FY2020 Indigent Defense Improvement Grant Request for Applications (RFA)

Section I: Overview

The Texas Indigent Defense Commission (Commission) provides financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law. The Commission may provide Improvement Grants for any program that improves the provision of indigent defense services.

Period for Funding and Program Operation: October 1, 2019 to September 30, 2020.

Application Due Dates: Applications must be submitted online through the Commission's Grant and Plan Management Website (http://tidc.tamu.edu). New applications for Improvement Grants follow a two-tier process.

- First, applicants must submit a brief Intent to Submit Application (ISA) by **5pm on March 11, 2019**.
- Second, applicants that receive a Notice to Proceed with Full Application must submit by **5pm on May 10, 2019.**
- Streamlined "Menu-Option" applications for certain types of standardized programs (see below) must be submitted by **5pm on May 10, 2019** and do not require an ISA.

Late or incomplete submissions will not be accepted.

Improvement Grant Categories

Multi-Year Improvement Grants

- Minimum of $50,000 per application.
- Funding for direct client service programs that represent indigent defendants.
- Typically pays up to 80% of total project costs for the first year; 60% for the second year; 40% for the third year; and 20% for the fourth year.
- Awards for multi-year programs are made each fiscal year, with funding of eligible expenses provided on a reimbursement basis. Grantees will be required to re-apply for continued funding each grant year.
- Require a cash match as described above.

Single-Year Improvement Grants

- Minimum of $5,000 per application.
- Funding for indigent defense process improvement projects including technology projects.
- These projects require a cash match as detailed in Section II below.

"Menu Option" Single-Year Improvement Grants

- Maximum of $50,000 per application.
- For indigent defense coordinator programs (IDC) or videoconference (VC) programs.
- Feature a streamlined application process.
- Will pay up to 50% of the total project costs, with a maximum award of $50,000 per county.
- Individual counties interested in implementing an IDC program or a VC system should submit their requests through the Menu Option feature online. (Please note that applications for **regional** IDC or VC programs must be submitted using the conventional single-year improvement grant application.)
- **A Commissioners Court resolution and *Attachment B* must be included with Menu Option applications.**
- The number of Menu Option Applications funded may be limited based on availability of funds and number of applications submitted.
- Samples of the Menu Option grant applications are provided in Attachments D and E.

Continued Multi-Year Improvement Grants

- Continued Multi-Year Grant applications must be submitted by **5:00 PM on May 6, 2019**.
- A new Commissioners Court resolution must be submitted with the application.
- Requests for scope changes, amendments or budget adjustments may be submitted with Continued Multi-Year applications.

Priority Program Areas

Applications for the following program types shall be given funding priority:

- Managed indigent defense programs that put in place mechanisms to ensure quality representation. This includes but is not limited to managed assigned counsel and public defender programs.
- Regional indigent defense services.
- Specialized (mental health, juvenile, etc.) indigent defense services.
- Programs that serve rural areas.
- Programs that measure the quality of representation for indigent defendants.
- Online indigent defense management systems.
- Other programs that implement cost containment initiatives designed to limit local indigent defense cost increases or reduce county operating costs with respect to indigent defense.

Preferred Applications will have the following characteristics:

- Demonstrate how the proposed activity will be a model program or can be duplicated in other jurisdictions.
- Involve coordinated multi-county submissions.
- Demonstrate a county's long-term commitment to the program.
- Contain a cash match from the county or other non-governmental source.
- Have minimal or no indirect costs requirements.
- Serve small counties (population less than 50,000) or mid-sized counties (50,000 to 250,000).

Grant applications that are consistent with the Commission's standards, related statutes, and above listed priorities are more likely to receive an improvement grant award.

Eligibility

The following entities are eligible for Improvement Grants:

- Texas counties. Counties may apply jointly for funding but must designate one county as the grant recipient.
- A law school's legal clinic or program that provides indigent defense services for Texas counties as described in Section 79.037, Texas Gov't Code.

- A regional public defender formed under Article 26.044, Code of Criminal Procedure that provides indigent defense services for Texas counties and meets the requirements of Texas Gov't Code Section 79.037.

Grant Application Training

A web-based training session will be offered in **February 2019** for counties considering an application. Check the Commission website for details.

Section II: Application Process & Requirements

Tier One—Intent to Submit Application (ISA) Requirements

Applicants must complete an online Intent to Submit an Application (ISA) before developing a full application. The ISA includes four parts: problem statement, program goals, activities, and evaluation. Applicants will also designate the grant officials and state the estimated total project costs, keeping in mind that the amount may change in the application. The ISA must be limited to one program and will be a succinct description of an indigent defense improvement that will be implemented if grant funds are awarded to the county. The ISA may not exceed the space provided in the online submission form. Any text beyond the word limit will be discarded by the system.

- **Abbreviated Description of Program**–Counties will submit a brief description of the **indigent defense** improvement the courts or county propose to implement. This description will be entered into the Commission's Grant and Plan Management Website.
- **Court Commitment**–The ISA must contain a letter of support from at least one judge who will be affected by or participate in the proposed program. A judge hearing criminal or juvenile matters may complete the online ISA without an additional letter but the application will need a court commitment document (Attachment B). Please scan and email these documents to the Commission Grant Program Manager at ecolfax@tidc.texas.gov
- **Internet Submission Required**–All county judges, local administrative district judges, local administrative statutory county judges, and county fiscal officers have been assigned a unique user name and password for grant applications, plan submissions, and expense report submissions in the Commission's Grant and Plan Management Website. Non-county applicants should contact the Commission Grant Program Manager for submission instructions.

