



Notice of Funding Opportunity (NOFO)

Part 1. Overview Information

Participating Organization: Louisiana Commission on Law Enforcement and Administration of Criminal Justice
www.lcle.la.gov

Funding Opportunity Title: 2021 NICS Act Record Improvement Program (NARIP)

Announcement Type: NICS/NARIP New and Continuation Grants

Catalog of Federal Domestic Assistance (CFDA) Number: 16.813

Federal Award Identification Number (FAIN): TBD

Federal Award: TBD

Period of Performance: January 1, 2022 through September 30, 2023

Funding Opportunity Purpose: The Louisiana Commission on Law Enforcement and Administration of Criminal Justice announces the Notice of Funding Opportunity (NOFO) for the NICS Act Record Improvement Program (NARIP).

The NICS Act Record Improvement Program (NARIP) grant seeks to address the gap in information available to NICS prohibiting mental health adjudications and commitments, and other prohibiting factors. Filling these information gaps will better enable the system to operate as intended to keep guns out of the hands of persons prohibited by federal or state law from receiving or possessing firearms. The automation of records will also reduce delays for law-abiding persons to purchase firearms.

Due Dates: March 10, 2021

Proposal:

- Submit proposal to LCLE NICS Coordinator for view and selection.
- If selected to continue application process, applicant will receive an invitation to apply.
- Applicants that do not comply may be delayed or not accepted for review.

Part 2. Full Text of the Announcement

A. Program Description

The NICS Improvement Amendments Act of 2007, Pub. L. 110-180 (NIAA or the Act), was signed into law on January 8, 2008, in the wake of the April 2007 shooting tragedy at Virginia Tech. The Virginia Tech shooter was able to purchase firearms from a Federal Firearms Licensee (FFL) because information about his prohibiting mental health history was not available to the NICS, and the system was therefore unable to deny the transfer of the firearms used in the shootings. The NIAA seeks to address the gap in information available to NICS about such prohibiting mental health adjudications and commitments, and other prohibiting factors. Filling these information gaps will better enable the system to operate as intended to keep guns out of the hands of persons prohibited by federal or state law from receiving or possessing firearms. The automation of records will also reduce delays for law-abiding persons to purchase firearms.

Program-Specific Information

Pursuant to 42 U.S.C. § 3732(c), BJS is authorized to “provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of state criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the NICS, the National Incident-Based Reporting System (NIBRS), and the records of the National Crime Information Center (NCIC), facilitate state participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records.” The NCHIP and the NARIP are two means by which BJS provides for such improvements.

B. AWARD INFORMATION

Funding Instrument:

The Louisiana Commission on Law Enforcement will issue grant awards.

Application Types Accepted:

Continuations, Renewals, and New applicants/applications

Funds Available:

Contact NICS Coordinator – Kelly Parks

Continuation & Renewals - use prior year funding levels for proposal

Award Project Period:

All projects are funded for a maximum of eighteen (18) months, and continued funding cannot be guaranteed. Any project funded for **more or less** than the 18-month time period must be approved by the Commission.

Financial Management and System of Internal Controls:

If selected for funding, the award recipient must:

- Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States and the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.
- Take reasonable measures to safeguard protected personally identifiable information.

C. ELIGIBILITY INFORMATION

Eligible Applicants: To be eligible you must be responsible for NICS data collection in a manner consistent with the National Criminal History Improvement Program (NCHIP).

Prohibited Applicants:

Agency eligibility is determined by the Louisiana Commission on Law Enforcement Board in accordance with Federal guidelines.

Match Requirements:

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

Other Requirements:

Crime Reporting (if applicable)

The law enforcement applicant agrees to begin or continue participating in the Uniform Crime Reporting (UCR) Program or the Louisiana Incident Based Reporting System (LIBRS) Programs of LCLE.

Criminal Records System – Data Reports (if applicable)

- The law enforcement applicant agrees to submit all required data to the state LIBRS/UCR Program in accordance with the requirements of the applicable program and to submit all required arrest fingerprinting cards and related data to the Bureau of Criminal Identification in the time and manner specified by the Bureau.

Criminal Records Reports

- The applicant certifies that all systems developed or purchased shall meet all specifications for Louisiana Information Based Reporting System (LIBRS) Criminal History System reporting as are in effect at the time of sub grant award.

Supplanting/Non-Supplanting

- Federal funds must be used to supplement (add to), enhance or expand existing services for program activities and not replace those funds that have been appropriated for the same purpose.
- A grant recipient may not use Federal grant funds to defray any costs that the recipient already is obligated to pay.
- The possibility of supplanting will be the subject of careful application review, possible pre-award review, post-award monitoring, and audit of any finding.

- If any additional information, assistance with definition, or examples of supplanting is needed, please contact the LCLE NICS Program Manager.

