



TEXAS

Health and Human Services

Cecile E. Young, Executive Commissioner

Request for Applications (RFA)

for

**SB 26 Supporting Mental Health and Resiliency in Texans
(SMART) Innovation Grant Program**

RFA No. HHS0013881

DEADLINE FOR SUBMISSION OF APPLICATIONS

February 8, 2024, 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 or System Agency) is accepting Applications for the Innovation Matching Grant Program for Mental Health Early Intervention and Treatment, herein referred to as “Supporting Mental Health and Resiliency in Texans Innovation” or “SMART Innovation.”

The goal of SMART Innovation is to develop, implement, and learn from preventive innovations that improve mental health Outcomes for Children and Families and build healthy Community foundations.

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

The following table includes an overview of this grant program:

Grant Name:	SB 26 Supporting Mental Health and Resiliency in Texans (SMART) Innovation Grant Program
RFA No.:	HHS0013881
Deadline for Submission of Applications:	February 8, 2024, by 10:30 a.m. Central Time
Deadline for Submitting Questions or Requests for Clarifications:	January 18, 2024, by 5:00 p.m.
Estimated Total Available Funding:	Thirty million dollars (\$30,000,000.00)
Estimated Total Number of Awards:	Multiple Award
Estimated Max Award Amount:	Less than five million dollars (\$5,000,000.00)
Match Required, if any:	Ten percent (10%) or more
Anticipated Project Start Date:	July 1, 2024

Length of Project Period:	Fourteen (14) months
Eligible Applicants:	<p>Applicants must be one of the following types of entities:</p> <ul style="list-style-type: none"> A. A hospital licensed under Chapter 241 of the Texas Health and Safety Code; B. A mental hospital licensed under Chapter 577 of the Texas Health and Safety Code; C. A hospital district; D. A local mental health authority; E. A child-care facility, as defined under Texas Human Resources Code § 42.002(3); F. A county or municipality; or G. A nonprofit organization that is exempt from federal income taxation under Section 501(a) of the Internal Revenue Code of 1986, by being listed as an exempt entity under Section 501(c)(3) of that code.

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 Requests for Applications (RFA). All other terms have their ordinary and common meaning.

Refer to all exhibits to this RFA for additional definitions.

“Addendum or Addenda” 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.

“Business Days” refers to Monday through Friday excluding holidays as appropriately determined by federal or State recognition.

“Calendar Days” refers to the total number of days in a particular month.

“Caregiver” means an individual who attends to the needs of a Child or Youth. A Caregiver may be paid or unpaid.

“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.

“Child(ren)” or “Youth” means a person under eighteen (18) years of age.

“Community” or “Communities” means an area of the State, defined by ZIP Code, city, county, or other geographic designation.

“Community Assessment of Needs” or “CAN” means an evaluation that the Applicant develops and utilizes to identify Community characteristics, resources, needs, and gaps, and is a component of the narrative proposal for this RFA.

“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.

“Department of Family and Protective Services” or “DFPS” means the Texas Department of Family and Protective Services, its officers, employees, or authorized agents.

“Equipment” means, pursuant to 2 CFR § 200.1, tangible personal property (including information technology systems) having a useful life of more than one (1) 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 five thousand dollars (\$5,000.00). See also 2 CFR § 200.1 for the definitions of “capital assets,” “computing devices,” “general purpose equipment,” “information technology systems,” “special purpose equipment,” and “supplies.”

“Family” or “Families” means one or more persons affiliated with a Child or Youth receiving services funded through this RFA and can include Caregivers, siblings, parents, aunts, uncles, cousins, and grandparents.

“Grant Agreement” means the agreement entered into by the System Agency 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”.

“HHS” means 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 incurred for a common or joint purpose benefitting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Indirect Costs represent the expenses of doing business that are not readily identified with the Grant Project responsive to this RFA but are necessary for the general operation of the organization and the conduct of activities it performs.