Due Date for ISA–All **ISAs and supporting documents** must be submitted before **5:00 PM on March 11, 2019,** using the Grant and Plan Management Website. A confirmation number will be assigned to all online ISA submissions. **Incomplete or late submissions will not be considered.**

Notice to Proceed with Full Application

The Commission Grants Manager will review all ISAs and will issue a **Notice to Proceed with Application** to applicants who demonstrate that they meet the funding priorities and other requirements contained in this RFA. The Notice to Proceed may include suggested improvements to consider in developing the full application.

Tier Two—Full Application Requirements

If the Grant Administrator provides a Notice to Proceed with Application, the applicant may log into the Grant and Plan Management Website (http://tidc.tamu.edu) and complete the other portions of the application. Each application must have a narrative section that describes the proposed activity. The

narrative portion of the application consists of seven sections that must be completed. Additionally, an online budget form must be completed. Each of these elements must be completed for the application to receive full consideration. An incomplete or blank section decreases the likelihood of the program receiving funding because no score will be assigned to missing information. The online system will accept basic formatting and simple tables. The sections are:

a. **Introduction (Executive Summary)**—In one hundred (100) words or less, describe the program and the main goals to be addressed. This paragraph will be the abstract of the project. Clearly state what the program will do and the broad goals that will be met if the program is funded. The summary will be most useful if it is prepared after the application has been developed in order to encompass all the key summary points necessary to communicate the project.
b. **Problem Statement**—Describe the issue or problem the proposed activity is intended to improve or correct. Make a clear, concise, and well-supported statement of the problem to be addressed. Provide any formal or informal data related to the problem. Include information about the affected populations, social and economic costs of the issue, and resources currently used.
c. **Objectives**—Develop clear targets and goals for the program to accomplish. State how the objectives address the problem stated above.
    i. Objectives must be related to the program in this application and the funds requested.
    ii. Objectives must be time/date specific and measurable.
    iii. Objectives are the basis for the evaluation and progress reports.
    iv. Objectives must be consistent with the Problem Statement.
d. **Activities**—Describe the specific activities the county will conduct if awarded grant. The activities should support the objectives.
    i. Include detailed instructions of step-by-step procedures that will take place to implement the program and the resources needed to complete each task.
    ii. Make sure to incorporate the required elements for the types of programs listed on Attachment C.
    iii. Include **start-up tasks** and the **ongoing program activities** that staff will perform to implement the program.
    iv. Write this section so that outsiders know exactly what the county plans to do.
    v. Provide justification related to effectiveness and/or economy of the activity proposed. Include supporting research on this activity if available.
    vi. Describe whether the existing staff and/or contractors will perform tasks, reports, etc. or if new staff positions will be created to implement the program. If the program will be implemented through a contract, include information on the selection process.
    vii. If the proposed program implements a new component into an existing process or program, clarify how the new process is different from existing programs.
e. **Evaluation**—Describe the process that will be used to determine whether the program has met the stated objectives and the measures that will be used to demonstrate the program's impact.
    i. Evaluation must be linked directly to the objectives and activities. The evaluation must measure both the progress made toward implementing the grant-funded activity and the effect of the program once it is in operation.
    ii. Measure the attainment of objectives in a specific and tangible manner (e.g., applications of indigence and requests for appointed counsel will be accepted electronically and maintained in an online data management system).
    iii. Measures must be quantifiable (e.g., count the number of requests for counsel received).

iv. Measures must be time specific (e.g., requests for counsel will be counted from February to January and reported monthly).
v. Measures must identify the manner in which they will be recorded for future review (e.g., a report or screenshot of the programming results, affidavit of acceptance of work, or summary database). Data collection cooperation agreements with other county offices and departments are strongly recommended so that the county can demonstrate it will be able to meet data collection and evaluation goals.
vi. The evaluation provides meaning to the program objectives. The measure of success is determined by the goals and objectives of the proposed activity. Describe how milestones, accomplishments, and timelines will be tracked and recorded.
vii. Evaluations must demonstrate how the program impacts other county processes when applicable. The evaluation reports are submitted during and after the implementation phase and in accordance with UGMS. Evaluations are both fiscal and programmatic. Process evaluations may also be included.

f. **Future Funding**—Describe how the proposed activity fits into the county's long-term budget planning after the grant ends.

g. **Budget Narrative and Budget Form (a narrative is required in addition to completing the form)**—Counties will submit the online budget form. Budgets must clearly state the costs to implement and sustain the operation of the program. The budget narrative justifies all expenses and must be consistent with the activities and objectives.
i. Include all costs necessary to implement the proposed activity.
ii. Provide a narrative to detail and justify all budgeted expenses. This narrative must correspond to the activities sections. Items in the budget not stated in the activity section will be removed.
iii. Indicate in the budget and narrative the start-up or non-reoccurring costs for multi-year grants.
iv. Indirect costs are allowable but the application will not be considered competitive if above 10%.
v. The equipment line requires a list of equipment to be purchased. All equipment must be purchased in the first year of the grant unless permission is granted from the Commission in writing. Otherwise, the equipment costs will not factor into the total project cost after the first year of funding.
vi. Budget line items must include detailed basis of cost explanations in the budget narrative.

