EDMUND G. BROWN JR.
GOVERNOR

MARK S. GHILARDUCCI
DIRECTOR

March 1, 2016

TO: ALL INTERESTED PARTIES

RE: VICTIM LEGAL ASSISTANCE (XL) PROGRAM
FISCAL YEARS 2016/2017 & 2017/2018 REQUEST FOR PROPOSAL

The California Governor's Office of Emergency Services (Cal OES), Criminal Justice/Emergency Management & Victim Services Branch, is soliciting proposals for the Victim Legal Assistance (XL) Program for fiscal years 2016/2017 & 2017/2018. The purpose of the XL Program is to increase the availability of holistic civil and criminal legal assistance needed to effectively aid adult and youth victims of crime who are seeking relief in legal matters relating to that crime at no cost to the victim. XL Program funds may not be used to provide criminal defense services.

In December 2014, President Obama signed into law the "Consolidated and Further Continuing Appropriations Act, 2015." This bill raises the Crime Victims Fund cap from $745 million to $2.361 billion, allowing awards to states through the Victims of Crime Act Victim Assistance Formula Grant Program to quadruple for 2015. It is unknown if this funding level will be sustained for future years, therefore, Cal OES is increasing services for victims through one-time, 24-month grants.

Proposals will be rated and ranked competitively. Applicants should read this Request for Proposal (RFP) carefully to ensure proposals contain required elements. Please refer to the RFP for the proposal due date and submission options.

Approximately $10,000,000 is available to fund approximately 25 proposals at up to $400,000 each. The Grant Subaward period would begin July 1, 2016, and end June 30, 2018. **To be considered for funding through the XL Program, the proposal package must be received or postmarked by Tuesday, April 12, 2016.**

Sincerely,

MARK S. GHILARDUCCI
Director

3650 SCHRIEVER AVENUE • MATHER, CA 95655
(916) 845-8506 PHONE • (916) 845-8511 FAX

VICTIM LEGAL ASSISTANCE (XL) PROGRAM

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VICTIM LEGAL ASSISTANCE (XL) PROGRAM

PART I – OVERVIEW

A. INTRODUCTION
B. CONTACT INFORMATION
C. PROPOSAL DUE DATE AND SUBMISSION OPTIONS
D. ELIGIBILITY
E. FUNDS
F. PROGRAM INFORMATION

A. INTRODUCTION

This Request for Proposal (RFP) provides the information and forms necessary to prepare a proposal for California Governor's Office of Emergency Services' (Cal OES's) grant funds. The terms and conditions described in this RFP supersede previous RFPs and conflicting provisions stated in the *Subrecipient Handbook*. The *Subrecipient Handbook* provides helpful information for developing the application and is accessible on our website at www.caloes.ca.gov. Select "Cal OES Divisions," scroll down to "Grants Management," on the right-hand side, click on "Criminal Justice, Emergency Management & Victim Services Grant Programs," then select "Handbooks, Reports & Publications."

B. CONTACT INFORMATION

Questions concerning this RFP, the proposal process, or programmatic issues should be submitted in writing by fax or e-mail to:

Regina Anderson, Program Specialist
Criminal Justice Unit
regina.anderson@caloes.ca.gov

Cal OES staff cannot assist the Applicant with the actual preparation of their proposal. During the period of time between the publication date of the RFP and the date the competitive proposal is due, Cal OES can only respond to technical questions about the RFP.

C. PROPOSAL DUE DATE AND SUBMISSION OPTIONS

One original and three copies of the proposal must be delivered to Cal OES's Criminal Justice/Emergency Management & Victim Services Branch by the date and time indicated below.

A late proposal will be deemed ineligible for funding. Submission options are:

Regular or overnight mail, postmarked by **Tuesday, April 12, 2016, OR** hand-delivered by 5:00 p.m. on **Tuesday, April 12, 2016,** to:

California Governor's Office of Emergency Services
Criminal Justice/Emergency Management & Victim Services Branch
3650 Schriever Avenue
Mather, CA 95655
Attn: Victim Legal Assistance (XL) Program – Criminal Justice Unit

D. ELIGIBILITY

1. Eligible entities for this program are:

   a. Community-Based Organizations that provide direct services to victims;
   b. Publicly-Funded Organizations (not acting in a governmental capacity) – such as Law Schools or Bar Associations;
   c. Indian Tribal Governments/Organizations/Consortiums; or
   d. Legal Aid or Statewide Legal Services Agencies.

2. Receive a minimum of 50% of possible points on the Rating Sheet.

E. FUNDS

1. Fund Source

   The XL Program is supported with federal Victims of Crime Act (VOCA) Victim Assistance Formula Grant Program (Formula Grant Program) funds. The VOCA Formula Grant Program is authorized by the Victims of Crime Act of 1984 as amended, 42 U.S.C. 10601, *et seq*.

   In December 2014, President Obama signed into law the "Consolidated and Further Continuing Appropriations Act, 2015." This bill raised the Crime Victim Fund cap from $745 million to $2.361 billion, allowing awards to states through the VOCA Victim Assistance Formula Grant Program to quadruple for 2015. It is unknown if this funding level will be sustained for future years, therefore, Cal OES is increasing funding for ongoing programs for 2015/2016 and also funding additional one-time, 24-month projects, like the XL Program.

   a. Purpose

      VOCA authorizes federal financial assistance to states through the Formula Grant Program for the purpose of supporting eligible crime victim assistance programs that: 1) respond to the emotional and physical needs of crime victims; 2) help primary and secondary victims of crime to stabilize their lives after a victimization; 3) help victims to understand and participate in the criminal justice system; and 4) provide victims with a measure of safety and security.

b. Match

VOCA requires a cash and/or in-kind match equal to 20 percent of the total project cost. When used to augment the project, expenditures for items such as personnel, operating expenses or equipment are considered match if not supplanting.

Projects **must** clearly identify staff positions, including match, in the budget pages. VOCA funds and the required match are restricted to direct services to crime victims. In addition, services to witnesses other than the crime victim are prohibited with VOCA funds and their required match.

c. Guidelines/Restrictions

- Volunteers must be utilized unless there is a compelling reason to waive this requirement.
- Victims cannot be charged for services provided by programs supported with VOCA funds.
- VOCA funds and the required match are restricted to **direct** services to crime victims.
- Services to witnesses other than the crime victim are prohibited with VOCA funds and their required match.
- Original publications (written, visual, or sound) produced in whole or in part must contain the following statement: "Funding made possible through the United States Department of Justice, Victims of Crime Act, 2015-VA-GX-0058."
- The Code of Federal Domestic Assistance (CFDA) number for the VOCA Formula Grant Program is 16.575. Additional information can be found at www.cfda.gov.

2. Funding Amount/Performance Period

There is $10,000,000 (plus match) available for the XL Program. Cal OES will fund approximately 25 projects at up to $400,000 each, for one, 24-month performance period beginning July 1, 2016, and ending June 30, 2018. Applicants should request less when appropriate.

2015 VOCA FUNDS	2015 VOCA MATCH	TOTAL PROJECT COST
$400,000	$100,000	$500,000

F. PROGRAM INFORMATION

The Victim Legal Assistance (XL) Program is intended to increase the availability of holistic[1] civil and criminal legal assistance[2] needed to effectively aid adult and youth victims of crime who are seeking relief in legal matters relating to that crime at no cost to the victim. XL Program funds may not be used to provide criminal defense services.

The objective of the XL Program is to develop and/or enhance collaborative projects that provide quality legal representation to victims of crime.

