



TEXAS

Health and Human Services

Cecile E. Young, Executive Commissioner

Request for Applications (RFA)

Grant for

Outdoor Learning Environment (OLE!) Texas,

*Early Childcare and Education (ECE) Network, and Best Practice
Award Program*

RFA No. HHS0013443

DEADLINE FOR SUBMISSION OF APPLICATIONS

November 20, 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), the System Agency, for the Outdoor Learning Environment (OLE!) Texas, Early Childcare and Education (ECE) Network, and Best Practice Award Programs.

OLE! Texas partners with other State agencies, universities and organizations to promote healthy, nature-based outdoor spaces at early childcare and education (ECE) programs within the State of Texas. The ECE Network and Best Practice Award programs support OLE! Texas with respect to assisting ECE professionals to improve or maintain outdoor learning environment(s), practices and recognizing and awarding ECE programs that meet or exceed the standards set forth by the OLE! Texas initiative.

Applicants should reference **Article II, Scope of Grant Project** (below) for further detailed information regarding the purpose, background, eligible population, eligible activities and requirements.

Grant Name:	Outdoor Learning Environment (OLE!) Texas, Early Childcare and Education (ECE) Network, and Best Practice Award Program
RFA No.:	HHS0013443
Deadline for Submission of Applications:	November 20, 2023, by 10:30 a.m. Central Time
Deadline for Submitting Questions or Requests for Clarifications:	November 1, 2023, by 5:00 p.m. Central Time
Estimated Total Available Funding:	\$495,000.00
Estimated Total Number of Awards:	One (1)
Estimated Max Award Amount:	\$195,000.00
Anticipated Project Start Date:	March 1, 2024

Approximate Length of Project Period:	One (1) year and Six (6) months, or 18 months
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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

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.

Refer to all exhibits to this RFA for additional definitions.

[“Addendum”](#) means a written clarification or revision to this RFA, including exhibits, forms, and attachments, 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. May also be referred to in this RFA or its exhibits as [“Respondent.”](#)

[“Application”](#) means all documents the Applicant submits in response to this RFA, including all required forms and exhibits. May also be referred to in this RFA as [“Solicitation Response.”](#)

[“Budget”](#) means the financial plan for carrying out the Grant Project, as formalized in the Grant Agreement, including awarded funds and any required Match, submitted as part of the Application in response to this RFA. An Applicant’s requested Budget may differ from the System Agency-approved Budget executed in the final Grant Agreement. May also be referred to in this RFA as [“Expenditure Proposal.”](#)

[“Business Day”](#) means any day (24-hour period) in which HHSC normal business operations are conducted (excludes State holidays and weekends).

[“Calendar Day”](#) means each day shown on the calendar beginning at 12:00 Midnight, including Saturdays, Sundays, and holidays.

[“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.

“Client” means a member of the target population to be served under a Grant Agreement as a result of this RFA.

“Contract” or “Grant Agreement” means the agreement entered into by the System Agency and the grant awardee under this RFA, including the Signature Document and all attachments and amendments. Also referred to as “Grant Project,” “Project”

“Contractual Category” means the services included in the categorical Budget, or Expenditure Proposal, that will be performed by the Applicant through a subcontract to an outside person or legal entity under the Contract resulting from this RFA.

“Day” shall mean “calendar” day(s), unless explicitly identified as “business” day(s). The due date of any obligation that falls on a holiday (federal or State) or weekend shall be the business day that falls immediately after the holiday or weekend. A “Business Day” is defined as any day from Monday through Friday that does not fall on a holiday.

“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.

“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 also the definitions of capital assets, computing devices, general purpose Equipment, information technology systems, special purpose Equipment, and supplies in 2 CFR § 200.1.

“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 “Subrecipient” or “Contractor.”

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

“HHSC” means the Health and Human Services Commission.

“Indirect Cost” means those costs of doing business that are not readily assignable to a specific cost objective under the Grant Project responsive to this RFA but are incurred for the overall operation of the organization and the activities it performs. Indirect Costs include, but are not limited to, employees performing general office or accounting duties, and shared costs such as the copier rental cost or utilities indirectly benefiting the grant-supporting Project or activity.

“Indirect Cost Rate” means the proportion of general (non-direct) expenses that the Grant Project should bear. It is expressed as a ratio of general expenses to Direct Costs.

“Project Period” means the initial period of time 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.

“RFA” means this Request for Applications, including all parts, exhibits, forms, attachments and Addenda posted on the HHS Grants RFA website. 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.

“System Agency” means HHSC, DSHS, or both, that will be a party to any Grant Agreement resulting from the RFA.

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

1.3 STATUTORY AUTHORITY

Federal funding for this Grant Project is authorized under 301(a) and 317(k)(2) of the Public Health Service Act, as amended and codified in 42 U.S.C. Section 241(a) and 247b(k)(2). All awards are subject to the availability of appropriated 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.

The Contract resulting from this RFA will be funded by a combination of both federal grant and general revenue funds. The amounts for each fund type are to be determined at the time of Contract award.

