



## Office of the Governor, Public Safety Office Criminal Justice Division Funding Announcement: **Coronavirus Emergency Supplemental Funding (CESF) Program, FY2020**

### **Purpose**

The purpose of this announcement is to solicit applications for projects that seek to prevent, prepare for, and respond to the coronavirus.

### **Available Funding**

Federal Funds are authorized under Division B of H.R. 748, Pub. L. No. 116136 (Emergency Appropriations for Coronavirus Health Response and Agency Operations); 28 U.S.C. 530C. CESF funds are made available through a Congressional appropriation to the U.S. Department of Justice, Bureau of Justice Assistance. All awards are subject to the availability of appropriated federal funds and any modifications or additional requirements that may be imposed by law.

Texas expects to make approximately \$37.8 million available to local units of government through regionally based allocations using the Regional Councils of Governments boundaries. Please see the Appendix 1 - Regionally Based Allocations at the end of this announcement for more information.

### **Eligible Organizations**

Applications may be submitted by Native American tribes and units of local government, which are defined as a non-statewide governmental body with the authority to establish a budget and impose taxes.

Note: Units of local government eligible for a direct award from the U.S. Department of Justice, Bureau of Justice Assistance (BJA) should first seek funds directly through BJA. The list of local allocations for direct BJA awards to Texas jurisdictions can be found [here](#), and the federal solicitation is available [here](#). Applications are due to BJA by May 29, 2020.

### **Application Process**

Applicants must access the PSO's eGrants grant management website at <https://eGrants.gov.texas.gov> to register and apply for funding. For more instructions and information, see *Developing a Good Project Narrative Guide*, available [here](#).

## Key Dates

Action	Date
Funding Announcement Release	04/15/2020
Online System Opening Date	04/15/2020
Final Date to Submit and Certify an Application	06/15/2020 at 5:00pm CST
Earliest Project Start Date	02/01/2020

\*\*\*Applications will be reviewed and processed as they are received. PSO intends to issue awards in an expeditious manner and encourages applicants to submit prior to the deadline in order to receive notification of an award as soon as reasonable. \*\*\*

## Project Period

Projects must begin on or after 02/01/2020 and may not exceed a 12-month project period.

## Funding Levels

Minimum: \$10,000

Maximum: None

Match Requirement: None

## Standards

Grantees must comply with standards applicable to this fund source cited in the State Uniform Grant Management Standards ([UGMS](#)), [Federal Uniform Grant Guidance](#), and all statutes, requirements, and guidelines applicable to this funding.

## Eligible Activities and Costs

Funds must be utilized to prevent, prepare for, and respond to the coronavirus. Allowable projects and purchases include, but are not limited to, overtime, equipment (including law enforcement and medical personal protective equipment), hiring, supplies (such as gloves, masks, sanitizer), training, travel expenses (particularly related to the distribution of resources to the most impacted areas), and addressing the medical needs of inmates in local and tribal jails and detention centers.

Examples of allowable costs include:

- Personnel Overtime (Peace Officer, Jailer, Correctional Officer, Medical, and other Essential Staff)
- Personnel Protective Equipment (PPE)
- Supplies (i.e. gloves, masks, sanitizer, disinfectant)
- Temporary Staff
- Medical care for inmates that have tested positive for COVID-19
- Any other costs associated with the implementation of the Centers for Disease Control and Prevention (CDC) [COVID-19 Guidance documents](#), specifically:

- [Interim Guidance on Management of Coronavirus Disease 2019 \(COVID-19\) in Correctional and Detention Facilities](#)
- [What Law Enforcement Personnel Need to Know about Coronavirus Disease 2019 \(COVID-19\)](#)
- [Interim Guidance for Emergency Medical Services \(EMS\) Systems and 911 Public Safety Answering Points \(PSAPs\) for COVID-19 in the United States](#)
- [Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 \(COVID-19\)](#)

## Eligibility Requirements

1. Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the Texas Code of Criminal Procedure, Chapter 66. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Beginning January 1, 2020, counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90 percent of convictions within seven business days to the Criminal Justice Information System at the Department of Public Safety. By January 1, 2021, such reporting must take place within five business days.