1. Program Components:

   The XL Program funds may be used for the following purposes:

   a. If you are community-based organization that provides direct services to victims, XL Program funding must be used to develop and/or enhance cooperative efforts with legal assistance providers to provide holistic legal assistance to victims of crime.

   b. If you are a Publicly Funded Organization (not acting in a governmental capacity) – such as a Law School or a Bar Association; an Indian Tribal Government/Organization/Consortium; or a Legal Aid or Statewide Legal Services Agency, XL Program funding must be used to develop and/or enhance cooperative efforts with victim services provider(s) to provide holistic legal assistance to victims of crime.

2. Activities Not Eligible for XL Funding:

   Cal OES has determined the activities listed below to be out of the program scope and will not be supported by XL funding:

   a. Research projects;
   b. Tort cases;
   c. Child sexual abuse cases;
   d. Cases involving the child protection system;
   e. Victim service employee cases;
   f. Criminal defense of victims charged with crimes;
   g. Support of law reform initiatives, including but not limited to litigation; and

[1] "Holistic" includes representation in other legal proceedings directly related to a client's experience of violence, such as: child support, child custody, legal separation/divorce, unemployment compensation, immigration matters, financial matters and/or housing. Holistic legal representation goes beyond a victim's immediate legal needs (i.e., a protection order).

[2] "Legal Assistance" includes assistance to adult and youth victims of crime in: a) family, tribal, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and b) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim's safety and privacy.

h. Providing general trainings to agencies that are not formal or informal XL project partners.

3. Reporting Requirements:

Subrecipients are required to complete reports for both Cal OES and the Office for Victims of Crime (OVC).

a. Cal OES Progress Reports

There are four Progress Reports required for the XL Program. See chart below for report periods and due dates.

Report	Report Period	Due Date
1st Report	July 1, 2016 – December 31, 2016	January 31, 2017
2nd Report	Jan 1, 2017 – June 30, 2017	July 31, 2017
3rd Report	July 1, 2017 – December 31, 2017	January 31, 2018
Final Report	Jan 1, 2018 – June 30, 2018	July 31, 2018

b. OVC Reports

There are two, on-line OVC reports Subrecipients will also need to complete:

1) Subgrant Award Report (SAR)

This report is due at the time funds are awarded. Cal OES will initiate access and the Subrecipient must complete the remainder of the report in the OVC Performance Measurement Tool.

2) Subgrantee Report

The Subrecipient must complete this report no later than three weeks following the end of each quarter.

PART II – RFP INSTRUCTIONS

A. PREPARING A PROPOSAL
B. CERTIFICATION OF ASSURANCE OF COMPLIANCE
C. PROJECT NARRATIVE
D. PROJECT BUDGET
E. PROPOSAL APPENDIX

A. PREPARING A PROPOSAL

The instructions in this section correspond to each of the proposal components and to the forms required to complete the proposal.

The Applicant must use the forms provided in Part IV of this RFP or on our website at www.caloes.ca.gov. The forms must be printed on plain white 8½" x 11" paper for the proposal. The Project and Budget Narrative templates provided on the website are formatted to Cal OES's standards. If you create your own Project and/or Budget Narrative forms, the format must duplicate the Cal OES templates and not allow for more space than provided by Cal OES. If a space limitation is specified for a component, strict adherence to the space limitation is required.

NOTE: Failure to comply with the spacing/formatting requirements is one of the factors that may negatively impact the Applicant's comprehensive assessment score.

The following eleven [11] components are required for a complete proposal:

- Proposal Cover Sheet (included in Part IV)
- Grant Subaward Face Sheet (Cal OES 2-101)
- Project Contact Information (Cal OES 2-102)
- Signature Authorization and Instructions (Cal OES 2-103)
- Certification of Assurance of Compliance – VOCA (Cal OES 2-104f)
- Project Summary (Cal OES 2-150)
- Project Narrative (Cal OES 2-108)
    - Problem Statement
    - Plan
    - Capabilities
- Project Budget (Cal OES 2-106s – With Match)
- Budget Narrative (Cal OES 2-107)
- Project Service Area Information (Cal OES 2-154)
- Proposal Appendix (refer to Part II, E)

Click the link below to access Cal OES's forms or go to www.caloes.ca.gov. Select "Cal OES's Divisions," scroll down to "Grants Management," on the right-hand side, click on "Criminal Justice, Emergency Management & Victim Services Grant Programs," then select "Forms." Or, paste the following link into your browser:

http://www.caloes.ca.gov/cal-oes-divisions/grants-management/criminal-justice-emergency-management-victim-services-grant-programs/forms
NOTE: The Applicant must ensure that all information requested by the RFP is included in the appropriate section of the proposal in order to receive credit. Failure to include the required components may result in a reduced score or disqualification. Cal OES will *not* advise the Applicant if the proposal is incorrect and/or incomplete prior to rating or disqualification.

Copies of the proposal must be assembled separately and individually fastened in the upper left corner. ***Do not bind the proposal.***

B. CERTIFICATION OF ASSURANCE OF COMPLIANCE (Cal OES 2-104f)

Cal OES is required by law to obtain written certifications of compliance. The Certification of Assurance of Compliance form is a binding affirmation that the Subrecipient will comply with the following regulations and restrictions:

- State and federal civil rights laws;
- Drug Free Workplace;
- California Environmental Quality Act;
- Federal grant fund requirements;
- Lobbying restrictions;
- Debarment and Suspension requirements; and
- Proof of Authority documentation from the city council/governing board.

C. PROJECT NARRATIVE

The Project Narrative is the main body of information describing the problem to be addressed, the plan to address the identified problem through appropriate and achievable objectives and activities, and the ability of the Applicant to implement the proposed plan.

1. Problem Statement (Maximum four [4] pages)

    a. Describe the project's service area in which the XL Program would be implemented, including location, population and demographic information.
    b. Clearly identify and describe which crime victim population(s) the agency plans to serve through the XL Program.
    c. Describe the unique challenges/needs of this victim population(s).
    d. Describe the current state of holistic legal services being provided to this victim population(s).
    e. Describe, specifically, how the XL Program would improve holistic legal services for this victim population(s).

f. Describe what your agency considers best-practice when providing holistic legal services to this victim population(s).

2. Plan (Maximum twelve [12] pages)

a. Describe, in great detail, your agency's plan to provide holistic legal services to this victim population(s). Include measurable goals and objectives.
b. Describe the specific holistic legal services that your agency will provide to this victim population(s). Include specific tasks and activities.
c. Include a detailed timeline that identifies specific tasks and activities to be implemented within the 24-month performance period of the XL Program.
d. Describe how the proposed plan will improve how holistic legal services are currently provided to this victim population(s).
e. Describe how your agency will collaborate with others to provide holistic legal services to this victim population(s).
f. Indicate the number of victims in this population(s) that your agency plans to assist during the 24-month performance period of the XL Program.
g. Describe how your agency will sustain these holistic legal services after the 24-month performance period of the XL Program.

3. Capabilities (Maximum four [4] pages)

a. Describe your agency's capacity to implement the XL Program.
b. Describe your agency's experience working with other agencies/organizations in the project service area.
c. Describe the qualifications and training of staff and volunteers that will provide the holistic legal services to this victim population(s).

D. PROJECT BUDGET

The purpose of the Project Budget is to demonstrate how the Applicant will implement the proposed plan with the funds available through this Program. The budget is the basis for management, fiscal review, and audit. Project costs must be directly related to the objectives and activities of the project. The budget must cover the entire grant period. In the budget, include ***only*** those items covered by grant funds, including match funds, when applicable. Projects may supplement grant funds with funds from other sources. However, since approved line items are subject to audit, Applicants should not include in the Project Budget matching funds (if applicable) in excess of the required match. Budgets are subject to Cal OES modifications and approval.

Cal OES requires the Applicant to develop a ***line-item*** budget which will enable the project to meet the intent and requirements of the Program and ensure the successful and cost-effective implementation of the project. The Applicant should prepare a realistic and prudent budget avoiding unnecessary or unusual expenditures that detract from the accomplishment of the objectives and activities of the project.

