

TENNESSEE
Grant Solicitation Packet



Fiscal Year 2024
Alternative Electronic Monitoring Indigency Fund

Released on: July 18, 2023
Intent to apply due: August 25, 2023
Completed applications due: August 25, 2023

Prepared by:

State of Tennessee
Office of Criminal Justice Programs
Department of Finance and Administration
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Application Completion Check-off

(Retain for your own purposes)

To ensure compliance with funding consideration requirements, please read the entire solicitation.

- [Intent to Apply](#) (Grant Solicitation Title, Applicant Contact & Profile Information) completed online no later than August 25, 2023.
- The next step is to create a Scope of Services / Narrative form. You may find it at: [Scope of Services](#).
- Although it is not required this tool will can be used to assist with answering question B.2. in the scope of services. You may find it at: [B2 Tool](#).

Applications must be submitted in accordance with Section 6.4 no later than 4:30 pm central time, August 25, 2023

If you have completed the above items and emailed to Criminaljustice.Program@tn.gov with the grant solicitation identification title (see section 1.4.1. for a full list) in the subject line, then your application is complete.

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1. INTRODUCTION

Pursuant to Tennessee Code Annotated 55-10-419.

Subject to annual appropriations, there is established a grant program to assist local governments with up to fifty percent (50%) of the payment of eligible costs for alternative devices for persons found to be indigent by a court. The department of finance and administration, office of criminal justice programs, shall develop and administer the grant program.

Notwithstanding another law to the contrary, the eligible costs incurred in order to comply with a court order to use a functioning alternative device must be paid by the person ordered to use the device, unless the court finds such person to be indigent.

If a court determines that a person is indigent, then the court shall order the person to pay a minimum of thirty dollars (\$30.00) per month. The remainder of the costs must be paid from the fund.

Providers of alternative devices shall submit claims and invoices for reimbursement to the respective local government for reimbursement from the alternative device account for an indigent person with eligible costs. A provider must be paid no more than two hundred dollars (\$200) per month for the eligible costs for a device.

"Alternative device" means a transdermal monitoring device, other alternative alcohol or drug monitoring device, or global positioning monitoring device.

Interlock devices are not eligible for reimbursement under this solicitation.

1.1. Eligibility

Counties and Metropolitan governments who are responsible for the installation and monitoring of "alternative devices" pursuant to a court order and who is mandated under TCA 55-10-419 to pay a portion of these costs for indigent persons. An alternative device is defined as a transdermal monitoring device, alternative drug or alcohol monitoring device, or global monitoring device.

Only one application will be accepted per county or metropolitan government if a county or metropolitan government contains multiple agencies responsible for the installation and monitoring of "alternative devices" then they are encouraged to collaborate and aggregate their data for the purpose of making a single application.

Interlock devices are not eligible for reimbursement under this solicitation.

1.2. Length and Amount of Project Support

Funding is determined on an annual basis using a calculation based upon the eligible jurisdiction's alternative EMIF costs during the preceding fiscal year (FY23). In order to be eligible to be included in the calculation pool Alternative EMIF Costs:

- Shall not exceed a total cost of \$200 per month per indigent person.
- Shall be paid at a rate of at least \$30 per month by the indigent person.

Interlock devices are not eligible for reimbursement under this solicitation.

Funding shall be provided under this program shall be calculated in the following manner:

Step 1: The agency shall provide information on the total number of persons under their jurisdiction who were required to utilize an alternate electronic monitoring device *and whom were found to be indigent by a court* for the period of July 1, 2022 until June 30, 2023. This is question B.1. in the Scope of Services document.

Step 2: The agency shall provide information on the total number of months all persons reported under Step 1 were sentenced to use an electronic monitoring device. Agencies shall round partial months to the next highest number (eg, 45 days would be counted as 2 months). This is question B.2. in the Scope of Services Document.

Agencies may utilize the calculation tool found to assist with calculating this number. The link to the tool is available here: [B2 Tool](#).

Step 3: Grantor agency shall add up the total number of months submitted by all qualifying applicants to create the **EMIF Pool**.

Step 4: Grantor agency shall calculate the individual percentage of each agency's contribution to the **EMIF Pool**.

Step 5: Grantor agency shall multiply that percentage by the **total available funding** to calculate the final appropriation for each agency.

Step 6: In the event the final appropriation exceeds \$85 per month submitted for any agency then that agency's appropriation shall be reduced to \$85 per month submitted.