PART 3. Funding Determination Process

A. Project Proposal

Applicants will submit a project narrative and a budget detail worksheet (worksheet is available at www.lcle.la.gov) via email to the Louisiana Commission on Law Enforcement (LCLE) NICS Coordinator at Kelly.Parks@lcle.la.gov. The LCLE review committee will review and determine projects to move forward to the application process. Applicants will receive an invitation to submit the full application on the Louisiana Commission on Law Enforcement's E-grants system.

Other Required Documents:

Conflict of Interest Disclosure Form (form available at www.lcle.la.gov)

Cover letter signed by the authorized official

Required Registrations for Applicants

All agencies are required to provide the following documents:

- **LCLE Egrants Organization Registration must be complete before applying for funds**
- IRS Form W-9 (Taxpayer Identification and Certification)
- IRS Form 501C3 (Tax-exempt Status for Non-profit Organizations)
- State of Louisiana Self-service Request for Vendor (Only if the new agency has to be set up for payment from the State of Louisiana)
https://lagoverpvendor.doa.louisiana.gov/irj/portal/anonymous?guest_user=self_reg
- DUNS (Data Universal Numbering System) Number Certificate
- CAGE (Commercial and Government Agency) Code Certificate
- SAM (System for Award Management) Number and current Expiration Date (sam.gov)
- Louisiana Secretary of State Non-Profit Corporation Certificate
- All agencies with a private, non-profit, or non-governmental status are required to procure and maintain adequate and sufficient liability insurance and a certificate of insurance naming LCLE as an additional insurer and should be issued and submitted with the application.

New applicant Agencies

If the new applicant agencies have not yet demonstrated a record of providing services, they must demonstrate that twenty-five percent (25%) of their overall financial support is from non-federal sources. This cannot be considered part of the required match.

Funding Restrictions

All awards are subject to the terms and conditions, cost principals, and other considerations described in 2 CFR 200, Louisiana Statute and LCLE policy.

Proposal and Submission Information

What a Proposal Should Include

1. Program Narrative

The program narrative must be double-spaced, using a standard 12-point font (Times New Roman preferred) with 1-inch margins. Applicants must submit a narrative that describes the proposed program activities for FY 2021 and changes, if any, since the previous application. The following sections should be included as part of the program narrative:

- The program narrative must include the Description of the Issue—Background and Identification of Needs
- Narrative must state accomplishments and progress on record improvement goals.
- The program narrative must also describe each proposed task in accordance with the priority program goals. Applications should address the scope of the need and identify quantifiable measures to demonstrate how the funds will improve the quality, completeness, and accessibility of records at the national level, particularly with regard to the NICS.
- Include the current number of records in each system, where applicable:
 - a. Dispositions available to the III (including felonies and domestic violence misdemeanor convictions).
 - b. NICS Indices and mental health record availability.
 - c. Protection Order File.
 - d. Warrants/wanted person records.
- Applications should specifically address the FY 2021 Priority Area – Improve Identification and Reporting of Convictions of Domestic Violence and Mental Health Submissions to the NICS

2. Project Design and Implementation

- Addresses how proposed activities will increase the availability of records to systems queried by the NICS, including through federal and state criminal history records, the NCIC, and NICS Indices.
- The extent to which the application demonstrates the technical feasibility of the proposed task(s) and details the specific implementation plan to achieve the intended deliverables.
- Include dollar amounts for each funded task.
- Provide quantitative measures to assess or describe the impact each project will have on the quality, completeness, and availability of records at the national level.
- Specifically address the priority areas regarding the improvement of submitting domestic violence convictions and mental health submissions to the NICS.
- Submit a detailed project period timeline covering all proposed projects to demonstrate the technical feasibility of the proposed task(s), and detail the specific implementation plan to achieve the intended deliverables

3. Capabilities and Competencies

- Demonstrate progress in record quality improvement efforts by making relevant records available for national background checks, and provide the reported number of records currently available in the national files.
- Fulfill goals of previous NARIP awards (or related criminal record improvement awards), including consideration of the total funds already awarded and expended funds from previous awards, if applicable.
- Demonstrate commitment to the national record system, through membership in III and participation in the FBI's National Fingerprint File, and report the current status of development of its criminal records.

4. Plan for Collecting the Data Required for this Solicitation's Performance Measures

- Supply key performance measures for the award period.
- Provide a sufficient plan for collecting and reporting these performance measures.