Note: The following information is provided to assist in the preparation of the budget:

- Strict adherence to required and prohibited items is expected.
- Where the Applicant does not budget for a required item, the Applicant assumes responsibility.
- Failure of the Applicant to include required budget items does not eliminate responsibility to comply with those requirements during the implementation of the project.

The Applicant should refer to the *Subrecipient Handbook* for additional information concerning Cal OES's budget policy or to determine if specific proposed expenses are allowable. The *Subrecipient Handbook* is accessible on our website at www.caloes.ca.gov. Select "Cal OES Divisions," scroll down to "Grants Management," on the right-hand side, click on "Criminal Justice, Emergency Management & Victim Services Grant Programs," then select "Handbooks, Reports & Publications." Should you have additional budget questions, contact the person listed in Part I, section B.

1. Budget Narrative

   The Applicant is required to submit a narrative with the Project Budget. The narrative must be typed and placed in the proposal preceding the budget pages, describing:

   - How the project's proposed budget supports the Program's objectives and activities;
   - How funds are allocated to minimize administrative costs and support direct services;
   - The duties of project-funded staff, including qualifications or education level necessary for the job assignment (this does not take the place of the brief justification required in the line-item budget);
   - How project-funded staff duties and time commitments support the proposed objectives and activities;
   - Proposed staff commitment/percentage of time to other efforts, in addition to time allocated to this project;
   - The necessity for subcontracts and unusual expenditures; and
   - The mid-year salary range adjustments.

2. Specific Budget Categories

   In Part IV of this RFP, or on our website, you can access Excel spreadsheets (Cal OES 2-106a – With Match) for each of the following three budget categories:

A. Personal Services – Salaries/Employee Benefits

4. Salaries

Personal services include services performed by project staff directly employed by the Applicant and must be identified by position and percentage of salaries. They may be salaried or hourly, full-time or part-time positions. Sick leave, vacation, holidays, overtime, and shift differentials must also be budgeted as a part of salaries. If the Applicant's personnel have accrued sick leave or vacation time prior to the approval of grant funding, they may not take time off using project funds. Salaries for staff not directly employed by the Applicant must be shown as participating staff (see *Subrecipient Handbook,* Section 4500) in the Operating Expenses Category. Consultant services remain under Operating Expenses (refer to Part II, C.2.b. - Operating Expenses - paragraph two).

5. Benefits

Employee benefits must be identified by type and percentage of salaries. The Applicant may use fixed percentages of salaries to calculate benefits. Budgeted benefits cannot exceed those already established by the Applicant.

Employer contributions or expenses for social security, employee life and health insurance plans, unemployment insurance, and/or pension plans are allowable budget items. Benefits, such as uniforms or California Bar Association dues are allowable budget items if negotiated as a part of an employee benefit package.

A line item is required for each different position/classification, but not for each individual employee. If several people will be employed full-time or part-time in the same position/classification, provide the number of full-time equivalents (e.g., three half-time clerical personnel should be itemized as 1.5 clerical positions).

6. Operating Expenses

Operating expenses are defined as necessary expenditures other than personal salaries, benefits, and equipment. Such expenses may include specific items directly charged to the project, and in some cases, when permitted by the funding source, an indirect cost allowance. The expenses must be grant-related (i.e., to further the Program objectives as defined in the Grant Subaward) and be encumbered during the grant period.

The following items fall within this category: consultant services such as subcontractors, participating staff who are not employed by the Applicant, travel, office supplies, training materials, research forms, equipment maintenance, software equipment rental/lease, telephone, postage, printing, facility rental, vehicle maintenance, answering service fees, and other consumable items. Furniture and office equipment with a cost of less than $5,000 (excluding tax,) and/or with a useful life of less than one year fall within this category. Otherwise, these fall under equipment expenses.

Salaries for staff not directly employed by the Applicant must be shown as consultant and/or participating staff costs (whichever is applicable per *Subrecipient Handbook*, Sections 3710 and 4500), under the Operating Expenses category. These costs must be supported by an Operational Agreement (OA), which must be kept on file by the Subrecipient and made available for review during a Cal OES site visit, a monitoring visit, or an audit. In the case of grants being passed through a Subrecipient to be operated by another agency, the staff from the second agency will be shown in the Operating Expenses Category.

Budget for anticipated training related to the project. The Applicant must include sufficient per diem and travel allocations for person(s) to attend required Cal OES training conferences or workshops.

7. Equipment

Equipment is defined as nonexpendable tangible personal property having a useful life of more than one year and a cost of $5,000 or more per unit (excluding tax).

A line item is required for different types of equipment, but not for each specific piece of equipment (e.g., three laser jet printers must be one line item, not three).

NOTE: The left column of each budget category on the spreadsheet requires line-item detail including the calculation and justification for the expense. Enter the ***whole dollar amount only*** (no cents) on each line item and the match amount (if applicable) in the correct column of the Budget Category form. You may add extra rows if necessary. The spreadsheets automatically calculate the subtotal at the end of each budget category and provide the total of the three spreadsheets at the bottom of the Equipment page. The total of the budget including each funding source and/or match amount must correspond to the amount of the Total Project Cost (Block 12G) on the Grant Subaward Face Sheet.

E. PROPOSAL APPENDIX

The Proposal Appendix provides Cal OES with additional information from the Applicant to support components of the proposal. The following must be included:

- Organizational Chart:
  The Organizational Chart should clearly depict the structure of the Applicant organization and the specific unit within the organization responsible for the implementation of the project. This chart should also depict supporting units within the organization (e.g., the Accounting Unit) and the lines of authority within the organization. Job titles on the Organizational Chart must match those in the Budget and Budget Narrative.
- Operational Agreement (OA) [Section 4300]:

  These documents must demonstrate a formal system of networking and coordination with other agencies and the Applicant. Please refer to the *Subrecipient Handbook*, Section 4300 for the list of required elements.
- Noncompetitive Bid Request (Cal OES 2-156) [if applicable]
- Out-of-State Travel Request (Cal OES 2-158) [if applicable]
- Emergency Fund Procedures (Cal OES 2-153) [if applicable]
- Computer and Automated Systems Purchase Justification Guidelines (Cal OES 2-157) [if applicable]

Click the link below to access Cal OES's forms or go to www.caloes.ca.gov. Select "Cal OES's Divisions," scroll down to "Grants Management," on the right-hand side, click on "Criminal Justice, Emergency Management & Victim Services Grant Programs," then select "Forms." Or, paste the following link into your browser:

http://www.caloes.ca.gov/cal-oes-divisions/grants-management/criminal-justice-emergency-management-victim-services-grant-programs/forms

NOTE: The Applicant is strongly encouraged to review the following sections before preparing the proposal:

A. SELECTION OF PROPOSAL FOR FUNDING
B. FINALIZING THE GRANT SUBAWARD
C. ADMINISTRATIVE REQUIREMENTS
D. BUDGET POLICY

A. SELECTION OF PROPOSAL FOR FUNDING

1. Proposal Rating

Eligible proposals received by the deadline are generally rated by a three member team. The rater scores are averaged and then ranked numerically. The Rating Form used for this process is included in Part IV of this RFP and is for informational purposes only.

2. Funding Recommendation

Final funding decisions are made by the Director of Cal OES. Funding recommendations are based on the following:

- The ranked score of the proposal;
- Consideration of funding priorities or geographical distribution specific to this RFP; and
- Prior negative administrative and programmatic performance, if applicable.

Projects previously funded by Cal OES will be reviewed for poor past compliance, including fiscal management, progress and annual reports, audit reports, and other relevant documentation or information. This review may result in one or more of the following actions:

a. The project may not be selected for funding;
b. The amount of funding may be reduced; or
c. Grant Subaward Conditions may be placed in the Grant Subaward.

