



# TEXAS

## Health and Human Services

*Cecile E. Young, Executive Commissioner*

*Request for Applications (RFA)*

*Grant for*

*Emergency Medical Task Force (EMTF) State Coordinating  
Organization (SCO)*

*RFA No. HHS0013403*

**DEADLINE FOR SUBMISSION OF APPLICATIONS**

*November 17, 2023 by 10:30 a.m. Central Time*

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**Article I. Executive Summary, Definitions, and Statutory Authority**

**1.1 EXECUTIVE SUMMARY**

The Texas Health and Human Services Commission (HHSC) is accepting applications on behalf of the Texas Department of State Health Services (DSHS), System Agency, Center for Health Emergency Preparedness and Response (CHEPR), Hospital Preparedness Program’s (“HPP”) Emergency Medical Task Force State Coordinating Organization (“EMTF SCO”). The purpose of HPP is to develop capabilities defined in the **2017-2022 Health Care Preparedness and Response Capabilities** guidance (**Exhibit N**), to prepare the health care delivery system, including HCCs, hospitals, and emergency medical services (EMS) to respond to emergencies that impact the public’s health. As well as provide services to build and maintain prepared healthcare systems, advance the development and maturation of Healthcare Coalitions, strengthen regional coordination, and ensure the healthcare system can maintain operations during surge events or incidents. To be considered for award, Respondents must execute **Exhibit A, HHS Solicitation Affirmations v.2.4**, of this Solicitation and provide all other required information and documentation as set forth in this Solicitation.

The System Agency will select one (1) Applicant to coordinate the planning and response activities for the statewide EMTF system. The SCO is responsible for providing overall coordination and oversight for the unique components of the EMTF System, as directed by the System Agency. The successful applicant will develop and coordinate statewide asset deployment including resource and response teams. The SCO will build, implement, train, and field test best practices and develop, with input from the System Agency, coordinated regional workgroups and statewide projects.

Funding is based on availability and funding sources may include state and/or federal funds. Applicants should reference **Article II, Scope of Grant Project**, for further detailed information regarding the purpose, background, eligible population, eligible activities and requirements.

Grant Name:	Emergency Medical Task Force (EMTF) State Coordinating Organization (SCO)
RFA No.:	RFA No. HHS0013403
Deadline for Submitting Questions or Requests for Clarifications:	October 27, 2023, by 5:00 p.m. Central Time
Deadline for Submission of Applications:	November 17, 2023, by 5:00 p.m. Central Time
Estimated Funding for the five-year Grant Term:	\$8,269,791.00
Estimated Total Number of Awards:	One (1) Award

Estimated Max Award Per Budget Year:	\$1,742,847.00
Length of Budget Period	One (1) Year
Anticipated Project Start Date:	July 1, 2024
Length of Project Period:	Five (5) years

To be considered for screening, evaluation and award, Applicants must provide and submit all required information and documentation as set forth in **Article VIII, Application Organization and Submission Requirements** and **Article XIII, Submission Checklist** by the Deadline for Submission of Applications established in **Section 7.1, Schedule of Events**, or subsequent Addenda. See **Section 9.2, Initial Compliance Screening of Applications**, for further details.

## 1.2 DEFINITIONS AND ACRONYMS

Refer to **Exhibit B, Health and Human Services (HHS) Uniform Terms and Conditions – Grant, v3.2**, and the other exhibits to this RFA for additional definitions.

Unless a different definition is specified, or the context clearly indicates otherwise, the definitions and acronyms given to a term below apply whenever the term appears in this RFA. All other terms have their ordinary and common meaning.

**“Activation”** means the start of operations to monitor, support or control response and recovery efforts related to a public health or medical emergency or major disaster. An Activation is initiated by DSHS through issuance of a State Mission Assignment to a Grantee.

**“Addendum”** means a written clarification or revision to this RFA, including exhibits and forms, as issued and posted by HHSC to the HHS Grants RFA website.

**“Applicant”** means any person or legal entity that submits an Application in response to this RFA. The term includes the individual submitting the Application who is authorized to sign the Application on behalf of the Applicant and to bind the Applicant under any Grant Agreement that may result from the submission of the Application. Applicant may also be referred to in this RFA or its exhibits as **“Respondent.”**

**“Apparent Grant Recipient”** means an organization that has been selected to receive a grant award through response to this RFA but has not yet executed a Grant Agreement or Contract. Applicant Awardee may also be referred to as **“Apparent Grant Recipient”** or **“Apparent Grantee.”**

**“Application”** means all documents the Applicant submits in response to this RFA, including all required forms and exhibits. Application may also be referred to in this RFA as **“Solicitation Response”**.

“Backfill Cost” means a the straight-time salary, benefits, and overtime of replacement personnel who perform the regular duties of the regularly assigned personnel while the regularly assigned personnel is performing eligible emergency work, training, or exercises.

“Budget” means the financial plan for carrying out the Grant Project, as formalized in the Grant Agreement, including awarded funds, submitted as part of the Application in response to this RFA. An Applicant’s requested Budget may differ from the DSHS-approved Budget executed in the final Grant Agreement.

“Budget Period” means the duration of the Budget. Each Contract renewal will have a specific Budget Period.

“Business Day(s)” means any day (24-hour period) in which normal business operations are conducted (excluding weekends and the national holidays specified in Section 662.003(a) of the Texas Government Code).

“Calendar Day(s)” means each day shown on the calendar beginning at 12:00 Midnight, including Saturdays, Sundays, weekends, and state and national holidays.

“Capacity” and “Capability” means the Respondent’s ability to evaluate, implement, manage, and support, the four (4) healthcare preparedness capabilities and the appropriate skills to fiscally manage, monitor, and provide technical assistance to the Healthcare Coalition(s).

“CFR” means the Code of Federal Regulations which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

“DSHS” means the Department of State Health Services.

“Direct Cost” means those costs that can be identified specifically with a particular final cost objective under the Grant Project responsive to this RFA or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy. Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or Indirect Costs. Direct Costs include, but are not limited to, salaries, travel, Equipment, and supplies directly benefiting the grant-supported Project or activity.

“Emergency Medical Task Force” (EMTF) means Regional medical response entity that can respond to local, regional, and statewide disasters with an acute health care component. EMTF components include Ambulance Strike Teams (AST), Mobile Medical Units (MMU), Ambulance Bus (AmBus) Teams, Registered Nurse Strike Teams (NST), Medical Incident Support Teams (MIST), Ambulance Staging Manager (ASM) Teams, Infectious Disease Response Units (IDRU), Texas Mass Fatality Operations Response Teams (TMORT), and professional medical support staff for clinical and other services. The map of the EMTF regions is available in **Exhibit L, Emergency Medical Task Force (EMTF) Regions.**

“Emergency Support Function” (ESF-8) means Public Health and Medical Services which provides the mechanism for coordinated assistance to supplement State, tribal, regional, and/or local resources in response to a public health and medical disaster, potential or actual incidents requiring a coordinated response, and/or during a developing potential health and medical emergency.

“Equipment” (pursuant to 2 CFR § 200.1) means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000. See 2 CFR §§200.1 for capital assets, computing devices, general purpose equipment, information technology systems, special purpose equipment, and supplies.

“Federal Employer Identification Number” (FEIN) means a unique nine-digit number assigned by the Internal Revenue Service (IRS) to business entities operating in the United States for the purposes of identification.

“Grant Agreement” means the agreement entered into by the DSHS and the Grantee as a result of this RFA, including the Signature Document and all attachments and any amendments to the Grant Agreement. The Grant Agreement may also be referred to in this RFA or its exhibits as the “Contract.”

“Grantee” means the Party receiving funds under any Grant Agreement awarded under this RFA. May also be referred to in this RFA or its exhibits as “Awarded Applicant”, “Contractor”, “Grant Recipient”, “Successful Respondent” or “Subrecipient”

“HHS” means both the Health and Human Services Commission (HHSC) and the Department of State Health Services (DSHS).

“Healthcare Coalition” (HCC) means a group of individual healthcare organizations (e.g., hospitals, clinics, nursing homes, etc.) and relevant partner organizations (e.g., emergency management, public health, utilities, etc.) in a defined geographic location. In Texas, the geographic boundaries of the HCCs align with the 22 Trauma Service Areas. HCCs serve as a multi-agency coordination group that supports emergency management and Emergency Support Function Public Health and Medical Services Annex ESF-8.

“Indirect Cost” means those costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Indirect Costs represent the expenses of doing business that are not readily identified with the Grant Project responsive to this RFA but are necessary for the general operation of the organization and the conduct of activities it performs.

“Indirect Cost Rate” means a device for determining in a reasonable manner the proportion of Indirect Costs each program should bear. It is the ratio (expressed as a percentage) of the Grantee’s Indirect Costs to a Direct Cost base.



“Infectious Disease Response Units (IDRU)” means a team of responders to augment and support the needs of the regional healthcare system with the care, transport, and/or transfer of patients with a high consequence infectious disease.

“Key Personnel” means a Respondent organization's Project Contact, Fiscal Contact, and Executive Director and/or any other key stakeholders in the Proposed Project.

“Major Renovation” (as defined by the U.S. Health and Human Services (HHS) Administration for Children and Families) means (1) structural changes to the foundation, roof, floor, exterior or load-bearing walls of a facility, or the extension of a facility to increase its floor area; or (2) extensive alteration of a facility to significantly change its function and purpose, even if such renovation does not include any structural change. Any improvement or upgrade to a facility which is not specified under this definition of Major Renovation may be considered a minor renovation and may be allowable under applicable regulations and cost principles.

“Program” means (contingent on context) either a coordinated group of activities carried out by DSHS, as authorized by state or federal law, for a specific purpose (“Program”) or DSHS staff located in a Program, region, or hospital that identify and request procurement needs (“Program”). The Program partners with Procurement Contracting Services (PCS) on procurements.

“Monitoring” means a formal and systematic process for ensuring services are being delivered or performed as required by the Contract. The monitoring process will provide critical performance information so issues or concerns can be identified and addressed. In programmatic monitoring, service-related information is reviewed for compliance with process and outcome expectations as identified in standards and rules specified in the Contract. Monitoring processes will include a review of the Grantee’s service delivery system to determine consistency with Contract requirements including outputs, outcomes, quality, and effectiveness of the program.

“Project” or “Grant Project” means the specific work and activities that are supported by the funds provided under the Grant Agreement as a result of this RFA.

“Project Period” means the initial period set forth in the Grant Agreement during which Grantees may perform approved grant-funded activities to be eligible for reimbursement or payment. Unless otherwise specified, the Project Period begins on the Grant Agreement effective date and ends on the Grant Agreement termination or expiration date, and represents the base Project Period, not including extensions or renewals. When referring to the base Project Period plus anticipated renewal or extension periods, “Grant Term” is used.

“Project Work Plan” or “Work Plan” means a written plan describing how services will be delivered to the eligible population, including specifics such as what types of clients will be served, who will be responsible for the work, timelines for completion of activities, and how services will be evaluated when complete. Details from the Project Work Plan or Work Plan must be approved by DSHS and incorporated in the Contract.

