

Questions and Answers Regarding the PREA TIPS Program Funding Opportunity

Below are common questions related to the PREA TIPS program funding opportunity that will close on August 30, 2019. These questions and answers are gathered from the informational webinar Impact Justice held on July 20, 2019 and from questions submitted to Impact Justice. Similar questions are grouped together and sorted by the topics listed below:

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Definitional Questions

Q: *What is meant by "locally operated" facilities in this context?*

A: A locally operated facility is one which is under the operational control of a unit of local government. Generally, these entities' budgets are authorized and funded by the county or city government and personnel decisions are made at the local level. In addition, such facilities generally operate within the confines of their own policies, procedures, and practices. Such facilities are usually owned by (or controlled by) a local unit of government. A local facility operated "on behalf of an agency" is generally controlled by the parent confining agency and would not be considered locally operated if the parent agency is state or federal.

Q: *What is meant by "operated on behalf of an agency" in this context?*

A: Facilities "operated on behalf of an agency," are under the operational control of another entity. Typically, such a facility has a dedicated (or primarily dedicated) inmate population in the legal custody of the parent agency. In addition, such facilities generally operate within the confines of the parent agency's policies, procedures, and practices. Such facilities are usually owned by (or controlled by) the parent agency. The parent agency typically contracts with a private entity to operate the facilities for finite and/or renewable durations.

If the parent agency is a state or federal government entity, the facility is not locally operated, and is therefore ineligible for PREA TIPS funding.

By contrast, entities with a mere "contract for the confinement of inmates" are typically not operated on behalf of an agency. This contract is generally an arrangement to confine inmates for a fixed or variable fee or on a per diem basis. This arrangement is typically considered a rental of bed space for holding inmates. Contracted facilities in this category will often rent bed space or confine inmates from multiple external public agencies. While the contract may impose a number of requirements or standards on the contracted agency, it is generally a much lower level of operational control than a facility "operated on behalf of" the contracting agency as described in the paragraph above.

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Q: *What is meant by "private non-profit or for-profit entities that operate local confinement facilities including jails" in this context?*

A: If a private entity only contracts with a state entity (or another ineligible entity, such as a federal entity), then they are not eligible for the PREA TIPS program. If a private entity contracts with a local entity in addition to ineligible entities, (such a state or federal entities), they are eligible to apply so long as the majority of their bed space is for local jurisdictions' inmates, residents, or detainees. Private non-profits must provide a letter from a local unit of government verifying that they contract with them to provide bed space for their inmates/detainees/residents.

Q: *What is meant by "bed space" for the eligibility criteria of the PREA TIPS program?*

A: Bed space is defined as a facility's actual number of beds in a facility, not average daily population.

Eligibility Questions

State entities

Q: *Do state entities qualify for the TIPS program?*

Q: *Is a state investigation branch that oversees PREA in a DJJ or DOC eligible?*

Q: *Our state system has a total of 6 facilities. All of the facilities are under 500 inmates and 2 are below 200. We are a combined system where the state operates jails and prisons as one, so all have those in detention and sentenced inmates. Would we be able to apply?*

A: No, state entities are not eligible for PREA TIPS Funding. Eligible applicants are units of local government, federally-recognized Indian tribal governments (as determined by the Secretary of the Interior), or private non-profit or for-profit entities that operate local confinement facilities including jails, juvenile facilities, community confinement facilities, lockups and tribal facilities.

Examples of eligible applicants include, but are not limited to, the following: a county government which operates a local confinement facility; a county jail; a public or private community confinement facility which is not under the

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operational control of the state chief executive; a lock-up operated by the sheriff's offices or local police departments.

Example of ineligible applicants include, but are not limited to, the following: State Department of Corrections, state Boards of Probation and Parole, state investigatory entities, state operated community confinement facilities, state operated juvenile facilities, or any facility which is under the operational control of the state chief executive.

Q: *Is a private non-profit that contracts with a state agency for juvenile beds that are audited under PREA eligible for the PREA TIPS program? Do they need a supporting letter from the state agency?*

A: No, private non-profits are only eligible for the PREA TIPS program if they operate local confinement facilities. If a private entity only contracts with a state entity (or another ineligible entity, such as a federal entity), then they are not eligible for the PREA TIPS program. If a private entity contracts with a local entity in addition to ineligible entities, (such a state or federal entities), they are eligible to apply so long as the majority of their bed space is for local jurisdictions' inmates, residents, or detainees. Private non-profits must provide a letter from a local unit of government verifying that they contract with them to provide bed space for their inmates/detainees/residents.

