



# FY2025

## Indigent Defense Improvement Grant Request for Applications (RFA)

### Section I: Overview

The Texas Indigent Defense Commission (TIDC) provides financial and technical support to counties to develop and sustain quality, cost-effective indigent defense systems. TIDC's Improvement Grant Program provides program-specific funding awarded on a competitive basis. The Commission may provide Improvement Grants for any program that improves indigent defense services in criminal and juvenile delinquency cases.

**Period for Funding and Program Operation:** October 1, 2024, to September 30, 2025.

**Application Due Date for Priority Consideration:** May 10, 2024.

Applications must be submitted online through TIDC's [Grant and Plan Management Website \(http://tidc.tamu.edu\)](http://tidc.tamu.edu). Applications submitted after the due date may be considered if funds remain available after award decisions on applications meeting the priority deadline.

#### Optional Intent to Submit Application (ISA)

Applicants that have not been actively working with TIDC on their grant application are strongly encouraged to submit a brief Intent to Submit Application (ISA) online form prior to developing a new grant application. The ISA provides an opportunity for TIDC to provide initial feedback on whether the proposed program is within the scope of the grant program. Although ISAs are optional, counties should submit them by April 1, 2024, to provide sufficient opportunity to incorporate TIDC feedback if developing a full application. Contact the TIDC Grant Team at [Grants@tidc.texas.gov](mailto:Grants@tidc.texas.gov) to initiate an ISA.

### Improvement Grant Categories:

#### Multi-Year Improvement Grants

- Funding for programs providing indigent defense representation, including public defender offices, managed assigned counsel programs, and indigent defense coordinator programs.
- Provides funding over four years.
- Requires a cash match. Grants typically reimburses up to 80% of total approved 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 grants are made each fiscal year, with funding of eligible expenses provided on a reimbursement basis.
- Grantees will be required to submit a brief Continued Multi-Year Improvement Grant application form and submit a new Improvement Grant Resolution for continued funding for each subsequent year of eligibility.
- Minimum \$50,000 project budget per application.

## Rural Regional Public Defender Sustainability Grants

- Regional programs must cover three or more counties.
- Counties with populations less than 100,000 are eligible. (Counties that exceed this threshold may request a variance based on special considerations.)
- Provides reimbursement of 80% of approved program costs in the initial year, transitioning to ongoing sustainability funding covering 2/3 of eligible costs in subsequent years.
- May be operated directly by counties or contracted to eligible nonprofit public defender organizations.

## Single-Year Improvement Grants

- Funding for indigent defense process improvement projects including technology projects.
- These projects require a cash match as detailed in Section II below.
- Minimum program budget of \$5,000 per application. Routine equipment replacements or upgrades are not eligible.

## Technical Support Grants

- Special projects including indigent defense research, program assessments, or pilot projects that build the knowledge base about indigent defense and test processes that can be applied in other counties.
- All technical support projects require a project paper that describes the implementation, the benefits the county may have received, a brief commentary from participants, and a brief discussion on implications or suggestions for other similar projects.

## Continued Multi-Year Improvement Grants

- Counties with current Multi-Year Improvement Grant awards and Rural Regional Public Defender Sustainability Grants must submit a brief online Continued Multi-Year Improvement Grant form for each subsequent year of eligible funding.
- A new Commissioners Court or governing board resolution must be submitted with the application each year.
- Requests for scope changes, amendments or budget adjustments may be submitted with Continued Multi-Year applications.

## Other TIDC Funding Opportunities

- Extraordinary Disbursement Grants may reimburse counties for extraordinary indigent defense costs in a case or series of cases causing an extraordinary financial hardship for the county. Extraordinary Disbursement Grants follow separate application procedures available at <https://www.tidc.texas.gov/funding/extraordinary-grants/>. Contact TIDC at [Grants@tidc.texas.gov](mailto:Grants@tidc.texas.gov) to initiate an application.

## Priority Program Areas

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

- Managed indigent defense programs structured to ensure quality representation. This includes, but is not limited to, **managed assigned counsel and public defender programs**.
- Specialized indigent defense **programs representing clients with mental health challenges**.
- **Regional** indigent defense services.
- Programs that serve **rural areas**.
- Programs that **measure the quality of representation** for indigent defendants.
- Indigent defense process management **software systems supporting compliance with indigent defense laws**.

- 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 priorities listed above 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.
- An entity described by Section 791.013, Texas Gov't Code that provides to a county administrative services under an interlocal contract entered for the purpose of providing or improving the provision of indigent defense services in the county.
- A nonprofit corporation that provides indigent defense services or indigent defense support services in a county. Nonprofit applicants must document support from and coordination with the county or counties and courts served. Nonprofit applications should contact TIDC staff early in the application process to provide online grant application account setup and for guidance on documentation of county support and coordination.