Federal Grant Program:	Texas Physical Activity and Nutrition Program
Federal Awarding Agency:	Centers for Disease Control and Prevention
Funding Opportunity No.:	CDC-RFA-DP18-1807

Assistance Listing Number and Program Title:	93.439, State Physical Activity and Nutrition (SPAN)
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1.4 STANDARDS

Awards made as a result of 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 Part 200).

ARTICLE II. SCOPE OF GRANT PROJECT

2.1 PURPOSE

The DSHS Obesity Prevention Program invites grant Applications requesting funding for the Outdoor Learning Environment (“OLE! Texas”) ECE Network and Best Practice Award Programs. The purpose of these programs is to ensure young children have opportunities to access early childcare and education where they learn and play outdoors in an outdoor learning environment that incorporates design best practices.

The ECE Network is designed to assist Early Child Care and Education professionals in their journey to improve or maintain their outdoor learning environment according to early education, physical activity, and design best practices.

The Best Practice Award program is designed to recognize and award Early Child Care and Education Programs that provide evidence of an outdoor learning environment that meets at least 80% of Natural Learning Initiatives best practice design indicators and Caring for our Children outdoor learning and physical activity standards congruent to the OLE! Texas initiative.

2.2 PROGRAM BACKGROUND

The obesity epidemic is a multi-faceted problem with an increasing prevalence of children and adults in Texas who are overweight and obese. Being overweight and obese increases a person’s risk of heart disease, stroke, high blood pressure, Type 2 diabetes, certain cancers, and other serious medical conditions. These conditions may impact one’s quality of life and have substantial economic consequences for our healthcare system.

The Obesity Prevention Program aims to provide resources and solutions to help. The Department of State Health Services [Obesity Prevention Program Priority Objectives](https://www.dshs.texas.gov/sites/default/files/obesity/pdf/OPP-) document, located at <https://www.dshs.texas.gov/sites/default/files/obesity/pdf/OPP->

Priority-Strategies-Document.pdf, was developed in response to Texas' rising overweight and obesity rates among Texans. While individuals make their own behavior choices, the policies, systems, and environments in which we live guide our choices. The OPP Priority Strategies outlines key evidence-based strategies for reducing obesity in Texas while encouraging collaboration, coordination, and the maximization of resources. The Priority Strategies document is the first step in developing a more collaborative effort to prevent overweight and obesity in Texas.

Partnership at the State and local levels with a variety of concerned stakeholders is a crucial component to obesity prevention in Texas. Through the Statewide Outdoor Learning Environment initiative ([OLE! Texas](#)), increasing physical activity opportunities in early childcare and settings is prioritized strategy for addressing the obesity epidemic. OLE! Texas is an initiative of Texas Department of State Health Services, in partnership with other State agencies, universities and organizations across Texas.

The Preventing Obesity by Design (POD) model inspired OLE! Texas. POD showed higher physical activity levels and a 22 percent reduction in sedentary behavior among preschoolers. (Please see the article, "[Childcare Outdoor Renovation as a Built Environment Health Promotion Strategy: Evaluating the Preventing Obesity by Design Intervention](#)" located at https://naturalearning.org/wp-content/uploads/2016/12/Childcare-Outdoor-Renovation-as-Built-Environment-Strategy_CoscoMooreSmith.pdf.) OLE! Texas Projects and programs are based on POD. In particular, OLE! Texas supports ECE outdoor spaces to be designed according to "best practice indicators and to follow POD participatory design processes as outlined by the Natural Learning Initiative (NLI), [Preschool Outdoor Toolkit](#) located at <https://naturalearning.org/preschool-outdoor-toolkit>. OLE! Texas partners are asked to collaborate with one another and learn from the NLI.

The Outdoor Learning Environment Early Childcare and Education (ECE) Network and Best Practice Award Programs are part of the Statewide initiative promoting healthy, nature-based outdoor spaces for preschool children to be more active while they play, discover, and connect with nature.

The ECE Network will be a Statewide professional network of early childcare professionals who are committed to ensuring that young children attend quality early childcare educational programs and learn while playing in an outdoor environment. This network will communicate, promote, recruit and train its members to maximize the quality and increase the availability of quality outdoor learning environments.

To further promote and incentivize outdoor learning environments, the Best Practice Award will be a Statewide award for ECE programs that have improved or created their outdoor learning environment in accordance with Natural Learning Initiative's outdoor learning environment best practice design indicators congruent with the OLE! Texas initiative.

2.3 ELIGIBLE POPULATION

The eligible population to be served under this RFA consists of children ages 0-5 attending early childcare educational programs throughout Texas communities. The Prevalence of Obesity among Adults by Public Health Region (PHR) in Texas may be a factor in evaluating obesity data for populations served in this RFA (See <https://www.dshs.texas.gov/obesity-texas/obesity-data>).

2.4 ELIGIBLE SERVICE AREAS

The service areas eligible for Project funding under this RFA are all regions and counties within the state of Texas.

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. Grantee must perform the following eligible activities listed in **Subsections 2.5.1 and 2.5.2**.