“Regional Health and Medical Operations Center” (RHMOC) means the ESF-8 coordination point supporting Disaster Districts within the State Geographical boundaries matching the Public Health Regions (PHRs) shown in **Exhibit L, Emergency Medical Task Force (EMTF) Regions** RHMOCs are coordinated by the DSHS PHR office and may be adjusted in size and composition depending on the magnitude and complexity of the disaster. Public health and medical partners comprising the RHMOCs may include HPP providers, local mental health authorities, EMTF coordinators and HHSC.

“RFA” means this Request for Applications, including all parts, exhibits, forms, attachments and Addenda posted on the HHS Grants RFA website. RFA may also be referred to herein as “Solicitation.”

“State” means the State of Texas and its instrumentalities, including the System Agency and any other State agency, its officers, employees, or authorized agents.

“State Coordination Organization” (SCO) means awarded organization that serves as single point-of-contact for DSHS to mobilize and activate EMTF components and demobilize those components. Provides administrative support to the EMTF Program as defined in this document.

“State Mission Assignment” (SMA) means the State issues SMAs (**Exhibit R, State Mission Agreement**) in anticipation of, or in response to, an emergency or major disaster. Mission assignments allow for deployment, of resources, and assistance from state resources to support disaster needs. The costs associated with the SMA are paid by the system agency pending receipt and review of reimbursement packets, required documentation, and any other documentation requested by the System Agency.

“Supplant” means to replace or substitute one source of funding for another source of funding. A Recipient of Contract funds under this Request for Applications (RFA) must not use the funds to pay any costs the recipient is already obligated to pay. If a Grantee, prior to responding to an RFA, had committed to provide funding for activities defined in the Contract’s Statement of Work (i.e., as represented in the RFA Budget Summary), then the Grantee must provide the amount of funding previously committed in addition to the amount requested under this RFA.

“Trauma Service Area” (TSA) means the geographic regions of the State of Texas, adopted by the Texas Board of Health in January 1992, are used to manage the statewide emergency medical services (EMS) and trauma care system. There are twenty-two TSA regions in Texas. The maps of the TSA regions are provided in **Exhibit K, Trauma Service Areas**.

“TxGMS” means the Texas Grant Management Standards published by the Texas Comptroller of Public Accounts.

### 1.3 STATUTORY AUTHORITY

The System Agency is requesting Applications under Tex. Health & Safety Code Chapters 12 and 1001. All awards are subject to the availability of appropriated State funds and any modifications or additional requirements that may be imposed by law.

Federal funding for this Grant Project is authorized under the Pandemic and All-Hazards Preparedness and Advancing Innovation Act (PAHPAIA), as amended, and codified in 42 U.S.C. Section 300hh-1. All awards are subject to the availability of appropriated state and federal funds and any modifications or additional requirements that may be imposed by law. Federal funding awarded to the System Agency is through the Program(s) listed below:

Federal Grant Program:	Emergency Medical Task Force (EMTF) State Coordinating Organization (SCO)
Federal Awarding Agency:	Administration for Strategic Preparedness and Response (ASPR)
Funding Opportunity No.:	FOA will not be released until 2024
Assistance Listing Number and Program Title:	93.889, Hospital Preparedness Program (HPP) and Public Health Emergency Preparedness (PHEP) Aligned Cooperative Agreements

### 1.4 STANDARDS

Awards made under this RFA are subject to all policies, terms, and conditions set forth in or included with this RFA as well as applicable statutes, requirements, and guidelines including, but not limited to applicable provisions of the Texas Grant Management Standards (TxGMS) and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200).

## Article II. Scope of Grant Project

### 2.1 PURPOSE

This funding opportunity invites grant applications requesting funding under HPP. Grant funding will be utilized to enhance the ability of the healthcare system to prepare for health and medical emergencies and disasters with a primary focus on the development, maintenance and coordination of the EMTF components. It will also enhance acute care medical surge Capacity and community preparedness for health and medical emergencies by conducting activities related to the U.S. Administration for Strategic Preparedness and Response (ASPR) Health Care Preparedness and Response Capabilities. Ensure the healthcare system can maintain operations and surge to provide acute medical care during all hazards and emergencies in accordance with the specifications contained in this RFA.

## 2.2 PROGRAM BACKGROUND

The ASPR HPP provides leadership and funding through cooperative agreements with states, territories, and eligible major metropolitan areas to increase recipients' ability to plan for and respond to large-scale emergencies and disasters.

The HPP primary focus is the development and maturation of Healthcare Coalitions. HCCs are a formal collaboration among healthcare organizations and public and private partners, organized to prepare for, respond to, and recover from an emergency, mass casualty or catastrophic event. HCCs bring together, in a defined geographic area, individual health care and response organizations, such as acute care hospitals, emergency medical service (EMS) providers, emergency management agencies, and public health agencies, to prepare health care delivery systems to respond to emergencies and disasters. HCCs provide administrative support and maintenance of the regionally staged EMTF components in a mission ready state for deployment.

The EMTF is a series of components that the System Agency can activate through SMA that provides a custom, scalable approach to medical disaster response. The key to the Program is the ability to activate members from EMS & fire departments, public and private healthcare organizations, regional coalitions, & state and local government who provide personnel & assets that activate during disasters. The SCO will collaborate with DSHS to prepare health care delivery systems to save lives through the development and sustainment of Healthcare Coalitions and the Emergency Medical Task Force.

Grantee shall comply with all applicable regulations, standards, and guidelines applicable to the Funding Opportunity.

## 2.3 ELIGIBLE POPULATION

The eligible population under this RFA consists of governmental entities, non-governmental, not-for-profit organizations, for-profit entities, associations and public and or private entities. Individuals are not eligible to apply.

## 2.4 ELIGIBLE SERVICE AREAS

Texas' 22 Trauma Service Areas, as defined under Tex Admin Code § Section 157.122, provide the boundaries for the 22 Healthcare Coalitions and eight (8) EMTF service areas, as identified in **Exhibit K, Trauma Service Areas** . The SCO service area encompasses the entire state. The specific service areas of responsibility under this RFA are:

- A. EMTF 1 (HCCs A and B);
- B. EMTF 2 (HCCs C, D, and E);
- C. EMTF 4 (HCC F and G);
- D. EMTF 6 (HCC H, Q, and R);
- E. EMTF 9 (HCC I, J, and K);
- F. EMTF 7 (HCC L, M, N, O);
- G. EMTF 8 (HCC S and P); and
- H. EMTF 11 (HCC T, U, and V).

## 2.5 ELIGIBLE ACTIVITIES

This grant program may fund activities and costs as allowed by the laws, regulations, rules, and guidance governing fund use identified in the relevant sections of this RFA. Only grant-funded activities authorized under this RFA are eligible for reimbursement and payment under any Grant Agreement awarded as a result of this RFA.

The System Agency will select one (1) Applicant to serve as the SCO for the statewide EMTF System. The SCO is responsible for providing overall coordination and oversight to the unique components of the EMTF System, as directed by the System Agency. Grantee serving as the SCO shall provide the following program activities:

- A. Maintain situational awareness and response readiness status of the EMTF System components and assets across the State. Grantee will update and maintain resource typing guidelines for all EMTF assets.
- B. Provide technical assistance, training, and support to regional EMTF coordinators, as necessary and as directed by DSHS.
- C. Support regional EMTF Planning, Organizing, Equipping, Training and Exercising (POETE) and facilitate multi-regional involvement to ensure that each EMTF rostered component participates in a functional or full-scale exercise at least once during the five-year Grant Project period. A real-world response may qualify in lieu of an exercise with prior approval from CHEPR. Grantee will submit status reports for all the covered EMTF components, which will include details about completed and planned exercises and trainings.
- D. Plan and facilitate EMTF strategic governance and EMTF operational governance meetings and calls, including scheduling, coordinating meeting locations, and handling other logistics needs such as the purchase of relevant supplies and materials, as directed by DSHS.
- E. As directed by DSHS, provide administrative support for the EMTF strategic governance and EMTF operational governance meetings and calls, including developing and distributing the agendas, producing meeting minutes, maintaining the committee member distribution and notification lists, documenting workgroup activities, sending electronic meeting invitations, and providing other support identified by the workgroup.
- F. Provide overall coordination and oversight to unique components of the EMTF System, as requested by DSHS. These components include, but are not limited to, IDRU, TMORT, Wildland Fire Support Unit, air ambulance contractors, and/or other current and emerging needs.
- G. Support the State Medical Operations Center (SMOC) during an Activation. Grantee will support the SMOC virtually or in-person, at the discretion and request of the SMOC Director.
- H. Activation may occur at any time, day, or night, including weekends and holidays. The Grantee serving as the SCO must be accessible (24/7) for emergency or disaster-related needs. Grantee will, upon award, provide DSHS with after hours and weekend contact information for the primary point of contact for SCO activities.

- I. Complete other activities as set forth in the resulting Contract, or authorized SMA's.

## 2.6 PROGRAM REQUIREMENTS

Grantees will be provided in the resulting Contract with a list of required Deliverables for each Contract year of the award but may be asked to submit additional information outside of the listed Deliverables. Some Deliverables may require the Grantee to project or plan for dates beyond the resulting Contract term. These requests are for planning purposes only and will not obligate the Grantee to undertake those activities outside of their Contract term.

Grantees may be subject to fund holds or sanctions for Deliverables and other Contract requirements that are late, incomplete, or do not meet the prescribed standards required by the Program.

This grant Program may fund activities and costs as allowed by the state and federal laws, regulations, rules, and guidance governing funds identified in the relevant sections of this RFA. Only grant-funded activities authorized under this RFA are eligible for reimbursement and payment under any Grant Agreement awarded under this RFA. Authorized activities include:

- A. Employ a full-time State Coordinator for EMTF who will serve as the single point-of-contact for DSHS to mobilize and activate EMTF components as well as demobilizing those components, following completion.
- B. Plan and facilitate EMTF strategic governance and EMTF operational governance meetings and calls, including scheduling, coordinating meeting locations, and handling other logistics.
- C. Provide administrative support for the EMTF strategic governance and EMTF operational governance meetings and calls.
- D. Review and approve, with DSHS CHEPR, deliverables submitted by EMTF regional coordinators.
- E. Maintain a current list of 24/7 contact information for all eight EMTF Coordinators.
- F. Conduct quarterly, no-notice telephone call-down drills of the eight (8) regional EMTF coordinators. At least one drill per Budget Period must be conducted during non-work hours. Report to DSHS CHEPR outcomes of the drills. Real-world events may be used to meet this requirement with approval.
- G. Work with DSHS to schedule and conduct EMTF availability rostering drills for each of the EMTF components annually and submit the status reports to DSHS.
- H. Provide oversight and technical assistance to regional EMTF coordinators on the maintenance of the regional iPhone caches in deployment-ready condition.
- I. Represent the EMTF system on the Texas Disaster Medical System ("TDMS") Steering Committee, including attending meetings and participating in relevant workgroups.

- J. Review and update standardization documents as needed, including training requirements for:
1. Ambulance Strike Teams;
  2. AmBuses;
  3. Nurse Strike Teams;
  4. Medical Incident Support Teams; and
  5. Deployable Mobile Medical Units.

