



TEXAS

Department of Family and Protective Services

Stephanie Muth, Commissioner

Request for Applications (RFA)

*Grant for
Qualified Residential Treatment Program Accreditation
RFA No. HHS0013604*

DEADLINE FOR SUBMISSION OF APPLICATIONS
November 03, 2023, by 10:30 a.m. Central Time

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Article I. Executive Summary, Definitions, and Statutory Authority

1.1 EXECUTIVE SUMMARY

1.1.1 Texas Health and Human Services (HHS) on behalf of the Texas Department of Family and Protective Services' (DFPS) Child Protective Services (CPS) Program is issuing this Request for Applications (RFA) to provide assistance with costs of obtaining or maintaining Qualified Residential Treatment Program Accreditation.

1.1.2 An Applicant's Response (see Article V) will be accepted from General Residential Operations (GRO) providing Treatment Services or Residential Treatment Centers (RTC) that are licensed by HHS Child Care Regulation (CCR). For the purpose of this RFA, these operations will be referred to collectively as GROs.

1.1.3 DFPS will be awarding funds to two types of Applicants:

1.1.3.1 Completed Accreditation. Applicants who have completed Accreditation and will use these grant funds for reimbursement of allowed costs incurred after October 1, 2019, and to maintain their Accreditation.

1.1.3.2 Pursuing Accreditation. Applicants who will be or are pursuing Accreditation and will use these grant funds to complete their Accreditation.

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

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| Grant Name: | Qualified Residential Treatment Program Accreditation |
| RFA No.: | HHS0013604 |
| Deadline for Submission of Applications: | November 03, 2023, at 10:30 a.m. Central Time |
| Deadline for Submitting Questions or Requests for Clarifications: | October 13, 2023 at 5:00 p.m. PM Central Time |
| Estimated Total Available Funding: | \$1,100,000.00 |

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|-----------------------------------|---|
| Estimated Total Number of Awards: | 11 |
| Estimated Max Award Amount: | \$100,000.00 |
| Match Required, if any: | 0 |
| Anticipated Project Start Date: | Upon execution of Grant Agreement |
| Length of Project Period: | From the date of execution through August 31, 2025. |
| Eligible Applicants: | Community-based nonprofit or privately owned entities that have an organizational mission focused on child welfare services, and that meet the qualifications in Section 2.3, Eligible Population are eligible to apply. |

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 for 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.

["24-Hour Residential Child Care \(RCC\)"](#) is an operation that provides the care, custody, supervision, assessment, training, education, or treatment of an unrelated child or children (17 years old or younger) for 24 hours a day.

["Accreditation"](#) is the process by which an approved federal Accreditation Entity certifies that a residential facility meets acceptable standards of care.

["Accreditation Entity"](#) includes the following three entities approved by DFPS for the purpose of this RFA:

1. The Commission on Accreditation of Rehabilitation Facilities (CARF) at <http://carf.org/> .
2. The Council on Accreditation (COA) at <https://coanet.org/> .
3. The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) at <https://www.jointcommission.org/>.

"Accreditation Process" is completing all requirements for achievement of certification for Accreditation through an Accreditation Entity.

"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.

"Apparent Grant Recipient" is an organization selected to receive a grant award through response to this RFA but has not yet executed a Grant Agreement.

"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 conducting 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 a DFPS-approved Budget executed in the final Grant Agreement.

"Child Care Regulation" or "CCR" are regulations required by Texas Health and Human Services to protect children by regulating and educating child care providers. Child Care Regulation responsibilities include:

1. Regulating all child-care operations and child-placing agencies to protect the health, safety, and well-being of children in care.
2. Permitting and monitoring operations and agencies for compliance with state regulation standards, rules, and laws.
3. Investigating complaints alleging violations of minimum standards in childcare and residential child care operations.
4. Informing parents and the public about childcare, including how specific child care and residential child care operations are complying with minimum standards of care.

5. Giving child-care providers technical assistance on meeting CCR minimum standards, rules, and laws.

"Children" are members of the target population served by the Applicant's organization. For the purposes of this RFA, Children is a child or youth with the most complex emotional, behavioral, and mental health needs who is in the conservatorship of DFPS and placed within the DFPS continuum of care.

"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.

"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 §200.1 for capital assets, computing devices, general purpose equipment, information technology systems, special purpose equipment, and supplies.

