including termination; or (2) require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency; and
 - F. Making a good faith effort to maintain a drug-free workplace through the implementation of subparagraphs (A) through (E) above.
- *Employment Eligibility Verification:* As required by IC §22-5-1.7, the subgrantee hereby swears or affirms under the penalties of perjury that:
 - A. The subgrantee has enrolled and is participating in the E-Verify program;
 - B. The subgrantee has provided documentation to the state that it has enrolled and is participating in the E-Verify program;

- C. The subgrantee does not knowingly employ an unauthorized alien; and the subgrantee shall require its contractors who perform work under this grant agreement to certify to subgrantee that the contractor does not knowingly employ or contract with an unauthorized alien and that the contractor has enrolled and is participating in the E-Verify program. The subgrantee shall maintain this certification throughout the duration of the term of a contract with a contractor.
 - D. The state may terminate for default if the subgrantee fails to cure a breach of this provision no later than thirty (30) days after being notified by the state
- *ICJI Policies and Requirements:* Recipients of grant funds from ICJI are required to adhere to all ICJI policies, procedures, and guidelines concerning the receipt and use of grant funds from both federal and state funding sources, including those directives, policies, and guidelines found on ICJI's [website](#).



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