Submit updated standardization documents to DSHS CHEPR as they are finalized.

- K. Maintain situational awareness and response readiness status of the EMTF System components and assets across the State. Ensure WebEOC boards are updated on required schedules. Submit report to DSHS detailing frequency and content expectations for WebEOC updates in regular times and disasters. State Coordinating Organization (“SCO”) will immediately notify DSHS CHEPR if EMTF Coordinators fail to report data at required intervals.
- L. Collect information from the EMTF coordinators and submit semi-annual AmBus maintenance reports, utilizing the approved template.
- M. Collect information from the EMTF coordinators and submit a report about the unannounced semi-annual call-down drills for each of the EMTF components.
- N. Update and maintain resource typing guidelines for all EMTF assets and components. Develop typing guidelines for newly acquired assets and newly developed components. Where possible, typing will be aligned with or cross-walked to federal mission-ready packages to ensure interoperability. Provide DSHS with current versions of the documents as changes are finalized and progress report on addressing gaps in rostering components.
- O. Provide technical assistance (“TA”), training, and support to regional EMTF coordinators, as need arises or as directed by DSHS. Provide DSHS with reports on TA provided.
- P. Produce a comprehensive annual report on the state of the EMTF system in Texas. Report will be suitable for broad distribution to stakeholders, partners, and government leaders. Report will include details about EMTF activities from across Texas. Grantee will submit report to DSHS for review and approval prior to publication. Grantee will work with DSHS CHEPR to determine content.
- Q. Support the SMOC including but not limited to:
1. Meeting at least quarterly, in person, with SMOC leadership to discuss response issues/plans;
  2. Supporting the SMOC during an Activation or the state exercise, virtually or in person, at the discretion of the SMOC Director; and
  3. Serving, in conjunction with the SMOC Operations Section, as the central coordinating point for all phases of EMTF resource deployment.

- R. Be prepared for Activations that can occur at any time, day or night, including weekends and holidays. Designated SCO contact must be accessible at all times (24/7) for emergency or disaster-related needs. Grantee must provide, maintain current after-hours, and weekend contact information for the primary point-of-contact and a secondary contact should the primary contact be unavailable for SCO activities and notify DSHS of any temporary or permanent changes immediately.
- S. Comply with the State Mission Assignment (SMA) Requirements document. The SMA Requirements document will describe items required only when activated and issued a mission assignment. These requirements may include but are not limited to levels of Activation, triggers for Activation, allowable and unallowable costs, photographs of mission, mission reports, and reimbursement packet processes and requirements. Failure to comply with SMA, reimbursement requirements and other processes may result in DSHS implementing a payment hold or taking other such remedies as allowed and authorized under any resulting Contract.
- T. Adhere to and support regional EMTFs with all DSHS EMTF deployment resource requirements, reimbursement policies, and allowable cost guidelines for deployment posted on the DSHS website located at <https://www.dshs.texas.gov/disaster-response-recovery> DSHS website. DSHS reserves the right to update and maintain this website with current agency guidance and policy, as applicable.
- U. Execute and maintain agreements for air ambulance providers:
  - 1. Provide regular updates on the progress of agreements executed annually. Notify DSHS of any significant changes (coverage gaps, major provider dropping off, etc.) immediately;
  - 2. Ensure that detailed records of expenditures including personnel costs, are complete, accurate, and have adequate supporting documentation as required by DSHS;
  - 3. Submit to DSHS proof of denial, proof of payment, or request for reimbursement for each patient that is transported by air ambulance within 90 Business Days of such transport; and
  - 4. Reimburse the air ambulance provider the amount authorized to the SCO by DSHS within 45 Business Days, after submission of completed required documentation per any resulting Contract agreement, for actual costs allowable by DSHS, incurred in order to make the air ambulance and/or resources ready for deployment and all allowable costs incurred under the State Mission Assignment, from the time of Activation through demobilization. Resource requirements, reimbursement information, and allowable costs are currently available online and located at: <http://www.dshs.texas.gov/commprep/response/costsandrequirements/emtf.aspx>.
- V. Support the advancement of other existing or developing EMTF components, as required and approved by DSHS CHEPR.
- W. Provide additional information/reports to DSHS CHEPR, upon request within 48-72 hours. This may include short turn-around requests such as during an active response or during legislative session.



X. Applicant must be able to acquire, have, or have access to, technology to perform statewide patient transfer capabilities as related to SCO/EMTF response activities."

**2.7 REQUIRED REPORTS**

The System Agency will monitor Grantee’s performance, including, but not limited to, through review of financial and programmatic reports and performance measures, under any Grant Agreement awarded under this RFA. Each Grantee awarded a Grant Agreement under this RFA must submit the following reports by the dates noted, if already determined:

<b>State Coordinating Organization Reports</b>	<b>Due Dates</b>
Financial Status Report – Monthly	The 15 <sup>th</sup> of each month following the month being reported
Progress Report on EMTF Rostering Components	By a date to be established by System Agency
Final Rostering Report	By a date to be established by System Agency
EMTF Component Exercise Report	By a date to be established by System Agency
Unannounced Semi-Annual Call Down Drill Report	By a date to be established by System Agency
Annual EMTF SCO Report	By a date to be established by System Agency

Grantee shall provide all applicable reports in the format specified by System Agency in an accurate, complete, and timely manner and shall maintain appropriate supporting backup documentation. Failure to comply with submission deadlines for required reports, Financial Status Reports (FSRs) or other requested information may result in System Agency, in its sole discretion, placing the Grantee on financial hold without first requiring a corrective action plan in addition to pursuing any other corrective or remedial actions under the Grant Agreement.

**2.8 PERFORMANCE MEASURES AND MONITORING**

The System Agency will look solely to Grantee for the performance of all Grantee obligations and requirements in a Grant Agreement resulting from this RFA. Grantee shall not be relieved of its obligations for any nonperformance by its subgrantees or subcontractors, if any.

Grant Agreement(s) awarded under this RFA are subject to the System Agency’s performance monitoring activities throughout the duration of the Grant Project Period.

This evaluation may include a reassessment of Project activities and services to determine whether they continue to be effective throughout the grant term.

Grantees must regularly collect and maintain data that measures the performance and effectiveness of activities under a Grant Agreement resulting from this RFA in the manner, and within the timeframes specified in this RFA and resulting Grant Agreement, or as otherwise specified by System Agency. Grantees must submit the necessary information and documentation regarding all requirements, including reports and other deliverables and will be expected to report semi-annually on the following measures:

<b>State Coordinating Organization Performance Measures</b>	<b>Associated Outputs</b>
Progress Report on EMTF Rostering Components	# of complete Component Rosters (out of eight (8) EMTF Regions)
Final Rostering Report	# of complete Component Rosters (out of eight (8) EMTF Regions)
EMTF Component Exercise Report	# of EMTF Components participating in a functional, full-scale, or real-world incident
Unannounced Semi-Annual Call Down Drills	# of participants responding
Develop and submit for System Agency Review a plan for the region that describes how and when the EMTF assets will be utilized for regional response separate from a state response.	Improved collaboration and efficiency

If requested by System Agency, the Grantee shall report on the progress towards completion of the Grant Project and other relevant information as determined by System Agency during the Grant Project Period. To remain eligible for renewal funding, if any, the Grantee must be able to show the scope of services provided and their impact, quality, and levels of performance against approved goals, and that Grantee’s activities and services effectively address and achieve the Project's stated purpose.

## **2.9 FINANCIAL STATUS REPORTS (FSRs)**

Except as otherwise provided, for Grant Agreements with categorical Budgets, Grantee shall submit bi-annual FSRs to System Agency by the last Business Day of the month following the end of each bi-annual contract period for System Agency review and financial assessment. Through submission of a FSR, Grantee certifies that (1) any applicable invoices have been reviewed to ensure all grant-funded purchases of goods or

services have been completed, performed or delivered in accordance with Grant Agreement requirements; (2) all Grantee-performed services have been completed in compliance with the terms of the Grant Agreement; (3) that the amount of the FSR added to all previous approved FSRs does not exceed the maximum liability of the Grant Award; and (4) all expenses shown on the FSR are allocable, allowable, actual, reasonable, and necessary to fulfill the purposes of the Grant Agreement.

## **2.10 FINAL BILLING SUBMISSION**

Unless otherwise directed by the System Agency, Grantee shall submit a reimbursement or payment request as a final close-out invoice not later than 45 Calendar Days following the end of the term of the Grant Agreement. Reimbursement or payment requests received after the deadline may not be paid.

## **2.11 LIMITATIONS ON GRANTS TO UNITS OF LOCAL GOVERNMENT**

Pursuant to the General Appropriations Act, Article IX, Section 4.04,

In each Grant Agreement with a unit of local government, grant funds appropriated under the General Appropriations Act will be expended subject to limitations and reporting requirements similar to those provided by:

- A. Parts 2, 3, and 5 of Article IX of the General Appropriations Act (except there is no requirement for increased salaries for local government employees);
- B. §§556.004, 556.005, and 556.006, Government Code; and
- C. §§2113.012 and 2113.101, Government Code.

In this section, "unit of local government" means:

- A. A council of governments, a regional planning commission, or a similar regional planning agency created under Chapter 391, Local Government Code;
- B. A local workforce development board; or
- C. A community center as defined by Health and Safety Code, §534.001(b).

## **Article III. Applicant Eligibility Requirements**

### **3.1 LEGAL AUTHORITY TO APPLY**

By submitting an Application in response to this RFA, Applicant certifies that it has legal authority to apply for the Grant Agreement that is the subject of this RFA and is eligible to receive awards. Further, Applicant certifies it will continue to maintain any required legal authority and eligibility throughout the entire duration of the Grant Agreement, if awarded. All requirements apply with equal force to Applicant and, if the recipient of an award, Grantee and its subgrantees or subcontractors, if any.

### 3.2 APPLICATION SCREENING REQUIREMENTS

Eligible Applicants include governmental entities, and public and private organizations (for profit as well as non-profit). In order to be considered an Applicant eligible for evaluations, Applicant must meet the following minimum requirements:

- A. Application must be submitted by designated deadline;
- B. Submitted Application must be complete per RFA Submission Checklist and contain specific required documents;
- C. All required documents must contain the required signature(s);
- D. Applicant must be headquartered within the state of Texas.
- E. Applicant must be in good standing with the U.S. Internal Revenue Service.
- F. Applicant must be registered with the Secretary of State (SOS) if they are Professional Corporations, Professional Associations, Texas Corporations, and/or Texas Limited Partnership Companies.
- G. Applicant must have a Federal Employer Identification Number (FEIN) or the Federal Tax Identification Number, which is a unique nine-digit number assigned by the Internal Revenue Service (IRS) to business entities operating in the United States for the purposes of identification.
- H. Applicant must be registered to do business in the State of Texas; and
- I. Applicant's staff members, including the executive director, must not serve as voting members on their employer's governing board.
- J. Applicant must be in active status with the System for Award Management (SAM) *at* <https://sam.gov/content/entity-information>.