Funding shall be made available to qualifying county and metropolitan government entities who fully complete their application no later than August 25, 2023. When received, this funding can be used towards allowable expenditures for the period of October 1, 2023 to June 30, 2024. The funding *can be used retroactively* towards allowable costs the jurisdiction incurred or invoices received after October 1, 2023.

Funding shall be issued via state appropriation. Unspent funds at the end of June 30, 2024 must be maintained in local budgets to be utilized to offset Alternative EMIF costs in future years.

1.3. Program Purpose

The Alternative Electronic Monitoring Indigency Fund ("A-EMIF") provides financial reimbursement to local jurisdictions who provide or install devices ordered by a judge for indigent persons required to have a monitoring device.

Alternative EMIF devices, such as transdermal, mobile breathalyzer, and GPS monitoring, reimbursed by the EMIF will be funded out of a local government and State 50/50 cost-sharing program. If a local government elects to participate in the local government cost-sharing plan, then Non-Interlock monitoring devices eligible for reimbursement from the A-EMIF fund include:

- Transdermal devices
- Electronic monitoring devices with random alcohol or drug testing
- GPS monitoring devices

Reimbursement to vendors shall be handled by the applicant agency.

Interlock devices are not eligible for reimbursement under this solicitation.

1.4. Grant Solicitation Communications

1.4.1. The State has assigned the Grant Solicitation identification title that must be referenced in all communications regarding this Grant Solicitation:

FY24 Alternative EMIF

- 1.4.2. Prospective Applicants must direct communications concerning this Grant Solicitation to the following email designated and indicate which Grant Solicitation Title in the subject line:

CriminalJustice.Program@tn.gov

1.5. Notice of Intent to Apply

Applicants should complete the [Intent to Apply](#) by the Deadline detailed in the Grant Solicitation Section 2, Schedule of Events.

Completion of the Intent to Apply form creates no obligation, but is a prerequisite for submitting an application and necessary to ensure receipt of any Grant Solicitation updates or other notices and communications relating to this Grant Solicitation. The Intent to Apply and all documents must reference the Grant Solicitation Identification Title found in section 1.4.1.

1.6. Response Deadline

An Applicant must ensure that the State receives an application no later than the application deadline time and date detailed in the Grant Solicitation Section 2, Schedule of Events. An Applicant must apply, as required, to this Grant Solicitation (including all attachments). The State will not accept late applications, and an Applicant's failure to submit its application by the deadline will result in disqualification of the application.

2. GRANT SOLICITATION SCHEDULE OF EVENTS

- 2.1. The following Grant Solicitation Schedule of Events represents the State's best estimate for this Grant Solicitation.

EVENT	TIME (central time zone)	DATE
1. Grant Solicitation Issued		7/18/2023
2. Notice of Intent to Apply Deadline	4:30 p.m.	8/25/2023
3. Application Deadline	4:30 p.m.	8/25/2023

Funding shall be made available to qualifying local government entities who fully complete their application no later than August 25, 2023. When received this funding can be used towards allowable expenditures for the period of October 1, 2023 to June 30, 2024. The funding *can be used retroactively* towards allowable costs the jurisdiction incurred or invoices after October 1, 2023.

Funding shall be issued via state appropriation. Unspent funds at the end of June 30, 2024 must be maintained in local budgets to be utilized to offset Alternative EMIF costs in future years.

- 2.2. **The State reserves the right, at its sole discretion, to adjust the Grant Solicitation Schedule of Events as it deems necessary.** Any adjustment of the Schedule of Events shall constitute a Grant Solicitation update, and the State will communicate such to prospective Applicants from whom the State has received a Notice of Intent to Apply (refer to section 1.5).