2.5.1 Outdoor Learning Environment Early Childcare and Education (ECE) Network

- A. Create and/or update program and communication materials for the Outdoor Learning Environment ECE network's operation and marketing, such as: website, promotional materials, quarterly newsletter, a multi-media toolkit for ECE professionals, etc.
- B. Create and maintain a resource document of low-cost education and technical resources that can assist network members in their efforts to improve or maintain their outdoor learning environment and outdoor learning practices.
- C. Launch and maintain operation of the website/online visibility of the outdoor learning environment ECE Network.
- D. Be the point of contact for inquiries for the network operation.
- E. Recruit ECE professionals and stakeholders in Texas to join the network using promotional materials through professional networks and conferences.
- F. Enroll network members and provide technical assistance and customer support to members as needed.
- G. Maintain a database of network members' names, contact information, professional affiliations, and the dates joined and report network membership data quarterly.
- H. Provide routine communication to network members. This includes administering a member messaging toolkit and push communication such as a quarterly newsletter.
- I. Offer training opportunities and resources to network members to reimagine and renovate their outdoor space according to best practice.
- J. Seek opportunities to enhance network offerings through partnerships or grants.

- K. Expand Statewide reach of the outdoor learning environment network and its offerings through identification, education, and collaboration with State and local partners that are integral in the Spectrum of Opportunities Framework to increase participation in the network.
- L. Collaborate with DSHS, create an evaluation plan and tools to evaluate network member participation and gather feedback for improvement. Contractor is responsible to disseminate a survey annually to network members.

2.5.2 Outdoor Learning Environment Best Practice Award

- A. Create and pilot best practice award materials, launch the program statewide and maintain operation of the Outdoor Learning Environment Best Practice Award program.
- B. Create and/or update program and communication materials for the Best Practice Award program operation and marketing, such as: process for receiving Application materials, photo release forms, website, promotional materials for conference display, recognition materials/awards, etc. Best Practice Award.
- C. Update Best Practice Award assessment process and tools. Create and pilot visual instructional resources tools to assist understanding and fidelity of scoring Applicants for recognition.
- D. Launch and maintain operation of the website/online visibility of the Best Practice Award recognition program.
- E. Launch and manage the Best Practice Award program statewide.
- F. Be the point of contact for inquiries for the Best Practice Award program.
- G. Recruit ECE centers in Texas to apply using promotional materials and professional networks and promotions at two (2) Statewide conferences per year.
- H. Orchestrate enrollment and provide technical assistance and customer support to interested Applicants and/or those in process of completing Application process.
- I. Score Applications received using Best Practice Award assessment and scoring tools.
- J. Administer recognition awards and materials.
- K. Maintain a database of Best Practice Award program Applicants and awardees to include ECE name, contact information and status of award. Report data quarterly.
- L. Provide routine communication with interested Applicants, Applicants, and awardees. This includes push communication and administration of recognition awards and materials and awardee spotlight communications.
- M. Collect data during process of updating Best Practice Award tools from Best Practice Award Applicants to evaluate the successes and barriers encountered by ECE professionals in their efforts to improve and maintain their outdoor space and practices and share with System Agency and the OLE! Texas Leadership Team to support improvement of the OLE! Texas initiative.

- N. Expand Statewide reach of the outdoor learning environment Best Practice Award awards and its offerings through identification, education and collaboration with State and local partners that are integral in the Spectrum of Opportunities Framework.

2.6 PROGRAM REQUIREMENTS

All Grant Projects funded under this RFA must meet the following program requirements and outcomes listed below in **Subsections 2.6.1** and **2.6.2**:

2.6.1 Outdoor Learning Environment Early Childcare and Education (ECE) Network

Grantee will be required to prepare and submit to DSHS for approval, a draft workplan with schedule and final workplan with schedule to accomplish the program requirements. The draft workplan with schedule must convey the Grantee's proposed activities and anticipated timeframe to ensure successful and timely launch/implementation of the Outdoor Learning Environment ECE Network program activities/requirements outlined in this RFA. Upon DSHS review and response, Grantee will be required to prepare and submit a revised final workplan with schedule based on DSHS feedback regarding the agreed Project workflow and timelines. Grantee may be asked to update the workplan schedule and resubmit at later time, based on the actual occurrence and progression of the planned events.

- A. Establish a webpage for the Outdoor Learning Environment ECE Network operation no later than 3 months after Contract execution. At minimum, the webpage must have:
1. An explanation of what the Outdoor Learning Environment ECE Network provides to network members;
 2. Guidance on how to join the network;
 3. Ability for the viewer to sign up online and download the "Outdoor Bill of Rights for ECE programs;" and
 4. A link to the DSHS OLE! Texas webpage and a Statement of the Grantee's contribution to the OLE! Texas.
- B. Create a communications schedule that includes recruitment activities and topics/messages that will be distributed to maintain communication with ECE network members.
- C. Produce and maintain promotional materials for the Outdoor Learning Environment ECE Network program, such as multi-media tools, one-page handouts, and other materials as approved by DSHS for a conference table display.
- D. Create and maintain a messaging toolkit for member use. (See, e.g., <https://www.cdc.gov/physicalactivity/activepeoplehealthynation/moving-matters-campaign-partner-resources.html>.)
- E. Create and disseminate a quarterly newsletter for network members that includes program information, resources, and spotlight stories and maintain visibility of newsletters online on a quarterly basis.