See RFP Appendix for additional information.

3. Notification Process

Applicants will be notified in writing of the results of the rating process. Applicants

not selected for funding will receive a denial letter containing their average score and information on the appeal process.

B. FINALIZING THE GRANT SUBAWARD

1. Standard Project Funding Authority

Allocation of funds is contingent on the enactment of the State Budget.
Cal OES does not have the authority to disburse funds until the budget is passed and the Grant Subaward is fully executed. Expenditures incurred prior to authorization are made at the Subrecipient's own risk and may be disallowed. Cal OES employees are not able to authorize an Applicant to incur expenses or financial obligations prior to the execution of a Grant Subaward. However, once the Grant Subaward is finalized the Subrecipient may claim reimbursement for expenses incurred on, or subsequent to, the start of the Grant Subaward period.

If, during the term of the Grant Subaward, the state and/or federal funds appropriated for the purposes of the Grant Subaward are reduced or eliminated by the California Legislature or the United States Government, or in the event revenues are not collected at the level appropriated, Cal OES may immediately terminate or reduce the Grant Subaward by written notice to the Subrecipient. However, no such termination or reduction shall apply to allowable costs already incurred by the Subrecipient to the extent state or federal funds are available for payment of such costs.

Cal OES Grant Subawards are subject to applicable restrictions, limitations, or conditions enacted by the California Legislature and/or the United States Government, subsequent to the execution of the Grant Subaward.

2. Processing Grant Subaward

a. Grant Subaward Conditions

Cal OES may add Grant Subaward Conditions to the Grant Subaward prior to or after funding. If conditions are added, these will be discussed with the Applicant/Subrecipient and a copy of the conditions will be sent to the Subrecipient when the conditions are made part of the Grant Subaward. Grant Subaward Conditions may include requirements for sole source justification, a computer feasibility study, or other requirements deemed necessary by Cal OES.

b. Grant Subaward Amounts

When the amount of funds available is limited, Cal OES may reduce the amount of the Grant Subaward from the amount requested by the Applicant. In addition, Cal OES reserves the right to negotiate budgetary changes with the Applicant

prior to executing the Grant Subaward. If either of these actions is required, Cal OES will notify the Applicant prior to executing the Grant Subaward.

c. Grant Subaward

A copy of the executed Grant Subaward and pertinent attachments will be sent to the Project Director. The Applicant is not authorized to incur costs against the grant until a copy of the fully executed Grant Subaward is received. When the executed grant is received a Report of Expenditures and Request for Funds (Cal OES 2-201) may be submitted for reimbursement.

C. ADMINISTRATIVE REQUIREMENTS

The following requirements apply to projects selected for funding and are explained below for the Subrecipient's planning purposes.

1. The *Subrecipient Handbook (SRH)*

The *Subrecipient Handbook* is accessible on our website at www.caloes.ca.gov. Select
"Cal OES Divisions," scroll down to "Grants Management," on the right-hand side, click on "Criminal Justice, Emergency Management & Victim Services Grant Programs," then select "Handbooks, Reports & Publications." The *Subrecipient Handbook* contains administrative information and requirements necessary to implement the project. Subrecipients must administer their grants in accordance with the *Subrecipient Handbook* requirements. Failure to comply with these requirements can result in the withholding or termination of the Grant Subaward.

2. Communications (*SRH* 11500)

Projects must maintain a current telephone number and internet access with an e-mail address (see Section 2340.1), as well as a current postal address and physical location within the
State of California.

3. Progress Reports and Data Collection (*SRH* 10100)

Funded projects are required to participate in data collection and to submit Progress Reports required by the Program. Projects are required to keep accurate records to document the information reported in the Progress Reports. The records must be kept by the project for a period of seven years. During site/monitoring visits, Cal OES will review these records for accuracy and compare them with the reported data submitted on the Progress Reports.

4. Monthly/Quarterly Report of Expenditures and Request for Funds (*SRH* 6310)

   Community-based organizations (CBOs) shall submit a monthly Report of Expenditures and Request for Funds (Cal OES 2-201) unless they request a quarterly reporting period. Government and education agencies receiving funds will be required to report on a quarterly basis. This form is due within 30 calendar days of the end of the reporting period and must be submitted whether or not the project has incurred expenses. Delays in submitting the form Cal OES 2-201 will result in the withholding of funds and may result in the recommendation to Cal OES Director for termination of the Grant Subaward.

5. Technical Assistance and Site Visits (*SRH* 10200-10300)

   Funded projects are assigned a Cal OES Program Specialist to oversee the progress of the project in achieving its goals, objectives and compliance with the Grant Subaward. Program Specialists are available to assist the Subrecipient in the successful implementation of the project and in meeting the administrative requirements of the Grant Subaward. New projects should expect a site visit from the assigned Program Specialist within the first six months of the grant period. Follow-up site visits will be conducted periodically throughout the life of the grant. Projects may request a site visit to obtain technical assistance.

6. Monitoring Requirements (*SRH* 10400)

   A monitoring visit is an onsite assessment by staff to determine if the project is in compliance with the terms of the Program, the Grant Subaward, the program guidelines (if applicable), the RFA/RFP, and the *Subrecipient Handbook*. Projects will be monitored on a random or as-needed basis.

7. Audit Requirements (*SRH* 8100)

   To safeguard Cal OES's assets and to ensure that all funds are accounted for, Cal OES requires that organizations receiving a Cal OES Grant Subaward(s) be audited in accordance with the *Subrecipient Handbook*.

8. Source Documentation (*SRH* 10111)

   Subrecipients will be required to maintain source documentation to support claimed expenditures and project accomplishments. Source documentation is defined as records used to validate project activities and achievements pertaining to the objectives outlined in the Grant Subaward. Subrecipients are to retain source documentation for Progress Reports on a quarterly basis, regardless of submission requirements. Requirements and definitions for program-specific source documentation are delineated in the RFP instructions. Subrecipients will be required to have written job descriptions on file for positions funded by Cal OES detailing specific grant-related activities to achieve project objectives.

9. Fidelity Bond (*SRH* 2160)

Private CBOs and American Indian organizations are required to obtain and send to Cal OES a copy of a blanket fidelity bond or equivalent insurance contract applicable to officials and employees of Cal OES-funded projects within 60 days of the signed Grant Subaward. Failure to comply with this requirement may result in the withholding of grant funds or termination of the Grant Subaward. The beneficiary named on the bond or an endorsement must include the "State of California, California Governor's Office of Emergency Services" and include the Grant Subaward number for identification purposes.

The time period covered by the bond must include the effective date and total time period of the grant, including extensions. The bond must be in an amount equal to 50 percent (50%) of the total Grant Subaward and may have a deductible in an amount not to exceed one percent (1%) of the bond.

A bond is not required of a Subrecipient sponsored by units of government. CBOs sponsored by units of government may submit documentation indicating this in lieu of the bond or insurance contract, unless specifically required terms of the Program or Grant Subaward Conditions.

10. Copyrights, Rights in Data, and Patents (*SRH* 5300-5400)

Cal OES owns rights of and reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, and use, in whole or in part, material produced by activities supported by a Grant Subaward. These ownership rights are detailed in the *Subrecipient Handbook*.

D. BUDGET POLICY

This document summarizes information on Cal OES's Budget Policy contained in the *Subrecipient Handbook*. Additional information may be obtained by accessing the *Subrecipient Handbook* at www.caloes.ca.gov. Select "Cal OES Divisions," scroll down to "Grants Management," on the right-hand side, click on "Criminal Justice, Emergency Management & Victim Services Grant Programs," then select "Handbooks, Reports & Publications."