The Program Narrative should also include the following sections:

Activities to be funded. The program narrative should describe each task to be funded with FY 2021 NARIP funds over the project period outlined under Program Goals. All proposed tasks should demonstrate the program's intent to improve the completeness, automation, and transmittal of records used by the NICS to state and federal systems. Dollar amounts must be included for each funded task. **Applications must specifically address the priority area regarding submission of mental health information to NICS.**

FY 2021 Priority Area – Improve Identification and Reporting of Convictions of Domestic Violence and Mental Health Submissions to the NICS

BJS continues to emphasize the need for applicants to focus efforts on (1) identifying, flagging, and making immediately accessible to NICS records of persons prohibited from purchasing or possessing firearms for domestic violence convictions and (2) reporting records of persons prohibited from possessing firearms for mental health reasons. Therefore, recipients must agree to use a portion of awarded funds to make such records accessible to the NICS, unless the state certifies in the application that it:

- 1) Already makes available to the NICS information on all persons prohibited from possessing firearms due to a domestic violence conviction or prohibiting mental health reason; or
- 2) Will focus funds on another category of qualifying NICS records that the state reasonably argues represents a greater information gap; or
- 3) Is prohibited by law from sharing information with NICS on persons prohibited for mental health reasons (with citations to the relevant state law). Note: HIPPA is not considered to be a prohibiting factor.

State Grants Section 103 of the NIAA (codified at 34 U.S.C. 40913(a)) provides that the grants “shall be used by the States and Indian tribal governments, in conjunction with units of local government and State and local courts, to establish or upgrade information and identification technologies for firearms eligibility determinations.” In accordance with the NIAA, a grant to a state, which includes territories, or Indian tribe may only be used to:

- Supply accurate and timely information to the Attorney General concerning the identity of persons who have a federally prohibiting mental health adjudication or commitment
- Create electronic systems that provide accurate and up-to-date information directly related to checks under the NICS, including court disposition and corrections records
- Assist states in establishing or enhancing their own capacities to perform NICS background checks
- Supply accurate and timely information to the Attorney General concerning final dispositions of criminal records to databases accessed by the NICS
- Supply accurate and timely court orders and records of misdemeanor crimes of domestic violence for inclusion in federal and state law enforcement databases used to conduct NICS background checks
- Collect and analyze data needed to demonstrate levels of state compliance with the NIAA
- Maintain the required relief from disabilities program in accordance with the NIAA (however, by statute, not less than 3% and no more than 10% of each grant shall be used for this purpose).

State Court Grants Section 301 of the NIAA (codified at 34 U.S.C. 40941) provides that grants shall be made to each state or tribal government, consistent with plans for the integration, automation, and accessibility of criminal history records, for use by the court systems to improve automation and transmittal to federal and state repositories of: (1) criminal history dispositions; (2) records relevant to determining whether a person has been convicted of a misdemeanor crime of domestic violence or whether a person is a subject of a prohibiting domestic violence protection order; and (3) prohibiting mental health adjudications and commitments. Further, the law provides that the amounts granted shall be used by the court system only to implement:

- Assessments, as necessary, of the capabilities of state courts to automate and transmit arrest and conviction records, court orders, and mental health adjudications or commitments to federal and state record repositories; and
- Policies, systems, and procedures to automate and transmit arrest and conviction records, court orders, and mental health adjudications or commitments to federal and state record repositories.
- The Goals, Objectives, and Deliverables are directly related to the performance measures that demonstrate the results of the work completed, as discussed under Application and Submission Information.

Compatibility with other systems. The application should describe the extent to which proposed activities are compatible with NIBRS, NCIC, NICS, Next Generation Identification (NGI), and other applicable statewide or regional criminal justice information sharing standards or plans, including state antiterrorism.

Coordination. The applicant should coordinate efforts with relevant emergency management task forces and agencies to ensure that records development activities are compatible with security measures for preventing acts of terrorism.

Unexpended funds. The application should describe the specific reasons that previously awarded NARIP funds remain unexpended (if applicable) and include the current unexpended balance. Include the current status of open NARIP awards such as the current unexpended balance, projected end date, and description of any challenges or delays encountered, if applicable.

Plan for collecting the data required for the solicitation’s performance measures.

To demonstrate the applicant’s understanding of the performance data reporting requirements for this grant program and detail how the applicant will gather the required data should it receive funding.

NICS Record Improvement Plan

As in previous years, in order to make the most effective use of the funds for improvement to the quality and availability of records used by the NICS, FY 2021 NARIP grant applications must provide for the development and implementation of comprehensive strategic planning. Such planning must include activities designed to examine the current condition of the involved state, local, and tribal records, problems associated with incomplete reporting and/or records availability, and demonstrate a commitment to a long-range planning process to address such issues to achieve the goals of the NIAA.

Performance Measures

Objective

Ensure that the infrastructure is developed to connect each state's and tribe's records systems to the national records systems operated by the FBI, including the NCIC, NGI, Interstate Identification Index (III), and NICS Index.

Performance Measure(s)

Number of states and tribes participating or making records available to the NICS.

Percentage of records made available to NICS that are complete.

Number of records available in NICS.

Percentage of applications rejected due to data made available to the NICS.

