



Florida Department of Law Enforcement Office of Criminal Justice Grants

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Prison Rape Elimination Act (PREA) Program FY 2019 Subgrant Solicitation

Applications Due: October 31, 2019

The Florida Department of Law Enforcement (FDLE), Office of Criminal Justice Grants (OCJG) is seeking subrecipient applications for the state's Prison Rape Elimination Act (PREA) Program. This program funds Prison Rape Elimination Act (PREA) implementation projects for state and local criminal justice agencies.

Eligibility

Eligible applicants are limited to state criminal justice agencies and units of local government. A unit of local government is defined as a town, township, village, parish, city, county, borough, or other general-purpose political subdivision of the state; or, including Native American Tribes who perform law enforcement functions as determined by the Secretary of the Interior. Otherwise, a unit of local government may be any law enforcement district or judicial enforcement district established under applicable state law with authority to independently establish a budget and impose taxes.

Eligible applicants may also be private non-profit associations or non-profit neighborhood or community-based organizations (PNPs) submitting applications that qualify for one of the scenarios below:

- Criminal justice projects that would benefit the entire state;
- A criminal justice project that will benefit a local jurisdiction; or
- A private non-profit (PNP) that is in partnership with a local law enforcement agency to provide criminal justice services to designated units of local government.

In order to be eligible to receive awards under this solicitation, these funds must be used for PREA implementation related efforts in accordance with the DOJ National Standards to Prevent, Detect, and Respond to Prison Rape (28 C.F.R. § 115).

Contact Information

For questions regarding this solicitation, contact the JAG unit in FDLE's Office of Criminal Justice Grants at 850-617-1250.

For assistance with creating and/or submitting an application in the Subgrant Information Management Online (SIMON) system, or for technical assistance or issues with SIMON, please request to speak with the SIMON Help Desk or a grant manager.

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Program Description

The State of Florida, Department of Law Enforcement (FDLE) anticipates receiving an award for \$174,054 under the Protecting Inmates and Safeguarding Communities Discretionary Grant Program from DOJ's Office of Justice Programs (OJP) Bureau of Justice Assistance (BJA).

This Notice of Funding Opportunity seeks subrecipient applications for funding Prison Rape Elimination Act (PREA) implementation projects for local criminal justice agencies. This program will be used to assist efforts to establish "zero tolerance" cultures related to sexual abuse and harassment in confinement facilities, including jails, police lockups, prisons, juvenile facilities, and community confinement facilities.

Program Strategy and Purposes

FDLE's Office of Criminal Justice Grants (OCJG) administers PREA funds under the Justice Assistance Grant (JAG) program for the State of Florida. These funds shall be used to assist states and local governments in carrying out activities that address one or more of the major provisions of the PREA standards, which include:

- General prevention planning
- Supervision and monitoring
- Staffing of juvenile facilities
- Juveniles in adult facilities
- Cross-gender searches and viewing
- Training and education
- Screening
- Reporting
- Responsive planning
- Investigations
- Discipline
- Medical and mental health care
- Grievances
- Addressing the needs of vulnerable populations

Competitive, federal PREA programs have outlined a number of allowable uses of funds for site-based strategic implementation plans. These uses are also allowable projects supported by PREA Reallocation funds and include:

- Strategies to promote and institutionalize agency and facility staff buy-in for new policies, procedures, and practices that address sexual abuse.
- Designation of staff positions responsible for PREA implementation.
- Facility-specific staffing plans to reduce the likelihood of sexual abuse that result from examining current staffing levels and patterns, the sizes and compositions of inmate/resident/detainee populations, and the physical layouts of facilities.
- Methods to report sexual abuse when it occurs in confinement facilities.
- Intake, screening, and classification processes designed to identify potential sexual abuse victims and perpetrators, and to make housing, placement, and programming decisions in response.
- Inmate/detainee/resident education programs on topics such as available sexual abuse reporting mechanisms and services available to victims.
- Sexual abuse response protocols which include protections for victims and ensure prompt, thorough, and objective investigations of all allegations.
- Electronic inmate/detainee/resident management systems designed to track abusers and victims effectively.