1. Supplanting Prohibited (*SRH* 1330)

Grant funds must be used to supplement existing funds for Program activities and *not replace* funds appropriated for the same purpose. If selected for funding, a written certification must be provided to Cal OES indicating grant funds will not be used to supplant existing funds. Potential supplanting will be the subject of application review, post-award monitoring, and audit.

2. Project Income (*SRH* 6610)

   Project income, such as client fees and fees for services provided by the Subrecipient (i.e., training, presentations, etc.), asset forfeitures, profits from the sale of project products, and conference proceeds as the result of a direct trade of time or products for money must be used to offset or augment the grant, unless otherwise specified in the RFP instructions. Project income cannot be used as matching funds, unless otherwise specified in the RFP instructions.

3. Methods of Contracting and/or Procurement (*SRH* 3400)

   A competitive bid process is required to purchase equipment or consultant services with grant funds. Noncompetitive bid contracts are disfavored. Noncompetitive bid request approval by Cal OES program staff is required prior to the purchase of equipment in excess of $5,000, or to hire a specific consultant charging over $650 per day. Local units of government may use their approved procurement policy except for contracts over $50,000 which requires prior
   Cal OES approval. For organizations without a written procurement policy, a competitive bid process involves determining the specifications for the items needed and obtaining at least three bids from different vendors. Whenever a specific individual/organization name is identified in the Project Budget, a narrative describing the competitive bid process or a sole-source procurement (noncompetitive bid) request will be required. Cal OES will provide assistance in submitting a noncompetitive bid request if the proposal is selected for funding and if Cal OES determines it is in the best interest of the project. These procedures do not apply to funds shared with participating agencies under the terms of an Operational Agreement (see Section 4500 *SRH*).

4. Match Requirements (*SRH* 6500)

   The RFP Instructions (Part II) may specify a cash or in-kind match. When used to augment the project, expenditures for items such as Personal Services, Operating Expenses, or Equipment are considered match if not in violation of the prohibition on supplanting. Match must be specified in the budget and will become part of the Grant Subaward. Specific instructions for calculating the match are provided below. There are examples of how to calculate the match requirement in Sections 6550-6550.2 of the *Subrecipient Handbook*.

   a. State Funds Matching State or Federal Funds (*SRH* 6522)

      State and/or federal funds can be used to match other state and/or federal funds *only* if the following conditions have been met:

      1) The other funding source does not prohibit this practice;
      2) The funds are to be used for identical activities (e.g., to augment the project); and

3) The project has obtained prior written approval from Cal OES or the terms of the program allow this practice.

b. Type of Match

1) Cash Match (*SRH* 6511)

Cash match, also known as hard match, is often derived from the local funding resources committed to a project such as county general fund revenue, United Way contributions, private donations or profits from fund-raising events. When used to augment the project, cash expenditures for items such as personnel, facilities and supplies may be considered cash match if not in violation of the prohibition on supplanting. A cash match must be specifically identified by line item as match in the budget.

2) In-Kind Match (*SRH* 6512)

In-kind match, also known as soft match, is the project's contribution of non-cash outlay of materials or resources to support a percentage of Cal OES's Grant Subaward activities. It may include non-cash outlay contributed by other public agencies and institutions, private organizations, and individuals. Examples include donated office supplies, equipment, professional services, and volunteer time. In general, the value of in-kind contributions is determined by fair market value, which must be specifically identified by line-item as in-kind match in the budget.

5. Travel Policies

The following is Cal OES's current travel policy:

a. Travel and Per Diem (*SRH* 2236)

The Applicant may prepare the budget using their own travel policy or the State travel policy according to the following guidelines. Travel reimbursement will only be allowed based on actual costs.

1) Units of Government (*SRH* 2236.1)

Units of government may use their own written travel policy or the State policy.

2) Community-Based Organizations (CBOs) (*SRH* 2236.22)

A community-based organization may use the State travel policy or the Applicant's written policy up to the maximum rates allowed by the State travel policy.

3) Out-of-State Travel (*SRH* 2236.11)

Out-of-state travel is restricted and only allowed in exceptional situations. Requests for approval for out-of-state travel must be submitted for Cal OES approval.

b. State Travel and Per Diem Policy (*SRH* 2236.2)

Use the following State travel policy for budgeting travel expenses:

1) Meals and Incidentals

a) Breakfast $7.00

Breakfast may be claimed when travel commences at or prior to 6:00 a.m. Breakfast may be claimed on the last fractional day of a trip of more than 24 hours if travel terminates at or after 8:00 a.m.

b) Lunch $11.00

Lunch may not be claimed for travel less than 24 hours. Lunch may be claimed if the trip begins at or before 11:00 a.m. and may be claimed on the last fractional day of a trip of more than 24 hours if the travel terminates at or after 2:00 p.m.

c) Dinner $23.00

Dinner may be claimed if the trip begins at or before 5:00 p.m. Dinner may be claimed when travel terminates at or after 7:00 p.m., whether on a one-day trip or on the last day of a trip of more than 24 hours.

d) Incidentals $5.00

Incidentals may be claimed for trips of 24 hours or more.

e) Total Per Diem

The maximum is $46.00 for a 24-hour period.

2) Lodging

The maximum allowed lodging expense is $90.00 per night, plus applicable taxes, (except as noted below). All lodging rates are per night and receipts are required for reimbursement.

3) Special Lodging Rates

- Statewide (excluding counties identified below): $90.00, plus tax
- Napa, Riverside, and Sacramento Counties: $95.00, plus tax
- Los Angeles, excluding the City of Santa Monica, Orange, Ventura Counties and Edwards AFB: $120.00, plus tax
- Alameda, Monterey, San Diego, San Mateo, and Santa Clara Counties: $125.00, plus tax
- City & County of San Francisco and the City of Santa Monica: $150.00, plus tax

4) Mileage

When a privately owned vehicle is utilized on project-related business, a maximum of 54 cents per mile is allowed, unless a higher rate is justified. Documentation justifying a higher rate must be on file and available for audit, but should not be submitted with the proposal.

5) Other

Taxi, airport shuttle, etc., which exceed $3.50 must be supported by receipt. Parking in excess of $10.00 must be supported by receipt.

6. Participating Staff (*SRH* 4500)

The term "participating staff" refers to salaried employees of a participating agency assigned to work with the Subrecipient on the implementation of a project. The agreement between the Subrecipient and the participating agency concerning participating staff must be reflected in the OA. Grant related costs associated with participating staff must be itemized in the Operating Expenses category of the grant budget.

7. Independent Contractor/Consultant Services (*SRH* 3710)

Services are provided on a contractual basis by individuals or organizations not directly employed by the Applicant. Independent contractors/consultants must not be used in lieu of employees and are defined as individuals or organizations meeting some or all of the following criteria:

- Produce a specific product or service;
- Work independently without direct supervision from the Applicant;
- Work on specific projects;
- Provide services for a limited number of hours or period of time; and/or
- Have no agency management or oversight responsibilities directed toward the financial success or direction of the agency.

a. Rates (*SRH* 3710.1.1)

The maximum rate for independent contractors/consultants is $650.00 (excluding travel and per diem costs) for an eight-hour day. An eight-hour day may include preparation, evaluation, and travel time in addition to the time required for actual performance. A request for compensation for over $650 a day must have ***prior approval*** from Cal OES and additional justification.

1) Independent Contractors/Consultants Employed by State and Local Government (*SRH* 3710.1.1).