<u>In addition to the full grant application narrative and budget described above, applicants must submit the following:</u>

1. **Resolution/Internet Submission Form** – Counties applying for grants must also submit the Resolution/Internet Submission Form (See Attachment A) in order for the Commission to consider the application. The resolution must be adopted by the County Commissioners Court, signed by the applicant's authorized official, and emailed to the Commission Grants Manager (ecolfax@tidc.texas.gov).
   - The adopted resolution is the official authorization from the Commissioners Court for the grant request. It names the grant officials required in Texas Administrative Code § 173.301. It is also a pledge to take legal responsibility for the appropriate expenditure of grant funds. Finally, it certifies that the information submitted in the application material is true and correct and that the county will abide by all relevant rules, policies, and procedures if the Commission awards grant funds to the county.
   - The Internet Submission Form is a separate form located on the bottom of the Resolution Form. The Internet Submission Form must contain the confirmation number that will be generated when the application is submitted. The confirmation number may be

completed by hand after the Resolution Form is approved by Commissioners Court and the application is submitted.

2. **Court Commitment--** The judiciary is responsible for implementing indigent defense procedures within counties. Applications must include letter(s) of support from the judges who will participate in or implement the program (See Attachment B). Attachment B is a **sample form** and must be edited to describe the level and type of commitment the judges will provide to the specific program in the application.
3. **Other Supporting Documents--** Additional material such as timelines, data collection cooperation agreements, general letters of support, or other supporting documents must be submitted to the Commission Grants Manager before the application due date.
4. **Additional Requirements for Technology Grant Requests**—Budget narratives for technology projects must include detailed basis of cost information. In addition, the Commission has issued Functionality and Data Guidelines for Indigent Defense Technology Projects) that should be carefully reviewed when preparing software-related grant applications. Applications should address the extent to which the proposed project is consistent with the guidelines, as well as the reasons for any departures from the guidelines.

Due Date for Full Application– All **applications, court commitments, and supporting documents** must be submitted by **5:00 PM on May 10, 2019,** using the Grant and Plan Management Website. A confirmation number will be generated by the system for all online submissions. This is the number that needs to be entered in the Internet Submission Form portion (bottom) of the Resolution.

General Application Requirements

a. **New Programs and Positions**–Only new programs and/or positions will be funded. This may include adding new positions or new elements to existing programs. The application must clearly demonstrate that the requested positions will perform work that is not currently provided.
b. **Maximum Applications**–A county may submit one new single-year and one new multi-year application per fiscal year for a maximum of two new applications. The application should indicate whether it is a single-year or multi-year program.
c. **Grant Officials**– Each grant application must designate the following:
    i. Program director. This person must be the officer or employee responsible for program operation or monitoring and will serve as the point-of-contact regarding the program's day-to-day operations.
    ii. Financial officer. This person must be the county auditor or county treasurer if the applicant does not have a county auditor.
    iii. Authorized official. This person must be authorized to apply for, accept, decline, modify, or cancel the grant for the applicant county. A county judge or a designee authorized by the governing body in its resolution may serve as the authorized official.
    iv. The program director and the authorized official may be the same person. The financial officer may not serve as the program director or the authorized official.

Fiscal Application Requirements

a. **Multi-Year Funding**– Funding is available for multi-year programs to encourage innovative long-term programs to improve the delivery of indigent services. Continued awards for multi-year programs can be renewed each year, but the Commission will only commit funding for the current grant year.
b. **Equipment Costs**– Equipment and other one-time costs will only be funded in the first year of the grant unless permission is granted by the Commission in writing. The Commission's

portion of the grant and the cash match after the first year of funding will be calculated based on the total project costs less the equipment expenses from the first year.

c. **Calculating the Cash Match**

i. **Formulas:**

1. Total Project Cost multiplied by percent of match required = Total Match Required
2. Total Project Cost minus Total Match Required = Total Commission Grant Request

ii. **Match Requirements:**

1. **Single-Year Grant Funded Positions** – Applicants for all single-year improvement grants that request full time equivalent positions (FTE) must provide a fifty percent (50%) cash match.
2. **Single-Year Videoconferencing** – Applications for videoconferencing equipment require a fifty percent (50%) cash match. Counties may use the videoconferencing system for any hearings authorized under Texas Code of Criminal Procedure Chapter 46B.
3. **Technology Projects** – Software development projects with significant direct indigent defense benefits impacting multiple counties may be grant funded at up to 50%. Indigent defense software implementation projects, including CUC TechShare Indigent Defense implementation (involving set-up, configuration and training) requires a 50% county match. Maintenance and operations costs for CUC TechShare Indigent Defense are not eligible for improvement grant funds. Business process consulting associated with preparation to implement software, computer system connectivity and integration projects and county-specific modifications to software developed through multi-county TIDC grant projects are not eligible for improvement grant funds.
4. **Multi-year Requests** – Counties must provide a cash match from county or other funds of 20% of total project costs in the first funding year, 40% the second funding year, 60% the third funding year, and 80% the fourth funding year. An applicant's use of matching funds must comply with the same statutes, rules, regulations, and guidelines applicable to the use of the Commission funded portion of a grant project.
5. **Use of Program Income** – Applicants may use funds received through program income to fulfill the matching funds requirement, if applicable.