If an Applicant is not eligible for evaluations, they cannot be awarded under this RFA. In addition, award eligibility is discussed below.

### 3.3 GRANT AWARD ELIGIBILITY

By submitting an Application in response to this RFA, Applicant certifies that:

- A. Applicant and all of its identified subsidiaries intending to participate in the Grant Agreement are eligible to perform grant-funded activities, if awarded, and are not subject to suspension, debarment, or a similar ineligibility determined by any State or federal entity;
- B. Applicant is in good standing under the laws of Texas and has provided HHS with any requested or required supporting documentation in connection with this certification;

- C. Applicant shall remain in good standing and eligible to conduct its business in Texas and shall comply with all applicable requirements of the Texas Secretary of State and the Texas Comptroller of Public Accounts;
- D. Applicant is currently in good standing with all licensing, permitting, or regulatory bodies that regulate any or all aspects of Applicant's operations; and
- E. Applicant is not delinquent in taxes owed to any taxing authority of the State of Texas as of the effective date of this Grant Agreement.

### **3.4 GRANTS FOR POLITICAL POLLING PROHIBITED**

Pursuant to the General Appropriations Act, Article IX, Section 4.03, none of the funds appropriated by the General Appropriations Act may be granted to or expended by any entity which performs political polling. This prohibition does not apply to a poll conducted by an academic institution as part of the institution's academic mission that is not conducted for the benefit of a particular candidate or party. By submitting a response to this RFA, Applicant certifies that it is not ineligible for a Grant Agreement pursuant to this prohibition.

## **Article IV. Budget Period and Grant Term**

### **4.1 PROJECT PERIOD**

The Project Period is anticipated to be **July 1, 2024** through **June 30, 2029**. If awarded General Revenue funds, DSHS may, at its sole discretion, extend the Project Period through **August 31, 2029**, to allow for the full expenditure of awarded funding and completion of Grant activities.

### **4.2 GRANT TERM**

It is anticipated that any Grant Agreement awarded as a result of this RFA will have an initial Grant Agreement term of five (5) years, unless sooner terminated, renewed, or extended. Notwithstanding the limitation in the preceding paragraph and with at least 30 Calendar Days advance written notice to Grantee, at the end of the initial Grant Agreement term or any renewal period, DSHS, at its sole discretion, may extend the Grant Agreement as necessary to ensure continuity of service, for purposes of transition, or as otherwise determined by DSHS to allow for the full expenditure of awarded funding and completion of Grant activities, for up to 12 months, in one-month intervals, at the then-current Grant Agreement rate or rates (if applicable) as modified during the term of the Grant Agreement.

### **4.3 PROJECT CLOSEOUT**

System Agency will programmatically and financially close the grant award and end the Grant Agreement when System Agency determines Grantee has completed all applicable actions and work in accordance with Grant Agreement requirements. The Grantee must submit all required financial, performance, and other reports as required in the Grant

Agreement. The Project close-out date is 45 Calendar Days after the Grant Agreement end date, unless otherwise noted in the original or amended Grant Agreement. Funds not obligated by Grantee by the end of the Grant Agreement term and not expended by the Project close-out date will revert to System Agency.

## **Article V. Grant Funding and Reimbursement Information**

### **5.1 GRANT FUNDING SOURCE AND AVAILABLE FUNDING**

The total amount of State/federal funding available for the Hospital Preparedness Program's EMTF SCO grant program is \$8,269,791.00 for the entire Project Period. The total amount of Federal funding is \$658,680.00 and /or State funding is \$7,611,111.00. It is the System Agency's intention to make one award to one Applicant that successfully demonstrates the ability to effectively facilitate the planning and response activities for the statewide EMTF Program.

Applicants are strongly cautioned to only apply for the amount of grant funding they can responsibly expend during the Project Period to avoid lapsed funding at the end of the grant term. Successful Applications may not be funded to the full extent of Applicant's requested Budgets in order to ensure grant funds are available for the broadest possible array of communities and programs.

Reimbursement will only be made for actual, allowable, and allocable expenses that occur within the Project Period. No spending or costs incurred prior to the effective date of the award will be eligible for reimbursement.

### **5.2 NO GUARANTEE OF REIMBURSEMENT AMOUNTS**

There is no guarantee of total reimbursements to be paid to any Grantee under any Grant Agreement, if any, resulting from this RFA. Grantees should not expect to receive additional or continued funding under future RFA opportunities and should maintain sustainability plans in case of discontinued grant funding. Any additional funding or future funding may require submission of a new Application through a subsequent RFA.

Receipt of an Application in response to this RFA does not constitute an obligation or expectation of any award of a Grant Agreement or funding of a grant award at any level under this RFA.

### **5.3 GRANT FUNDING PROHIBITIONS**

Grant funds may not be used to support the following services, activities, and costs:

- A. Lobbying or advocacy activities with respect to legislation or to administrative changes to regulations or administrative policy (cf. 18 U.S.C. § 1913), whether conducted directly or indirectly; See Additional Requirement ("AR") 12 for detailed guidance on this prohibition and additional guidance on lobbying for CDC awardees that is currently

available online and can be accessed at: [http://www.cdc.gov/grants/documents/Anti-Lobbying\\_Restrictions\\_for\\_CDC\\_Grantees\\_July\\_2012.pdf](http://www.cdc.gov/grants/documents/Anti-Lobbying_Restrictions_for_CDC_Grantees_July_2012.pdf);

- B. Research;
- C. Construction or Major Renovations;
- D. Purchase buildings or real property without prior written approval from DSHS. Any costs related to the initial acquisition of the buildings or real property are not allowable without written pre-approval.
- E. Equipment and other capital expenditures such as capital improvements, property losses and expenses, real estate purchases, mortgage payments, remodeling, the acquisition or construction of facilities, or other items that are unallowable pursuant to 2 CFR § 200.439;
- F. Clinical care, defined as “directly managing the medical care and treatment of patients;”
- G. Reimbursement of pre-award costs;
- H. Use of grant funds to replace (Supplant) funds that have been budgeted for the same purpose through non-grant sources;
- I. Serve as a conduit for an award to another party or provider who is ineligible. The Grantee must perform a substantial role in carrying out project objectives;
- J. Payment or reimbursement of backfilling costs for staff, including health care personnel for exercises;
- K. Fund stand-alone, single-facility exercises;
- L. Pay with HPP funds an individual's salary at a rate over \$118,000 in year one (1) of the (5) five-year Project Period. In subsequent years, Grantees may award either a cost-of-living adjustment (“COLA”) percentage as provided by the Texas Comptroller of Public Accounts, available at: <https://comptroller.texas.gov/economy/key-indicators/> or a 7% merit-based salary increase. Salary increases may not exceed a total of 20% over the (5) five-year project period.
- M. Fund the salaries of their elected and/or appointed Board of Directors and Executive Board Members;
- N. Purchase food or meals. The only exception to this restriction includes expenditures related to:
  - 1. Staff travel costs that are allowed in the Grantee’s travel policy and approved by System Agency; and/or
  - 2. Training and/or exercise events if the event outcome is significantly impacted in a negative way due to the event being stopped so that participants can leave to get a meal. This exception requires written pre-approval for food or meals from the System Agency.

- O. Purchase clothing for promotional purposes, such as those items with HCC and/or health care organization names/logos. Clothing that can be used for PPE and/or response purposes, and can be re-issued, may be purchased. Clothing purchases require written pre-approval from DSHS;
- P. Payment or reimbursement of mileage from staff residence to the staff member's routine duty station;
- Q. Employ individuals who also work for an organization that receives funds or benefits from the HPP to include EMTF member organizations;
- R. Require HCC members to pay a "membership fee" as a condition of receiving HPP funds, equipment, supplies, and/or services or as a requirement to be eligible for reimbursement for HPP-related expenditures.
- S. Inherently religious activities such as prayer, worship, religious instruction, or proselytization;
- T. Entertainment, amusement, or social activities and any associated costs including but not limited to admission fees or tickets to any amusement park, recreational activity or sporting event unless such costs are incurred for components of a Program approved by the grantor agency and are directly related to the Program's purpose;
- U. Any expense or service that is readily available at no cost to the Grant Project;
- V. Any activities related to fundraising; and
- W. Any other prohibition imposed by federal, State, or local law; and other unallowable costs as listed under TxGMS, Appendix 7, Selected Items of Cost Supplement Chart and/or 2 CFR 200, Subpart E – Cost Principles, General Provisions for Selected Items of Cost, where applicable.

## **5.4 PAYMENT METHOD**

### ***Cost Reimbursement***

Grant Agreement(s) awarded under this RFA will be funded on a cost reimbursement basis for reasonable, allowable and allocable Grant Project costs. Under the cost reimbursement payment method, Grantee is required to finance operations and will only be reimbursed for actual, allowable, and allocable costs incurred on a monthly basis and supported by adequate documentation. No additional payments will be rendered unless an advanced payment is approved.

### ***Advance Payment***

Upon execution of a Grant Agreement(s), if any, resulting from this RFA, the System Agency may disperse to Grantee(s) a one-time initial advance payment of no more than 12 percent of the funding awarded for eligible start-up costs.



## Article VI. Application Forms and Exhibits for Submission

**Note:** Applicants must refer to **Article XIII, Submission Checklist**, for the complete checklist of documents that must be submitted with an Application under this RFA.

### **6.1 NARRATIVE PROPOSAL**

Using **Form C, Executive Summary and Narrative Proposal** and **Form D, Project Work Plan** attached to this RFA, Applicants shall provide an executive summary and narrative proposal and describe their proposed activities, processes, and methodologies to satisfy all objectives described in **Article II, Scope of Grant Project**, including the sections outlined below.

Applicants should identify all proposed tasks to be performed, including all project activities, during the Grant Project Period. **Form C, Executive Summary and Narrative Proposal** must include Section 1: Organization Background and Section 2: Knowledge and Experience. **Form D, Project Work Plan** must include Section 3: Project Work Plan. Applicants must complete and submit all required attachments. Executive Summary and Narrative Proposal must include the following sections:

- A. **Section 1: Organization Background:** In this section, provide an overview of the organization which includes the following information. A maximum of six additional pages may be attached if needed.
  1. Provide the legal names of the Respondent; any affiliations; the organization's overall purpose or mission statement; and a brief history of the organization's accomplishments related to healthcare systems preparedness, including activities related to the Emergency Medical Task Force (EMTF).
  2. Provide at least two 24/7 emergency contacts, telephone numbers, and cell phone numbers available to DSHS and emergency response partners during the term of the contracting period. The use of an answering service is not acceptable.
  3. Describe the organizational structure, such as board of directors, officers, advisory groups, and/or committees.
  4. Describe the organization's role and experience in the development of the EMTF including related preparedness activities.
- B. **Section 2: Knowledge and Experience:** In this section, limit responses to the following questions to the EMTF region for which the organization is submitting this Application, even if applying for multiple regions. A maximum of six additional pages may be attached if needed.
  1. Describe the Respondent's history and experience with disaster preparedness planning and response, including coordinating with organizations and agencies within the TSA regions of the EMTF regions. Organizations and agencies may include public health agencies, medical facilities (public, private, and government), long-term care facilities, mental health facilities, Emergency Medical Services providers, local and state emergency management, Councils of Government, and other first responder agencies and health care agencies.