Compensation for independent contractors/consultants will be allowed when the unit of government will not provide its services without cost. In these cases, the rate of compensation is not to exceed the daily salary rate paid by the unit of government.

b. Expert Witness Fees (*SRH* 3710.2)

Projects, which routinely utilize "expert witnesses" as independent contractors or consultants to conduct evaluations and provide expert testimony in the courtroom, may budget for this expense. However, the project may only be charged for costs above what the jurisdiction is required to cover. Unless otherwise prohibited, the maximum allowable rate for such witness fees is $250 per hour, and is not to exceed $2,000 per day. The total amount budgeted for expert witness fees must not exceed 10% percent of the project's total budget. Requests for proposed expert witness costs must be accompanied by written justification indicating the following:

- Qualifications, training, and experience of the expert(s), including a statement regarding recognition by the court of the individual as an expert;
- Specialized certification/licensure [e.g., Masters in Social Work (MSW); Licensed Clinical Social Worker (LCSW), Marriage and Family Therapist (MFT); Medical Doctor (MD)];
- Rate of pay per hour including documentation of a survey of the availability of similar consultants, the current "going rate," and the proposed rate of pay with a cost breakdown if expert is paid according to services (e.g., mileage, waiting time, court testimony);
- Proposed services to be provided (e.g., analysis of forensic evidence, psychological evaluation); and
- Justification why this cost cannot be paid with other funds (attach the justification to Cal OES 2-106a).

8. Facility Rental (*SRH* 2232)

   Up to $21.00 per square foot annually ($1.75 per square foot per month) is allowed for facility rental. If the rental cost for office space exceeds this rate, it must be consistent with the prevailing rate in the local area. This documentation must be on file and available for audit. Exceptions to the above rates and/or square footage must be approved by Cal OES and requires appropriate justification.

   - Rental Space for Training, Shelter, Counseling rooms, and other required space (*SRH* 2232.1)

     Rental space for training and individual and/or group counseling rooms may also be charged to the grant, providing the charge is based on actual costs and not reimbursed by another source.

9. Rented or Leased Equipment (*SRH* 2233)

   An explanation and cost analysis is required when equipment is rented or leased. This analysis must demonstrate that it is more cost-effective to rent or lease the equipment than it is to purchase it, and must be approved by Cal OES prior to the execution of a rental or lease agreement.

10. Indirect Costs/Administrative Overhead (*SRH* 2180 & *SRH* 2188)

    Indirect costs are shared costs that cannot be directly assigned to a particular activity, but are necessary to the operation of the organization and the performance of the project. The costs of operating and maintaining facilities, accounting services, and administrative salaries are examples of indirect costs.

    a. Subrecipients do not have to budget for indirect costs.

    b. Subrecipients that budget for indirect costs must:

       - use their approved Indirect Cost Rate (ICR) that has been established by the Subrecipient's cognizant federal agency (Cal OES will not act as a cognizant agency); or

       - use an amount up to the ten percent (10%) de Minimis rate of the Subrecipient's Modified Total Direct Costs (MTDC) base. MTDC includes the cost of salaries, wages and benefits of personnel that work directly on the project, and other operational costs that are directly related to the project. The MTDC base cannot include any distorting costs such as equipment, capital expenditures, or any Subawards, contracts, or consultant beyond the first $25,000.

    Subrecipients, who request Cal OES funds for indirect costs, must provide a method of calculation that shows what direct costs were used to calculate their indirect

budgeted amount. The Subrecipient can then charge up to that budgeted amount on the subaward.

11. Audit Costs (*SRH* 8150)

Subrecipients expending less than $750,000 in federal funds annually cannot use federal funds to reimburse for costs associated with audits. Subrecipients expending $750,000 or more in federal grant funds annually are required to secure an audit pursuant to 2 CFR
Part 200 Uniform Guidance and are allowed to utilize federal grant funds to budget for the audit costs.

Specifically, the allowable audit costs are as follows:

- If the total project cost is less than or equal to $150,000, the project may budget up to $2,000 for the financial audit cost; or
- If the total project cost is greater than $150,000, the project may budget up to one and a half percent (1.5%) of the total project cost for financial audit costs.

12. Equipment (*SRH* 2300)

Equipment is defined as nonexpendable tangible personal property having a useful life of more than one year and a cost of $5,000 or more per unit (excluding tax).

A line item is required for different types of equipment, but not for each specific piece of equipment (e.g., three laser jet printers should be one line item, not three).

a. Allowable Expenses

Equipment used solely for project activities may be budgeted if it is essential to the implementation of the project. Grant funds may not be used to reimburse the Subrecipient for equipment already purchased.

Rented or leased equipment must be budgeted as an Operating Expense. Lease-to-purchase agreements are generally not allowable. If a lease-to-purchase is requested, the project will be required to submit justification, including cost-effectiveness, with the Grant Subaward Forms Package. Prior approval by Cal OES is required.

b. Computers and Automated Equipment (*SRH* 2340)

1) Community-Based Organizations (*SRH* 2342.1)

CBOs may budget up to $25,000 in computer equipment, software, and related costs. Justification will be required if the proposal is selected for funding.

Cal OES will evaluate the proposed purchase on the basis of grant-related need. Prior approval by Cal OES is required.

2) Units of Government (*SRH* 2342.2)

Units of government may budget for computer equipment, software, and related costs. Justification will be required if the proposal is selected for funding.
Cal OES will evaluate the proposed purchase on the basis of grant-related need. Cal OES must give approval prior to purchase.

3) Computer Purchase Justification (*SRH* 2341)

Approval for purchases of computers and automated equipment is contingent on the Applicant's ability to demonstrate cost-effective, project-related need which is best demonstrated by clearly relating each computer system or component to the grant objectives and activities. If selected for funding, the Applicant will be sent instructions for preparing the justification.

13. Prohibited Expense Items (*SRH* 2240)

a. Bonuses/Commissions (*SRH* 2241)

Projects are prohibited from paying any bonuses/commissions to any individual, organization, or firm unless specifically authorized by the terms of the Program.

b. Lobbying (*SRH* 2242)

Refer to *SRH* 2242.1 for an extensive list of prohibited activities.

c. Fundraising (*SRH* 2243)

Cal OES grant funds cannot be used for organized fundraising including financial campaigns, endowment drives, solicitation of gifts and bequests, or similar expenses incurred solely to raise capital or obtain contributions.

d. Real Property and Improvements *(SRH* 2244)

Real property, including land, land improvements, structures and their attachments, and structural improvements and alterations are not allowable expenditures unless specifically authorized in the RFP instructions.

e. Interest (*SRH* 2245)

The cost of interest payments is only allowable if the cost is a result of a lease/purchase agreement.

f. Charges, Fees, and Penalties (*SRH* 2245)

Finance charges, late payment fees, penalties, and returned check charges are not allowable expenditures.

g. Food and Beverages (*SRH* 2246)

The cost of food and/or beverages at grant-sponsored conferences, meetings, or office functions is not an allowable expenditure.

h. Weapons and Ammunition (*SRH* 2247)

The cost of weapons and/or ammunition of any type is not an allowable expenditure, unless it is part of a governmental negotiated benefit package or is specifically authorized in the RFP instructions.

i. Membership Dues (*SRH* 2248)

The cost of membership dues for the licensing or credentialing of professional personnel is not an allowable expenditure unless it is part of a governmental negotiated benefit package or is specifically authorized in the RFP instructions.

j. Professional License (*SRH* 2248)

The cost of a professional license is not an allowable expenditure unless specifically authorized in the RFP instructions.

k. Annual Professional Dues or Fees (*SRH* 2248)

The cost of professional dues or fees is not an allowable expenditure unless it is part of a governmental negotiated benefit package or is specifically authorized by the RFP instructions.

l. Depreciation (*SRH* 2249)

Equipment costs may not include additional costs calculated for depreciation.

m. Automobiles (*SRH* 2331)

Automobiles are not allowable items under this Program.