2. Eligible applicants operating a law enforcement agency must be current on reporting Part I violent crime data to the Texas Department of Public Safety (DPS) for inclusion in the annual Uniform Crime Report (UCR). To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year.
3. The Texas Department of Public Safety (DPS) has established a goal set by the Texas Legislature for all local law enforcement agencies to implement and report crime statistics data by using the requirements of the National Incident-Based Reporting System (NIBRS) no later than September 1, 2019. Additionally, the Federal Bureau of Investigations (FBI) will collect required crime statistics solely through the NIBRS starting January 1, 2021. Due to these upcoming state and federal deadlines, grantees are advised that eligibility for future grant funding may be tied to compliance with NIBRS. Financial grant assistance for transitioning to NIBRS may be available for your jurisdiction from the Criminal Justice Division (CJD).
4. Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security (“DHS”) to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency’s custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all

provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the [CEO/Law Enforcement Certifications and Assurances Form](#) certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to OOG and is active until August 31, 2021 or the end of the grant period, whichever is later.

5. Eligible applicants must have a DUNS (Data Universal Numbering System) number assigned to its agency (to request a DUNS number, go to <https://fedgov.dnb.com/webform>).
6. Eligible applicants must be registered in the federal System for Award Management (SAM) database located at <https://sam.gov/>.

Failure to comply with program eligibility requirements may cause funds to be withheld and/or suspension or termination of grant funds.

## Prohibitions

Grant funds may not be used to support the unallowable costs listed in the [Guide to Grants](#) or any of the following unallowable costs:

1. Law enforcement equipment that is standard department issue; and
2. Any other prohibition imposed by federal, state or local law or regulation.

## Selection Process

**Application Screening:** PSO will screen all applications to ensure that they meet the requirements included in the funding announcement, to understand the overall demand for the program and to identify significant variations in costs per item. After this review, the Office of the Governor will determine if eligible applications can be funded based on funds available, if there are cost-effectiveness benefits to normalizing or setting limits on the range of costs, and if other fair-share cuts may allow for broader distribution and a higher number of projects while still remaining effective.

**Final Decisions:** The PSO executive director will consider staff recommendations along with other factors and make all final funding decisions. Other factors may include cost effectiveness, overall funds availability, state government priorities and strategies, legislative directives, need, geographic distribution, balance of focuses and approaches, or other relevant factors.

PSO may not fund all applications or may only award part of the amount requested. In the event that funding requests exceed available funds, PSO may revise projects to address a more limited focus.

## Contact Information

For more information, contact the eGrants help desk at [eGrants@gov.texas.gov](mailto:eGrants@gov.texas.gov) or (512) 463-1919.

## Appendix 1 – Regionally Based Allocations

Texas is divided into 24 regions, each served by a voluntary organization of local governmental entities that coordinate programs and services to address needs that cross jurisdictional boundaries. PSO will use the allocations below as a guide when making funding decisions for applications within each region. Funds remaining within a regionally based allocation after all eligible applications have been selected for award from that region may be reallocated to other regions.

Please visit <https://txregionalcouncil.org/regional-councils/> to determine which Council of Governments region your jurisdiction belongs to.

Region ID	Council of Governments Region	Allocation
100	Panhandle Regional Planning Commission	\$667,179
200	South Plains Association of Governments	\$808,781
300	Nortex Regional Planning Commission	\$303,721
400	North Central Texas Council of Governments	\$9,621,787
500	Ark-Tex Council of Governments	\$425,973
600	East Texas Council of Governments	\$1,208,554
700	West Central Texas Council of Governments	\$568,229
800	Rio Grande Council of Governments	\$1,081,360
900	Permian Basin Regional Planning Commission	\$560,201
1000	Concho Valley Council of Governments	\$208,130
1100	Heart of Texas Council of Governments	\$547,493
1200	Capital Area Council of Governments	\$2,787,712
1300	Brazos Valley Council of Governments	\$546,364
1400	Deep East Texas Council of Governments	\$520,349
1500	South East Texas Regional Planning Commission	\$683,216
1600	Houston-Galveston Area Council	\$10,128,457
1700	Golden Crescent Regional Planning Commission	\$346,150
1800	Alamo Area Council of Governments	\$3,053,904
1900	South Texas Development Council	\$497,798
2000	Coastal Bend Council of Governments	\$721,989
2100	Lower Rio Grande Valley Development Council	\$1,351,751
2200	Texoma Council of Governments	\$274,438
2300	Central Texas Council of Governments	\$555,328
2400	Middle Rio Grande Development Council	\$309,421
	<b>Total</b>	<b>\$37,778,284</b>

## Appendix 2 – Frequently Asked Questions (FAQs)

### Application Questions

**1. Do all fields within the eGrants application need to be completed by applicants?**

Answer: Applicants need to do their due diligence in completing the application to the best of their ability. With that said, there are sections on the Narrative that would require minimal information.