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

“Key Personnel” means a Grantee organization's Project contact, fiscal contact, or Executive Director, or any other key stakeholders in the proposed Project.

“Match” means the non-federal and/or non-State share of costs the Grantee is required to contribute to accomplish the purpose of the Grant Project.

“Outcome” means a quantifiable measure that demonstrates the effect a service has on Participants, typically related to improvements in the lives of Participants.

“Output” means an indicator referring to activities, methods, and approaches, and the immediate results generated because of Project efforts (e.g., number of Families served).

“Participant” means a member of the population to be served by the Applicant’s organization. For the purposes of this RFA, a Participant is a person who is eligible to receive innovative programming and will receive programming under any grant awarded as a result of this RFA.

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

“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.

“Relinquishment Avoidance Program” means, pursuant to Texas Family Code § 262.351(1-b), the HHSC program that provides mental health services to a Child with severe emotional disturbance without the Child entering the managing conservatorship of the Department of Family and Protective Services. The program may be referred to as the “Residential Treatment Center (RTC) Project”.

“RFA” means this Request for Applications, including all parts, exhibits, forms, attachments, and Addenda, posted on the HHS Grants RFA website, and under which Applications for grant funds are requested. May also be referred to herein as “Solicitation”.

“Supporting Mental Health and Resiliency in Texans Innovation Grant Program” or “SMART Innovation Grant Program” means the Innovation Matching Grant Program for Mental Health Early Intervention and Treatment authorized by Senate Bill 26, 88th Legislature, Regular Session, 2023, to provide funds to Community-based initiatives to promote mental health outcomes through early intervention. May also be referred to herein as “SMART Innovation”.

“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, who will be a Party to any Grant Agreement resulting from the RFA.

“Target Population” means the population to be served by the Applicant in its Project design.

“Texas Grant Management Standards” or “TxGMS” means uniform grant and contract administration procedures, developed under the authority of Chapter 783 of the Texas Government Code, to promote the efficient use of public funds in local government and in programs requiring cooperation among local, State, and federal agencies. Under any Grant Agreement resulting from the RFA, TxGMS will apply to Grantee except as otherwise provided by applicable law or directed by System Agency. Additionally, except as otherwise provided by applicable law, in the event of a conflict between TxGMS and applicable federal or State law, federal law prevails over State law and State law prevails over TxGMS.

“Unduplicated Participants” means the total number of Participants when a Participant is counted only once, no matter how many activities or direct services the Participant receives.

1.3 STATUTORY AUTHORITY

The System Agency is requesting Applications under Texas Government Code § 531.09915. State funds for this Grant Project are authorized under the Texas General Appropriations Act, Article II, Rider 53. 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 TxGMS and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200).

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Article II. Scope of Grant Project

2.1 PURPOSE

This funding opportunity invites grant Applications requesting funding for SMART Innovation. The purpose of this grant program is to promote identification of potential mental health needs and improve access to early intervention and treatment for Children and Families through Community-based initiatives.

2.2 PROGRAM BACKGROUND

Senate Bill 26, 88th Legislature, Regular Session, 2023, amended Chapter 531 of the Texas Government Code to create a matching grant program for mental health early intervention and treatment to support eligible entities for Community-based initiatives designed to reduce the following:

1. the need for future intensive care;
2. the number of Children at risk of placement in foster care or the juvenile justice system; and
3. the demand for State hospitals, inpatient mental health facilities, and residential behavioral health facilities.

Much of the current mental health system is focused on crisis services, or treatment for those with serious mental illness or a serious emotional disturbance. While critical, these services treat the symptom. Early prevention efforts focus on addressing behaviors and mitigating risk to reduce the need for more intensive treatment services, and later adverse outcomes for Children, their Families, and their Community.

Services and strategies implemented under this RFA must encourage the following: resiliency; coping and social skills; healthy social and familial relationships; and parenting skills and behaviors.