Grant Application Checklist (Two Tier Process)

Tier One

- ☐ Develop and research an idea or procedure that would directly serve clients or improve provision of indigent defense services in the county, courts, or jurisdiction(s).
- ☐ Log onto the Commission's Grant and Plan Management Website (http://tidc.tamu.edu)
- ☐ Look at the online screen and verify that the appropriate judicial officials have submitted county-wide plans and that their plans meet the grant eligibility requirements. Address any outstanding plan issues.
- ☐ Select type of grant. The application must indicate if you are applying for a single-year or new multi-year improvement grant or a "Menu Option" grant.
- ☐ Complete Intent to Submit an Application **(ISA)** that includes problem statement, objectives, activities, and evaluation. The ISA must be submitted online by **5:00 PM on March 11, 2019.**
- ☐ Secure a letter of support from at least one judge involved in the indigent defense process. Scan and email the letter of support to the Commission Grants Manager (ecolfax@tidc.texas.gov) on or before **5:00 PM on March 11, 2019. Resolutions are not required by the Commission until Tier Two, but local rules may require Commissioners' Court approval.**

Tier Two

- ☐ If the Grant Manager provides a Notice to Proceed with Application, complete each required section of the online full application. All applications must be must be submitted online by **5:00 PM on May 10, 2019.**
- ☐ Secure written documentation of support from courts, commissioners (resolution), or other parties involved in or affected by the process.
- ☐ Submit the Resolution/Internet Submission Form and court commitments/support along with any other supporting documents to certify the application complete. All supporting documents should be scanned and emailed to ecolfax@tidc.texas.gov. These documents must be submitted on or before **May 10, 2019.**
- ☐ Single counties applying for the Menu Option Improvement Grants need to apply on or before **May 10, 2019**. The ISA is not required for Menu Option Improvement Grant Applications.

Section III: Funding Conditions & Requirements

Conditions of Funding

1) **Indigent Defense Expenditure Report:** All counties are statutorily required (Texas Government Code Sec. 79.036 (e)) to submit an Indigent Defense Expenditure Report each year on November 1 in the form and manner prescribed by the Commission. Counties that do not complete the Indigent Defense Expense Report on or before November 1 of each year may have payments temporarily suspended by Commission staff until the report is submitted and reconciled by staff.
2) **Indigent Defense Plan Requirements:** The Local Administrative District Judges, the Local Statutory County Court Judges (or County Judge as applicable) and the Chairman of the Juvenile Board for each county must submit a copy of all formal and informal rules and forms that describe the procedures used in the county to provide indigent defendants with counsel in accordance with the Code of Criminal Procedure (Countywide Plans) to the Commission as required in Government Code §79.036. The Countywide Plans submitted must be in compliance with applicable statutes and rules and must meet the minimum requirements for each plan section as outlined in the Biennial Indigent Defense Countywide Plan Instructions. Plans were required to be submitted by **November 1, 2018**. Grant payments may be withheld until plans are submitted or meet the minimum requirements for each plan section set by Commission.
3) **Compliance with Monitoring Reports:** A county must respond within the required time, take corrective action for findings of non-compliance, and satisfactorily address all recommendations in a Commission fiscal or policy monitoring report.
4) **Office of Court Administration Reporting Requirements:** County and district clerks must be in compliance with monthly court activity reporting requirements promulgated by the Texas Judicial Council.

Governing Statutes, Rules and Standards

All Commission grant programs are governed by one or more of the following statutes, rules, and standards. These documents are available at: http://www.tidc.texas.gov.

- Texas Government Code: Chapter 79 & Chapter 81 § 054
- Texas Administrative Code: Title 1 Chapter 173 and Chapter 174
- Uniform Grant Management Standards (UGMS) as promulgated by the Texas Comptroller of Public Accounts.

Commission Funding Policies

a. **Right of Refusal—**The Commission reserves the right to reject any or all of the applications submitted.
b. **State Funds Availability–** All commitments are subject to availability of funds.
c. **Awards–** Publishing the RFA does not obligate the Commission to fund any programs.
d. **Partial Funding–** The Commission may choose to offer funds for all or any portion of a program submitted in the application.
e. **Substitution–**The Commission may offer alternative funding sources, special conditions, or alternative program elements in response to submitted applications.
f. **Competitive Application Process–**The application process for the Commission's Improvement Grant Program is competitive. Awards are based on a review of the County's grant application. Receipt of a Notice to Proceed with Application does not guarantee funding by the Commission or alter the competitive nature of the process.
g. **Review Criteria–**Commission staff will review each grant using objective tools and comparative analysis. The weight given to each section or combination of sections is at the sole discretion of the Commission. Menu Option Applications will be reviewed based on project budget review and availability of funds.
h. **Final Selection–**The Commission may select and award programs that reflect geographic diversity, demographic diversity, and/or distinctive program elements at its own discretion.
i. **Future Funding for Multi-Year Projects–**The Commission generally commits funding only for the current grant year. Future funding will be based on the county's submission of an application to continue funding in subsequent years, submission of required progress reports, a demonstration of successful progress made in implementing the program, and future availability of funds.
j. **Formula Grant–**Counties that receive multi-year improvement grants from the Commission are encouraged to continue to apply for the Formula Grant. The county will submit its Indigent Defense Expenditure Report on or before November 1 of each year. If the implementation of the grant program results in a reduction of the county's indigent defense expenditures below the baseline, formula grant funds may be withheld by the Commission.
k. **Delayed Start–**The Commission's Period for Funding and Program Operation is October 1 to September 30. Counties may begin to make program expenditures on October 1; however, multi-year grant programs occasionally require counties to postpone expenditures for several months. The hiring of the first program position typically marks the first month of Program Operation for multi-year grants. In order to allow a grantee to take advantage of the typical first-year 80% cash match, the funding amounts will be calculated from the first month of program operation. If approved for continued funding, the county will enter into the next grant period with the previous year's reimbursement rate for a temporary period that is equal to the duration of the first year's delay. The remainder of the renewed grant period will be reimbursed at the match rate for the corresponding grant year. This process will carry forward each year until the program is complete. Grant documentation will reflect the county's funding schedule and any adjustments that may be required because of the delayed start of program operation.
l. **Supplanting Prohibited–**Commission funding can only be awarded for **new programs;** a county may not reduce the amount of funds provided for indigent defense services because of a grant award.
m. **Dual Use–** If a county applies for an indigent defense program that may be tied to a general government process, the county must provide documentation and rationale to establish a basis of costs to determine the portion of a program/project that is attributable to indigent defense.