- Formal partnerships between confinement agencies/facilities and community-based organizations such as rape crisis centers and sexual abuse coalitions, intended to provide services and support to victims.
- Trauma-informed approaches at the agency and/or facility levels designed to serve victims of sexual abuse and to prevent and address secondary trauma among staff.
- Agency/facility staff training on preventing, detecting, and responding to sexual abuse, and building skills necessary to achieve PREA implementation.
- Strategies to increase collaboration between confinement agencies/facilities, and prosecutors and the courts to increase the likelihood that sexual abuse that occurs in confinement is successfully prosecuted.
- Agency-wide plans to collect, analyze, and report data about sexual abuse in confinement facilities covered by the PREA standards.
- Processes that leverage technology to improve efforts to prevent, detect, and respond to sexual abuse (e.g., incident mapping technologies to identify locations within confinement facilities where inmates/residents/detainees and staff members are vulnerable and taking steps to mitigate these vulnerabilities).
- Plans to purchase equipment and/or supplies that are necessary to prevent, detect, or respond to sexual abuse.
- Analyses of confinement facility blueprints to identify vulnerable areas and implement strategies which implement technology such as concealed video, alterations to facility layouts, and data analysis in order to better protect inmates/residents/detainees, and staff.
- Actions related to conducting PREA audits, such as preparing for audits, carrying out mock or practice audits, selecting and entering into contracts/agreements with DOJ-certified PREA auditors,

Evidence-Based Programs or Practices

OJP places a strong emphasis on the use of data and evidence in policy making and program development in criminal justice, juvenile justice, and crime victim services. Programs and practices are considered 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](https://www.crimesolutions.gov) website offers applicants information about evidence-based programs in criminal justice, juvenile justice, and crime victim services.

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

Eligibility Requirements

Applicants for PREA subawards must comply with all terms and conditions of the federal award and subaward, including those incorporated by reference. This section identifies specific program requirements that must be met as a condition of eligibility to receive federal funds under this program.

Each applicant must be able to document compliance with the following requirements:

[2 C.F.R. §200.318-326](#) *Federal Procurement Standards*

[2 C.F.R. Part 200.300-309](#) *Standards for Financial and Program Management*

[2 C.F.R. Part 25](#) *Universal Identifier and System for Award Management (SAM) Requirements*

[28 C.F.R. Part 42](#) *Nondiscrimination; Equal Employment Opportunity; Policies and Procedures*

SAM Registration

To apply for PREA funds in SIMON, an organization and its users must be registered in SIMON and have a Data Universal Numbering System (DUNS) number. The organization must also be registered with the U.S. Federal Government's System for Award Management (SAM) (2 C.F.R. Part 25).

A DUNS number may be obtained by calling (866) 705-5711 or by visiting the Dun & Bradstreet website at: <https://iupdate.dnb.com/iUpdate/viewiUpdateHome.htm>. A DUNS number is usually received within one to two business days.

To create or update your annual SAM registration, go to SAM.gov. The process can take up to 10 business days.

Compliance with Applicable Federal Laws

At the time of application, potential subrecipients are required to certify compliance with all applicable federal laws. All applicants should understand that if the DOJ Office of Justice Programs receives information indicating an applicant may be in violation of any applicable federal law, the applicant may be referred to the DOJ Office of Inspector General (OIG) for investigation. If the applicant is found to be in violation of an applicable federal law by the OIG, the applicant may be subject to criminal and civil penalties, in addition to relevant OJP programmatic penalties, including suspension or termination of funds, inclusion on the high risk list, repayment of expended funds, and/or suspension and debarment.