Data Sub Grantee Provides

Total number of states and tribes participating and total number of state and tribal records available to the NICS.

Number of state and tribal records made available for use by NICS.

Category 1: Records that identify a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year (e.g., federal or state felonies), and any state misdemeanor punishable by imprisonment for more than 2 years.

Category 2: Records that identify a person who is under an indictment or information returned or filed with a court, or for whom a criminal complaint has been issued or verified by a prosecutor for the crimes described in Category 1.

Category 4: Records that identify a person who is an unlawful user of, or addicted to, any controlled substance, as demonstrated by specified arrests, convictions, and adjudications not protected from disclosure to the Attorney General by federal or state law.

Category 5: Records that identify a person who has been adjudicated as a mental defective or who has been formally and involuntarily committed to any mental institution when the information is not protected from disclosure to the Attorney General by federal or state law.

Category 6: Records that are electronically available and identify a person subject to an active court order (e.g., issued by a criminal court or any civil court, such as divorce court, family court, magistrate, or general jurisdiction) that restrains the person from committing acts of violence against another person.

Category 7: Records that are electronically available and identify a person convicted in any court of a misdemeanor crime of domestic violence.

Number of records made available to NICS that are complete.

Number of applications for firearm transfers.

Number of applications for firearm transfers rejected for the presence of a domestic violence misdemeanor conviction.

Number of applications for firearm transfers rejected due to the presence of a mental health prohibitor.

5. Budget Detail Worksheet and Budget Narrative

a. Budget Detail Worksheet

A sample Budget Detail Worksheet can be found at www.lcle.la.gov.

b. Budget Narrative

The Budget Narrative should thoroughly and clearly describe every category of expense listed in the Budget Detail Worksheet. Proposed budgets are to be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). Applicants should demonstrate in their Budget Narratives how they will maximize cost effectiveness of grant expenditures. Budget Narratives should generally describe cost effectiveness in relation to potential alternatives and the goals of the project. For example, a Budget Narrative should detail why planned in-person meetings are necessary, or how technology and collaboration with outside organizations could be used to reduce costs, without compromising quality. The narrative should be mathematically sound and correspond with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how the applicant estimated and calculated all costs, and how they are relevant to the completion of the proposed project. The narrative may include tables for clarification purposes but need not be in a spreadsheet format. As with the Budget Detail Worksheet, the Budget Narrative should be broken down by year.

6. Impact/Outcomes and Evaluations

The extent to which the application identifies the anticipated outcomes of the proposed program(s) in quantifiable terms to demonstrate the anticipated level of impact at the national level.

7. LCLE Proposal Review Information

A. LCLE Application Approval Process

After receipt of proposals, the NICS Coordinator will conduct the risk assessment, provide the scoring criteria and prepare the proposal for the Grant Review Committee. Once a proposal has been approved by the Grant Review Committee it is then presented to the Commission on Law Enforcement for final approval. Both the Grant Review Committee and the Commission can make recommendations for approval, denial, deferment or table in addition to laying additional special conditions that require compliance.

B. LCLE Award Process

Proposals approved by the Commission are then issued an Award Letter by LCLE Staff. These Award Letters are then forwarded directly to the applicant agency in a Subgrant Award Packet. The applicant agency is responsible for signing the original award in blue ink and returning the original to LCLE, keeping a copy of the award in their agency file.

C. Proposal Review Information Criteria

Criteria: Each application will be evaluated and scored on the Narrative and Budget Components using a 100- point scale by the Grant Review Committee.

1. *Project Summary and Strategy (30 points)*

This Section should be a succinct summary containing the description of the problem this project seeds to address the project's purpose, the program description, and expected results. Propose a clear and realistic implementation plan to comprehensively address objectives of this Notice of Funding Opportunity. It should also outline the relevant and appropriate main activities.

2. *Goals (15 points)*

This section should outline the Program Goals and Expected Results for the project.

3. *Objectives (15 points)*

This section should state clearly defined and quantitatively measurable objectives that support programmatic progress. Please present a brief, work plan including target dates for activities, which reflects the overall program approach and its objectives.

4. *Organizational Capacity and Past Performance (20 points)*

This section of the application provides information about the applicant organization and any proposed key partners. It provides evidence that the applicant has the ability to successfully carry out the program activities of the grant. Provide a description of the applicant organization ---including its general purpose, goals, annual budget (including funding sources), and major past and current activities and projects undertaken. Include a description of all key partners for this project and of the proposed working relationship with them.

Budget Components

1. *Budget Appropriateness (10 points)*

Budgeted items are obviously necessary to the achievement of the goals and activities as presented in the application.

2. *Cost-effectiveness (10 points)*

Applicants should propose expenditures that are reasonable, allowable, and allocable to the proposed activities and that reflect the applicants understanding of 2 CFR 200.

PART 4. LCLE and Program Staff Information

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