Local entities that receive state funding or federal funding

Q: *Our parent agency has 2 facilities. The 120-bed county jail meets criteria to apply for this grant. Our sister facility is a women's prison, with a bed capacity of 126. Does the sister facility (who receives only state and indirect federal funds) meet criteria to apply for this grant in conjunction with us (the small, 120 bed local county jail)?*

A: If the sister facility meets the definition of "operated on behalf of an agency" and the parent agency is a state agency, then you are ineligible to apply because the facility is not locally operated. Please see the definition of "locally operated" and "operated on behalf of an agency" for more clarification. Facilities under the operational control of a state's executive branch are not eligible to apply for PREA TIPS funding.

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Q: *We are a non-profit community confinement facility re-entry center funded exclusively by the BOP. Do we qualify to apply if we are funded by federal dollars?*

A: If the facility meets the definition of “operated on behalf of an agency” and the parent agency is federal, then you are ineligible to apply because the facility is not locally operated. Please see the definition of “locally operated” and “operated on behalf of an agency” for more clarification. Facilities under the operational control of a federal entity, such as the Bureau of Prisons or the Department of Homeland Security, are ineligible for PREA TIPS funding. A private facility applying for funding must hold a local unit of government’s contract or have a letter of support from a local unit of government to enter into such contract.

Collaborating with a state corrections partner

Q: *If our county wanted to collaborate as a part of this funding opportunity with the State Department of Corrections (to provide for some training for example), does it void this opportunity?*

A: Local entities that apply for funding may include their state Department of Corrections (or other state entity) as a project partner in a proposed project plan, in this instance to provide training. However, state entities, or their facilities may not be listed in a joint application as a facility applying for funding to further their own PREA implementation. State entity partnerships, such as with state Department of Corrections, should only be to the benefit of the eligible entity applying for funding, not for state entities’ own benefit. The state entity may provide an optional letter of support for the project and may detail their contribution to the successfulness of the local entity/facility that is applying for the PREA TIPS project.

Bed Space

Q: *Are facilities able to apply if their rated bed size is larger than 500, but they can prove that their average daily population is below 500?*

Q: *The information states that the funding is open for facilities with fewer than 500 beds. Does that mean the actual available bed space, or does that mean the total average daily population?*

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Q: *Our facility has capacity close to 600, but our county has not filled that number in years. We are closer to having between 300 and 400 beds filled on a given day. Are we disqualified from applying for this grant?*

Q: *If we have a 200-bed facility, but have to board out to other facilities due to overcrowding, do we still meet the facility criteria?"*

A: Bed size eligibility for the PREA TIPS program can be defined as the facility's actual number of beds in a facility, not average daily population. Therefore, facilities with a daily population of less than 500 individuals, but a bed space of more than 500 are not eligible to apply. Facilities with bed space that meet the bed size eligibility of fewer than 500 beds are eligible to apply, even if, due to overcrowding, their average daily population exceeds 500, and regardless of whether or not the facility houses these individuals elsewhere.

Community Confinement Facilities

Q: *Are residential and outpatient substance use treatment agencies with less than 500 beds that contract with community corrections to serve the offender population eligible for this funding?*

Q: *Are nonprofit residential substance treatment agencies (inpatient) that are contracted with community corrections eligible to apply? These facilities have less than 200 beds each and serve adult men and women. By law, we have to comply with PREA standards because we are a contracted provider.*

Q: *Is this grant available to non-secure facilities? How is "confinement" defined?*

Q: *Could this include secured facility/community facility and youth community sites that monitor committed youth?*

A: Any community confinement facility that is subject to the PREA standards and meets the other PREA TIPS eligibility requirements, including that it is locally operated and fewer than 500 beds, is eligible to apply. Please reference the [PREA Standards for Residential Community Confinement Facilities](#) (28 C.F.R. §§ 115.5) for more information on definitions of residential community confinement facilities.

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Lock-Ups

Q: *We are a small municipal police department and have three cells in our lockup. Is it practical for us to submit an application?*

A: Lock-ups are encouraged to apply for PREA TIPS funding, so long as they meet the other eligibility requirements. Full PREA compliance or a passing PREA audit is not a required outcome of the PREA TIPS program. The intention of the program is to support facilities, including lock-ups in becoming sexually safer and implementing PREA standards. Applicants may apply for a range of funding to meet their PREA implementation needs, from as little as \$20,000 to \$200,000 and can be based on the complexity of their proposed project. Please reference the [PREA Standards for Lock-Ups](#) (28 C.F.R. §§ 115.5-115.501) for more information on the PREA standards for lock-ups, which may help guide project planning.