"Family First Transition Act" or "FFTA" is the spending bill designed to support States and tribes in their implementation of the 2018 Family First Prevention Services Act.

"Grant Agreement" means the agreement entered into by DFPS and the Grantee as a result of this RFA, including the Signature Document and all attachments and amendments. May also be referred to in this RFA or its exhibits as "contract."

"Grantee" means the Party receiving funds under any Grant Agreement awarded under this RFA. May also be referred to in this RFA or its exhibits as "subrecipient" or "Contractor."

"General Residential Operation" or "GRO" is a 24-hour Residential Child Care (RCC) operation that provides child-care for seven or more Children or young adults. The care may include Treatment Services and/or programmatic services. These operations include formerly titled emergency shelters, operations providing basic child-care, Residential Treatment Centers, and halfway houses.

"HHS" includes both the Health and Human Services Commission (HHSC) and the Department of State Health Services (DSHS).

"HHSC" means the Health and Human Services Commission.

"HHS CCR" is Health and Human Services Child Care Regulations.

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

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

"Key Personnel" is an Applicant organization's Project contact, fiscal contact, executive director, and any other key stakeholders in the Project.

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

"Project Period" is 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.

"Qualified Residential Treatment Program" or "QRTP" means an HHS licensed GRO that provides a time-limited clinical intervention, which includes placement into and service delivery for Children by qualified accredited residential facilities with highly trained, experienced, and qualified staff.

"Residential Treatment Center" or "RTC" is a General Residential Operation for seven or more Children or young adults that exclusively provides Treatment Services for Children with emotional disorders.

"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 DFPS and any other State agency, its officers, employees, or authorized agents.

"Texas Juvenile Justice Department" or "TJJJ", see <https://www.tjjd.texas.gov/>.

"Treatment Services" is a specialized type of child-care services designed to treat and/or support Children with emotional disorders, intellectual and developmental disabilities, pervasive developmental disorder, and primary medical needs.

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

"Uniform Terms and Conditions" or "UTCs" is the DFPS terms and conditions that govern any Application to this RFA or any grant agreement resulting from this RFA.

1.3 STATUTORY AUTHORITY

DFPS is requesting applications under the 2020-2021 General Appropriations Act, H.B. 1, 86th Legislature, Regular Session, 2019, Article IX, Section 13.02, Report of Additional Funding.

In August 2020, prior to the start of the 87th Regular Legislative Session, DFPS sent a Request to Exceed to the Legislative Budget Board (LBB) and Office of the Governor (OOG) to request permission to expend federal [Family First Transition Act](#) (FFTA) funds for QRTP Accreditation grant program. The LBB and OOG granted permission to use \$1.5 million for this purpose.

All awards are subject to the availability of appropriated State funds and any modifications or additional requirements that may be imposed by law.

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 200).

Article II. Scope of Grant Project

2.1 PURPOSE

The purpose of this grant is to provide supplemental funds to HHS licensed GROs that have achieved, are maintaining, or are pursuing Accreditation.

DFPS is awarding these funds to further the goal of increasing the number of Qualified Residential Treatment Programs (QRTPs), which will provide more 24-Hour Residential Child Care (RCC) options for DFPS Children.

2.1.1 To receive funding through this RFA, the Applicant can apply for either:

2.1.1.1 Completed Accreditation.

Applicants who have completed Accreditation and will use these grant funds for reimbursement of allowed costs incurred after October 1, 2019, and to maintain their Accreditation.

2.1.1.2 Pursuing Accreditation.

Applicants who will be or are pursuing Accreditation and will use these grant funds to complete their Accreditation.

2.2 PROGRAM BACKGROUND

[The Family First Prevention Services Act](#) (FFPSA) was passed under the Bipartisan Budget act of 2018. DFPS then released an FFPSA Strategic Plan in September 2020 which included a high-level plan for the implementation of a QRTP pilot. The intent of the QRTP is to increase and improve placement options for Children in DFPS conservatorship with the most complex treatment needs.

QRTP is a new DFPS residential treatment placement program type that will provide 24-Hour Residential Child Care (RCC) services for Children in DFPS conservatorship with the most complex mental health and behavioral health needs.