## Grant Application Training

A web-based training session will be offered on **February 23, 2024, at 2pm** for counties considering an application. See the [TIDC website](#) for details and registration.

# Section II: Application Process & Requirements

## Grant Application Checklist:

**These steps provide an overview of the grant application process and are described in detail in the following pages.**

- Develop and research a program or procedure that would directly serve indigent defendants or improve provision of indigent defense services.
- Optional:** Complete Intent to Submit ISA (ISA) that includes problem statement, objectives, activities, and evaluation. The ISA should be submitted before **April 1, 2024**, and provides an opportunity to confirm that the idea is within the scope of the TIDC grant program before

developing a full application. **Only applicants who have not been actively working with TIDC staff on their proposal should submit an ISA.**

- a. Log onto the Commission's [Grant and Plan Management Website \(http://tidc.tamu.edu\)](http://tidc.tamu.edu)
  - b. Look at the online screen and verify that the appropriate judicial officials have submitted county-wide indigent defense plans and that their plans meet the grant eligibility requirements. Address any outstanding plan issues.
  - c. Select type of grant among the categories listed above.
  - d. Commissioners court resolutions are not required by the Commission until the full application deadline, but local rules may require Commissioners' Court approval.
- Complete each required section of the online full application. For priority consideration, applications should be submitted online by **5:00 PM on May 10, 2024**. Applications submitted after this date may be considered if funds are available.
  - Secure written documentation of support from courts, county commissioners (resolution), and 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. Supporting documents may be uploaded to the application file via the upload link in the online application form. All supporting documents should be submitted on or before May 10, 2024.

## **Optional Intent to Submit Application (ISA)**

Applicants not already actively working with TIDC on their grant applications are encouraged to complete a brief 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 full application. The ISA includes a succinct description of an indigent defense improvement that will be implemented if grant funds are awarded to the applicant. Although ISAs are optional, prospective applicants should submit them by **April 1, 2024**, to provide sufficient opportunity to incorporate TIDC feedback when developing a full application. ISAs are submitted using the [Grant, Reporting, and Plan Management Website](#). **Regardless of whether an applicant submits an ISA, all applicants are strongly encouraged to contact TIDC early in their application development process.**

## **Full Application Requirements**

Applicants must log into the TIDC [Grants, Reporting, and Plan Management Website, \(https://tidc.tamu.edu\)](https://tidc.tamu.edu), to complete an application. Each application must have a narrative 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. Carefully review any formatted content pasted into the online system, which will only accept basic formatting. The sections of the grant application are:

- a. **Introduction (Executive Summary)**— In one hundred (100) words or less, describe the program and its main goals. 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 itself has been developed to effectively summarize the key elements of 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 directly related to the program in this application and the funds requested.
  - ii. Objectives must be time and date specific and measurable.
  - iii. Objectives are the basis for the evaluation and progress reports.
  - iv. Objectives must be consistent with the Problem Statement.
  - v. Technical Support Applications should also identify research questions in this section.
- d. Activities**—Describe the specific activities the applicant will conduct if awarded a 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 applicant 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 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 way they will be recorded for future review (e.g., a case management system report). Data collection cooperation agreements with county offices and departments are strongly recommended so that the applicant can demonstrate it will be able to meet data collection and evaluation goals.
  - vi. 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. Evaluations of program success should be considered from both fiscal and programmatic perspectives.
- viii. Technical Support Grant applications should also use this section to outline the required project paper that will describe implementation, benefits the county may have received, commentary from participants, and implications or suggestions for other similar projects.
- 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)**—Applicants must submit the online budget form. Budgets must clearly state the costs to implement and sustain the operation of the program. The budget narrative should justify 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 section.
  - iii. Indicate in the budget and narrative the non-reoccurring start-up costs for multi-year grants.
  - iv. Indirect costs are allowable, but the application will not be considered competitive if above 10%. Preferred applications will include little or no indirect cost requirements.
  - 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 TIDC 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.