**2. Is the compliance date for the 90% CCH and UCR requirements for the CESF last August?**

Answer: Yes.

**3. The following requirement may be difficult to meet: “Beginning January 1, 2020, counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90 percent of convictions within seven business days to the Criminal Justice Information System at the Department of Public Safety. By January 1, 2021, such reporting must take place within five business days.” Have any permits or waivers been made available for this requirement?**

Answer: CJIS reporting is an important tool for maintaining public safety especially as it relates to information sharing and awareness regarding violent offenders. While the requirement to report data to DPS is not being waived, as far as grant funding decisions are concerned, PSO has broad discretion in implementing this eligibility requirement and would certainly take into consideration the burden COVID19 has placed on all Texas communities when it comes time to make funding decisions.

**4. Will SAMs extension apply to this program? SAM registration: 60-day extensions to SAM.gov registrations with expiration dates between 3/19/2020 and 5/17/2020 will automatically be initiated in the federal SAM system by the federal government. This effort is expected to be completed by 3/28/2020.**

Answer: Yes, however applicants must still provide within the eGrants application the expiration date noted in SAM.gov.

**5. If a jurisdiction were to submit an application that the OOG deems ineligible, will that jurisdiction be allowed to submit another application?**

Answer: Agencies should submit applications based on the parameters listed in the RFA. PSO will communicate directly with agencies to identify and fix any discrepancies found in their application.

**6. Can the grant application be submitted by the County Judge’s office or does it have to come from the Sheriff’s office?**

Answer: The application must be submitted by the city or county. The department/division that submits the application is at the discretion of the unit of local government.

## Funding Distribution Questions

**7. What role will COGs play in ensuring all jurisdictions within their regions have a fair shot at equitable distribution of the funds?**

Answer: PSO will be coordinating closely with COGs prior to issuing awards to ensure a fair distribution of funds between all jurisdictions with their regions.

**8. What factors will be used to distribute the funding fairly across a region?**

Answer: PSO will be coordinating with the COGS to ensure funds are distributed evenly. PSO asks agencies to submit requests that are reasonable and are an accurate representation of true emergency needs.

**9. Since the money was divided by region, will there be another “supplemental allocation” if money is leftover for a region?**

Answer: PSO intends to re-allocate any remaining available balance until entirety of funds is expended. PSO is looking at multiple possibilities so cannot guarantee supplemental awards at this time.

## Eligible Entity Questions

**10. Are only local entities that are a taxing authority who also report UCR and NIBRS eligible to apply or are drainage districts, water districts, municipal utility districts, etc allowed to apply also?**

Answer: Only cities and counties are eligible to apply.

**11. Are university police departments eligible to apply for the CESF program?**

Answer: No, only cities and counties are eligible to apply.

**12. Can jurisdictions eligible for direct allocations from BJA’s CESF program funding also apply for funding from the state CESF program?**

Answer: Yes. Per RFA, they must seek funds directly from BJA first and may be required to submit additional information related to their BJA application to mitigate any duplication of funds.

**13. Are non-criminal justice entities allowed to apply for CESF monies administered by the PSO from the BJA to help “Public Safety Agencies”?**

Answer: Only cities and counties are eligible to apply.

**14. Are non-profits eligible to apply for this funding?**

Answer: No, only cities and counties are eligible to apply.

- 15. The definition of eligible organizations in the RFA would include school districts, community college districts, and various other local governmental entities that levy taxes. Can PSO clarify which entities are eligible to apply for these funds?**

Answer: Only cities and counties are eligible to apply.

- 16. Since the Minimum threshold is set at \$10K, can all the eligible agencies within one county apply under a single application if the County is willing to take the lead?**

Answer: Yes.

- 17. Do the jurisdictions eligible for direct allocations from BJA apply through BJA? Are the only cities and counties eligible the ones listed on the BJA solicitation?**

Answer: Agencies eligible for a direct allocation must apply directly to BJA to receive those funds. Cities and counties not on the direct allocation list may apply through PSOs RFA.