Children who require placement into a QRTP will receive time-limited and qualified individualized treatment by accredited GROs. Children will receive six months of post discharge support to assist them and their families in achieving long term permanency, stability, and success.

In April 2022, DFPS released a [QRTP Open Enrollment](#) to solicit contractors to provide 24-Hour QRTP services to DFPS Children. As part of that Open Enrollment, Contractors must be Accredited. The intent of this grant is to incentivize Accreditation in order to meet enrollment requirements to become a contracted QRTP provider to serve Texas Children in DFPS conservatorship. Another purpose of this grant is to defray costs for Contractors to obtain or maintain Accreditation. It is not a requirement of this grant to be a contracted DFPS QRTP Contractor.

2.3 ELIGIBLE POPULATION

To be awarded a grant as a result of this RFA, an Applicant must meet the following requirements:

- 2.3.1** Applicant must be licensed by HHSC CCR as a GRO providing Treatment Services or RTC (GROs);
- 2.3.2** Applicant's HHS license must be in good standing with HHS CCR;
- 2.3.3** Applicant must have completed Accreditation or be pursuing Accreditation from one of the three Accreditation Entities approved by DFPS (See Section 1.2: Definition – Accreditation Entity); and
- 2.3.4** Applicant must agree that they intend to provide placement and services for Children involved with HHSC, DFPS or TJJD.

2.4 ELIGIBLE SERVICE AREAS

The service areas eligible for Project funding under this RFA are: Any areas across 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.

2.5.1 Grantees will receive financial support to assist with costs associated with the Accreditation as allowable under federal guidelines in the [Family First Transition Act](#) funds. This may include:

- 2.5.1.1** Accreditation related costs including:
- 2.5.1.2** Fees to the Accreditation Entity;
- 2.5.1.3** Providing technical assistance needed to plan for new program requirements due to Accreditation;
- 2.5.1.4** Paying staff and/or consultant costs tied directly to Accreditation Process, that includes salary, travel, fringe benefits, and preparing standard-compliant policies, procedures, and protocols;
- 2.5.1.5** Costs of supplies, controlled assets, Equipment, and software; and
- 2.5.1.6** Incidentals which are directly associated with the cost of Accreditation.

2.6 PROGRAM REQUIREMENTS

If awarded a grant, as part of the Grant Agreement, both Completed Accreditation and Pursuing Accreditation Applicants will execute and agree to:

- 2.6.1** Use the full amount of the award solely toward Accreditation expenditures;

2.6.2 Expend full grant amount no later than September 30, 2025;

2.6.3 Timely submit required or requested financial documents to ensure grant funding can be applied toward or reimbursed for its intended purpose; and

2.6.4 Timely submit the following reports:

2.6.4.1 Completed Accreditation:

Annual Report – Annual written report must be submitted to DFPS to report any status changes to Accreditation process and include an updated **Form E, Financial Proposal.**

2.6.4.2 Pursuing Accreditation:

2.6.4.2.1 Quarterly Report - Quarterly narrative summary must be submitted to DFPS to report progress on Accreditation status and projected date for completion; and

2.6.4.2.2 Annual Report - Annual written report must be submitted to DFPS to report any status changes to Accreditation process and include an updated **Form E, Financial Proposal.**

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 must meet the following minimum requirements: Community-based nonprofit or privately owned entities that have an organizational mission focused on child welfare services, and that meet the qualifications in Section 2.3 are eligible to apply.

3.3 GRANT AWARD ELIGIBILITY

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

- 3.3.1** 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;
- 3.3.2** 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;
- 3.3.3** 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;
- 3.3.4** Applicant is currently in good standing with all licensing, permitting, or regulatory bodies that regulate any or all aspects of Applicant's operations; and
- 3.3.5** 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 will be from October 1, 2019, through August 31, 2025.

4.2 GRANT TERM

The grant term will be from the date of execution through August 31, 2025.

Article V. Grant Funding and Reimbursement Information

5.1 GRANT FUNDING SOURCE AND AVAILABLE FUNDING

The total amount of State funding available for this grant program is **\$1,100,000.00** for the entire Project Period. It is DFPS' intention to make multiple awards to Applicants that successfully demonstrate that they have obtained accreditation or are pursuing accreditation.