Program Fiscal Requirements

a. **Fund Use–** Funds must be used to pay for the direct and/or administrative costs of providing and improving indigent defense services.
b. **Allowable Costs–** Grants may be used for:
    i. Attorney fees for indigent defendants accused of crimes or juvenile offenses;

ii. Expenses for licensed investigators, experts, forensic specialists, or mental health experts related to the criminal defense of indigent defendants; and
iii. Other approved expenses allowed by this grant program or necessary for the operation of a funded program.

c. **Unallowable Costs**– The Commission has adopted the Uniform Grant Management Standards (UGMS) to determine unallowable costs. See UGMS for a full list of unallowable costs. Specifically, in accordance with UGMS and the grant rules the following conditions apply:
   i. General government costs are unallowable;
   ii. Costs of law enforcement, prosecution, and incarceration are unallowable;
   iii. Replacing existing county funding with grant funds is unallowable; and
   iv. Funding positions that previously existed or currently exist in the county is unallowable.
d. **Failure to Begin**– Failure to begin operating the program before the end of the grant award period may constitute a failure to meet performance measures unless authorized by the Commission.
e. **Dual Use**– If a county applies for an indigent defense program that may be tied to a general government process, the county must provide documentation and rationale to establish a basis of costs to determine the portion of a program/project that is attributable to indigent defense.

Grantee Reporting Requirements

a. **Maintain Official Contact Information**– All counties must maintain correct grant official contact information on the Commission's Grant and Plan Management Website (http://tidc.tamu.edu). Counties must advise the Commission of changes in the authorized official, program director, financial officer, local administrative district judge, local statutory county judge and county judge by updating contact information. Commission staff will use e-mail whenever possible to notify counties of required reports and funding opportunities.
b. **Reports**– Online fiscal and program reports are required each quarter. All grants will require at least one follow-up report outside of the grant period. A reporting schedule will be provided in the Statement of Grant Award (SGA) if the Commission authorizes a grant award.

Program Records Requirements

a. **Data Collection and Agreements**—The County must collect data to support the evaluation of the program's impact and compliance with the Fair Defense Act. This may require Data Collection Agreements from county offices or departments to provide information to the program director on a regular basis.
b. **Records Retention**– Counties must maintain records related to the funded activity for at least three years after the end of the grant period. Records may be stored electronically.
c. **Monitoring and Auditing**– Records must be made available to the Commission or its designees upon request. (See Texas Administrative Code § 173.401 for more details.)

Program Equipment and Purchasing Requirements

a. **Use DIR State Contract**– All technology, equipment and software must be purchased from the DIR State Contract. The county may submit a written request for exception that demonstrates why the DIR contract cannot be used for this project.
b. **Inventory**– Equipment purchased with grant funds is the property of the county. The Commission requires each grantee to maintain an inventory record of all equipment purchased with grant funds. After the grant period expires, the grantee must complete a physical inventory of all grant funded property and must reconcile the results with the existing property records. The inventory report must be submitted and reconcile with the final financial expenditure report.
c. **Equipment and Software Maintenance**– All equipment purchased with grant funds may include up to three (3) years of maintenance to ensure the equipment will operate as intended during and beyond the grant period. **For multi-year grants, the cost of the actual equipment and other one-time costs will only be funded the first year of the grant and will not factor into the overall project costs in subsequent years of funding.**

d. **Technology Standards** - Software developed with grant funds must conform to applicable industry information exchange standards including the National Information Exchange Model (NIEM) and the Electronic Case File (ECF) 4 standards. Applications that include information technology projects must also address how the projects meet applicable technology standards adopted by the Texas Department of Information Resources (DIR) and Judicial Committee on Information Technology (JCIT) as applicable. If no relevant standards are available from DIR or JCIT, then the county must meet commonly accepted technology standards such as Open Data Base Compliant (ODBC) or Transmission Control Protocol/Internet Protocol (TCP/IP) as applicable.

Contracting Requirements

a. **Professional and Contractual Services**– Any contract or agreement entered into by a grantee that obligates grant funds from the Commission must be in writing and consistent with Texas contract law. Grantees must establish a contract administration system to ensure that contract deliverables are provided as specified in the contract. Grantees must regularly and consistently document the results of their contract monitoring reviews and must maintain the files and results of all contract monitoring reviews in accordance with the record retention requirements described in this section of the RFA. A grantee's failure to monitor its contracts may result in disallowed costs and/or disallowed match.
b. **Commission Review**—Contracts with third parties for core services in funded programs must be provided to the Commission and approved prior to execution.
c. **Contract Performance Monitoring**—Grantees that use grant funds to contract for services must develop and include in the contract provisions to monitor each contract that is for more than $10,000 per year. These provisions must include specific actions to be taken if the grantee discovers that the contractor's performance does not meet the operational or performance terms of the contract. In the case of contracts for public defender offices and managed assigned counsel programs, these provisions must include a review of utilization and activity, reporting of financial data to evaluate the contractor's performance within the budget required by statute for such programs. Commission staff must review each contract at least once every two years and notify the grantee if it is not sufficient (See TAC § 173.311).
d. **Limit on Equipment for Third Party Contracting of Legal Services**– Counties that contract with third parties to provide direct client indigent defense services may have included one-time purchase of equipment in the grant application. Counties may not include in the contract with the third party the full costs of the equipment line item into future funding years.