- C. Section 3: Project Work Plan: Applicant must submit a maximum of six additional pages describing the following:
1. Describe, in detail, how your organization will provide direction to and coordinate EMTF activities across the state, including fostering standardization across the EMTF Program.
  2. Describe in detail the process your organization will have in place to ensure the eight (8) EMTF Region Leads meet established performance measures. How will your organization monitor performance?
  3. Describe how your organization will manage the response needs of the EMTF. Please describe:
    - a. How your organization will mobilize and deploy EMTF supplies and equipment.
    - b. How your organization will coordinate with the eight regional EMTF leads and the State Medical Operations Center (SMOC)
- D. Section 4: Budget Template see Exhibit C-1
- E. Section 5: Required **HHS Solicitation Affirmations v.2.4**, see Exhibit A;
- F. Section 6: Indirect Cost Rate Certificate (Applicant must submit its cognizant agency approved certificate, as applicable)
- G. Section 7: Financial Statement (Applicant must submit current financial statements and most recent audited financial report (within the past two years) including all supplements, management discussions and analysis, and actuarial opinions, and other documents as applicable)

## 6.2 REQUESTED BUDGET

Attached Exhibit C-1, Budget Template (and all subsequent tabs contained within), of this RFA is the template for submitting the requested Budget. Applicants must develop the requested Budget to support their Proposed Project and in alignment with the requirements described in this RFA.

Applicants must ensure that Project costs outlined in the requested Budget are reasonable, allowable, allocable, and developed in accordance with applicable State and federal grant requirements. Reasonable costs are those if, in nature and amount, do not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. A cost is allocable to a particular cost objective if the cost is chargeable or assignable to such cost objective in accordance with relative benefits received. See 2 CFR § 200.403 or TxGMS Cost Principles, Basic Considerations (pgs. 32-33), for additional information related to factors affecting allowability of costs.

Applicants must utilize the Budget template provided, Exhibit C-1, Budget Template (and all subsequent tabs contained within) and identify all Budget line items and matching costs. Budget categories must be broken out into specific Budget line items that allow System

Agency to determine if proposed costs are reasonable, allowable, and necessary for the successful performance of the Project. Applicants must enter all costs in the Budget tables.

If selected for a grant award under this RFA, only System Agency-approved Budget items in the requested Budget may be considered eligible for reimbursement.

**Submission of Exhibit C-1, Budget Template (and all subsequent tabs contained within), is mandatory. Applicants that fail to submit a requested Budget as set forth in this RFA with their Application will be disqualified.**

### **6.3 INDIRECT COSTS**

Applicants must have an approved Indirect Cost Rate (ICR) to recover Indirect Costs. All Applicants are required to complete and submit **Form E, Texas Health and Human Services System Indirect Costs Rate (ICR) Questionnaire**, with the required supporting documentation. The questionnaire initiates the acknowledgment or approval of an ICR for use with the System Agency cost-reimbursable Grant Agreements. Entities declining the use of Indirect Cost cannot recover Indirect Costs on any System Agency award or use unrecovered Indirect Costs as Match, should match be required.

HHS typically accepts the following approved ICRs:

- A. Federally Approved Indirect Cost Rate Agreement
- B. State of Texas Approved Indirect Cost Rate

The System Agency, at its discretion, may request additional information to support any approved ICR agreement.

If the Applicant does not have an approved ICR agreement, the Applicant may be eligible for the ten percent (10%) de minimis rate or may request to negotiate an ICR with HHS.

For Applicants requesting to negotiate an ICR with HHS, the ICR Proposal Package will be provided by the HHS Federal Funds Indirect Cost Rate Group to successful Grantees. The ICR Proposal Package must be completed and returned to the HHS Federal Funds Indirect Cost Rate Group no later than three (3) months post-award.

The HHS Federal Funds Indirect Cost Rate Group will contact applicable Grantees after Grant Agreement execution to initiate and complete the ICR process. Grantees should respond within 30 Business Days or the request will be cancelled, and Indirect Costs may be disallowed.

Once HHS acknowledges an existing rate or approves an ICR, the Grantee will receive one of the three Indirect Cost approval letters: ICR Acknowledgement Letter, ICR Acknowledgement Letter – Ten Percent De Minimis, or the ICR Agreement Letter.

If an Indirect Cost Rate Letter is required but it is not issued at the time of Grant Agreement execution, the Grant Agreement will be amended to include the Indirect Cost Rate Letter after the ICR Letter is issued.

Approval or acceptance of an ICR will not result in an increase in the amount awarded or affect the agreed-upon service or performance levels throughout the life of the award.

## 6.4 ADMINISTRATIVE APPLICANT INFORMATION

Using **Forms A -B-2** attached to this RFA, Applicant must provide satisfactory evidence of its ability as an organization to manage and coordinate the types of activities described in this RFA.

### Litigation and Contract History

Applicant must include in its Application a complete disclosure of any alleged or significant contractual or grant failures.

In addition, Applicant must disclose any civil or criminal litigation or investigation pending over the last five (5) years that involves Applicant or in which Applicant has been judged guilty or liable. Failure to comply with the terms of this provision may disqualify Applicant. See **Exhibit A, HHS Solicitation Affirmations v.2.4**. Applicant certifies it does not have any existing claims against or unresolved audit exceptions with the State of Texas or any agency of the State of Texas.

An Application may be rejected based upon Applicant's prior history with the State of Texas or with any other party that demonstrates, without limitation, unsatisfactory performance, adversarial or contentious demeanor, or significant failure(s) to meet contractual or grant obligations.

## Article VII. RFA Administrative Information and Inquiries

### 7.1 SCHEDULE OF EVENTS

EVENT	DATE/TIME
Funding Announcement Posting Date Posted to HHS Grants RFA and Texas eGrants websites	October 16, 2023
Applicant Conference Attendance is Optional	October 20, 2023, at 10:00 a.m. Central Time
Deadline for Submitting Questions or Requests for Clarification	October 27, 2023, by 5:00 p.m. Central Time
Tentative Date Answers to Questions or Requests for Clarification Posted	November 3, 2023
<b>Deadline for Submission of Applications</b> <b>NOTE: Applications must be <u>RECEIVED</u></b> <b>by HHSC by this deadline if not changed</b>	<b>November 17, 2023, by 10:30 a.m.</b> <b>Central Time</b>

by subsequent Addenda to be considered eligible.	
Anticipated Notice of Award	May 2024
Anticipated Project Start Date	July 1, 2024

Applicants must ensure their Applications are received by HHSC in accordance with the Deadline for Submission of Applications (date and time) indicated in this Schedule of Events or as changed by subsequent Addenda posted to the [HHS Grants RFA](#) website.

All dates are tentative and HHSC and/or DSHS reserve the right to change these dates at any time. At the sole discretion of HHSC and/or DSHS, events listed in the Schedule of Events are subject to scheduling changes and cancellation. Scheduling changes or cancellation determinations made prior to the Deadline for Submission of Applications will be published by posting an Addendum to the [HHS Grants RFA](#) website. After the Deadline for Submission of Applications, if there are delays that significantly impact the anticipated award date, HHSC, at its sole discretion, may post updates regarding the anticipated award date to the [Procurement Forecast](#) on the HHS Procurement Opportunities [website](#). Each Applicant is responsible for checking the HHS Grants RFA website and Procurement Forecast for updates.

## 7.2 SOLE POINT OF CONTACT

All requests, questions or other communication about this RFA shall be made by email **only** to the Grant Specialist designated as HHSC’s Sole Point of Contact listed below:

**Name:** Dedra Williams

**Title:** Grant Specialist, HHSC Procurement and Contracting Services

**Email:** [dedra.williams@hhs.texas.gov](mailto:dedra.williams@hhs.texas.gov)

**Applicants shall not use this e-mail address for submission of an Application. Follow the instructions for submission as outlined in Article VIII, Application Organization and Submission Requirements.**

However, if expressly directed in writing by the Sole Point of Contact, Applicant may communicate with another designated HHS representative, e.g., during grant negotiations as part of the normal grant review process, if any.

**Prohibited Communications:** Applicants and their representatives shall not contact other HHS personnel regarding this RFA.

This restriction (on only communicating in writing by email with the sole point of contact identified above) does not preclude discussions between Applicant and agency personnel for the purposes of conducting business unrelated to this RFA.

Failure of an Applicant or its representatives to comply with these requirements may result in disqualification of the Application.

### 7.3 RFA QUESTIONS AND REQUESTS FOR CLARIFICATION

Written questions and requests for clarification of this RFA are permitted if submitted by email to the Sole Point of Contact by the Deadline for Submitting Questions or Requests for Clarification established in **Section 7.1, Schedule of Events**, or as may be amended in Addenda, if any, posted to the HHS Grants RFA website.

Applicants' names will be removed from questions in any responses released. All questions and requests for clarification must include the following information. Submissions that do not include this information may not be accepted:

- A. RFA number;
- B. Section or paragraph number from this Solicitation;
- C. Page number of this Solicitation;
- D. Exhibit or other attachment and section or paragraph number from the exhibit or other attachment;
- E. Page number of the exhibit;
- F. Language, topic, section heading being questioned; and
- G. Question.

The following contact information must be included in the e-mail submitted with questions or requests for clarification:

- A. Name of individual submitting question or request for clarification;
- B. Organization name;
- C. Phone number; and
- D. E-mail address.

**Questions or other written requests for clarification must be received by the Sole Point of Contact by the Deadline for Submitting Questions or Requests for Clarification set forth in this Section 7.1, Schedule of Events, or as may be amended in Addenda, if any, posted to the HHS Grants RFA website.**

**HHSC or, DSHS may review and, at its sole discretion, may respond to questions or other written requests received after the Deadline for Submitting Questions or Requests for Clarification.**

### 7.4 AMBIGUITY, CONFLICT, DISCREPANCY, CLARIFICATIONS

Applicants must notify the Sole Point of Contact of any ambiguity, conflict, discrepancy, exclusionary specification, omission or other error in the RFA in the manner and by the Deadline for Submitting Questions or Requests for Clarification. Each Applicant submits its Application at its own risk.

If Applicant fails to properly and timely notify the Sole Point of Contact of any ambiguity, conflict, discrepancy, exclusionary specification, omission or other error in the RFA, Applicant, whether awarded a Grant Agreement or not:

- A. Shall have waived any claim of error or ambiguity in the RFA and any resulting Grant Agreement;
- B. Shall not contest the interpretation by HHSC or, DSHS of such provision(s); and
- C. Shall not be entitled to additional reimbursement, relief, or time by reason of any ambiguity, conflict, discrepancy, exclusionary specification, omission, or other error or its later correction.

## **7.5 RESPONSES TO QUESTIONS OR REQUEST FOR CLARIFICATIONS**

Responses to questions or other written requests for clarification will be consolidated and HHSC will post responses in one or more Addenda on the [HHS Grants RFA](#) website. Responses will not be provided individually to requestors.