Applicants are strongly cautioned to only apply for the amount of grant funding they can responsibly expend during the Project Period to avoid lapsed funding

at the end of the grant term. Apparent Grant Recipients may not be funded to the full extent of Applicant's requested Budgets to ensure grant funds are available for the broadest possible array of communities and programs.

Expenses incurred prior to the Grant Agreement execution date may be reimbursed. Reimbursement will only be made for actual, allowable, and allocable expenses that occur or occurred within the Project Period stated in **4.1 Project Period**.

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.

5.2 GRANT FUNDING PROHIBITIONS

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

- 5.2.1** Any use of grant funds to replace (supplant) funds that have been budgeted for the same purpose through non-grant sources;
- 5.2.2** Inherently religious activities such as prayer, worship, religious instruction, or proselytization;
- 5.2.3** 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;
- 5.2.4** Any portion of the salary of, or any other compensation for, an elected or appointed government official;
- 5.2.5** Vehicles for general agency use; to be allowable, vehicles must have a specific use related to Project objectives or activities;
- 5.2.6** 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;
- 5.2.7** Costs of promotional items, and memorabilia, including models, gifts, and souvenirs;
- 5.2.8** 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;
- 5.2.9** Membership dues for individuals;

- 5.2.10** Any expense or service that is readily available at no cost to the Grant Project;
- 5.2.11** Any activities related to fundraising;
- 5.2.12** 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;
- 5.2.13** Any other prohibition imposed by federal, State, or local law; and
- 5.2.14** 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.

5.3 COST SHARING OR MATCHING REQUIREMENTS

No Match is required under the program.

5.4 PAYMENT METHOD

Upon execution of a Grant Agreement(s), if any, resulting from this RFA, DFPS may disperse to Grantee(s) a one-time initial advance payment of 100 percent of the funding awarded.

Article VI. Application Forms and Exhibits for Submission

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

6.1 NARRATIVE PROPOSAL

Applicants must provide the following information as part of their Response.

6.1.1 Completed Accreditation. The Applicant with completed Accreditation will need to submit the following on **Form F, Completed Accreditation Narrative Proposal**.

6.1.1.1 Proof of Accreditation including certificate or document, name of Accreditation Entity, date of certification, and expiration;

6.1.1.2 Detailed description of how Applicant will maintain Accreditation over the grant term, which includes submission of an annual written report to DFPS regarding how the Applicant plans to maintain Accreditation and who will be responsible for submission of this grant's required reports; and

6.1.1.3 Identify and describe the experience and qualifications of the individuals who will oversee the maintenance of Accreditation.

6.1.2 Pursuing Accreditation. The Applicant pursuing Accreditation will need to submit the following on **Form G, Pursuing Accreditation Narrative Proposal.**

6.1.2.1 The planned name of the selected DFPS approved Accreditation Entity;

6.1.2.2 A detailed projected timeline of Accreditation Process;

6.1.2.3 How the Applicant will provide quarterly updates on Accreditation certification progress to DFPS;

6.1.2.4 Detailed description of how Applicant will maintain Accreditation over the grant term, which includes submission of an annual written report to DFPS regarding how the Applicant plans to maintain Accreditation and who will be responsible for submission of this grant's required reports;

6.1.2.5 Identify and describe the experience and qualifications of the individuals who will oversee the Applicant's Accreditation application, administration, and supervision of the Applicant's organization before, during and after Accreditation certification; and

6.1.2.6 Describe the long and short-term goals the Applicant has achieved or desires to achieve during the process of completing and maintaining their Accreditation.

6.1.3 Applicant Information

6.1.3.1 Description of the history or desired future of the Applicant within the community including evidence that the Applicant has the capacity to serve and reach the target population of youth.

6.1.3.2 Description of the Applicant's experience or plans in working with Children with serious emotional, behavioral, and mental health disorders.

6.1.3.3 Description of the Applicant's experience or intention to collaborate with existing service providers, community stakeholders and DFPS.

- 6.1.3.4** Description of the Applicant's current system or plans to build a provider network for aftercare services that cannot be provided by the Applicant for youth and their family's post-discharge.
- 6.1.3.5** Description of Applicant's strategy for outreach and engagement of families during treatment of youth.
- 6.1.3.6** Description of the Applicant's proposed trauma informed model and related interventions.
- 6.1.3.7** If not a current QRTP contractor, description of the Applicant's plan, if any, to become a QRTP contractor or provide QRTP services in Texas.