**In addition to the full grant application narrative and budget described above, applicants must submit the following:**

1. **Resolution/Internet Submission Form** –Counties applying for grants must also submit the Resolution/Internet Submission Form (See Attachment A) 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 uploaded to the online grant application. Nonprofit organization applicants should submit a resolution adopted by their governing board authorizing the application and additional documentation of county support and coordination.
  - The adopted resolution is the official authorization 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 applicant will abide by all relevant rules, policies, and procedures if TIDC awards grant funds to the applicant.
  - The Internet Submission Form is a separate form located on the bottom of the Improvement Grant 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. **Judicial Support**—The judiciary is responsible for each county’s Indigent Defense Plan. 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. **Additional Requirements for Public Defender or Managed Assigned Counsel Programs**—Applicants must provide an Oversight Board plan describing the membership positions, board structure, and board responsibilities. (Note: Applicants are not required to name individual board members in the application, but rather board member positions, such as “member of the defense bar,” “community member,” or “law professor focused on criminal law.”) Applicants must also provide a Leadership Selection Plan that outlines the recruitment and selection of the program’s chief defender. See TIDC guidance in A Guide to Public Defender Oversight Boards, Texas Chief Defender Sample Hiring Rubric, and Sample Chief Public Defender Job Description, available at <http://www.tidc.texas.gov/improvement/system-building>.
4. **Other Supporting Documents**—Additional material such as timelines, data collection cooperation agreements, letters of support, additional budget detail, or other supporting documents must be uploaded in the online application form before the application due date. Nonprofit applicants must also submit organizational information, including articles of incorporation, documentation of current nonprofit status, and list of members of the governing board, and documentation of county support and coordination.
5. **Additional Requirements for Technology Grant Requests**—Budget narratives for technology projects must include detailed basis of cost information. In addition, TIDC 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.

**Applications must be submitted online. For priority consideration, applications, commissioners court resolutions, documentation of judicial support, and any other supporting documents should be submitted by 5:00 PM on May 10, 2024.** Applications submitted after this date may be considered for funding based on availability of any funds remaining after award decisions on applications meeting the priority deadline. A confirmation number will be generated by the system for all online submissions. This is the number that must be entered in the Internet Submission Form portion (bottom) of the commissioners court resolution template.

### **General Application Requirements**

- a. **Criminal and/or juvenile delinquency indigent defense representation only.** Programs regarding civil cases are not eligible under this program.
- b. **New Programs and Positions**—Only new programs 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 not supplant existing ones.
- c. **Maximum Applications**—An applicant may submit one new Improvement Grant application per fiscal year.
- d. **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.** For counties, this person must be the county auditor or county treasurer if the applicant does not have a county auditor. Other applicants must designate the chief financial officer.
  - iii. **Authorized Official.** This person must be authorized by the commissioners court or governing board to apply for, accept, decline, modify, or cancel the grant for the applicant. 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 (four years), or rural regional public defender sustainability grants (ongoing) to encourage innovative long-term programs to improve the delivery of indigent services. Continued awards for multi-year programs can be renewed up to program limits, but TIDC only awards funding for the current fiscal 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 TIDC 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. **Multi-year Improvement Grant 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.
    2. **Rural Regional Public Defender Sustainability Grant Requests**—Counties with a population less than 100,000 participating with other counties in a multi-county (3+) regional public defender office are eligible for 80% reimbursement in the initial year of funding. In subsequent years of funding, participating counties must provide a cash match of 1/3<sup>rd</sup> of the total approved budget. A participating county’s individual share of the cash match is determined by the interlocal agreement between participating counties. The participating counties collectively contribute the required cash match amount, typically calculated based on caseload or population.
    3. **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.
    4. **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% 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.
    5. **Use of Program Income**—Applicants must apply any program income to expenses prior to submitting reimbursement claims under the grant.

## 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, 2023**. 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) **Court Activity Reports to the Office of Court Administration:** 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/media/rach5iqh/2021-23-fair-defense-laws-full-book-1.pdf>.

- Texas Government Code: [Chapter 79](#)
- Texas Administrative Code: Title 1 [Chapter 173](#) and [Chapter 174](#)
- [Texas Grant Management Standards](#) (TxGMS) as promulgated by the Texas Comptroller of Public Accounts.