## Eligible Expense Questions

- 18. Many justice system agencies (prosecutors, defense agencies, courts) are funded through the levy of fines and fees on defendants. With arrests and bookings down due to the cascade of events stemming from covid-19 and social distancing, revenue from fines and fees are also way down. Some of these justice system agencies are facing immediate (or anticipated longer-term) budget cuts. Understanding that the DOJ Grants Financial Guide defines supplanting as to “deliberately reduce State or local funds because of the existence of Federal funds,” is it considered appropriate to use CESF grant funds to support those justice system agency operations? Will it be adequate justification to show the precipitous decline in revenues during these months of covid-19 social distancing?**

Answer: This same question was recently posed to USDOJ/BJA and they have indicated this would not be an eligible use of funds. CESF funding may not be used to make up for lost revenue (or for any other purpose other than the statutory purposes, which are to “prevent, prepare for, and respond to coronavirus”). The question is posed as a supplanting problem, but BJA regards this as a question of allowable uses of funds. BJA goes on to advise that the statutory language is not broad enough to cover support of general justice system agency operations.

Just a bit more about the authorizing language for CESF: In addition to the language in the specific appropriation for BJA’s CESF program, the general provisions, at section 23004, emphasize that limited use of funds by noting that the funds may be expended “only” for these purposes. Although this provision provides for exceptions to the limited purposes —



including some exceptions related to reimbursement of lost revenue - the BJA CESF program is expressly not included in the permissive exception.

**19. Does the 2/1/20 start date mean expenses incurred for overtime, purchase of PPE, etc. on or after 2/1/20 in response to COVID-19 are eligible under this program?**

Answer: Yes, retroactive expenses dating back to 2/1/20 are eligible.

**20. Are subscriber units an eligible expenditure for equipment with this funding at the state level through PSO? BJA has determined subscriber units for equipment was an eligible expense for jurisdictions eligible to receive a direct allocation.**

Answer: No. PSO has multiple avenues that agencies can apply for radio interoperability funding. The priority of these funds is to help first responders cope with the immediate impact of the COVID19 pandemic. While BJA may have determined radios as eligible, PSO is targeting CESF funds towards emergency needs i.e. overtime, PPE, jail operations, medical supplies.

**21. Are sheriff and jail staff salary increases and hazard pay in response to COVID-19 allowable costs under the CESF program? Is hazard pay an eligible expense for police departments?**

Answer: Yes. Prior to seeking reimbursement, the agency will need to develop/establish a policy outlining hazard/differential pay.

**22. If funds are being requested to assist with personnel hazard pay and the jurisdiction's policies classify all hours worked during this time as hazard pay, can funds be used to cover all hours worked?**

Answer: Yes, but the agency will still be required to draw the connection between the hazard pay and the agency's response to COVID19.

**23. Do public works personnel qualify as "other essential staff" under personnel overtime as an allowable cost?**

Answer: Priority will go to first responders and jail operations. PSO will revisit that decision if funds are remaining at a later date.

**24. The examples provided of what is eligible is all reimbursable by FEMA. What types of projects does the OOG envision funding?**

Answer: PSO recognizes that there are multiple sources of federal funds available. Applicants will have to determine their agency needs and apply accordingly. Examples of allowable costs/activities are listed in the RFA.

**25. Can this funding be used to upgrade vehicle fleets or purchase command centers? Will PSO stick to the definition of equipment as “including law enforcement and medical personal protective equipment?”**

Answer: PSO has other avenues that agencies can apply for patrol vehicles and command centers. The priority of these funds is to help first responders cope with the immediate impact of the COVID19 pandemic. PSO is targeting CESF funds towards emergency needs i.e. overtime, PPE, jail operations, medical supplies.

**26. The RFA states that “Equipment (including law enforcement and medical personal protective equipment)” is eligible. Does that mean the LE agency can procure PPE for the EMS and hospital staff within their jurisdiction?**

Answer: Yes, this is eligible.

**27. When purchasing PPE, will the grant application be scrutinized over the reasonability of costs. For example, N95 masks normally cost about \$1/mask but are currently going for as much as \$10/mask. If a jurisdiction finds masks for \$7/mask, will that cost be eligible for reimbursement?**

Answer: PSO utilizes the 2 CFR 200 Cost Principles when reviewing grant applications which include reasonability of cost as a component. PSO will consider the increased current market value of items when applying this standard.