Attachment A

Sample Resolution/Internet Submission Form
Indigent Defense Improvement Grant Program

MUST BE PRINTED FROM ONLINE SYSTEM

WHEREAS, under the provisions of the Texas Government Code § 79.037 and Title 1 of the Texas Administrative Code Chapter 173, counties are eligible to receive grants from the Texas Indigent Defense Commission to provide improvements in indigent defense services in the county; and

WHEREAS, the commissioners court authorizes this grant program and application to assist the county in the implementation and the improvement of the indigent criminal defense services in this county; and

WHEREAS, _____County Commissioners Court has agreed that in the event of loss or misuse of the funds, _____County Commissioners assures that the funds will be returned in full to the Texas Indigent Defense Commission.

NOW THEREFORE, BE IT RESOLVED and ordered that the **OFFICIAL DESIGNATED BY THE COMMISSIONERS' COURT** of this county is designated as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application for the Indigent Defense Improvement Grant Program and all other necessary documents to accept said grant; and

BE IT FURTHER RESOLVED that the **OFFICIAL DESIGNATED BY THE COMMISSIONERS' COURT** is designated as the Program Director for this grant and the **County Auditor or County Treasurer if the county does not have an auditor (per TAC § 173.301(a)** is designated as the Financial Officer for this grant.

Adopted this _____day of _____, 20___.

This is a **Sample**. Submitted resolution submitted MUST BE PRINTED FROM ONLINE SYSTEM

County Judge

Attest:

_____

County Clerk

INTERNET SUBMISSION FORM

After submitting the improvement application online, the following Internet submission confirmation number was received #_____ . This grant application submission was in accordance with the Commissioners' Court Resolution above.

_____

Authorized Official

Attachment B

Sample

INDIGENT DEFENSE MULTI-YEAR IMPROVEMENT GRANT PROGRAM SAMPLE COOPERATION AGREEMENT

Instructions: Applicants can edit and complete this sample agreement to indicate the support or participation from the local judiciary. If the Board of Judges takes official action to approve or support the grant application, please provide the Commission with signed documentation in lieu of this form. All materials must be submitted to the Commission before the due date.

_____ County has applied for a improvement grant from the Texas Indigent Defense Commission (Commission) to assist in funding _____ program. Implementation of this program will affect the courts below. The undersigned judges agree to support and/or participate with the program pursuant to the county's improvement grant application to the Commission and any special conditions of the grant award to the county. This commitment includes participating in the data collection efforts required in the program, as well as utilization of the services to be provided by the program.

To be considered for funding this program cooperation agreement must be signed by the judges of all of the statutory county / district courts hearing criminal matters punishable by incarceration or juvenile matters in the county.

Acknowledged and Approved by all statutory county / district courts hearing criminal matters punishable by incarceration or juvenile matters in the county:

_____		_____
Signature of Local Administrative District Judge	Date	Printed Name and Title
_____		_____
Signature of Local Administrative Statutory County Judge	Date	Printed Name and Title
_____		_____
Signature of Judge serving as Chair of the Juvenile Board	Date	Printed Name and Title
_____		_____
Signature of Judge	Date	Printed Name and Title
_____		_____
Signature of Judge	Date	Printed Name and Title
_____		_____
Signature of Judge	Date	Printed Name and Title
_____		_____
Signature of Judge	Date	Printed Name and Title
_____		_____
Signature of Judge	Date	Printed Name and Title

Attachment C
Required Program Elements

The Commission has funded several programs in the categories listed below. In addition to general program requirements provided throughout the RFA, applications for these specific types of programs must include the following required elements to be considered for funding.

1) **Indigent Defense Coordinators (IDC)—**These are single-year grant programs. IDCs have been funded to institutionalize indigent defense processes into the courts of a county or region. They are dedicated to improving the appointment process and providing documentation that a county is in compliance with the Fair Defense Act. IDCs have reduced administrative time that judges must devote to indigent defense activities. They can also enhance processes for fair, neutral and non-discriminatory appointment practices. A clear and objective standard of indigence with a timely appeal process to the courts in case of denial by the IDC ensures success of these programs. IDCs are not to be confused with court administrators, secretaries, or court docket managers.

   Required Program Elements:

   a) Must perform all appointments (in and out of court) as the designee of the judge or judges;
   b) Must maintain the rotation default system on assigned counsel systems and monitor the frequency and reasons of exception for off list appointments;
   c) Must report summary of appointment data to judges at least monthly;
   d) Must manage the graduated list of court appointed attorneys for judges and receive applications for advancements or adjustments as higher qualifications are met by attorneys;
   e) Must monitor appointment list and attorneys' completion of continuing legal education (CLE) to meet minimum requirements of local plan and Commission rules;
   f) Must review invoices submitted by attorneys and compare to appointment schedule prior to judicial approval;
   g) Perform training for law enforcement, magistrates, local bar, and other stakeholders on indigent defense plan(s) adopted by courts;
   h) Report directly to the judges (rural) or board of judges (mid-size or urban);
   i) Develop procedures to track attorney contact with client, which includes tracking, investigating and reporting allegations of attorneys not meeting their clients within statutory or plan requirements; and
   j) Must involve all courts in the jurisdiction (rural and mid-sized) or all of the judges of a type of court (larger jurisdiction).