6.2 FINANCIAL PROPOSAL

Applicant will need to submit detailed account of all allowable expenses (see Section 2.1.1) on **Form E, Financial Proposal**.

Applicant will use **Form C, ICSO for Cost Reimbursement Grant** to document and indicate their accounting system and person responsible for related accounting activities.

Applicants must ensure that Project costs outlined in the requested Financial Proposal 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.

If selected for a grant award under this RFA, only DFPS-approved items in the requested Financial Proposal may be considered eligible for reimbursement.

Submission of Form E, Financial Proposal, is mandatory. Applicants that fail to submit as set forth in this RFA with their Application will be disqualified.

6.3 ADMINISTRATIVE APPLICANT INFORMATION

Applicant must provide satisfactory evidence of its ability to manage and coordinate the types of activities described in this RFA.

6.3.1 Applicant Information

Use **Form A, Face Page** to complete basic information about the Applicant and Project, including the signature of the authorized representative.

6.3.2 Non-Profit or For-Profit Information

Complete **Form B, Non-Profit or For-Profit Entity Information** if Applicant is a non-profit or for-profit entity.

6.3.3 Administrative Information

Use **Form D, Administrative Information** to provide information regarding identification and contract or grant history of the Applicant, executive management, Project management, governing board members, and principal officers.

Respond to each request for information or provide the required supplemental document behind this form. If Applications require multiple pages, identify the supporting documentation with the applicable request.

6.3.4 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**. 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.

6.3.5 Internal Controls Questionnaire

Applicant must complete **Form C, ICSQ for Cost Reimbursement Grant** and submit with its Application.

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 05, 2023 |
| Applicant Conference Attendance is Optional | October 11, 2023, at 1:00 p.m. Central Time |
| Deadline for Submitting Questions or Requests for Clarification | October 13, 2023, at 5:00 p.m. Central Time |
| Tentative Date Answers to Questions or Requests for Clarification Posted | October 20, 2023 |
| 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 03, 2023, by 10:30 a.m. Central Time |
| Anticipated Notice of Award | March 2024 |
| Anticipated Project Start Date | Upon execution of Grant Agreement |

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 reserves the right to change these dates at any time. At the sole discretion of HHSC, 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: Michele Rivers

Title: Grant Specialist, HHSC Procurement and Contracting Services

Email: Michele.Rivers@hhs.texas.gov

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

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

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

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

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

7.3 RFA QUESTIONS AND REQUESTS FOR CLARIFICATION

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

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

1. RFA number;
2. Section or paragraph number from this solicitation;
3. Page number of this solicitation;
4. Exhibit or other attachment and section or paragraph number from the exhibit or other attachment;
5. Page number of the exhibit;
6. Language, topic, section heading being questioned; and
7. Question.

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

1. Name of individual submitting question or request for clarification;
2. Organization name;
3. Phone number; and
4. E-mail address.

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

HHSC or DFPS 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:

1. Shall have waived any claim of error or ambiguity in the RFA and any resulting Grant Agreement;
2. Shall not contest the interpretation by the HHSC or, as applicable, DFPS of such provision(s); and

3. Shall not be entitled to additional reimbursement, relief, or time by reason of any ambiguity, conflict, discrepancy, exclusionary specification, omission, or other error or its later correction.

7.5 RESPONSES TO QUESTIONS OR REQUEST FOR CLARIFICATIONS

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

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

7.6 CHANGES, AMENDMENT OR MODIFICATION TO RFA

HHSC or, as applicable, DFPS 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 AND ASSUMPTIONS

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

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

7.8 APPLICANT CONFERENCE

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

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

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

WEBINAR INFORMATION:

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

<https://attendee.gotowebinar.com/register/2995525304949762646>

Webinar Instructions:

Enter Webinar ID: 556-982-467

Article VIII. Application Organization and Submission Requirements

8.1 APPLICATION RECEIPT

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

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

Note: All Applications become the property of HHSC or, as applicable, DFPS 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

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

8.3.2 Submission Option #1 HHS Online Bid Room: Applicants shall upload the following documents to the Online Bid Room utilizing the procedures in **Exhibit D, HHS Online Bid Room. 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 **Form E, Financial 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- Application Disclosure Requirements**, in a Portable Document Format (".pdf") file.