2.3 ELIGIBLE POPULATION

The eligible population to be served under this RFA consists of Children, their Caregivers, and individuals working with Children or Caregivers of Children that demonstrate atypical social or emotional development or other challenging behaviors.

The System Agency primarily seeks Applications that propose activities benefiting the priority populations, which include school-aged Children under fourteen (14) years of age and their Caregivers. Services proposed by Applicants need not exclude Children of all ages.

The System Agency will make final funding decisions to ensure some opportunity to develop, implement, and learn from innovative strategies with promising outcomes primarily benefiting Children and their Caregivers outside of the prioritized populations, if the Applicant demonstrates the following in its Application:

1. a high risk that members of the population identified by Applicant will experience a crisis or develop a mental health condition; and
2. that its Project design supports appropriate prevention practices for members of the population identified by Applicant and that there is need for Applicant to implement such prevention practices.

2.4 ELIGIBLE SERVICE AREAS

The service areas eligible for Project funding under this RFA include any Community(ies) in Texas, as defined by the Applicant.

HHSC seeks Applications that propose to provide services in Communities that are experiencing high rates or high occurrences of the following:

1. Foster care placement and/or relinquishment;
2. Juvenile justice involvement;
3. Emergency room use for juveniles or young adults;
4. Admissions to State hospitals, inpatient mental health facilities, and residential behavioral health facilities;
5. Juvenile suicide rates;
6. Substance use;
7. Dropout or truancy;
8. Poverty; or
9. Evictions.

HHSC further seeks Applications that propose to provide services in Communities that are impacted by limited or no access to critical infrastructure, including but not limited to, health care providers, transportation, or broadband.

Applicant must complete a Community Assessment of Needs (CAN), wherein it must demonstrate how it proposes to serve the aforementioned Communities (see **Subsection 2 of Section 6.1, Narrative Proposal**).

2.5 ELIGIBLE ACTIVITIES

This SMART Innovation Grant Program may fund activities and costs as allowed by the laws, regulations, rules, and guidance governing fund use identified in 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.

Funds awarded under this program must be used for activities and costs associated with implementing Grantee's innovative strategies to provide the following:

1. Resiliency, coping, and social skills;
2. An increase in healthy social and familial relationships; and
3. Support for building parenting skills and behaviors.

The activities that Applicant may propose to achieve the results identified above include, but are not limited to, the following:

1. Education;
2. Skill-building;
3. Training;
4. Outreach and awareness; and
5. Provision of goods or services to individuals, Families, or groups to meet those required outcomes.

The eligible activities identified at Nos. 1-5, above, or any alternative activities proposed by Applicant in its Application, should demonstrate progress directly, or by proxy, towards outcomes including, but not limited to: improving Children’s relationship skills; improving Children’s self-esteem; reducing involvement in the juvenile justice system; reducing foster care placement and/or relinquishment (e.g. expand participation in the relinquishment avoidance program under Texas Family Code, Chapter 262, Subchapter E); reducing emergency room use for behavioral health needs; reducing admissions to State hospitals, inpatient mental health facilities and residential behavioral health facilities; and reducing the need for future intensive mental health services.

2.6 PROGRAM REQUIREMENTS

Each Grantee must ensure that any Grant Project funded under this RFA meet the following SMART Innovation Grant Program requirements:

1. Use a local approach and provide personalized support to Participants; and
2. Target the populations identified in **Section 2.3, Eligible Population.**

2.6.1 Participant Related Requirements

As it relates to Participants of the SMART Innovation Grant Program, Grantee must:

1. Ensure that all Participants enter the program voluntarily. “Voluntarily” means that the Participant must not be coerced, court ordered, or mandated to participate in the SMART Innovation Grant Program;
2. Provide all grant funded activities to Participants free of charge; and
3. Provide services to Participants without regard to their economic status.