PREA Compliance and Audits

Q: *Do we qualify if we have already implemented a PREA plan and have been audited?*

A: Facilities that meet all other eligibility requirements and have begun PREA implementation and/or have previously been audited are eligible to apply.

Joint v. Single Applications

Q: *We are a non-profit agency that has 7 community confinement facilities. Would we complete a joint application as multiple facilities, or a single application since we are a single agency with multiple facilities?*

Q: *We have 5 juvenile secure facilities and 6 juvenile detention facilities. Can we apply for all under our Juvenile Justice Services umbrella?"*

A: Joint applications are also for proposed projects with multiple facilities from one agency. Therefore, an agency that has multiple facilities included in their proposed project should submit a joint application with each included facility individually listed and described by answering the corresponding contact and demographic questions in the application.

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Match Funding

Q: *Do matched funds come from the community?*

A: Match contributions may come from an array of entities, such as the community, other organizations, or your own agency, in the form of two types of match: “hard match,” which is cash spent on project-related expenses and “soft match,” or “in-kind match” which are non-cash contributions, each with an associated dollar value. These “in-kind” contributions may be in the form of services (including staff time), supplies, meeting space or other real property, and equipment or other expenses your agency incurs in conjunction with implementing the project. Any relevant third-party contributions also count toward satisfying match requirements. The value of these volunteer or donated services, as well as work by employees of other organizations, counts toward the match so long as they are not receiving other federal funding to do that work. Generally, the value of volunteer or donated services, is calculated using rates ordinarily paid for similar work or are consistent with rates ordinarily paid by other employers for similar work in the same labor market. If an employee of another organization is donating work, then that work will be valued at their usual rate for work, plus fringe benefits.

Additionally, match contribution in all forms, must be tracked. If it is not tracked and accounted for, it cannot be applied to the project.

For a more complete description of match please see the 3.3 MATCHING OR COST SHARING REQUIREMENTS in the [DOJ Grants Financial Guide](#).

Costs of Planning Phase

Q: *Is there a cost associated with the TIPS orientation and PREA foundational learning?*

A: There is no registration cost associated with the TIPS orientation and PREA foundational learning. Both of these activities are given virtually, so there are no associated travel costs. These components of the program are made available by Impact Justice. Applicants may budget for staff time for these components or use staff time during these components as match.

Planning and Implementation Phase Time Frame

Q: *How long is the planning phase?*

A: The planning phase may last up to 18 months; however, projects that progress more quickly may begin the implementation phase sooner, once their project plan and budget are approved. Impact Justice anticipates that most sites will complete the planning phase within 7-9 months.

Q: *What is the earliest fund distribution date? The end is given as September 30, 2022, but the project start date and earliest fund availability date is not given.*

Q: *When can we expect the plans to be approved by the funding agency so that funds can be dispersed?*

A: Successful applicants will be notified in the Fall of 2019. Recipients will receive a subrecipient award after an initial application review during the planning phase of the project. Award dollars will be held until recipients complete the planning phase that renders an approved project plan and corresponding budget. During this time, recipients will be required to track match contributions and allowable expenses. Once recipients meet the planning phase requirements, they will be reimbursed for allowable expenses accrued and move into the implementation phase of the program. The planning phase may last up to 18 months; however, projects that progress more quickly may begin the implementation phase sooner, once the project plan and budget are approved. Impact Justice anticipates that most sites will complete the planning phase within 7-9 months.

Q: *Can we begin implementation sooner? Particularly if working with a consultant?*

A: Working with a consultant will not expedite the planning phase, as all awardees are expected to participate in this phase, including participation in the learning component and completion of an approved budget and project plan. Projects may use consultants/contractors to support the successful implementation of a project plan; however, consultants may not replace the assigned Impact Justice TTA coaches who will work with sites from planning through implementation. All consultants should have identifiable activities related to the project plan. As with all consultants, contractors and vendors, Impact Justice reserves the right to approve selected contractors and their budgets prior to their execution.

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Allowable/Unallowable Expenses and Activities/Projects

Q: *When you speak of "holistic approach" could that include changing agency culture to a more sexually safe culture through training that supports/enhances agency/facility culture change?*

A: Possible PREA TIPS projects may include initiatives that promote a zero-tolerance culture for sexual harassment and sexual abuse in confinement. PREA-related education for staff, volunteers, and/or contractors is also an allowable project.