NOTE: The Applicant is strongly encouraged to review the following sections before preparing the proposal:

A. PROPOSAL FORMS (including web links)
B. RATING FORM
C. SUMMARY OF THE PAST PERFORMANCE POLICY
D. GLOSSARY OF TERMS

PROPOSAL FORMS

Click the link below to access Cal OES's forms or go to www.caloes.ca.gov. Select "Cal OES Divisions," scroll down to "Grants Management," on the right-hand side, click on "Criminal Justice, Emergency Management & Victim Services Grant Programs," then select "Forms." Or, paste the following link into your browser:

http://www.caloes.ca.gov/cal-oes-divisions/grants-management/criminal-justice-emergency-management-victim-services-grant-programs/forms

VICTIM LEGAL ASSISTANCE (XL) PROGRAM

RATING FORM

Control #: _____
Rater #: _____

Applicant: _____

Funds Requested:_____

CATEGORY	TOTAL POINTS POSSIBLE
1. PROBLEM STATEMENT	**120**
2. PLAN	**280**
3. CAPABILITIES	**60**
3. BUDGET	**60**
4. COMPREHENSIVE ASSESSMENT	**80**
TOTAL	**600**

Each of the above categories contain questions assigned a point value. The point scale is divided into five columns labeled **I, II, III, IV,** and **V**. The Applicant's response to each question is evaluated on the following criteria:

I. **ABSENT:** The response does not address the specific question or a response was not provided.

II. **UNSATISFACTORY:** The response does not completely address the question. The information presented does not provide a good understanding of Applicant's intent, does not give the detailed information requested by the RFP, and/or does not adequately support the proposal or the intent of the Program.

III. **SATISFACTORY:** The response addresses the question and provides a good understanding of the Applicant's intent. The response adequately supports the proposal and the intent of the Program.

IV. **ABOVE AVERAGE:** The response is above average and provides a clear and detailed understanding of the Applicant's intent. The response presents a persuasive argument that supports the proposal and the intent of the Program.

V. **EXCELLENT:** The response is outstanding, with clear, detailed and relevant information. The response presents a compelling argument that supports the proposal and the intent of the Program.

	I	II	III	IV	V
1. PROBLEM STATEMENT (Maximum 4 pages) (Maximum 120 points)	**0**	**5**	**10**	**15**	**20**
a. How well does the proposal describe the project's service area in which the XL Program would be implemented, including location, population and demographic information?					
b. How well does the proposal clearly identify and describe which crime victim population(s) the agency plans to serve through the XL Program?					
c. How well does the proposal describe the unique challenges/needs of this victim population(s)?					
d. How well does the proposal describe the current state of holistic legal services being provided to this victim population(s)?					
e. How well does this proposal describe, specifically, how the XL Program would improve holistic legal services for this victim population(s)?					
f. How well does this proposal describe what the agency considers best-practice when providing holistic legal services to this victim population(s)?					
2. PLAN (Maximum 12 pages) (Maximum 280 points)	**0**	**10**	**20**	**30**	**40**
a. How well does the proposal describe your agency's plan to provide holistic legal services to this victim population(s), including measurable goals and objectives?					
b. How well does the proposal describe the specific holistic legal services that your agency will provide to this victim population(s), including specific tasks and activities?					
c. How well does the proposal describe the detailed timeline that identifies specific tasks and activities to be implemented within the 24-month performance period of the XL Program?					
d. How well does the proposal describe how the proposed plan will improve how holistic legal services are currently provided to this victim population(s)?					

	I	II	III	IV	V
e. How well does the proposal describe how your agency will collaborate with others to provide holistic legal services to this victim population(s)?					
f. How well does the proposal indicate the number of victims in this population(s) that your agency plans to assist during the 24-month performance period of the XL Program?					
g. How well does the proposal describe how your agency will sustain these holistic legal services after the 24-month performance period of the XL Program?					
3. CAPABILITIES (Maximum 4 pages) (Maximum 60 points)	**0**	**5**	**10**	**15**	**20**
a. How well does the proposal describe your agency's capacity to implement the XL Program?					
b. How well does the proposal describe your agency's experience working with other agencies/organizations in the project service area?					
c. How well does the proposal describe the qualifications and training of staff and volunteers that will provide holistic legal services to this victim population(s)?					
4. BUDGET, including Budget Narrative (Maximum 60 points)	**0**	**15**	**20**	**25**	**30**
a. How well does the proposed Budget and Budget Narrative support the proposal objectives and activities, and the intent and requirements of the XL Program?					
b. How well are the funds allocated in the proposed Budget and Budget Narrative? How well do the line items support the proposal plan, objectives, and activities of the XL Program?					
5. COMPREHENSIVE ASSESSMENT (Maximum 80 points)	**0**	**20**	**40**	**60**	**80**
How well does this proposal support the overall intent, goals, and purpose of the XL Program?					

VICTIM LEGAL ASSISTANCE (XL) PROGRAM

SUMMARY OF THE PAST PERFORMANCE POLICY

The following is a summary of the Cal OES's Past Performance Policy. A complete copy may be obtained by sending a written request to the Assistant Director, Grants Management, at:

California Governor's Office of Emergency Services
Criminal Justice/Emergency Management & Victim Services Branch
3650 Schriever Avenue
Mather, CA 95655
Attn: VICTIM LEGAL ASSISTANCE (XL) PROGRAM – CRIMINAL JUSTICE UNIT
Fax: (916) 845-8511

1. General Policy

This policy is intended to penalize existing Subrecipients having serious performance problems and will be utilized only in connection with the RFP process on the awarding of grants for new funding cycles. It was developed in consultation with Cal OES advisory groups.

2. Penalty Levels

Level A: Complete disqualification from RFP process.

Level B: 10% point reduction of total possible points from an Applicant's score.

3. Standard for Invoking a Penalty

The standard for invoking either penalty is dependent upon the Subrecipient's compliance with grant terms and conditions (excluding minor incident(s) of noncompliance).

a. Serious Performance Problems Eligible For Consideration

Performance problems which would qualify under this policy include, but are not limited to:

1) Significant failure to account for use of funds, mishandling/misuse of funds, fraud or embezzlement, or other material accounting irregularities or violation(s), as documented in an audit report, monitoring report, police report, or other similar objective documentation.

2) Violation(s) of material statutory requirements related to the grant;

3) A willful or grossly negligent violation of a Cal OES policy, or Terms of the Program, but ***only after*** the Subrecipient had been provided:

a) Technical assistance by Cal OES, including a site visit if necessary, to remedy the violation;

b) At least one written notice (per violation); and

c) A reasonable opportunity to remedy the violation.

Written notice of serious performance problems will be provided to the Subrecipient's Executive Officer. Failure to remedy the violation may negatively impact the Subrecipient's eligibility for future funding.

It is not necessary for a criminal conviction to have occurred for Cal OES to consider actions appearing to constitute fraud, embezzlement, mishandling of funds or other types of statutory violations. Cal OES must only have reliable evidence this conduct occurred. Moreover, only properly documented performance problems will be considered.

b. Factors Considered

In determining an appropriate penalty, factors to be considered include, but are not limited to:

1) The seriousness of the problem;
2) Whether the problem identified was intentional;
3) Whether the problem revealed dishonest behavior by the Applicant;
4) Whether the interests of the State or the public were harmed by the problem;
5) Whether the problem or problems were a one-time occurrence or represent an ongoing pattern of behavior;
6) Whether the problem was documented objectively; and
7) Whether Cal OES attempted to assist the Subrecipient in remedying the problem.

c. Specific Examples

Performance problems are considered on a case-by-case basis and take the totality of the circumstances into consideration. The following examples are not intended to be binding or restrictive of Cal OES authority to determine the appropriate penalty in a particular case:

1) Cal OES conducts a visit of a project and makes the following findings:
   a) The shelter failed to pay overtime on two occasions;
   b) Three timesheets did not contain a supervisor's approval; and
   c) The project's doors opened at 9:30 a.m. instead of 9:00 a.m. as stated on its RFP proposal.