8.3.3 Submission Option #2 Sealed Package with USB Drives: Applicants shall submit each of the following on separate USB drives:

- a. One (1) USB drive with the complete Application file marked as "Original Application" in a Portable Document Format (".pdf") file. Include the USB in a separate envelope within the sealed Application package and mark the USB and envelope with

“Original Application.” USB drive must include the completed **Form E, Financial Proposal** in its original Excel format.

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

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

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

Sealed packages must be clearly labeled with the following:

| | |
|--|---|
| RFA No: | HHS0013604 |
| RFA TITLE | Qualified Residential Treatment Program Accreditation |
| DEADLINE FOR SUBMISSION OF APPLICATIONS | November 03, 2023, at 10:30 a.m. |
| SOLE POINT OF CONTACT’S NAME: | Michele Rivers |
| APPLICANT’S NAME: | |

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

8.4 COSTS INCURRED FOR APPLICATION

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

8.5 APPLICATION COMPOSITION

All Applications must:

1. Be responsive to all RFA requirements;
2. Be clearly legible;
3. 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;
4. Include page numbering for each section of the Application; and
5. Include signature of Applicant's authorized representative on all exhibits and forms requiring a signature. Copies of the Application documents should be made after signature.

8.6 APPLICATION ORGANIZATION

The complete Application file must include:

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

8.7 APPLICATION WITHDRAWALS OR MODIFICATIONS

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

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

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

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

Article IX. Application Screening and Evaluation

9.1 OVERVIEW

A three-step selection process will be used:

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

9.2 INITIAL COMPLIANCE SCREENING OF APPLICATIONS

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

At the sole discretion of HHSC, in coordination with DFPS 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 and DFPS Affirmations and Grant Opportunity**, or **Form E, Financial 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**, 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

DFPS 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. DFPS 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 E, Evaluation Tool**.

Scoring Criteria: Qualified Applications shall be evaluated based upon:

9.4.1 Application Experience/Personnel Qualifications (30%)

9.4.2 Methodology and Approach (50%)

9.4.3 Narrative Proposal (20%)

9.5 PAST PERFORMANCE

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

DFPS 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.

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

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

1. Notices of termination;
2. Cure notices;
3. Assessments of liquidated damages;
4. Litigation;
5. Audit reports; and

6. 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:

1. 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
2. Applicant is currently under a corrective action plan through HHSC or DSHS; or
3. Applicant has had repeated, negative vendor performance reports for the same reason; or
4. Applicant has a record of repeated non-responsiveness to vendor performance issues; or
5. Applicant has contracts or purchase orders that have been cancelled in the previous 12 months for non-performance or substandard performance; or
6. 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 DFPS' 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:

1. 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).

2. 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:

[US Federal Contractor Registration \(USFCR\) | Start a SAM Registration](#)

3. 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.

4. 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: [Exclusions | Inspector General \(texas.gov\)](#)

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: [Exclusions | Office of Inspector General | U.S. Department of Health and Human Services \(hhs.gov\)](#)

Additionally, if a subrecipient under a federal award, the Grantee shall comply with requirements regarding registration with the U.S. Government's System for Award Management (SAM). This requirement includes maintaining an active SAM registration and the accuracy of the information in SAM. The Grantee shall review and update information at

least annually after initial SAM registration and more frequently as required by 2 CFR Part 25.

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

HHSC and DFPS reserve 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

DFPS intends on making multiple awards. After initial screening for eligibility and Application completeness, and initial evaluation against the criteria listed in **Section 9.4, Evaluation Criteria**, DFPS 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, DFPS may consult with internal and external subject matter experts.

DFPS will make all final funding decisions based on eligibility, geographic distribution across the State, State priorities, reasonableness, availability of funding, and cost-effectiveness.

The selection committee will recommend grant awards to be made to the DFPS Commissioner, who will make the final award approval.

10.2 NEGOTIATIONS

After selecting Applicants for award, DFPS may engage in negotiations with selected Applicants. As determined by DFPS, 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 DFPS 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:

1. An in-depth discussion of the submitted Application and requested Budget; and
2. Requests from DFPS 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 DFPS 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 DFPS 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 DFPS 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 DFPS with the signed Grant Agreement, DFPS is prohibited by law from executing a Grant Agreement, even if the potential Grantee is otherwise eligible for award. DFPS, 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)

DFPS intends to award one or more 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, DFPS 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 DFPS.