HHSC or, DSHS reserves the right to amend answers previously posted at any time prior to the Deadline for Submission of Applications. Amended answers will be posted on the [HHS Grants RFA](#) website in a separate, new Addendum or Addenda. It is Applicant's responsibility to check the [HHS Grants RFA](#) website or contact the Sole Point of Contact for a copy of the Addendum with the amended answers.

## **7.6 CHANGES, AMENDMENT OR MODIFICATION TO RFA**

HHSC or, DSHS reserves the right to change, amend, modify, or cancel this RFA. All changes, amendments and modifications or cancellation will be posted by Addendum on the HHS Grants RFA website.

It is the responsibility of each Applicant to periodically check the HHS Grants RFA website for any additional information regarding this RFA. Failure to check the posting website will in no way release any Applicant or awarded Grantee from the requirements of posted Addenda or additional information. No HHS agency will be responsible or liable in any regard for the failure of any individual or entity to receive notification of any posting to the websites or for the failure of any Applicant or awarded Grantee to stay informed of all postings to these websites. If the Applicant fails to monitor these websites for any changes or modifications to this RFA, such failure will not relieve the Applicant of its obligation to fulfill the requirements as posted.

## **7.7 EXCEPTIONS**

Applicants are highly encouraged, in lieu of including exceptions in their Applications, to address all issues that might be advanced by way of exception via **Exhibit H, Exceptions Form** or by submitting questions or requests for clarification pursuant to **Section 7.3, RFA Questions and Requests for Clarification**.

No exception, nor any other term, condition, or provision in an Application that differs, varies from, or contradicts this RFA, will be considered to be part of any Grant Agreement resulting from this RFA unless expressly made a part of the Grant Agreement in writing by the System Agency.

## **7.8 APPLICANT CONFERENCE**

HHSC in coordination with DSHS will conduct an Applicant conference on the date and time set out in **Section 7.1, Schedule of Events** to review the key elements of this RFA. Attendance is optional and not required, however, is strongly encouraged.

People with disabilities who wish to attend the meeting and require auxiliary aids or services should contact the Sole Point of Contact identified in **Section 7.2, Sole Point of Contact**, at least 72 hours before the meeting in order to have reasonable accommodations made by HHSC.

The conference may be held by webinar, conference call or both. Attendees are required to sign a conference attendance log and those joining via conference call are required to send an email to the Sole Point of Contact (see **Section 7.2, Sole Point of Contact**) advising of participation in the conference. Each attendee must provide his/her name, attendee's company name, and attendee email address.

### **WEBINAR INFORMATION:**

The conference will be held through GoToWebinar, which may be accessed at:

<https://attendee.gotowebinar.com/register/1705295690234921303>

### **Webinar Instructions:**

- A. Enter Webinar ID: 353-595-795
- B. Enter Attendee's business email
- C. To register, the participants must have the following information ready:
  1. First and last name of each attendee/registrant;
  2. E-mail address for the attendee/registrant;
  3. Applicant's legal name; and
  4. Job title of attendee/registrant.

## **Article VIII. Application Organization and Submission Requirements**

### **8.1 APPLICATION RECEIPT**

Applications must be received by HHSC by the Deadline for Submission of Applications specified in **Section 7.1, Schedule of Events**, or subsequent Addenda. HHSC will date and time stamp all Applications upon receipt. Applications received after the Deadline for Submission of Applications may be ruled ineligible. Applicants should allow for adequate time for submission before the posted Deadline for Submission of Applications.



No HHS agency will be held responsible for any Application that is mishandled prior to receipt by HHSC. It is the Applicant's responsibility to ensure its Application is received by HHSC before the Deadline for Submission of Applications. No HHS agency will be responsible for any technical issues that result in late delivery, non-receipt of an Application, inappropriately identified documents, or other submission issue that may lead to disqualification.

**Note: All Applications become the property of HHSC and DSHS after submission and receipt and will not be returned to Applicant.**

Applicants understand and acknowledge that issuance of this RFA or retention of Applications received in response to this RFA in no way constitutes a commitment to award Grant Agreement(s) as a result of this RFA.

## 8.2 APPLICATION SUBMISSION

By submitting an Application in response to this Solicitation, Applicant represents and warrants that the individual submitting the Application and any related documents on behalf of the Applicant is authorized to do so and binds the Applicant under any Grant Agreement that may result from the submission of an Application.

## 8.3 REQUIRED SUBMISSION METHOD

- A. Applicants must submit their completed Applications by the Deadline for Submission of Applications provided in the **Section 7.1, Schedule of Events**, or subsequent Addenda, using one of the approved methods identified below. Applications submitted by any other method (e.g. facsimile, email) will not be considered and will be disqualified.
- B. **Submission Option #1 HHS Online Bid Room:** Applicants shall upload the following documents to the Online Bid Room utilizing the procedures in **Exhibit I, Online Bid Room Instructions**. **File Size Limitation:** Restriction to 250MB per file attachment.
  1. One (1) copy marked as "Original Application" that contains the Applicant's entire Application in a Portable Document Format (".pdf") file.
  2. One (1) copy of the completed **Exhibit C-1, Budget Template** (and all subsequent tabs contained within), in its original Excel format.
  3. One (1) copy of the complete Application marked as "Public Information Act Copy," if applicable, in accordance with **Section 12.1, Texas Public Information Act**, in a Portable Document Format (".pdf") file.
- C. **Submission Option #2 Sealed Package with USB Drives:** Applicants shall submit each of the following on separate USB drives:
  1. One (1) USB drive with the complete Application file marked as "Original Application" in a Portable Document Format (".pdf") file. Include the USB in a

separate envelope within the sealed Application package and mark the USB and envelope with “Original Application.” USB drive must include the completed **Exhibit C-1, Budget Template** (and all subsequent tabs contained within), in its original Excel format.

2. One (1) USB drive with a copy of the complete Application file marked as “Public Information Act Copy,” if applicable and in accordance with **Section 12.1, Texas Public Information Act**. The copy must be in a Portable Document Format (“.pdf”) file. Include the USB in a separate envelope within the sealed package and mark the USB and envelope with “Public Information Act Copy” or “PIA Copy.”

Applicant must deliver Applications submitted via USB by one of the methods below.

<b>Overnight/Express/Priority Mail</b>	<b>Hand Delivery</b>
Health and Human Services Commission  ATTN: Response Coordinator  Tower Building, Room 108  1100 W. 49th St., MC 2020  Austin, Texas 78756	Health and Human Services Commission  ATTN: Response Coordinator  Procurement & Contracting Services Building  1100 W. 49th St., MC 2020  Austin, Texas 78756

Sealed packages must be clearly labeled with the following:

<b>RFA No:</b>	HHS0013403
<b>RFA TITLE</b>	Emergency Medical Task Force (EMTF) State Coordinating Organization (SCO)
<b>DEADLINE FOR SUBMISSION OF APPLICATIONS</b>	November 17, 2023 by 10:30 a.m. Central Time
<b>SOLE POINT OF CONTACT’S NAME:</b>	Dedra Williams
<b>APPLICANT’S NAME:</b>	[Applicant’s legal name]

Applicants are solely responsible for ensuring the USB drives are submitted in sealed packaging that is sufficient to prevent damage to contents and delivered by overnight or express mail, or hand delivery to the addresses above. No HHS agency will be responsible or liable for any damage.

**8.4 COSTS INCURRED FOR APPLICATION**

All costs and expenses incurred in preparing and submitting an Application in response to this RFA and participating in the RFA selection process are entirely the responsibility of the Applicant.

## 8.5 APPLICATION COMPOSITION

All Applications must:

- A. Be responsive to all RFA requirements;
- B. Be clearly legible;
- C. Be presented using font type Verdana, Arial, or Times New Roman, font size 12 pt., with one (1) inch margins and 1.5 line spacing; the sole 12-point font size exception is no less than size 10 pt. for tables, graphs, and appendices;
- D. Include page numbering for each section of the Application; and
- E. Include signature of Applicant's authorized representative on all exhibits and forms requiring a signature. Copies of the Application documents should be made after signature.

## 8.6 APPLICATION ORGANIZATION

The complete Application file .pdf must:

- A. Be organized in the order outlined in the **Article XIII, Submission Checklist**, and include all required sections (e.g., "Administrative Information," "Executive Summary and Narrative Proposal," and "Exhibits to be Submitted with Application,")
  - 1. **Exhibit C-1, Budget Template** (and all subsequent tabs contained within), is to be submitted in its original Excel format.
  - 2. Each Application section must have a cover page with the Applicant's legal name, RFA number, and Name of Grant identified.
- B. Include all required documentation, exhibits, and forms completed and signed, as applicable. Copies of forms are acceptable, but all copies must be identical to the original. All exhibits must be submitted and obtained directly from the posted RFA package; previous versions and copies are not allowed or acceptable.

## 8.7 APPLICATION WITHDRAWALS OR MODIFICATIONS

Prior to the Deadline for Submission of Applications set forth in **Section 7.1, Schedule of Events**, or subsequent Addenda, an Applicant may:

- A. Withdraw its Application by submitting a written request to the Sole Point of Contact; or
- B. Modify its Application by submitting an entirely new submission, complete in all respects, using one of the approved methods of submission set forth in this RFA. The modification must be received by HHSC by the Deadline for Submission of Applications set forth in **Section 7.1, Schedule of Events**, or subsequent Addenda.

No withdrawal or modification request received after the Deadline for Submission of Applications, set forth in **Section 7.1, Schedule of Events**, or subsequent Addenda, will

be considered. Additionally, in the event of multiple Applications received, the most timely received and/or modified Application will replace the Applicant's original and all prior submission(s) in its entirety and the original submission(s) will not be considered.

## **Article IX. Application Screening and Evaluation**

### **9.1 OVERVIEW**

A three-step selection process will be used:

- A. Application screening to determine whether the Applicant meets the minimum requirements of this RFA;
- B. Evaluation based upon specific criteria, outlined in **Section 9.4, Evaluation Criteria**; and
- C. Final selection based upon State priorities and other relevant factors, as outlined in **Section 10.1, Final Selection**.

### **9.2 INITIAL COMPLIANCE SCREENING OF APPLICATIONS**

All Applications received by the Deadline for Submission of Applications as outlined in **Section 7.1, Schedule of Events**, or subsequent Addenda, will be screened by HHSC to determine which Applications meet all the minimum requirements of this RFA and are deemed responsive and qualified for further consideration. See **Section 3.2, Application Screening Requirements**.

At the sole discretion of HHSC, in coordination with System Agency, Applications with errors, omissions, or compliance issues may be considered non-responsive and may not be considered. The remaining Applications will continue to the evaluation stage and will be considered in the manner and form as which they are received. HHSC reserves the right to waive minor informalities in an Application. A "minor informality" is an omission or error that, in the determination of HHSC if waived or modified, would not give an Applicant an unfair advantage over other Applicants or result in a material change in the Application or RFA requirements. **Note:** Any disqualifying factor set forth in this RFA does not constitute an informality (e.g., **Exhibit A, HHS Solicitation Affirmations v.2.4**, or **Exhibit C-1, Budget Template** (and all subsequent tabs contained within)).