- F. Plan and host at a minimum 6 virtual trainings and/or education sessions to further ECE professionals' efforts to reimagine and renovate their ECE outdoor space according to best practices; and market these opportunities to members.
- G. Promote the outdoor learning environment ECE network at two (2) Statewide conferences per year.
- H. Collaborate with DSHS's evaluator to create ECE network program evaluation plan and tools, and quarterly report template. Grantee will submit the draft program evaluation for the outdoor learning environment ECE network program and evaluation tools to OPP for final approval. Grantee must have met with DSHS's evaluator by August 22, 2024 to begin discussions for the outdoor learning environment ECE network program evaluation plan.
- I. Disseminate a survey annually to network members to evaluate network member participation and feedback for program improvement according to evaluation plan.
- J. Create and submit two Leadership Team PowerPoint Presentations of the process for launching the ECE Network. Grantee's presentations must explain how ECE professionals enroll, share what the network provides to ECE professionals, and communicate how partners can support success of the network operation and current success/barriers of the network's operation. Presentation(s) will serve as an update for the OLE! Texas Leadership Team.

2.6.2 Outdoor Learning Environment Best Practice Award

Grantee will be required to prepare and submit to DSHS for approval a draft workplan with schedule and final workplan with schedule to accomplish the program requirements. The draft workplan with schedule must convey the Grantee's anticipated timeframe of activities Grantee plans to execute activities needed to ensure successful and timely launch and implementation of the Outdoor Learning Environment Best Practice Award program responsibilities outlined in Contract by the end of Contract term. Upon DSHS review and response, Grantee will be required to prepare and submit a revised final workplan with schedule based on DSHS feedback regarding the agreed Project workflow and timelines. Grantee may be asked to update the workplan schedule and resubmit at later time, based on the actual occurrence and progression of the planned events.

- A. Create a communications schedule that indicates topics/messages that will be disseminated to ECE partners and ECE professionals for the Best Practice Award Program.
- B. Create and/or update, operationalize and maintain communication and program materials for the Outdoor Learning Environment Best Practice Award program. Draft versions should be available for DSHS review by Aug 30, 2024. This includes (but is not limited to):
 - 1. A webpage for the Outdoor Learning Environment Best Practice Award program, which will include at minimum an explanation of what the program is, benefits of receiving the award, guidance to sign up, preparing Application, release form, and a link to DSHS OLE Texas webpage with Grantee's contribution.

2. Produce and maintain promotional materials for the Outdoor Learning Environment Best Practice Award program, such as, multi-media tools, one-page handouts, and other materials approved by DSHS for conference display.
 3. Produce and maintain recognition materials/awards, such as, poster certificates, window clings, and award recognition letters.
 4. Create and maintain a social media branding toolkit for distribution to parents and other stakeholders. (See, e.g., <https://www.cdc.gov/physicalactivity/activepeoplehealthynation/moving-matters-campaign-partner-resources.html>.)
 5. Create and implement a spotlight for awardees in communications such as newsletters and/or social media, websites and/or conferences.
- C. Improve the Outdoor Learning Environment Best Practice Award Program tools for implementation/use in the initial Contract resulting from the RFA. Include tool use in future subsequent Contract years. Must work with a landscape design team trained in the Natural Learning Initiative's Preventing Obesity by Design model to complete the following:
1. Create a Program Evaluation Plan for collecting data to inform program development and tool improvement. Grantee must have met with DSHS's evaluator to begin discussions to inform evaluation of tool development and quarterly report template.
 2. Form advisory team(s) in preparation for piloting current and newly created resource tools for Best Practice Award assessors and ECE providers and provide contact information for advisory team members.
 3. Review current Best Practice Award Assessment and tools, get stakeholder feedback on the current Application process, assessment and tools & update Best Practice Award Assessment and tools based on this feedback.
 4. Create visual instructional resource tools for Best Practice Award assessors. Tools will be used to support individual understanding of how to assess an ECE (i.e., scoring toolkit that includes instructions & pictures for each indicator). Pilot and revise according to feedback.
 5. Create an instructional tool for ECE providers interested to apply for the Best Practice Award recognition award. Tools will be used to support interested Applicants to understand outdoor learning environment best practices and determine how their ECE might score in an Application (i.e., readiness matrix).
 6. Pilot newly created resource tools for Best Practice Award assessors and ECE providers. Revise tools according to feedback.
 7. Collect data during process of updating Best Practice Award tools from Best Practice Award Applicants to review the successes and barriers encountered by ECE professionals in their efforts to improve and maintain their outdoor space and practices and share with System Agency and the OLE! Texas Leadership Team to support improvement of the OLE! Texas initiative.