2) **Videoconferencing (VC)—**The Commission has funded programs that use technology to provide better representation or promote prompt appointment requirements. The courts can use the technology to remediate the effects of geography or volume on court processes. An acceptable VC system will focus on improving access to effective assistance of counsel for indigent defendants. It may also help the county meet prompt appointment or prompt attorney contact requirements of the Fair Defense Act. The Commission awards videoconference grants to meet the three following objectives:

   A. Attorney/Client meetings - Promotes client contact with appointed attorneys.
   B. Magistration – Counties can use VC technology to improve the performance of magisterial duties, including the duties to: inform the accused of the right to appointed counsel and the procedures for requesting appointment of counsel, provide accused persons requesting appointed counsel with necessary forms for making requests and ensure that reasonable assistance in completing required forms is provided to the accused at the time of the magistrate's hearing.
   C. Indigency determinations and applications - The court may use the technology to conduct the interview to determine indigence or to consider requests for court appointed counsel.

Required Program Elements:

a) Must meet the needs of local attorneys on the appointment list and involve the local defense bar in the planning stages;
b) Must be used by all judges in the jurisdiction involved in the specific aspect of the program (e.g., includes a countywide process change in magistration, attorney/client meetings, etc.);
c) Must be used to meet a specific element of the Fair Defense Act (e.g., indigence determination, magistration, attorney contact, etc.);
d) Must involve sheriff, jail administrator and other law enforcement as applicable;
e) Must be purchased from the State DIR contract (see program requirements);
f) May include the price of at least three years of maintenance;

3) **Purchase of Information Technology Products—**Many IT products may be considered for funding only in relation to how they improve local indigent defense processes. Any project allowed under this type of purchase must clearly focus on improving indigent defendants' access to effective assistance of counsel. These projects often reduce administrative time of judges and court staff involved in the appointment or payment process.

Required Program Elements:

a) Must meet the needs of local attorneys on the appointment list and involve the local defense bar in the planning stages;
b) Software programming must be portable to other jurisdictions;
c) The product must have clearly defined activity, summary, and management reports; and
d) Must avoid use for general court processes.
e) Any agreements entered into as part of a funded project must ensure that all data is the property of the county, is available and accessible to the county within a reasonable time, and subject to disclosure or withholding based on the county's obligation under the laws in effect at the time. The County must review all requests for data, and no data may be released to a third party without County approval.
f) Contracts must state the format in which the data will be provided in case of termination of agreement with vendors.
g) For any grants that involve developing new software solutions with state and/or county funds, the statement of grant award must clearly address considerations and expectations regarding the ownership of and access to the source code for any programing.
h) Technology project funding requests must include detailed basis of cost explanations.
i) Technology project grant payments will be based on verifiable achievement of project phase completions.
j) Software developed should conform with appropriate industry information exchange standards.

4) **Public Defender Offices and Direct Client Services—**Establishing public defenders, regional public defenders, mental health defender and juvenile defender services are major priorities of the Commission. Direct client services are the most likely to receive funding.

Required Program Elements:

a) Must focus on serving people;
b) Must demonstrate broad-based support of the local judiciary;
c) Must involve the local defense bar in the planning stages;
d) Must involve clear appointment/referral and intake processes;
e) Must include adequate access to support services including secretaries, paralegals, and investigators (lawyer to support staff ratio);
f) Must have defined caseload/workload standards;
g) Must have internal case management/tracking controls sufficient to monitor attorney caseload/workload;

h) Must have ability to produce other reports that enable the office to evaluate its own performance and demonstrate its cost-effectiveness to other local defense systems; and
i) Emphasis on staff training/supervision/evaluation to continually improve office performance.

5) Mental Health Direct Client Services:

Required Program Elements

a) A written plan must be developed addressing how the program will interface with and not duplicate existing resources (LMHAs, TDCJ Reintegration, CSCD, etc.) available to people with mental health issues; and
b) Must involve the local defense bar in the planning stages.

Attachment D
Videoconference System
Sample FY20 Menu Option Improvement Grant

State Payee Identification number
Division or unit within the county to administer the grant

Official County Mailing Address

Address (line 1) _____
Address (line 2 if needed) _____
City _____
State _____
ZIP

Program Title: [County] County Videoconference Technology Program

Estimated Total Program Cost: _____
Required Cash Match by County: ___
Estimated Grant Amount (Maximum $50,000): ___

Allowable Uses:

[County] County agrees to use videoconference technology provided by this improvement grant award to remediate the effects of geography or volume on court processes. The proposed videoconference system will focus on improving indigent defendants' access to effective assistance of counsel and may also help the county meet prompt appointment or prompt attorney contact requirements of the Fair Defense Act.

Identify the intended Indigent Defense use(s) for the requested videoconference system:

- ❍ Attorney/Client meetings - The videoconference system is used to promote clients' contact with their attorneys as soon as practical but certainly prior to a court appearance.
- ❍ Magistration - The prompt appointment requirements in the Fair Defense Act can be met by using the videoconference system to bring isolated magistrates to the defendants via technology.
- ❍ Indigency determinations and applications for court appointed counsel - The court may use the technology to conduct the interview to determine indigence or to hear defendants' request for court appointed counsel.