Civil Rights Requirements

Federal laws prohibit subrecipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, disability, or age in funded programs or activities. All subrecipients, implementing agencies, and contractors must comply with any applicable statutorily-imposed nondiscrimination requirements, which are summarized below:

- **Title VI of the Civil Rights Act of 1964** - Applicants must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E that relate to an equal employment opportunity program. Applicants are advised to use the Office for Civil Rights EEO Reporting Tool at (<https://ojp.gov/about/ocr/eeop.htm>).
- **Limited English Proficiency (LEP)** - In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. Part 2000d, applicants in receipt of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with LEP. FDLE strongly advises applicants to have a written LEP Language Access Plan. For more information visit <https://www.lep.gov/>.
- **Equal Treatment for Faith Based Organizations** - Applicants, must comply with all applicable requirements of 28 C.F.R. Part 38, "Equal Treatment for Faith Based Organizations", specifically including the provision for written notice to current or prospective program beneficiaries.
- **Americans with Disabilities Act** - Applicants must comply with the requirements of the Americans with Disabilities Act (ADA), Public Law 101-336, which prohibits discrimination on the basis of disability including provision to provide reasonable accommodations.

Filing a Complaint - If the applicant or any of its employees, contractors, vendors, or program beneficiaries has a discrimination complaint, they may file a complaint with the applicant, with FDLE, or with the Office for Civil Rights.

Discrimination complaints may be submitted to FDLE at Office of the Inspector General, Post Office Box 1489, Tallahassee, Florida 32302-1489, or online at info@fdle.state.fl.us. Any discrimination complaints filed with FDLE will be reviewed by FDLE's Inspector General and referred to the Office for Civil Rights, the Florida Commission on Human Relations, or the Equal Employment Opportunity Commission, based on the nature of the complaint.

Discrimination complaints may also be submitted to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, Northwest, Washington, D.C. 20531, or by phone at (202) 307-0690.

Intergovernmental Review: The FY19 PREA program is subject to Executive Order 12372. As a result, FDLE may provide information regarding subrecipient applications to the state single point of contact to satisfy this requirement.

Match

The PREA program does not require matching funds.

Administrative Costs

Administrative costs/fees are not eligible on PREA subawards.

Prohibited Uses

PREA funds may not be used for land acquisition, construction projects, or programs involving the use of chemicals.

Costs Requiring Pre-Approval

Publications and Other Media

All media created, published, and/or altered using federal grant funds must be reviewed and approved by FDLE and/or BJA prior to release or distribution. This includes any curricula, training materials, brochures, or other written materials that will be published, including web-based materials and website content, as well as all audio or video materials, including Public Service Announcements. Grant recipients must submit a draft of each proposed item to OCJG **no later than thirty (30) days prior** to the targeted dissemination date. For items containing videos, a transcript may be provided with screenshots or a description of the visual portion.

All materials publicizing or resulting from subaward activities shall contain the following statements:

“This project was supported by Award No. 2019-XT-BX-XXXX, awarded by the Bureau of Justice Assistance, Office of Justice programs. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the authors and do not necessarily reflect the views of the Department of Justice.”

This requirement does not apply to the purchase or reproduction of existing materials or items created by other agencies or vendors, for example, crime prevention brochures, unless the subrecipient alters the item in any way. Neither does this requirement apply to items serving only to advertise an event or the availability of services. Please contact FDLE’s grant’s office with questions or to clarify the applicability of pre-approval requirements.

Sole Source

If any proposed costs will be procured by sole source to a single vendor, a sole source justification must be submitted to FDLE for approval. For a sole source procurement over the federal Standard Acquisition Threshold (SAT) of \$250,000, written pre-approval must be obtained from both FDLE and DOJ. Subrecipients should submit the completed “Sole Source Justification” form with the application or as soon as the procurement method is known.

Sole source approval applies to the amount of the total procurement, regardless of the amount of federal investment in the purchase.