- D. By August 29, 2024, investigate how to link an ECE's Best Practice Award program and recognition status with State level ECE systems in line with the Spectrum of Opportunities model and complete the [Spectrum of Opportunities Action Guide](https://www.cdc.gov/obesity/strategies/early-care-education/pdf/ECE_2018_QuickStartActionGuide_April2018_508.pdf) Located at: https://www.cdc.gov/obesity/strategies/early-care-education/pdf/ECE_2018_QuickStartActionGuide_April2018_508.pdf. Use the guide as a template to consider partners that could support the Outdoor Learning Environment ECE Network & Best Practice Award program. Submit completed pages 1-26 to OPP Project Officer. By August 29, 2025, complete and submit all pages to OPP Project Officer.
- E. Generate a logic model/workplan that includes an estimated Budget and timeline of activities to guide how the program will do the following in subsequent years:
1. Link an ECE's Best Practice Award program and ECE recognition status with the Outdoor Learning Environment ECE Network activities.
 2. Scale operation of the Best Practice Award program and streamline program operation so workload is manageable for 1 coordinator or small team of 1.5 full time equivalents (FTEs).
 3. Increase the number of Best Practice Award awards administered to ECE's through collaboration with the following design teams/programs:
 - a. Natural Learning Initiative (NLI);
 - b. National Wildlife Federation – Early Childhood Health Outdoors (ECHO);
 - c. TTU's Coalition for Natural Learning;
 - d. OLE! Texas Trained Designers & their affiliated local design firms;
 - e. Green Space Learning;
 - f. Nature Explorer;
 - g. Natural Start Alliance; and
 - h. Other recommended agencies or organizations.
 4. Link an ECE's Best Practice Award program to local efforts occurring in at least seven (7) regions of Texas.
 5. Expand Statewide reach of the outdoor learning environment Best Practice Award awards and its offerings through identification, education and collaboration with State & local partners identified during Grantee's completion of the Spectrum of Opportunities Action Guide.
- F. Promote the Outdoor Learning Environment Best Practice Award program at two (2) Statewide conferences per year.
- G. Create and submit two Leadership Team PowerPoint Presentations of the process for launching and maintaining the Best Practice Award program. Grantee's presentation must explain how ECE professionals enroll, share what the program provides to ECE professionals, and communicate how partners can support success of the program. Presentations should also share the process of updating Best Practice Award tools and

outcomes of evaluation [the successes and barriers encountered by ECE professionals in their efforts to improve and maintain their outdoor space and practices] and program successes/barriers. Presentation(s) will serve as an update for the OLE! Texas Leadership Team.

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 as a result of this RFA. Each Grantee awarded a Grant Agreement as a result of this RFA must submit the following reports by the noted due dates:

Outdoor Learning Environment ECE Network	
REPORT	ANTICIPATED DUE DATE
Draft Workplan and Schedule	April 17, 2024
Final Workplan and Schedule	May 22, 2024
Communications Schedule	July 31, 2024
Program Evaluation Plan	September 30, 2024
Two Leadership Team PowerPoint Presentations DSHS will inform Grantee of required date for each presentation.	August 29, 2025
Outdoor Learning Environment Best Practice Award	
REPORT	DUE DATE
Draft Workplan and Schedule	April 17, 2024
Final Workplan and Schedule	May 22, 2024
Communications Schedule	July 31, 2024

Program Evaluation Plan	September 30, 2024
Two Leadership Team PowerPoint Presentations DSHS will inform Grantee of required date for each presentation.	August 29, 2025
Other Required Reports	
REPORT	DUE DATE
Spectrum of Opportunities Action Guide Completed pages 1-26 to OPP Project officer.	August 29, 2024
Logic Model/workplan & Spectrum of Opportunities Action Guide : Completed Spectrum of Opportunities Action Guide and a separate logic model/workplan for Best Practice Award program expansion.	August 29, 2025
Monthly Updates to OPP Project officer Submit updates in template provided by DSHS in advance of monthly call.	The 15th Day of each month
Quarterly Evaluation Measures Report: Submit updates in template provided by DSHS quarterly.	The 15th calendar Day following the end of the quarter being reported
Financial Status Report (FSR) – Biannually	The last Day of each month following the six-month period being reported. The final FSR will be due 45 days after the Contract end date.

In addition to the reports listed above in **Section 2.7, Required Reports**, the initial Project Period, will be comprised of two phases, including, but not limited to, the following:

For the initial phase:

- A. Review existing materials for ECE Network and Best Practice Award.
- B. Update existing materials and create/produce new materials for both the ECE Network and Best Practice Award;
- C. Launch webpages for both the ECE Network and Best Practice Award programs.
- D. Start and maintain operations for the ECE Network program;
- E. Create, and prepare to pilot, the Best Practice Award assessment and toolkit(s); and
- F. Begin plans for improving the Best Practice Award Program tools and expansion.

For the second (last) phase:

- A. Manage and maintain the webpages created in the initial phase.
- B. Launch the Best Practice Award program Statewide.
- C. Manage and oversee the successful implementation of ECE Network and Best Practice Award programs; and
- D. Review, advise, and make recommendations to DSHS regarding updates to the Best Practice Award assessment and toolkit(s).