Required Program Elements:

[County] County Agrees to the Following Required Program Elements

- ❍ Must meet the needs of local attorneys on the appointment list and involve the local defense bar in the planning stages of the program
- ❍ Must be used by all judges in the jurisdiction involved in the specific aspect of the program (e.g., includes a countywide process change in magistration, attorney/client meetings, etc.)
- ❍ Must be used to meet a specific element of the Fair Defense Act (e.g., indigence determination, magistration, attorney contact, etc.)
- ❍ Must involve sheriff, jail administrator and other law enforcement as applicable
- ❍ Must be purchased from the DIR State Contract.
  - ❍ **Application must be accompanied by a detailed cost proposal.**

Officials Designated at the County Level

The County Judge and Financial Officer positions must be designated according to rule. The County Judge is the elected Constitutional County Judge for the county. The Financial Officer must be the County Auditor, or in the case of counties which do not have a county auditor, the County Treasurer. In order to streamline communications, all grant

communication will be with the Program Director. If the information for these positions is out-of-date, click on Cancel, update these positions from the county home page, and then re-enter this application.

The County Judge is **[Name]**.
The Financial Officer is the County Auditor/Treasurer, **[Name]**.

Grant Officials

The Program Director must be an officer or employee responsible for the program operation or monitoring and who will serve as the point-of-contact regarding the program's day-to-day operations. The Authorized Official must be authorized to apply for, accept, decline, modify, or cancel the grant for the applicant county. A county judge or a designee authorized by the governing body in its resolution may serve as the authorized official. The program director and the authorized official may be the same person. The financial officer may not serve as the program director or the authorized official. Texas Government Code § 173.301(a). Please indicate who you anticipate as the grant officials.

Program Director

Name	Phone
Address	Fax
City State Zip	Email

No Authorized Official on Record

Resolution / Internet Submission Form: Click on link to open new window with Sample resolution. This may be printed or copied and pasted into Word Processing software for editing. Word Version
Additional notes or proposed changes:

SUBMIT BUTTONS

Attachment E
INIDGENT DEFENSE COORDINATOR
Sample FY20 Menu Option Improvement Grant

State Payee Identification number _____
Division or unit within the county to administer the grant _____

Official County Mailing Address

Address (line 1) _____
Address (line 2 if needed) _____
City _____
State _____
ZIP _____

Program Title: [County] County Indigent Defense Coordinator Program

Estimated Total Program Cost: _____
Required Cash Match by County: _____
Estimated Grant Amount (Maximum $50,000): _____

Allowable Uses:

[County] County agrees to implement the Indigent Defense Coordinator program to improve the county's appointment process and to provide documentation that a county is in compliance with the Fair Defense Act. IDCs reduce administrative time of judges spent on appointments. [County] County agrees to use the IDC to enhance processes to ensure that appointment practices are fair, neutral and non-discriminatory. A clear and objective standard of indigence with a timely appeal process to the courts in case of denial by the IDC ensures success of these programs.

Required Program Elements:

[County] County Agrees to the Following Required Program Elements

- Must perform all appointments (in and out of court) as the designee of the judge or judges
- Must maintain the rotation default system on assigned counsel systems and monitor the frequency and reasons of exception for off list appointments
- Must report summary of appointment data to judges at least monthly
- Must manage the graduated list of court appointed attorneys for judges and receive applications for advancements or adjustments as higher qualifications are met by attorneys
- Must monitor appointment list and attorneys' completion of continuing legal education (CLE) to meet minimum requirements of local plan and Commission rules
- Must review invoices submitted by attorneys and compare to appointment schedule prior to judicial approval
- Perform training for law enforcement, magistrates, local bar, and other stakeholders on indigent defense plan(s) adopted by courts
- Report directly to the judges (rural) or board of judges (mid-size or urban)
- Develop procedures to track attorney contact with client, which includes tracking, investigating and reporting allegations of attorneys not meeting their clients within statutory or plan requirements
- Must involve all courts in the jurisdiction (rural and mid-sized) or all of the judges of a type of court (urban)

Budget:

1)Personnel (1 FTE)		
2)Fringe Benefits		
3) Travel & Training		
4) Equipment		
5) Supplies		
6) Contract Services		
7) Indirect Costs		
Total Budget		
Total Award		

Officials Designated at the County Level

The County Judge and Financial Officer positions must be designated according to rule. The County Judge is the elected Constitutional County Judge for the county. The Financial Officer must be the County Auditor, or in the case of counties which do not have a county auditor, the County Treasurer. In order to streamline communications, all grant communication will be with the Program Director. If the information for these positions is out-of-date, click on Cancel, update these positions from the county home page, and then re-enter this application.

The County Judge is **[Name]**.
The Financial Officer is the County Auditor/Treasurer, **[Name]**.

Grant Officials

The Program Director must be an officer or employee responsible for the program operation or monitoring and who will serve as the point-of-contact regarding the program's day-to-day operations. The Authorized Official must be authorized to apply for, accept, decline, modify, or cancel the grant for the applicant county. A county judge or a designee authorized by the governing body in its resolution may serve as the authorized official. The program director and the authorized official may be the same person. The financial officer may not serve as the program director or the authorized official. Texas Government Code § 173.301(a). Please indicate who you anticipate as the grant officials.

Program Director

Name	Phone
Address	Fax
City State Zip	Email

No Authorized Official on Record

Resolution / Internet Submission Form: Click on link to open new window with sample resolution. This may be printed or copied and pasted into word processing software for editing. Word Version

SUBMIT BUTTONS