Before submitting a request for a sole source procurement, applicants should carefully review the conditions governing this type of procurement (see [2 C.F.R. § 200.320\(f\)](#)).

Automated Data Processing (ADP) Equipment

Agencies requesting to purchase ADP equipment must submit an “ADP Equipment and Software Approval” form to FDLE along with the subgrant application. Purchases over the federal Standard Acquisition Threshold of \$250,000 must have written pre-approval from both FDLE and DOJ.

ADP equipment and software that will connect to or interface with state or national criminal justice systems will also be required to satisfy award conditions for State Information Technology (IT) Point of Contact (POC) requirements. OCJG will provide a copy of subgrant applications to the IT POC for projects meeting these criteria.

Conference/Meeting/Training Costs

OJP policy and guidance encourages minimization of conference, meeting, and training costs; sets cost limits, which include a general prohibition of all food and beverage costs; and requires prior written approval of most conference, meeting, and training expenditures. Subawards requesting to use grant funds for meetings, trainings, or conferences may be required to complete and submit an OJP event submission form upon request from FDLE and/or OJP.

PREA Program and Additional Requirements

For FY19, subrecipients will be required to complete the following documents at the time of application; failure to do so may result in the withholding of funds until items are received.

Subaward Management Capabilities and Compliance Questionnaire

All applicants are required to complete the [Subaward Management Capability](#) form, and submit to OCJG with their application. FDLE will use this form to validate a subrecipient’s eligibility to apply, receive, and maintain a federal JAG subaward. Additionally, this validation will allow FDLE to expedite the monitoring process and ensure all subrecipients are in compliance with program requirements.

Equal Employment Opportunity (EEO) Certifications

All subrecipients, at any tier, must comply with all applicable requirements of 28 C.F.R. § 42, specifically including any applicable requirements in Subpart E that relate to an equal employment opportunity program. A subrecipient or implementing agency must submit an EEO Certification annually within 120 days of award.

Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements

Subrecipients are not permitted to use federal funds, directly or indirectly, in support of any lobbying activity. A subrecipient receiving or requesting an award exceeding \$100,000 must certify compliance with this requirement.

Additionally, a person/agency that is debarred, suspended, declared ineligible or is voluntarily excluded is prohibited from receiving federal funds under this grant program. All subrecipients must certify the subgrantee organization, and any vendor or lower tiered subrecipient, is eligible to receive these funds.

In compliance with the Drug-Free Workplace Act of 1988, state agencies applying for federal grant funding under this program must certify compliance with establishing and maintaining a drug-free work environment.

Failure to submit the “Certification Regarding Debarment, Suspension, and Other Responsibility Matters” to FDLE with the application may result in a withholding of funds condition on the subaward until the requirement is satisfied.

Contractual Services Subrecipient vs. Contractor Determination

Subrecipients utilizing funds in the Contractual Services budget category must adhere to the subcontracting requirements below. All subrecipients should review the [“OJP Subaward vs. Procurement Toolkit”](#) for information regarding the two types of subcontracting.

1. Any applicant using grant funds in the Contractual Services budget category must complete and submit the [“OJP Checklist to Determine Subrecipient or Contractor Classification”](#) for each contracted services item to FDLE with the application.
2. The application must contain detailed information regarding the type of subcontracting (subrecipient or contractor) and the method of procurement for the subcontract.
3. An applicant proposing to enter into a subrecipient contracting relationship must request approval to subaward in the grant application and be able to adhere to and document compliance with requirements and provisions for pass-through entities in 2 C.F.R. §200.331.
4. Applicants entering into a contractor relationship must adhere to the local unit of government's written procurement policies and procedures to the extent they are consistent with or more stringent than the procurement standards outlined in 2 C.F.R. § 200.318-326.

State and Federal Transparency

Subaward agreements and information supplied to the FDLE for grant management and payment purposes will be used to report to the following mandatory state and federal transparency systems.