DFPS may announce tentative or Apparent Grant Recipients once the Executive Commissioner has given approval to initiate negotiation and execute contracts.

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, DFPS, at its discretion, may require the Applicant to disclose information regarding the Application for or award of State, federal, and/or local grant funding to the Applicant or subgrantee or subcontractor (i.e. organization who will participate, in part, in the operation of the Project) within the past two years to provide type of Project they are applying for.

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, DFPS encourages Applicant to use HUBs to provide goods and services.

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

Article XII. Application Confidential or Proprietary Information

12.1 TEXAS PUBLIC INFORMATION ACT – APPLICATION DISCLOSURE REQUIREMENTS

Applications and resulting Grant Agreements are subject to the Texas Public Information Act (PIA), Texas Government Code Chapter 552, and may be disclosed to the public upon request. Other legal authority also requires DFPS 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:

1. Mark Original Application:

- a. 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
- b. 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).

2. Certify in Original Application – HHS Solicitation Affirmations: Certify, in the designated section of the **Exhibit A**, HHS and DFPS Affirmations and Grant Opportunity, Applicant's confidential information assertion and the filing of its Public Information Act Copy; and

3. 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:

- a. 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);
- b. Each portion Applicant claims is exempt from public disclosure must be redacted (blacked out); and
- c. 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, 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 DFPS' 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, DFPS, 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 DFPS and all other State agencies, without cost or liability.

DFPS 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. DFPS 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. DFPS 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.

Article XIII. Submission Checklist

HHSC, in coordination with DFPS, in its sole discretion, will review all Applications received and will determine if any or all Applications which do not include complete, signed copies of these exhibits, will be disqualified or whether additional time will be permitted for submission of the incomplete or missing exhibits. If additional time is permitted, Applicants will be notified in writing of the opportunity to provide the missing documentation by a specified deadline. Failure by an Applicant to submit the requested documentation by the deadline WILL result in disqualification. Applications that do not include Exhibit A, HHS HHS and DFPS Affirmations and Grant Opportunity, and Form E, Financial Proposal (completed), will be disqualified. See Section 9.2, Initial Compliance Screening of Applications for further detail.

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

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

1. Administrative Information

- a. Form A, Face Page
- b. Form B, Non-Profit or For-Profit Entity Information
- c. Form C, ICSQ Cost for Reimbursement Grant
- d. Form D, Administrative Information

2. Narrative Proposal

- a. Form E, Financial Proposal
- b. Form F, Completed Accreditation Narrative Proposal
- c. Form G, Pursuing Accreditation Narrative Proposal

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

- a. Exhibit A, HHS Solicitation Affirmation

Exhibit A is mandatory and must be completed, signed, and submitted for the Application to be considered responsive.

Applications received without Exhibit A or with an unsigned Exhibit A may be disqualified.

b. Form E, Financial Proposal (Excel)

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

c. Exhibit B, DFPS Grant Uniform Terms and Conditions

d. Exhibit C, DFPS Grant Supplemental & Special Conditions

e. Exhibit E, Evaluation Tool

f. Exhibit F, Exceptions Form, if applicable

g. Exhibit G, Assurances- Non-Construction Programs

h. Exhibit H, Certification Regarding Lobbying

i. Exhibit I, FFATA Certification

Article XIV. List of Forms and Exhibits Attached to RFA

Forms

Form A, Face Page

Form B, Non-profit Entity or For-Profit Entity Information (if applicable)

Form C, ICSQ for Cost Reimbursement Grants

Form D, Administrative Information

Form E, Financial Proposal

Form E-1, Financial Proposal Instructions

Form F, Completed Accreditation Narrative Proposal

Form G, Pursuing Accreditation Narrative Proposal

Exhibits

Exhibit A, HHS and DFPS Affirmations and Grant Opportunity v2.4

Exhibit B, DFPS Grant Uniform Terms and Conditions

Exhibit C, DFPS Grant Supplemental and Special Conditions

Exhibit D, Online Bid Room Instructions

Exhibit E, Evaluation Tool

Exhibit F, Exceptions Form

Exhibit G, Assurances – Non-Construction Programs

Exhibit H, Certification Regarding Lobbying

Exhibit I, FFATA Certification