Q: *If funds are awarded, can they be used to reimburse the agency for recent PREA expenses that they were going to use the awarded funds for?"*

A: PREA TIPS funding can only reimburse for allowable expenses incurred after funding has been awarded and the subrecipient award has been executed. All project expenses (including match) must be incurred during the project period. Additionally, funding may only be used to supplement activities, it cannot be used to supplant, in other words, it cannot be used to fund activities the applicant has already budgeted to complete.

Q: *Is sustaining PREA implementation allowable under PREA TIPS?*

A: Projects that maintain PREA compliance and further sexual safety within a facility are allowable under the PREA TIPS program, so long as they comply with allowable activities and expenses.

Q: *Can the funding be used to pay for the PREA audits?*

A: TIPS project expenses may include preparing for and the conducting of a PREA audit.

Administering of Grant Funds

Q: *When will I receive my funding?*

A: Successful applicants will receive a subrecipient award after an initial application review during the planning phase of the project. Award dollars

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will be held until recipients complete the planning phase that renders an approved project plan and corresponding budget. During this time, recipients will be required to track their match contributions and project expenses. Once recipients meet the planning phase requirements, they will be reimbursed for allowable expenses accrued and move into the implementation phase of the program. The planning phase may last up to 18 months, however projects that progress more quickly may begin the implementation phase sooner, as long as their project plan and budget are approved. Impact Justice anticipates that most sites will complete the planning phase within 7-9 months.

Q: *When will I be expected to pay my cash match?*

A: All match contributions, “cash” or “in-kind”, do not need to be applied at the exact time or in proportion to the obligation of the Federal funds. Match requirements may be met completely during the planning phase; however, recipients may continue to accrue matching dollars during the implementation phase. Match obligation must be completely fulfilled by the end of the award period. If grantees are unable to satisfy their match requirement by the end of the funding period, Impact Justice may hold final payments and/or require the grantee to pay back overspent dollars. Grantees and sub-recipients must maintain records that clearly show the source, amount, and timing of all contributions counting toward the full match.

Q: *Do you have to pay back any funds that are not used?*

A: Recipients will invoice monthly to Impact Justice for reimbursement that coincide with project expenses. Funds will not be paid in a lump sum, but rather dispersed over time as actual project costs are incurred. Only if grantees are unable to satisfy their match requirement by the end of the funding period would Impact Justice hold final payments and/or require the grantee to pay back overspent dollars.

Budgeting

Q: *During the planning phase, it looks like we will be developing a budget. However, for this application, we are being asked to propose a budget. Can you please clarify the budgeting expectation for this application process?*

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A: Applicants must submit a basic, provisional budget that corresponds with their proposed project and demonstrates in broad strokes how the money requested will be spent. This is part of the online application as a fillable spreadsheet. This budget should include the provided budget categories, if applicable. A project's provisional budget should reflect the federal award requested plus the entire match amount (for example, if a project is awarded \$100,000 in federal funding, then their total budget will be \$200,000, including the match). The provisional budget that is submitted in the application process is not required to meet the rigorous requirements of an allowable budget for a federal award. During the planning phase, grantees will work with a coach assigned by Impact Justice to develop a more detailed budget based on a review of the grantee's needs and project plans. It may be the case in some instances that the budget submitted during the application process is essentially the same budget that is submitted during the planning phase, if it is adequately thought out and meets all of the federal requirements. However, the two-phased budget development process (application budget and then planning phase budget) is designed to provide agencies with less experience applying for federal funds with the opportunity to be granted these funds by assisting them with the development of a budget that will meet all of the federal requirements after the initial application process.

Q: *Can you define what you mean by "minimal budgeting" for the planning phase?*

A: Applicants may include limited budgeting for the reimbursable expenses during the planning phase that will be reimbursed after budget and planning requirements are met. Impact Justice expects that most expenses during the planning phase will be limited to personnel, fringe benefits, limited supplies, limited local travel, and justified other costs, and indirect costs (if applicable). During the planning phase, programmatic expenses, such as hiring consultants, will be provided by Impact Justice and therefore it should not be budgeted for during this time. Recipients must include their match obligation in the budget, this is explained further in the match section.