Florida Accountability and Contract Tracking System (FACTS)

This grant agreement, all corresponding information and a copy of the grant document, is provided to FACTS to meet requirements under Chapter 2013-54 and 2013-154 Laws of Florida.

Exemption from FACTS

The SIMON grant management system allows for partial or complete contract exemption from FACTS for those agreements containing information exempt from public records. Please be aware, in the event that your agency's submission contains confidential and/or exempt information prohibited from public dissemination under Florida's Public Records Law, Chapter 119, Florida Statutes, and the subrecipient agency bears the responsibility for applying proper redactions. Otherwise, any and all records submitted may be released without redactions.

Federal Funding Accountability and Transparency Act (FFATA)

The Federal Funding Accountability and Transparency Act (FFATA) was signed on September 26, 2006, with the intent to empower every American with the ability to hold the government accountable for each spending decision. The end result is to reduce wasteful spending in the government. The FFATA legislation requires information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website, which is www.USASpending.gov. FDLE is required to report subaward data to FFATA as well.

Length of Award and Distribution of Funds

Length of the Award

PREA awards are typically for a period of six months to one year. The beginning and end dates of the subgrant period and the subaward amount are determined during the application review process.

Distribution of Funds

Grant funds are distributed on a cost reimbursement basis, with the ability to advance, for satisfactory

performance of eligible activities. Payment requests can be submitted on a monthly or quarterly basis and should include total expenditures for the reporting period. Reimbursements will be processed in conjunction with the receipt and review of programmatic performance reports to determine successful completion of minimum performance deliverables as specified in the agreement.

Application Deadline

Applications should be submitted via the FDLE [Subgrant Information Management ON-line](#) (SIMON) grant management system by **October 31, 2019**. When submitting your application in SIMON, please use announcement code **PREA1920**.

NOTE: Our application process has changed. Signature pages and mailed copies are NOT required at the time of application submission. The OCJG grant manager will request signature pages after a complete review of the application and prior to approval.

How to Apply

Failure to follow application instructions may result in the incursion of a special condition at the time of award.

Applications must be submitted via FDLE's online grants management system, SIMON, which can be accessed at <http://simon.fdle.state.fl.us>. For a step-by-step guide on how to complete an application in SIMON, please review the [SIMON User Manual](#).

In order to apply in the system, the organization and user(s) must be registered in SIMON. For questions or issues related to organization or user accounts, please contact the SIMON Help Desk at (850) 617-1250 or criminaljustice@fdle.state.fl.us.

Application Requirements

Applications submitted under this solicitation must adhere to federal, state and program specific requirements. For more information related to properly developing and writing an application to meet many of the state and federal contract requirements, please review the [OCJG Grant Writing Guide](#).

Problem Identification

This section contains a general summary of the problem or issue that will be addressed with grant funds. It provides an overview or statement of the criminal justice activity to be addressed with the awarded funds. In addition, the Problem Identification should include data to support the problem description; and what has been done to date to address the specific problem. Applicants must describe, in detail, current or previous efforts to address PREA standards, and how their FY19 plans will complement those activities.

Project Summary / Scope of Work

The scope of work (SOW) should describe how the problem above will be addressed and how proposed activities relate to the grant program priorities. This section should identify each activity, objective, task, and/or responsibility that will be completed or provided, and should clearly describe how the project will address one or more of the PREA Standards. Additionally, it should identify who will provide/receive services, standards or levels of service to be delivered, anticipated project outcomes or impacts resulting from these activities, and any performance or documentation that will be produced or maintained in support of the project.

The SOW should provide a clear understanding of the project design and implementation plan, a general timeline for completion of project tasks/activities, the capabilities and competencies of the applicant, and the plan for collecting data for performance reporting.

Applicants who previously received PREA funds must describe their progress toward obtaining full compliance with the National Standards and demonstrate how the FY19 PREA will continue these efforts.