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

All services and deliverables under the Grant Agreement must be provided at an acceptable quality level and in a manner consistent with acceptable industry standards, customs, and practices. DSHS will monitor the Grantee's performance for compliance under the terms and conditions of the Grant Agreement.

Grant Agreements awarded as a result of this RFA are subject to DSHS performance monitoring activities throughout the duration of each Grant Term. This evaluation may include a reassessment of Grant Agreement activities and services to determine whether they continue to be effective throughout the Grant Term.

Grantee must regularly collect and maintain data that measures the performance and effectiveness of activities under each 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 DSHS. Grantee must submit the necessary information and documentation regarding all requirements, including reports and other deliverables.

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 each Grant Agreement's Stated purpose.

2.9 FINANCIAL STATUS REPORTS (FSRs)

Except as otherwise provided, Grantee shall submit for Grant Agreements with categorical Budgets biannual FSRs to System Agency during the Contract term. The FSR will be submitted twice as outlined above in **Section 2.7, Required Reports**. 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 DATA USE AGREEMENT

By submitting an Application in response to this RFA, Applicant agrees to be bound by the terms of the either **D, HHS Data Use Agreement v.8.5, D-1, Governmental Entity Version HHS Data Use Agreement v.8.5, or D-2, HHS Data Use Agreement University of Texas System Version** (applicable to the Applicant), including but not limited to the terms and conditions regarding **Exhibit D-3, Texas HHS System-Data Use Agreement-Attachment 2 Security and Privacy Inquiry (SPI)** attached to this RFA.

2.12 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 Term, 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.

Each Applicant may only submit one Grant Application.

3.2 APPLICATION SCREENING REQUIREMENTS

In order to be considered an Applicant eligible for evaluations, Applicant, or Applicant's team including subcontractors, must meet the following minimum requirements:

Eligible Applicants include governmental entities, and public and private organizations (for profit as well as non-profit). Each Applicant must meet all of the following minimum requirements in order to be (1) considered eligible for evaluations and (2) awarded a Grant Agreement under this RFA:

- 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 registered to do business in the State of Texas;
- E. Applicant must be financially solvent and adequately capitalized; and
- F. Applicant must be in active status with the System for Award Management (SAM) at <https://sam.gov/content/entity-information>.

3.3 GRANT AWARD ELIGIBILITY

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

- A. Applicant has the capacity to work Statewide, within public health regions in the State of Texas to assist ECE professionals in Texas to improve their outdoor space;
- B. Applicant has three years working to improve ECE outdoor learning environments in accordance with Natural Learning Initiative Preventing Obesity by Design best practices in the State of Texas;
- C. Applicant has OLE! Texas and/or NLI trained landscape designer(s) and a landscape architect to work on Best Practice Award program components and support ECE network activities;
- D. Applicant has an existing photo inventory of ECE's with outdoor spaces that meet outdoor learning environment design best practice;
- E. 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;
- F. 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;
- G. 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;
- H. Applicant is currently in good standing with all licensing, permitting, or regulatory bodies that regulate any or all aspects of Applicant's operations; and
- I. 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. PROJECT PERIOD AND GRANT TERM

4.1 PROJECT PERIOD

The Project Period is expected to be approximately 18 months, beginning on **March 1, 2024**, or the signature date of the latter of the Parties to sign the Grant Agreement, and runs through **August 31, 2025**.

DSHS, at its sole discretion, may opt to renew the Grant Agreement for up to three (3) additional one-year periods. **No-cost Extension:** DSHS, at its sole discretion, may extend any given Project Period to allow time for the completion of Grant activities. No additional funding is guaranteed to be added to the Project Period.

The Grant Term, which includes all extensions or renewals, may not exceed five (5) years.

4.2 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 90 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

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.

DSHS has identified \$195,000.00 of funding for the first Contract period (i.e., the “Project Period”), which will end August 31, 2025. The Project Period may be renewed for up to three (3) additional one-year periods at \$100,000 per year. However, renewal of funding beyond the initial year is not guaranteed.

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. Any use of grant funds to replace (supplant) funds that have been Budgeted for the same purpose through non-grant sources;
- B. Inherently religious activities such as prayer, worship, religious instruction, or proselytization;
- C. 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;
- D. Any portion of the salary of, or any other compensation for, an elected or appointed government official;
- E. Vehicles for general agency use; to be allowable, vehicles must have a specific use related to Project objectives or activities;
- F. 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;
- G. Costs of promotional items, and memorabilia, including models, gifts, and souvenirs;
- H. Food, meals, beverages, or other refreshments, except for eligible per diem associated with grant-related travel, where pre-approved for working events, or where such costs are incurred for components of a program approved by the grantor agency and are directly related to the program's purpose. Under this RFA, costs may include those necessary for teaching nutrition, education and curriculum training, and activities such as, but not limited to, farm-to-table and food science demonstrations.
- I. Membership dues for individuals;
- J. Any expense or service that is readily available at no cost to the Grant Project;
- K. Any activities related to fundraising;
- L. 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;
- M. Any other prohibition imposed by federal, State, or local law; and
- N. 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 COST SHARING OR MATCHING REQUIREMENTS

This RFA has no cost sharing or match requirements.