### Commission Funding Policies

- a. **Right of Refusal**—TIDC reserves the right to reject any or all the applications submitted.
- b. **State Funds Availability**— All commitments are subject to availability of funds.
- c. **Awards**— Publishing the RFA does not obligate TIDC to fund any programs.
- d. **Partial Funding**— TIDC may choose to offer funds for all or any portion of a program submitted in the application.
- e. **Substitution**—TIDC may offer alternative funding sources, special conditions, or alternative program elements in response to submitted applications.
- f. **Competitive Application Process**—The application process for TIDC's Improvement Grant Program is competitive. Awards are based on a review of the grant application and supporting documentation. Receipt of a Notice to Proceed with Application does not guarantee funding by TIDC or alter the competitive nature of the process.
- g. **Review Criteria**—TIDC 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 TIDC.
- h. **Final Selection**—TIDC 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**—TIDC generally awards funding only for the current grant year. Future funding will be based on the submission of a brief application to continue funding in subsequent years up to eligible limits, 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 Improvement Grants are encouraged to continue to apply for the Formula Grant. The county will submit its Indigent Defense Expenditure Report (IDER) 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 TIDC.
- k. **Delayed Start**–TIDC’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. 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 grantee will enter 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 grantee’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 or positions**; a county may not reduce the amount of funds provided for indigent defense services because of a grant award.
- m. **Dual Use**– If an applicant applies for an indigent defense program that may be tied to a general government process, the applicant 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/or 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**–TIDC has adopted the [Texas Grant Management Standards](#) (TxGMS) to determine unallowable costs. See TxGMS for a full list of unallowable costs. Specifically, in accordance with TxGMS and the grant rules the following conditions apply:
  - i. General government costs are unallowable;
  - ii. Costs of law enforcement, prosecution, supervision, 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 TIDC.

**Grantee Reporting Requirements**

- a. **Maintain Official Contact Information**–All counties must maintain correct grant official contact information on TIDC’s [Grant, Reporting, and Plan Management Website](http://tidc.tamu.edu) (<http://tidc.tamu.edu>). Counties must advise TIDC 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. TIDC 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 TIDC authorizes a grant award.

## Program Records Requirements

- a. **Data Collection and Agreements**—Grantees 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**—Grantees 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 TIDC or its designees upon request. (See Texas Administrative Code § 173.401 for more details.)

## Program Equipment and Purchasing Requirements

- a. **Use DIR State Contract**—Counties must purchase all technology, equipment and software must be purchased from the Department of Information Resources (DIR) State Contract. A county may submit a written request for exception that demonstrates why the DIR contract cannot be used for this project or is not cost-effective. Entities not eligible to purchase under the DIR contract must adopt and follow procurement policies and document cost comparisons prior to making equipment purchases.
- b. **Inventory**—Equipment purchased with grant funds by a county is the property of the county. Non-county grantees must include in their proposal a plan for equipment purchased with grant funds when the program ends. TIDC 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 by a grantee that obligates grant funds from TIDC 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.
- b. **Commission Review**—Contracts with third parties for core services in funded programs must be provided to TIDC 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. TIDC 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**

(This is a **Sample**. Submitted resolution MUST BE PRINTED FROM ONLINE APPLICATION 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\_\_\_\_.

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 IMPROVEMENT GRANT PROGRAM JUDICIAL 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.

[Applicant County] County has applied for an Improvement Grant from the Texas Indigent Defense Commission (Commission) to assist in funding [Program Title] 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 multi-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.
- 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)**—TIDC 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 videoconferencing 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. TIDC may award videoconference grants to meet the three following objectives:

- A. Attorney/Client meetings - Promotes client contact with appointed attorneys.
- B. Magistrations—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, and to provide persons requesting appointed counsel with necessary forms for making requests and ensuring 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 the public defender's office (if applicable), managed assigned counsel program (if applicable), and local attorneys on the appointment list and involve the public defender's office, managed assigned counsel program, and 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 the public defender's office (if applicable), managed assigned counsel program (if applicable), and local attorneys on the appointment list and involve the public defender's office, managed assigned counsel program, and 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.
- d) Must avoid use for general court processes.
- e) Any agreements entered 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 programming.
- 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, Managed Assigned Counsel Programs, and Other Direct Client Services**—Establishing public defenders, managed assigned counsel programs, regional defenders, mental health defender, and juvenile defender services are priorities of TIDC. Direct client services are the most likely to receive funding.

**Required Program Elements:**

- a) Must focus on serving clients effectively.
- b) Must demonstrate broad-based support of the local judiciary.
- c) Must maintain an Oversight Board that meets at least twice a year. (TIDC recommends quarterly meetings to facilitate stakeholder communication.)
- d) Must involve clear appointment/referral and intake processes.
- e) Must include adequate access to support services including administrative support, paralegals, and investigators.

- f) Must have defined caseload/workload standards consistent with TIDC's published guidelines;
- g) Must consult the local bar association, if any, in the planning stages.
- h) Must have internal case management/tracking controls sufficient to monitor attorney caseload/workload.
- i) 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.
- j) Emphasis on staff training/supervision/evaluation to continually improve office performance.

**5) Mental Health Public Defender or Managed Assigned Counsel Programs:**

**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.
- b) Must consult the local bar association, if any, in the planning stages.