Project Director Assignment

A Project Director must be assigned by selecting the “Assign Role” button on the Subgrantee Contacts menu. The assigned Project Director should be a person who is aware of all facets of the program – programmatic and financial – or have the ability to easily communicate with individuals responsible for various project activities. The Office of Criminal Justice Grants will use the assigned Project Director as the primary Point-of-Contact for grant related correspondence.

Performance

FDLE requires subrecipients to report performance either monthly or quarterly based on federal PREA program requirements as identified by DOJ. Please note that performance reporting is a federal program requirement; failure to provide performance data in a timely manner may result in withholding of funds.

Financial / Budget

The financial/budget section should provide a detailed computation for each cost element requested for funding. The budget should list each item with the total cost and show how it was calculated, be mathematically sound, and correspond with the information and figures provided. The budget narrative should thoroughly and clearly describe every category of expense. Proposed budgets should be complete, cost effective, and allowable. Applicants should demonstrate how costs will be maximized for effectiveness in relation to potential alternatives and the goals of the project.

If funds are requested for the contracted services budget category, applicants must indicate whether requested costs are for procurement contracts or subawards. Each cost element in the contracted services budget category will be required to have a completed “[Checklist to Determine Subrecipient or Contractor Classification](#)” form submitted in conjunction with the application.

Standard Conditions

The standard conditions provide detailed compliance requirements for subrecipients upon signed acceptance of the subaward. It is imperative all persons involved with this subaward read the standard conditions. Failure to comply with the provisions outlined in the Standard Conditions may result in project costs being disallowed.

Selection and Review Process

All applications must be responsive to this solicitation. Applicants are strongly encouraged to review the evaluation criteria OCJG will use to make funding decisions before deciding whether to submit an application for this solicitation. Applications should respond to priorities identified.

OCJG is committed to ensuring a fair and open process for awarding grants. OCJG reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with the solicitation. Applications meeting basic minimum requirements will be evaluated by reviewers using the criteria defined in Appendix B.

Appendix A

Application Checklist

What Each Applicant Should Do – Pre-Application

- ☐ Acquire or renew a DUNS Number
- ☐ Acquire or renew registration with SAM.gov
- ☐ For new users, request SIMON account
- ☐ For existing users, verify SIMON username/password and contact information
- ☐ Obtain an *EEO Certification* via EEO Reporting Tool
- ☐ Read the DOJ Grants Financial Guide

Additional Requirements

- ☐ Complete the Subaward Management Capabilities and Compliance Questionnaire (all applicants)
- ☐ Complete a Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug Free Workplace Requirements (all applicants)
- ☐ Complete an OJP Checklist to Determine Subrecipient or Contractor Classification for each cost element requested in the Contracted Services budget category
- ☐ Complete an Automated Data Processing Certification (if applicable)
- ☐ Complete a Sole Source Justification form (if applicable)

Appendix B Evaluation Criteria

	Possible Points
Does the Problem Identification clearly describe a problem?	10
Does the Problem Identification discuss the implications if their application is not approved?	10
Does the Scope of Work include measurable goals and objectives (deliverables, minimum performance, financial consequences)?	10
Does the project address one or more of the PREA Standards?	10
Does the application address any current or previous efforts to address PREA standards?	10
Does the application address how proposed FY19 plans will complement previous PREA initiatives?	10
Are causes and contributing factors leading to potential for sexual victimization included and supported by data?	10
Is progress toward obtaining full compliance discussed?	10
Is the potential impact of the proposed program: Local/Agency Specific (5pts) Regional/Multi-Jurisdictional (7pts) Statewide (10 pts)	10
Is a timeline that identifies each objective, activity, expected completion date, and responsible person or organization provided?	10
Quantifiable deliverables directly related to program goals and objectives and how these goals will be documented	10
Statement containing subjectivity to financial consequences in the event that the subgrantee fails to perform in accordance with the subgrant agreement	10
All contracts are within the grant period	10
TOTAL POINTS POSSIBLE	130