

USDOJ

From: McGarry, Beth
Sent: Friday, July 06, 2007 7:55 PM
To: Flores, Robert
Cc: Schofield, Regina
Subject: RE: request

Bob: I (with Regina's concurrence) made a business decision on how to deal with the Grants.gov technical issues that affected the OJJDP solicitations. The premise of Grants.gov is to provide all potential applicants an equal playing field to compete for federal dollars. To apply, an applicant must complete a three step registration process that normally takes 3 to 5 days. This process is announced in the solicitation and is on our website. It is the same process for every applicant.

For our small grantees, it is important to do the outreach and T&TA so that they are prepared to compete. Our message at conferences and on the website is to inform them of the registration process and the importance of starting the process early. It is critical for the integrity of the competitive process that all applicants are treated the same and that we do not bend the rules for a category of applicants, such as faith based organizations (fbos). Bending the rules for a faith based or community organization is not an equitable way to increase participation in OJP's grants programs.

For most solicitations, we have no technical problems with Grants.gov. Yet, we still encounter applicants who wait until the last day or two to register. They are upset that they cannot submit an application. The answer is always the same: we do not permit backdoor applications through GMS. This rule has been consistently applied in OJJDP until this week.

When there is a technical problem with Grants.gov or GMS, I have established a process that is fair to all applicants who encountered problems, while at the same time not being unfair to those applicants who filed on time. This process was posted on your website. It was designed to ensure that no one was thwarted by the process. Specifically, applicants, who started the registration process with Grants.gov at least three days in advance of the deadline (the minimum amount of time to successfully register) and documented their technical difficulties, were permitted to apply through GMS. Their "evidence" of problems and their application were due to OJJDP by midnight on June 11. To obtain just and equitable decisions, your staff spent countless hours verifying the evidence, including the contacts with Grants.gov and emails from applicants. We had a thoughtful, defensible response to a technical problem.

Just like court deadlines, application deadlines are to be respected. When they are not, it is unfair to the applicants, who followed the rules and applied on time. When applicants who procrastinate or ask for special treatment are permitted to apply late, it compromises our competitive process. Your decision to allow all applicants who started the process too late and/or had no technical problems with Grants.gov to submit applications into GMS is not defensible. I am troubled that you state that you made this decision to benefit faith based and community organizations. In doing so, you assume that no faith based or community groups successfully applied. This is an incorrect assumption. Rather, you gave an advantage to fbos and cbos who failed to follow the rules and did not have technical problems with Grants.gov.

On June 28, when People for People, a faith based organization, contacted Michele to complain about OJJDP's decision that it did not meet the posted requirements for submitting an application for the mentoring grant, Michele got involved in an operational decision. Marilyn was not in the office on Monday and Tuesday, so Michele should have contacted me. Before Michele's involvement, each late applicant was adjudicated on a case by case basis. I am very disturbed that Michele advised you to disregard all the rules (that were posted on your website) and permit every late applicant an opportunity to submit an application.

As for Michele speaking for you, I am afraid she did not. She refused to discuss the facts of her advice or your decision. Indeed, she refused to talk about this problem unless you are present. On the other hand, I do speak for Regina on operational issues.

Bob, our relationship has been positive because you have always discussed operational/management issues with me before you made a final decision. If Michele, or you, had discussed your concerns about the People for People complaint, I would have been in a position to advise you and prevent this disaster. I try to fix problems, but this one is not fixable. Indeed, because of your decision on Tuesday, you are in jeopardy of not being able to award any of these grants in FY 2007 and having millions of dollars of unobligated balances on the books at the end of the fiscal year.

Beth

-----Original Message-----

From: Flores, Robert
Sent: Friday, July 06, 2007 10:19 AM
To: McGarry, Beth
Cc: DeKonty, Michele
Subject: Re: request

Beth. I read your email last night and spoke with Michele about the conversation you reference. I am also very upset that you chose to take such an approach and tenor with my COS about something that I asked her to fix. I am not willing to have so many people disqualified when a simple process within my office can fix this. This would have been a disaster that I would have had to answer for especially if those who could not navigate the system were small fbos and cbos. Their participation is a Presidential priority.

This is not a typical budget or grant year and I am happy to meet with you on this or any other subject. I appreciate the work your office and my staff do to get the money out, however, here I wanted the competition to be increased and not thwarted by the process.

Finally. I want to convey the reality that Michele speaks for me as my COS. I don't want to have strained conversations or need to remember who knows what. We need good relationships so we might as well get this moving forward. Michele and I will meet with you when I return next week.

I covet my good working relationship with you but there has been a fracture which must be repaired.

Bob

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: McGarry, Beth
To: Flores, Robert
Sent: Thu Jul 05 17:36:57 2007
Subject: request

Bob: I am sorry to disturb you on your vacation. I just left you a voice mail message. I had a very disappointing telephone conversation with Michele this afternoon. I just learned today that you directed that all the ineligible applicants for the solicitations that were affected by the grants.gov problems be permitted to apply in GMS.

Bob, I have worked for weeks with your staff to arrive at fair and equitable parameters that would permit applicants that had proof that they were adversely affected by the grants.gov technical problems have an opportunity to apply in GMS. I called in many favors at grants.gov to get the information that would inform this decision. I am very upset that on Tuesday, when Marilyn was on leave, Michele advised you to let all the applicants, whether they met the criterion or not, should be permitted to apply in GMS. This decision was after the applicants had been sent an email explaining why they were not eligible to apply in GMS.

I try very hard to work with you cooperatively on operational issues, but to be completely blind sided by this decision has me very upset. Today, Michele refused to discuss any of the facts leading up to this debacle. She refused to discuss the issue at all and said that you made the decision so she insisted that you be present for any conversation.

I can only request that we meet privately when you return from vacation. Beth