3. PROGRAM REQUIREMENTS

3.1. Program State Requirements

- 3.1.1. Law Enforcement Agencies: In order for law enforcement agencies to qualify for grant funds, they must comply with the following:
- a. Fingerprint Reporting Requirement: The Agency shall ensure that they will comply with Tennessee Code Annotated (TCA) 38-3-122 and will submit all fingerprints to the Tennessee Bureau of Investigation (TBI).
 - b. Tennessee Incident Based Reporting System (TIBRS) Reporting Requirement: The Agency shall ensure that they comply with the rules and regulations of the TBI as empowered by Tennessee Code Annotated (TCA) 38-10-101 et seq. with regard to the TIBRS. The agency will at all times maintain TBI certification of their compliance with those rules and regulations.
 - c. National Instant Criminal Background Check System (NICS) Reporting Requirement: The Agency shall ensure that they comply with Tennessee Code Annotated (TCA) 33-3-1115 with regard to NICS Reporting. The agency will at all times maintain compliance.
 - d. Death in Custody Reporting Act (DICRA) Requirements: The Agency shall comply with PUBLIC LAW 113–242 by submitting all deaths in custody to the TBI.
 - e. Mandatory Reporting of Child Abuse and Adult Abuse: Agencies must comply with Tennessee Code Annotated, Sections 37-1-403 and 37-1-605 by reporting suspected cases of child abuse to the Department of Children's Services and with Tennessee Code Annotated 71-6-103 by reporting cases of adult abuse to the Department of Human Services as required by law.
 - f. DNA and CODIS Requirements: The Agency shall ensure that they will comply with Tennessee Code Annotated (TCA) 40-35-321 regarding the collection of DNA.
 - g. Use of Force Requirement: The Agency shall ensure compliance with Executive Order No. 13929 on Safe Policing for Safe Communities and must have a certification from the Tennessee Association of Chiefs of Police regarding their Use of Force policies. The Agency must also comply with TCAs 38-3-121, 38-8-101, 38-8-113, 38-8-127:130, and 40-6-105.
- 3.1.2. Tennessee Department of Revenue Registration: Pursuant to Tennessee Code Annotated (TCA) 12-3-306 all subrecipients must comply with the Retailers' Sales Tax Act compiled in TCA 67-6-8 101 et seq. All subrecipients and therefore required to either register a sales and use account with the Department of Revenue or seek an exemption from the same. Information on the process can be found at: [Sales and Use Registration](#).

Applications must include sales/use registration information or exemption letter. Requests for this registration or exemption should be initiated at least two (2) business days prior to application due date. (This does not apply to DTFs and State and Local Law Enforcement.) For further program requirements please refer to the JAG portion of the OCJP Grants Manual on the Office of Criminal Justice Programs website at the following link: [OCJP Grants Manual](#).

- 3.1.3. High Risk Designation: Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency. If the recipient is designated "high risk" by a federal grant-making agency, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to the OCJP.

For purposes of this disclosure, high risk includes any status under which a federal awarding

agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

Applications must submit a [High Risk Designation Certification](#) as part of the application.

- 3.1.4. Subject to Funds Availability: Funding is subject to the appropriation and availability of State funds. In the event that the funds are not appropriated or are otherwise unavailable, the State reserves the right to terminate this solicitation. Upon such termination, the Grantee shall have no right to recover from the State any actual, general, special, incidental, consequential, or any other damages whatsoever of any description or amount.
- 3.1.5. Eligible Devices: Pursuant to Tennessee Code Annotated 55-10-419 "alternative devices" as used in this program are defined as a transdermal monitoring device, other alternative alcohol or drug monitoring device, or global positioning monitoring device.

Interlock devices are not eligible for reimbursement under this solicitation.

- 3.1.6. Eligible Costs: In order to qualify as costs to be included in award calculations:
- Total device costs must not exceed \$200 per individual per month.
 - Indigent persons must be ordered to pay at least \$30 per month towards their total cost.
 - Grant funding cannot be just to pay any portion of the indigent person's amount.
 - The device must meet the definition of "Eligible Devices" found in section 3.1.5 of this solicitation.

4. FINANCIAL REQUIREMENTS

4.1. OCJP grants awarded under this Alternate Electronic Monitoring Indigency Funds are governed by guidance are contained in the [OCJP Grants Manual](#). This policy manual provides information on allowed costs, methods of payment, audit requirements, accounting systems, and financial records. Specific requirements include:

4.1.1. Accounting Systems: A grant accounting system must be in place and financial records must accurately account for funds awarded to them. The system must have a financial management module in place that is able to record and report on the receipt, obligation, and expenditure of grant funds. This includes ability to track grant funds separately from other funds. There should be a system in place that can accurately track employees' time charged to the grant. Accounting policies and procedures should be documented and in use, this includes payroll and purchasing policies that reflect good internal controls.

4.1.2. Lobbying: In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913.

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

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

5. REPORTING REQUIREMENTS

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

Complete reporting requirements can be found in the The data collected should support the information submitted on the reports and OCJP may periodically request to see the back-up data that supports the information submitted.

5.1. Programmatic Reporting

5.1.1. Annual Project Reports: Project Directors will submit the applicable required Annual Project Reconciliation Report to the OCJP **no later than July 31st**. These reports provide the Project Director an opportunity to describe both in narrative and quantitative fashion the success of their project.