Q: *Should cameras be listed as supplies or equipment in the provisional budget? What about the Wire? Where do I put the Labor and Sales Tax in the budget?*

A: Cameras and related wires are considered equipment, as they are non-expendable items and subject to prior approval. Tax on purchased items may be included in this section, as well. Labor costs associated with the

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installation of such equipment may be included in personnel if facility staff will install the equipment. If a vendor will be installing such equipment, the cost should be included under contractors/consultants.

Budget Worksheet in Submittable Application

Q: *Where is the Provisional Budget Worksheet located and when will it be made available to us?*

Q: *Where is the budget attachment located?*

A: The budget worksheet is included in the application in the budget detail section. Click on the blue hyperlink "HERE" in the instructions on the right side of the screen to download the spreadsheet.

Personnel Budgeting

Q: *Does this funding cover staff time to participate in the planning and implementation phases?*

A: Yes, applicants may budget for personnel costs during the planning and the implementation phase.

Reporting Requirements

Q: *What are the reporting requirements for this grant? Is it the expectation that reporting requirements and performance measures will be developed by the funder and awardee?*

A: This program will require monthly invoicing and reporting related to the project's progress. Projects will also be required to participate in quarterly quantitative and qualitative reporting, as it relates to the program's overall goals. These reporting requirements and performance measures are developed by Impact Justice.

Letters of Commitment

Q: *To whom should the Letter of Commitment be directed?*

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A: Information on where to address letters of commitment and support is below; however, if applicants addressed letters differently, this will have no impact on their review.

Mr. Alex Busansky, President

Impact Justice

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Oakland, CA 94612

Letter of Non-Supplanting and Notice of Other Federal Awards/Pending Awards

Q: How do we report pending but not awarded similar project grants? We are waiting on an application to the other BJA PREA award - we will not know at the time of the TIPS application if we did or did not win it.

A: In the sample “letter of Non-supplanting”, that is provided to download in the application, please include the following information, if it is known. For pending awards, please note that it is pending and complete known information, including: summary of current and pending federal awards to do the same or similar work: [Awarding Agency, Award Number Program, Award End Date, Award Amount, Amount Remaining Grant, Describe how this project differs from the application for PREA TIPS program funding.]

Assuring Protocols in Accounting/No Commingling of Funds

Q: Our financial officer is concerned we would need to revise our accounting system if we were awarded dollars from this grant opportunity. Can we utilize a separate accounting system than we use for our existing budget?

A: Separate accounting systems are not required if your current system meets requirements. Recipients are required to establish and maintain adequate accounting systems and financial records and to accurately account for funds awarded to them. Recipients must have a financial management system in place that is able to record and report on the receipt, obligation, and expenditure of grant funds.

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Keep detailed accounting records and documentation to track all of the following information:

- Federal funds awarded
- Federal funds drawn down
- Matching funds of State, local, and private organizations, when applicable
- Any Program income, if applicable
- Contracts expensed against the award
- Expenditures

For more information on adequate accounting systems please see 2.3 STANDARDS FOR FINANCIAL MANAGEMENT SYSTEMS of the [DOJ Grants Financial Guide](#)

Application Deadline and Related Information

Q: Is the application deadline August 30? What is the updated application deadline? This webinar indicated that the deadline is today.

A: Applications must be submitted on Submittable.com by August 30, 2019 by 11:59 PM EST.

Q: Is there an option to extend the grant deadline?

A: The PREA TIPS program application deadline is not being extended at this time.

Q: Is there a hard copy application available so as to review questions before opening the online application.

A: The application is not available via hard copy, however, the [RFP](#) provides an outline of the application.

Q: Can we get a copy of the PowerPoint presentation?

Q: Will we be able to present this PowerPoint to our warden due to their absence during this training?

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A: The recording of the webinar and PowerPoint slides can be found at <https://www.prearesourcecenter.org/PREAFunds>

Q: *Please repeat the information discussed for contact/help.*

A: Questions can be emailed to PREATIPS@ImpactJustice.org.

Other Funding Opportunities

Q: *Will grant opportunities be available in the future?*

Q: *Will there be opportunities for State agencies in the Future?*

A: Other funding opportunities from Bureau of Justice Assistance at the Department of Justice can be found at <https://www.bja.gov/funding.aspx>. BJA intends to make available site-based competitive grants in the future. The most recent, but expired funding announcement, for competitive site-based funding can be found here: <https://www.bja.gov/funding/PREA19.pdf>. BJA strives to design funding opportunities and projects that reflect the efforts of existing grantees and the needs of the field.

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