5.5 PAYMENT METHOD

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.

ARTICLE VI. APPLICATION EXHIBITS AND FORMS FOR SUBMISSION

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

6.1 NARRATIVE PROPOSAL

Using **Form C, Narrative Proposal** and **Form D, Applicant Attachments**, attached to this RFA, Applicants shall describe their expertise, applicable experience, and detailed qualifications for successfully performing all activities, processes and objectives described in **Article II, Scope of Grant Project** (above), including the Applicant's applicable supporting data, Project approach and activities, organizational capacity, performance management, and use of evidence-based practices. Applicants should identify all proposed tasks to be performed, including all Project activities, and the associated proposed schedule for completion during the Grant Project Period. Applicants must complete and submit all required attachments.

6.2 REQUESTED BUDGET

The attached **Exhibit C, Expenditure Proposal**, of this RFA is the template for submitting the requested Budget. Applicants must develop the **Exhibit C, Expenditure Proposal** to support their Proposed Project and in alignment with the requirements described in this RFA.

Applicants must base their **Exhibit C, Expenditure Proposal** on the Program Requirements described in **Article II, Scope of Grant Project** (above) of this RFA. **Exhibit C, Expenditure Proposal** should include any business, economic, legal, programmatic, or practical assumptions that underlie each proposed expenditure. HHSC reserves the right to accept or reject any assumptions. All assumptions not expressly

identified and incorporated into the Grant Agreement resulting from this RFA are deemed rejected by HHSC.

Applicants must separately identify value-added benefits, cost-savings and cost-avoidance methods and measures, and the effect of such methods on the Expenditure Proposal and Statement of Work

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, Expenditure Proposal**, and identify all Budget line items according to the appropriate cost categories below:

- A. Personnel
- B. Fringe Benefits
- C. Travel
- D. Equipment (any one tangible item with a cost greater than \$5,000.00)
- E. Supplies
- F. Contractual (person or legal entity performing services that are subcontracted by the Applicant (for example: landscape architects not compensated directly through the Applicant's payroll)
- G. Indirect Costs
- H. Other 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 and explain why the cost is necessary and how the cost was established.

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, Expenditure Proposal, 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) or request the *de minimis* rate 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 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.

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: (1) ICR Acknowledgement Letter; (2) ICR Acknowledgement Letter – Ten Percent *De Minimis*; or (3) 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** through **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.

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 25, 2023
Deadline for Submitting Questions or Requests for Clarification	November 1, 2023 by 5:00 p.m. Central Time
Date Answers to Questions or Requests for Clarification Posted	November 8, 2023 by 5:00 p.m. Central Time
Deadline for Submission of Applications NOTE: Applications must be <u>RECEIVED</u> by HHSC by this deadline if not changed by subsequent Addenda to be considered eligible.	November 20, 2023 by 10:30 a.m. Central Time

Anticipated Notice of Award	February 1, 2024
Anticipated Project Start Date	March 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
Address	Procurement and Contracting Services Building 1100 W 49th St. MC: 2020 Austin, TX 78756
Phone	512-406-2412
Email	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 (below).

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** (above), 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 RFA;
- C. Page number of this RFA;
- D. Exhibit or form and section or paragraph number from the exhibit or form;
- 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 (above), or as may be amended in Addenda, if any, posted to the HHS Grants RFA website.

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 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.

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

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 by submitting an **Exhibit E, Exceptions** or 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.

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** (above), 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 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 to binds the Applicant under any Grant Agreement that may result from the submission of an Application.

8.3 REQUIRED SUBMISSION METHOD

Applicants must submit their completed Applications by the Deadline for Submission of Applications provided in the **Section 7.1, Schedule of Events** (above), or subsequent Addenda, using the approved method identified below. Applications submitted by any other method (*e.g.*, facsimile, e-mail) will not be considered and will be disqualified.

HHS Online Bid Room: Applicants shall upload the following documents to the Online Bid Room utilizing the procedures in **Exhibit J, HHS Online Bid Room Instructions**.

File Size Limitation: Restriction to 250MB per file attachment.

- A. One (1) copy marked as “Original Application” that contains the Applicant’s entire Application in a Portable Document Format (“.pdf”) file.
- B. One (1) copy of the completed **Exhibit C, Expenditure Proposal**, in its original Excel format.
- C. 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** (below), in a Portable Document Format (“.pdf”) file.

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;

- E. Label all documents with their respective Exhibit, Form, or Attachment letter and title; and
- F. 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 in Portable Document Format (".pdf") must:

- A. Be organized in the order outlined in the **Article XIII, Submission Checklist** (below), and include all required sections (e.g., "Administrative Information," "Narrative Proposal;" "Exhibits, Forms, or Attachments to be Submitted with Application").
 - 1. In addition to a .pdf file, **Exhibit C, Expenditure Proposal**, must also be submitted in its original Excel format, without modifications to file formatting.
 - 2. Each Application section must have a cover page with the Applicant's legal name, RFA number, and Name of Grant identified, and a page header and/or footer stating the respective exhibit letter, form letter, and page numbers in the form of "Page X of Y" for each exhibit and form.
- 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** (above), 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 method 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** (above), 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** (above), 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; and
- C. Final selection based upon State priorities and other relevant factors, as outlined in **Section 10.1, Final Selection** (below).