5.1.2. A test of submitted devices paid information to ensure accuracy with quarterly reporting.

5.1.3. A review of compliance with additional program requirements, as necessary.

5.2. Fiscal Reporting

Subrecipient agencies must request reimbursement at least once per quarter based on expenditures incurred. However, it is recommended that agencies invoice monthly, when monthly expenditures are incurred.

5.2.1 Annual Reconciliation Reports: Project Directors will submit the applicable required Annual Project Reconciliation Report to the OCJP **no later than July 31st**. These reports provide the Project Director an opportunity to describe both in narrative and quantitative fashion the success of their project.

5.3. Fiscal and Program Monitoring

The Office of Criminal Justice Programs program managers and fiscal monitors provide routine program and fiscal monitoring of all OCJP contracts. This monitoring provides program and fiscal contract compliance review, much needed information on how the program is actually being implemented, and assists in identifying sub-recipients experiencing problems requiring corrective action. If through monitoring a problem area is identified and corrective action is requested, OCJP sub-recipients must adhere to the corrective action requirements identified in the OCJP Grants Manual within the time period required.

6. APPLICATION PROCESS AND INSTRUCTION

6.1. Scope of Services/Project Narrative

The Office of Criminal Justice Programs has provided a word document for use in constructing an application under this solicitation. First save this document to your computer with the grant solicitation identification title (**consult the list available in 1.4.1.**).

The document for the FY24 Alternative EMIF application is located at the following link: [Scope of Services](#). It contains definitions and instructions for completion.

The Scope of Services/Project Narrative contains the following headers and will be evaluated based upon the following criteria: **Agency's eligibility pursuant to TCA § 33-6-406 and the submission of a completed application.**

EVALUATION CATEGORY
Agency Information
Inputs
Data Collection

The Scope of Services/Project Narrative should be submitted with the application. See Section 6.3 and 6.4 for information on how to submit your application.

6.2. Application Submission

An Applicant must ensure that the State receives a response no later than the Response Deadline time and date detailed in the Grant Solicitation Section 2, Schedule of Events at the following email address:

Criminaljustice.Program@tn.gov

6.3. Application Requirements

6.3.1. The first step to the application process is to submit an Intent to Apply through the following on-line link: [Intent to Apply](#) by 8/25/2023 as your intent to apply for this grant (See Grant Solicitation Section 2, Schedule of Events). **The Intent to Apply must reference the grant solicitation identification title.**

6.3.2. Please fill out the scope of services for this project. The document is available at this link: [Scope of Services](#).

6.3.3. Although it is not required this tool will can be used to assist with answering question B.2. in the scope of services. The link to the tool is here: [B2 Tool](#).

6.3.4. Use the attached checklist at the beginning of this application and submit all required documents (except the Intent to Apply, which is an online document), via e-mail to Criminaljustice.Program@tn.gov.

All above documents should be emailed to Criminaljustice.Program@tn.gov with the grant solicitation identification title in the subject line of the email. (see section 1.4.1. for a list)

6.4. Application Deadline

August 25, 2023

6.5. **Response Preparation Costs**

The State will not pay any costs associated with the preparation, submittal, or presentation of any application.

7. APPLICATION EVALUATION

7.1. Review and Evaluation of Proposals

Each application will be rated, based on the applicant agency's ability to fully complete the application, and submit all required documents. Applicants must meet the eligibility requirement. Applications will be reviewed for financial and programmatic completeness by OCJP staff with expertise in grant requirements and program design. Grants will be awarded based on current funding patterns, the availability of funds, and the above-cited criteria.

Applicants will be notified of approval or denial by the date listed below. If an application is approved, the contract between the state and the subrecipient will be emailed with the approval letter. The contract **must** be signed by the Authorized Official and returned to the Office of Criminal Justice Programs for approval by the Commissioner of Finance and Administration. After the Commissioner approves the contract, an executed original contract will be emailed to the subrecipient.

Applicants for grants will be notified whether their application is approved prior to the start date.

7.2. Grant Solicitation Update

The State at its sole discretion may update this Grant Solicitation, in writing, at any time prior to contract award. However, prior to any such update, the State will consider whether it would negatively impact the ability of potential Applicants to meet the response deadline and revise the Grant Solicitation Schedule of Events if deemed appropriate. If a Grant Solicitation update is issued, the State will convey it to potential Applicants who submitted a Notice of Intent to Apply (refer to Grant Solicitation Section 1.5). A response must address the final Grant Solicitation (including its attachments) as updated.