HHSC, at its sole discretion, may give an Applicant the opportunity to submit missing information or make corrections at any point after receipt of Application. The missing information or corrections must be submitted to the Sole Point of Contact e-mail address in **Section 7.2, Sole Point of Contact**, by the deadline set by HHSC. Failure to respond by the deadline may result in the rejection of the Application and the Applicant's not being considered for award.

### 9.3 QUESTIONS OR REQUESTS FOR CLARIFICATION FOR APPLICATIONS

System Agency reserves the right to ask questions or request clarification or revised documents for a submitted Application from any Applicant at any time prior to award. System Agency reserves the right to select qualified Applications received in response to this RFA without discussion of the Applications with Applicants.

### 9.4 EVALUATION CRITERIA

Respondent's Application will be evaluated as detailed below. Applications will be evaluated and scored in accordance with the following scoring criteria using **Exhibit J, Evaluation Tool**.

**Scoring Criteria:** Qualified Applications shall be evaluated based upon:

- A. Organizational capacity, qualifications, and experience (20%)
- B. Knowledge and Experience (20%)
- C. Quality of proposed Project Work Plan (50%);
- D. Proposed Budget and justification (cost effectiveness) (10%)

### 9.5 PAST PERFORMANCE

System Agency reserves the right to request additional information and conduct investigations as necessary to review any Application. By applying, the Applicant generally releases from liability and waives all claims against any party providing information about the Applicant at the request of System Agency.

System Agency may examine Applicant's past performance which may include, but is not limited to, information about Applicant provided by any governmental entity, whether an agency or political subdivision of the State of Texas, another state, or the federal government.

System Agency, at its sole discretion, may also initiate investigations or examinations of Applicant performance based upon media reports. Any negative findings, as determined by System Agency in its sole discretion, may result in System Agency removing the Applicant from further consideration for award.

Past performance information regarding Applicants may include, but is not limited to:

- A. Notices of termination;
- B. Cure notices;
- C. Assessments of liquidated damages;
- D. Litigation;
- E. Audit reports; and
- F. Non-renewals of grants or Contracts based on Applicant's unsatisfactory performance.

Applicants also may be rejected as a result of unsatisfactory past performance under any grant(s) or contract(s) as reflected in vendor performance reports, reference checks, or other sources. An Applicant's past performance may be considered in the initial screening process and prior to making an award determination.

Reasons for which an Applicant may be denied a Grant Agreement at any point after Application submission include, but are not limited to:

- A. If applicable, Applicant has an unfavorable report or grade on the CPA Vendor Performance Tracking System (VPTS). VPTS may be accessed at: <https://comptroller.texas.gov/purchasing/programs/vendor-performance-tracking/>, OR,
- B. Applicant is currently under a corrective action plan through HHSC or DSHS, OR,
- C. Applicant has had repeated, negative vendor performance reports for the same reason, OR,
- D. Applicant has a record of repeated non-responsiveness to vendor performance issues, OR,
- E. Applicant has contracts or purchase orders that have been cancelled in the previous 12 months for non-performance or substandard performance, OR
- F. Any other performance issue that demonstrates that awarding a Grant Agreement to Applicant would not be in the best interest of the State.

## **9.6 COMPLIANCE FOR PARTICIPATION IN STATE CONTRACTS**

Prior to award of a Grant Agreement under this RFA and in addition to the initial screening of Applications, all required verification checks will be conducted.

The information (e.g., legal name and, if applicable, assumed name (d/b/a), tax identification number, Unique Entity Identifier ("UEI," a unique identifier created via SAM.gov, which replaces the previously used DUNS) provided by Applicant will be used to conduct these checks. At System Agency's sole discretion, Applicants found to be barred, prohibited, or otherwise excluded from award of a Grant Agreement may be disqualified from further consideration under this Solicitation, pending satisfactory resolution of all compliance issues.

Checks include:

### **A. State of Texas Debarment and Warrant Hold**

Applicant must not be debarred from doing business with the State of Texas (<https://comptroller.texas.gov/purchasing/programs/vendor-performance-tracking/debarred-vendors.php>) or have an active warrant or payee hold placed by the Comptroller of Public Accounts (CPA).

### **B. U.S. System of Award Management (SAM) Exclusions List**

Applicant must not be excluded from Contract participation at the federal level. This verification is conducted through SAM, the official website of the U.S. Government which may be accessed at:

<https://www.sam.gov/SAM/pages/public/searchRecords/search.jsf>

### **C. Divestment Statute Lists**

Applicant must not be listed on the Divestment Statute Lists provided by CPA, which may be accessed at:

<https://comptroller.texas.gov/purchasing/publications/divestment.php>

1. Companies that boycott Israel;
2. Companies with Ties to Sudan;
3. Companies with Ties to Iran;
4. Foreign Terrorist Organizations; and
5. Companies with Ties to Foreign Terrorist Organizations.

### **D. HHS Office of Inspector General**

Applicant must not be listed on the HHS Office of Inspector General Texas Exclusions List for people or businesses excluded from participating as a provider:

<https://oig.hhsc.texas.gov/exclusions>

### **E. U.S. Department of Health and Human Services**

Applicant must not be listed on the U.S. Department of Health and Human Services Office of Inspector General's List of Excluded Individuals/Entities (LEIE), excluded from participation as a provider, unless a valid waiver is currently in effect:

<https://exclusions.oig.hhs.gov/>.

Additionally, if a subrecipient under a federal award, the Grantee shall comply with requirements regarding registration with the U.S. Government's System for Award Management (SAM). This requirement includes maintaining an active SAM registration and the accuracy of the information in SAM. The Grantee shall review and update information at least annually after initial SAM registration and more frequently as required by 2 CFR Part 25.

For Grantees that may make procurements using grant funds awarded under the Grant Agreement, Grantee must check SAM Exclusions that contain the names of ineligible, debarred, and/or suspended parties. Grantee certifies through acceptance of a Grant Agreement it will not conduct business with any entity that is an excluded entity under SAM.

HHSC and DSHS, as the System Agency have the right to conduct additional checks to determine eligibility to receive a Grant Agreement.

## Article X. Award of Grant Agreement Process

### 10.1 FINAL SELECTION

After initial screening for eligibility and Application completeness, and initial evaluation against the criteria listed in **Section 9.4, Evaluation Criteria**, a Selection Committee may apply other considerations such as Program policy or other selection factors that are essential to the process of selecting Applications that individually or collectively achieve Program objectives and effectively accomplish the state priorities. In applying these factors, the System Agency may consult with internal and external subject matter experts. The funding methodology for issuing final Grant Agreements will include the following identified factors:

Funding awards will be based on the:

- A. Funding opportunity evaluation score;
- B. Geographic distribution across the State;
- C. Availability of funds;
- D. Cost-effectiveness; and
- E. The best interest of the State in providing services under this RFA.

Successful Respondents are expected to achieve a score of at least 75 points. Applications with a score less than indicated above may not be considered. Not all Respondents who are deemed eligible to receive funds are assured of receiving an award.

The final funding amount and the provisions of the contract will be determined at the sole discretion of the System Agency.

System Agency reserves the right to negotiate with a Respondent to serve as the EMTF SCO based on the best interest and/or best value to the State of Texas.

In the event Applications from multiple Respondents proposed for the same EMTF Region or set of EMTF Regions or EMTF – SCO result in identical scores, the System Agency will consider past performance on similar projects and qualifications of key project personnel, including without limitation:

- A. Demonstrated success managing HPP, EMTF, or other similar projects;
- B. Past fiscal issues, including, but not limited to, payment holds or sanctions, under any DSHS/HHSC Contract; and
- C. Previous missing, late, incomplete, or insufficient deliverables under the HPP Contract.

The System Agency will make final funding decisions based on Applicant eligibility, evaluation rankings, the funding methodology above, and other relevant factors.

All funding recommendations will be considered for approval by the DSHS Commissioner, or their designee.



## 10.2 NEGOTIATIONS

After selecting Applicants for award, the System Agency may engage in negotiations with selected Applicants. As determined by System Agency, the negotiation phase may involve direct contact between the selected Applicant and HHS/System Agency representatives by virtual meeting, by phone and/or by email. Negotiations should not be interpreted as a preliminary intent to award funding unless explicitly stated in writing by the System Agency and is considered a step to finalize the Application to a state of approval and discuss proposed grant activities. During negotiations, selected Applicants may expect:

- A. An in-depth discussion of the submitted Application and requested Budget; and
- B. Requests from the System Agency for revised documents, clarification, or additional detail regarding the Applicant's submitted Application. These clarifications and additional details, as required, must be submitted in writing by Applicant as finalized during the negotiation.

## 10.3 DISCLOSURE OF INTERESTED PARTIES

Subject to certain specified exceptions, Section 2252.908 of the Texas Government Code, Disclosure of Interested Parties, applies to a Grant Agreement of a State agency that has a value of \$1 million or more; requires an action or vote by the governing body of the entity or agency before the Grant Agreement may be signed; or is for services that would require a person to register as a lobbyist under Chapter 305 of the Texas Government Code.

One of the requirements of Section 2252.908 is that a business entity (defined as "any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation") must submit a Form 1295, Certificate of Interested Parties, to the System Agency at the time the business entity submits the signed Grant Agreement.

Applicant represents and warrants that, if selected for award of a Grant Agreement as a result of this RFA, Applicant will submit to the System Agency a completed, certified and signed Form 1295, Certificate of Interested Parties, at the time the potential Grantee submits the signed Grant Agreement.

The Form 1295 involves an electronic process through the Texas Ethics Commission (TEC). The online process for completing the Form 1295 may be found on the TEC public website at: [https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm).

Additional instructions and information to be used to process the Form 1295 will be provided by the System Agency to the potential Grantee(s). Grantee may contact Sole Point of Contact or designated Contract Manager for information needed to complete Form 1295.

If the potential Grantee does not submit a completed, certified and signed TEC Form 1295 to the System Agency with the signed Grant Agreement, the System Agency is prohibited by law from executing a Grant Agreement, even if the potential Grantee is otherwise eligible for award. The System Agency, as determined in its sole discretion, may award the

Grant Agreement to the next qualified Applicant, who will then be subject to this procedure.

#### **10.4 EXECUTION AND ANNOUNCEMENT OF GRANT AGREEMENT(S)**

The System Agency intends to award one Grant Agreement under this RFA. However, not all Applicants who are deemed eligible to receive funds are assured of receiving a Grant Agreement.

At any time and at its sole discretion, System Agency reserves the right to cancel this RFA, make partial award, or decline to award any Grant Agreement(s) under this RFA.

The final funding amount and the provisions of the Contract will be determined at the sole discretion of the System Agency. Tentative or Apparent Grant Recipients may be announced once the DSHS Commissioner, or their designee has given approval to initiate negotiation and execute Contracts.

The System Agency reserves the right to ask questions or request clarification from any Respondent at any time during the Application process.