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** (above), 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** (above).

At the sole discretion of HHSC, in coordination with DSHS, 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, Exhibit C, Expenditure Proposal**).

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** (above), 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

Applications will be evaluated and scored in accordance with the following scoring criteria using **Exhibit I, Evaluation Tool**.

Scoring Criteria: Qualified Applications shall be evaluated based upon:

- A. Applicant's Introduction (10%);
- B. Project Experience (40%);
- C. Project Approach (45%); and
- D. Proposed Budget/Expenditure Proposal (5%).

9.5 PAST PERFORMANCE

System Agency reserves the right to request additional information and conduct investigations as necessary to review any Application. By submitting an Application, 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 as a result of 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.

HHS reserves 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** (above), the System Agency 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. In applying these factors, the System Agency may consult with internal and external subject matter experts.

All funding recommendations will be considered for approval by the HHSC Program Deputy Executive Commissioner or the DSHS Deputy 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 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.

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 Agreements as a result of 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) as a result of this RFA.

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

HHSC may announce tentative funding awards through an “Intent to Award Letter” once the DSHS Deputy Commissioner and relevant HHSC 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) as a result of 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 and/or federal to the Applicant or subgrantee or subcontractor (i.e., any organization who will participate, in part, in the operation of the Project) within the past two years to provide the services described above in **Article II, Scope of Grant Project**.

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 CONTAINING 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 Affirmation v2.4:** 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.

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ARTICLE XIII. SUBMISSION CHECKLIST

HHSC, in coordination with the System Agency, will review all Applications received and will determine, in its sole discretion, 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), will be disqualified. See Section 9.2, Initial Compliance Screening of Applications (above) for further details.

Applications that do not include Exhibit C, Expenditure Proposal will be disqualified. The attached Expenditure Proposal template is mandatory and must be submitted with the Application, in the original format (Excel), for the Application to be considered responsive/complete.

This Submission Checklist identifies the documentation, exhibits and forms 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. Narrative Proposal and Supporting Documentation

Documents must 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, Narrative Proposal _____
2. Form D, Applicant Attachments (*must include all the respective attachments as listed in Form D and which are appropriate for the Applicant’s proposal*) _____
3. Form E, Texas Health and Human Services System Indirect Costs Rate (ICR) Questionnaire _____

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

Exhibits A, C, D, D-1, D-2, D-3, E, G, H, and K, are mandatory and must be completed, signed, and submitted for an Application to be considered responsive/complete.

Applications received without an **Exhibit A**, **Exhibit C**, or with an **Exhibit A** that is unsigned shall be disqualified.

1. Exhibit A, HHS Solicitation Affirmations v.2.4 _____
2. Exhibit C, Expenditure Proposal (*this exhibit does not require a signature) _____
3. Exhibit D, HHS Data Use Agreement v.8.5 _____
Exhibit D-1, HHS Data Use Agreement – Governmental Entity (if applicable) _____
Exhibit D-2, HHS Data Use Agreement – University of Texas System
(if applicable) _____
4. Exhibit D-3, Texas HHS System-Data Use Agreement- Attachment 2
Security and Privacy Inquiry (SPI) _____
5. Exhibit E, Exceptions _____
6. Exhibit G, Assurances – Non-Construction Programs _____
7. Exhibit H, Certification Regarding Lobbying _____
8. Exhibit K, Federal Funding Accountability and Transparency Act
(FFATA) Certification Form _____
9. 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, Expenditure Proposal

Exhibit D, HHS Data Use Agreement v.8.5

Exhibit D-1, Governmental Entity Version HHS Data Use Agreement - v.8.5 (if applicable)

Exhibit D-2, HHS Data Use Agreement – University of Texas System Version.10.24.2019 (if applicable)

Exhibit D-3, Texas HHS System-Data Use Agreement- Attachment 2 Security and Privacy Inquiry (SPI)

Exhibit E, Exceptions

Exhibit F, HHS Additional Provisions – Grant Funding v.1.0

Exhibit G, Assurances – Non-Construction Programs

Exhibit H, Certification Regarding Lobbying

Exhibit I, Evaluation Tool

Exhibit J, HHS Online Bid Room Instructions

Exhibit K, Federal Funding Accountability and Transparency Act (FFATA) Certification Form

Forms:

Form A, Face Page

Form B, Administrative Information

Form B-1, Governmental Entity – Authorized Officials

Form B-2, Nonprofit or For-Profit Entity – Authorized Officials

Form C, Narrative Proposal

Form D, Applicant Attachments

Form E, Texas Health and Human Services System Indirect Costs Rate (ICR) Questionnaire