   A corrective action plan is developed and the Subrecipient takes steps to address the findings. Communication with the Subrecipient four months later shows the findings have been corrected.
   Penalty: None

2) One year ago, an audit discovered that a project employee embezzled $300 of Cal OES funds. The audit concludes this occurred in part due to inadequate management controls and supervision by the project. The employee was fired and the case submitted to the District Attorney's office for prosecution.

   The Subrecipient has implemented new accounting and management policies and procedures, and promises to better supervise its employees. No other problems with the Subrecipient are known.
   Penalty: Level B

3) A project has agreed to provide victim advocacy services in County X. The Subrecipient spends $40,000 on non-grant related expenses and does not provide the services. This is documented in the Site Visit Report. The project's Progress Reports to Cal OES report that the services are being provided. Cal OES refers the matter to the District Attorney for prosecution, but no additional steps have yet to be taken.
   Penalty: Level A

4. Notification to the Applicant and Appeal of Decision

A letter will be sent by certified mail to the Applicants that are denied funding due to past performance problem(s). The Applicant shall be provided with a summary of why the performance problem penalty was invoked. The Applicant is entitled to appeal the denial of funding on the same basis as other appeals of denial of funding, pursuant to the Appeals Guidelines.

VICTIM LEGAL ASSISTANCE (XL) PROGRAM

GLOSSARY OF TERMS

TERM	DEFINITION
Activity	The specific steps or actions that a project takes to achieve a measurable objective.
Administrative Agency or Subrecipient	The agency or organization designated on the Grant Subaward Face Sheet that receives grant funds and is responsible to accomplish the planned objectives and program goals (e.g., County of Alameda, City of Fresno, State Department of Justice, Fairfield Youth Services Bureau). The Subrecipient was formerly referred to as the "Grantee."
Application	Once selected for funding, the original proposal plus any additional forms as required by Cal OES becomes the application.
CFR	Code of Federal Regulations
Community-based Organization (CBO)	A nonprofit, public benefit corporation.
Competitive Bid	A contract process used when all suppliers are equally or nearly equally qualified to provide the services.
Equal Employment Opportunity Plan (EEOP)	A comprehensive plan that analyzes the agency's workforce and all agency employment practices to determine their impact on the basis of ethnicity and gender. The objective of the EEOP is to ensure nondiscrimination in all areas of employment (recruitment, hiring, promotions, etc), and in the delivery of services and benefits.
Equal Employment Opportunity (EEO) Checklists	An EEO Checklist is a document used by program staff while conducting site/monitoring visits. The checklists (A and B) were prepared to assist Cal OES in verifying that Subrecipients are in compliance with state and federal Civil Rights Laws.
Grant Subaward	The signed final agreement between Cal OES and the local government agency or organization authorized to accept grant funding.
Grant Funding Cycle	The number of years a program may be funded without competition.

Grant Funding Period	The period of time, determined by the Request for Proposal (RFP) or the Request for Application (RFA), which the Project Narrative, objectives, activities, and budget cover. The time period is usually one year, and is shown on the Grant Subaward Face Sheet (Cal OES 2-101).
Implementing Agency	The agency or organization designated on the Grant Subaward Face Sheet that is responsible for the day-to-day operation of the project (e.g., probation department, district attorney, sheriff).
Monitoring Report Response Form	Form sent to the Subrecipient with the Monitoring Report. The form is completed by the Subrecipient and returned to the Cal OES Local Assistance Monitoring Branch (LAMB), indicating the Monitoring Report is accurate or inaccurate as of the date of the Monitoring.
Noncompetitive Bid (NB)	A contract for goods or services, where only a single source that can provide the services or goods is afforded the opportunity to offer a price for the specified services or goods. (contracts sometimes include goods as well as services, and this definition will also apply to those circumstances).
Nonprofit Organization (aka Community-Based Organization)	A nonprofit, public benefit corporation as defined in the federal regulation of 28 C.F.R. Part 38, Department of Justice. This modifies the need to be recognized by the Internal Revenue Service as a 501(c)(3) for Subrecipients of faith-based organizations. All organizations may qualify for nonprofit status using any one of the four following methods: (1) Proof that the Internal Revenue Service recognizes the Applicant has the status of a 501(c)(3). (2) A statement from a state taxing body or the state Secretary of State certifying that (i) the Organization is a nonprofit organization operating within the state; and (ii) No part of its net earnings may lawfully benefit any private shareholder or individual. (3) A certified copy of the Applicant's Certificate of Incorporation or similar document that clearly establishes the nonprofit status of the Applicant. (4) Any item described in (1) through (3) if that item applies to a state or national parent organization, together with a statement by the state or parent organization that the Applicant is a local

	nonprofit affiliate.
Objectives	A set of quantifiable projections to be carried out in order to accomplish the Program goals.
On Site	Refers to the location of operation of the Grant Subaward Subrecipient. If multiple sites exist, the site that provides the project Subrecipients with Program direction qualifies as the "on-site location."
Operational Agreement (OA)	A formal agreement between two or more agencies, which specifies the responsibilities of each agency in implementing the project. The term Operational Agreement also includes documents entitled Memorandum of Understanding, Letters of Intent, or other titles that serve the same purpose.
Participating Agency	An organization that receives grant funds through an Operational Agreement to participate in achieving the goals of a project. The participating agency must be a unit of government or a community-based organization.
Participating Staff	A salaried employee of a Participating Agency.
Program	A specific set of goals and objectives established pursuant to legislative, congressional, or administrative action identifying an unmet need of the criminal justice system or victim services and supported by a set appropriation from state or federal funding sources.
Project	The implementation of a Program by a Subrecipient. The project includes all of the grants implemented by the Subrecipient under that Program regardless of the year of implementation.
Proposal	The packet of forms and narrative as requested by the RFP and submitted to Cal OES that specified the priorities, strategies, and objectives of the Applicant.
Request for Application (RFA)	The RFA is a noncompetitive process issued by Cal OES to obtain applications from Applicants previously selected for funding.
Request for Proposal (RFP)	The RFP is issued by Cal OES to solicit competitive proposals in order to select projects for funding.
Single Source	This term has been replaced by the term "noncompetitive bid."

Sole Source	This term has been replaced by the term "noncompetitive bid."
Source Documentation	Records that validate project activities and achievements as they pertain to the objectives outlined in the Grant Subaward.
Subrecipient Handbook	This handbook outlines the terms and conditions required of grant projects. Funded projects must administer their grants in accordance with these administrative and fiscal conditions. The *Subrecipient Handbook* is accessible at www.caloes.ca.gov. Select "Cal OES Divisions," scroll down to "Grants Management," on the right-hand side, click on "Criminal Justice, Emergency Management & Victim Services Grant Programs," then select "Handbooks, Reports & Publications." The *Subrecipient Handbook* was previously called the *Grantee Handbook.*
Subrecipient or Administrating Agency	The agency or organization designated on the Grant Subaward Face sheet that receives the grant funds and will be responsible for accomplishing the planned objectives and Program goals (e.g., County of Alameda, City of Fresno, State Department of Justice, Fairfield Youth Services Bureau).
Supplanting	To reduce federal, state, or local funds because of the existence of Cal OES funds. Supplanting occurs when a Subrecipient deliberately replaces its non-Cal OES funds with Cal OES funds, thereby reducing the total amount available for the stated purpose.
Terms of the Program	The applicable Program Guidelines, application requests [Request for Proposal (RFP)/Request for Application (RFA)], Grant Subaward, Cal OES policy statements, and applicable statutes. In the event the terms of the Program are inconsistent with the provisions of the *Subrecipient Handbook*, the terms of the Program shall be interpreted and construed as superseding the provisions of the *Subrecipient Handbook.*
USC	United States Code