HHSC may announce tentative funding awards through an “Intent to Award Letter” once the DSHS Commissioner and relevant HHSC approval authorities have given approval to initiate and/or execute grants. Receipt of an “Intent to Award Letter” does not authorize the recipient to incur expenditures or begin Project activities, nor does it guarantee current or future funding.

Upon execution of a Grant Agreement(s) under this RFA, HHSC will post a notification of all grants awarded to the [HHS Grants RFA](#) website.

### **Article XI. General Terms and Conditions**

#### **11.1 GRANT APPLICATION DISCLOSURE**

In an effort to maximize State resources and reduce duplication of effort, the System Agency, at its discretion, may require the Applicant to disclose information regarding the Application for or award of State, federal, and/or local grant funding to the Applicant or subgrantee or subcontractor (i.e. organization who will participate, in part, in the operation of the Project) within the past two years to provide hospital preparedness and response services.

#### **11.2 TEXAS HISTORICALLY UNDERUTILIZED BUSINESSES (HUBS)**

In procuring goods and services using funding awarded under this RFA, Grantee must use HUBs or other designated businesses as required by law or the terms of the State or federal grant under which this RFA has been issued. See, e.g., 2 CFR § 200.321. If there are no such requirements, System Agency encourages Applicant to use HUBs to provide goods and services.

For information regarding the Texas HUB Program, refer to CPA’s website: <https://comptroller.texas.gov/purchasing/vendor/hub/>.

## **Article XII. Application Confidential or Proprietary Information**

### **12.1 TEXAS PUBLIC INFORMATION ACT – APPLICATION DISCLOSURE REQUIREMENTS**

Applications and resulting Grant Agreements are subject to the Texas Public Information Act (PIA), Texas Government Code Chapter 552, and may be disclosed to the public upon request. Other legal authority also requires System Agency to post grants and Applications on its public website and to provide such information to the Legislative Budget Board for posting on its public website.

Under the PIA, certain information is protected from public release. If Applicant asserts that information provided in its Application is exempt from disclosure under the PIA, Applicant must:

#### **A. Mark Original Application:**

1. Mark the Original Application, at the top of the front page, with the words “CONTAINS CONFIDENTIAL INFORMATION” in large, bold, capitalized letters (the size of, or equivalent to, 12-point Times New Roman font); and
2. Identify, adjacent to each portion of the Application that Applicant claims is exempt from public disclosure, the claimed exemption from disclosure (NOTE: no redactions are to be made in the Original Application);

**B. Certify in Original Application – HHS Solicitation Affirmations:** Certify, in the designated section of the **Exhibit A, HHS Solicitation Affirmations v2.4**, Applicant’s confidential information assertion and the filing of its Public Information Act Copy; and

**C. Submit Public Information Act Copy of Application:** Submit a separate “Public Information Act Copy” of the Original Application (in addition to the original and all copies otherwise required under the provisions of this RFA). The Public Information Act Copy must meet the following requirements:

1. The copy must be clearly marked as “Public Information Act Copy” on the front page in large, bold, capitalized letters (the size of, or equivalent to, 12-point Times New Roman font);
2. Each portion Applicant claims is exempt from public disclosure must be redacted (blacked out); and
3. Applicant must identify, adjacent to each redaction, the claimed exemption from disclosure. Each identification provided as required in Subsection (3) of this section must be identical to those set forth in the Original Application as required in Subsection 1(b), above. The only difference in required markings and information between the Original Application and the “Public Information Act Copy” of the

Application will be redactions – which can only be included in the “Public Information Act Copy.” There must be no redactions in the Original Application.

**By submitting an Application under this RFA, Applicant agrees that, if Applicant does not mark the Original Application, provide the required certification in Exhibit A, HHS Solicitation Affirmations v.2.4, and submit the Public Information Act Copy, the Application will be considered to be public information that may be released to the public in any manner including, but not limited to, in accordance with the Public Information Act, posted on the System Agency’s public website, and posted on the Legislative Budget Board’s public website.**

**If any or all Applicants submit partial, but not complete, information suggesting inclusion of confidential information and failure to comply with the requirements set forth in this section, the System Agency, in its sole discretion, reserves the right to (1) disqualify all Applicants that fail to fully comply with the requirements set forth in this section, or (2) to offer all Applicants that fail to fully comply with the requirements set forth in this section additional time to comply.**

No Applicant should submit a Public Information Act Copy indicating that the entire Application is exempt from disclosure. Merely making a blanket claim that the entire Application is protected from disclosure because it contains any amount of confidential, proprietary, trade secret, or privileged information is not acceptable, and may make the entire Application subject to release under the PIA.

Applications should not be marked or asserted as copyrighted material. If Applicant asserts a copyright to any portion of its Application, by submitting an Application, Applicant agrees to reproduction and posting on public websites by the State of Texas, including the System Agency and all other State agencies, without cost or liability.

The System Agency will strictly adhere to the requirements of the PIA regarding the disclosure of public information. As a result, by participating in this RFA, Applicant acknowledges that all information, documentation, and other materials submitted in its Application may be subject to public disclosure under the PIA. The System Agency does not have authority to agree that any information submitted will not be subject to disclosure. Disclosure is governed by the PIA and by rulings of the Office of the Texas Attorney General. Applicants are advised to consult with their legal counsel concerning disclosure issues resulting from this process and to take precautions to safeguard trade secrets and proprietary or otherwise confidential information. The System Agency assumes no obligation or responsibility relating to the disclosure or nondisclosure of information submitted by Applicants.

For more information concerning the types of information that may be withheld under the PIA or questions about the PIA, please refer to the Public Information Act Handbook published by the Office of the Texas Attorney General or contact the attorney general’s Open Government Hotline at (512) 478-OPEN (6736) or toll-free at (877) 673-6839 (877-OPEN TEX). To access the Public Information Act Handbook, please visit the attorney general’s website at <http://www.texasattorneygeneral.gov>.

## **12.2 APPLICANT WAIVER – INTELLECTUAL PROPERTY**

**SUBMISSION OF ANY DOCUMENT TO ANY HHS AGENCY IN RESPONSE TO THIS SOLICITATION CONSTITUTES AN IRREVOCABLE WAIVER, AND AGREEMENT BY THE SUBMITTING PARTY TO FULLY INDEMNIFY THE STATE OF TEXAS AND HHS FROM ANY CLAIM OF INFRINGEMENT REGARDING THE INTELLECTUAL PROPERTY RIGHTS OF THE SUBMITTING PARTY OR ANY THIRD PARTY FOR ANY MATERIALS SUBMITTED TO HHS BY THE SUBMITTING PARTY.**

*The remainder of this page is left blank intentionally*

**Article XIII. Submission Checklist**

**HHSC, in coordination with DSHS, in its sole discretion, will review all Applications received and will determine if any or all Applications which do not include complete, signed copies of these exhibits, will be disqualified or whether additional time will be permitted for submission of the incomplete or missing exhibits. If additional time is permitted, Applicants will be notified in writing of the opportunity to provide the missing documentation by a specified deadline. Failure by an Applicant to submit the requested documentation by the deadline WILL result in disqualification. Applications that do not include Exhibit A, HHS Solicitation Affirmations v.2.4 (completed and signed), and Exhibit C-1, Budget Template (and all subsequent tabs contained within), (completed), will be disqualified. See Section 9.2, Initial Compliance Screening of Applications for further detail.**

Respondents will describe the proposed services, processes, and methodologies for meeting all components described in Article II. Respondent should identify all tasks to be performed, including all project activities, to take place during the grant funding period. Respondent will also include all documents requested as part of completing Forms to demonstrate fulfilling Article II requirements.

This Submission Checklist identifies the documentation, forms and exhibits that are required to be submitted as part of the Application.

The Application must be organized in the order below and include each required section and the forms and exhibits identified within a section:

**A. Administrative Information**

- 1. Form A, Face Page \_\_\_\_\_
- 2. Form B, Administrative Information \_\_\_\_\_
- 3. Form B-1, Governmental Entity – Authorized Officials, if applicable \_\_\_\_\_
- 4. Form B-2, Nonprofit or For-Profit Entity – Authorized Officials, if applicable \_\_\_\_\_

**B. Executive Summary and Narrative Proposal [The Executive Summary and Narrative Proposal must be titled “Executive Summary and Narrative Proposal” and include the Applicant’s Legal Name, the RFA No., and the name of the Grant Program. Use the titles below for each required section.]**

- 1. Form C, Executive Summary and Narrative Proposal \_\_\_\_\_
- 2. Form D, Project Work Plan \_\_\_\_\_

**C. Exhibits and Forms to be Completed, Signed, and Submitted with Application**

- 1. Exhibit A, HHS Solicitation Affirmations v.2.4 \_\_\_\_\_

**Exhibit A is mandatory and must be completed, signed and submitted for the Application to be considered responsive. Applications received without Exhibit A or with an unsigned Exhibit A may be disqualified.**

2. Exhibit C-1 (and all subsequent tabs contained within), Budget Template (Excel) \_\_\_\_\_

**This Budget Template is mandatory and must be submitted with the Application, in the original format (Excel), for the Application to be considered responsive. Applications received without the completed Budget Template will be disqualified.**

3. Form E, HHS System Indirect Costs Rate Questionnaire \_\_\_\_\_
4. Exhibit E, Assurances – Non-Construction Programs \_\_\_\_\_
5. Exhibit F, Certification Regarding Lobbying \_\_\_\_\_
- 6 Exhibit G, Federal Funding Accountability and Transparency Act (FFATA)  
Certification Form \_\_\_\_\_
7. Exhibit H, Exceptions Form, if applicable \_\_\_\_\_
8. Signed Addendum or Addenda Acknowledgement, if applicable \_\_\_\_\_

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## **Article XIV. List of Exhibits and Forms Attached to RFA**

### **Exhibits**

- Exhibit A, HHS Solicitation Affirmations v.2.4
- Exhibit B, HHS Uniform Terms and Conditions – Grant v.3.2
- Exhibit C, Budget Template Instructions
- Exhibit C-1, Budget Template (and all subsequent tabs contained within)
- Exhibit D, Additional Provisions – Grant Funding v.1.0
- Exhibit E, Assurances – Non-Construction Programs v.1.1
- Exhibit E-1, Special Terms and Conditions
- Exhibit F, Certification Regarding Lobbying
- Exhibit G, Federal Funding Accountability and Transparency Act (FFATA) Certification
- Exhibit H, Exceptions Form
- Exhibit I, Online Bid Room Instructions
- Exhibit J, Evaluation Tool
- Exhibit K, Trauma Service Areas
- Exhibit L, Emergency Medical Task Force (EMTF) Regions
- Exhibit M, TX EMTF Component Overview
- Exhibit N, 2017-2022 HPP Capabilities
- Exhibit O, State Mission Assignment (SMA)

### **Forms**

- Form A, Face Page
- Form B, Administrative Information
- Form B-1, Governmental Entity – Authorized Officials
- Form B-2, Non-Profit or For-Profit Entity – Authorized Officials
- Form C, Executive Summary and Narrative Proposal
- Form D, Project Work Plan
- Form E, HHS System Indirect Costs Rate Questionnaire