2.6.2 Intake Requirements

If Grantee administers a Participant intake process or a tool that assesses the needs of Participants, it must:

1. Obtain a Participant’s informed consent to complete the intake process;
2. Inform the Participant about the type of data that will be collected during the Participant intake, the purposes for which the data will be used, and that the collected data will be used towards approaches to address the Participant’s individual needs;

3. Inform the Participant of the Grantee organization's grievance process and provide a written copy of the process to the Participant;
4. Provide the Participant with the contact information of the HHSC Ombudsman's Office and provide a written copy of the information to the Participant;
5. Maintain processes and procedures to ensure compliance with all laws and regulations regarding Grantee obtaining a minor's consent. Consent forms collected by Grantee must be kept on file and made available to HHSC upon request; and
6. Use Participant responses to develop unique approaches to address each Participant's individual needs.

2.6.3 Participant Evaluation Requirements

Grantee must develop and implement Participant evaluations that assess the effectiveness of the services provided. Participant evaluations may be included in a Grantee's Participant intake process.

In regard to its Participant evaluations, Grantee must:

1. Create pre-assessment documentation and provide the documentation to Participants for completion before receiving services;
2. Create post-assessment documentation and provide the documentation to Participants for completion after receiving services;
3. Ensure that it will not condition a Participant's completion of the pre-assessment documentation or post-assessment documentation for receipt of services under the Project;
4. Ensure that pre-assessment and post-assessment documentation includes components necessary for reporting under **Section 2.8, Performance Measures and Monitoring**; and
5. Make pre-assessment documents and post-assessment documents available to HHSC upon request.

2.6.4 Informational or Educational Material Requirements

When developing or providing informational or educational written materials under this RFA, Grantee must:

1. Ensure that all communication and outreach strategies are for the purpose of informing the public of the services provided under the Project and how to access services;
2. Obtain HHSC's approval of all such communication and outreach strategies prior to distribution;
3. Offer all informational or educational written materials, at a minimum, in both English and Spanish;
4. For Participants with limited English and Spanish proficiency, ensure that information or educational written materials are available in languages other than English or Spanish, based on the individual need of the Participant; and
5. Ensure all informational or educational written information distributed under the Project is evidence-based or otherwise demonstrates positive outcomes.

2.6.5 Contingency Plan Requirements

Grantee must develop and maintain contingency plans to ensure personnel continuity. A contingency plan must be implemented when Grantee expects a member of Grantee's Key Personnel or grant-funded personnel to be absent, or otherwise expects there to be a Key Personnel or grant-funded personnel vacancy, for a period of ten (10) or more Calendar Days. Grantee must provide a contingency plan to the HHSC contract manager no later than five (5) Business Days prior to the Key Personnel or grant-funded personnel vacancy. At a minimum, the contingency plan should include the specific names of Grantee's substitute personnel who have been assigned to carry out the duties and responsibilities of the absent member(s) of Grantee's Key Personnel or grant-funded personnel.

2.6.6 Staffing Requirements

Grantee must ensure that all its Project staff meet the following requirements:

1. All Grantee Project staff that work directly with Participants must have the knowledge, skills, and abilities to provide the services, work with the Target Population, and meet the requirements of this RFA.
2. All Grantee Project staff who hold a license or certificate to perform Project services must maintain the required licensure and certifications through the life of the Project.
3. Grantee Project staff must attend all required trainings and meetings, unless notification detailing the reason(s) for a Project staff member's absence has been provided to HHSC prior to training/meeting.
4. Grantee must participate in any webinars, trainings, and conference calls that the System Agency indicates is required. Grantee must require the participation of all appropriate Program Staff members relevant to the webinar, training, or conference call topic area.

2.6.7 Self-Monitoring Requirements

Grantee shall be responsible for monitoring the effectiveness of the Project and the quality of all services provided as described below.

1. Project Monitoring
Grantee must develop and implement a process and a schedule for monitoring the performance, quality, and cost effectiveness of the services that it will provide. Grantee's Project monitoring documentation must be completed no later than three (3) months from execution of any Grant Agreement resulting from this RFA, and upon request, must be made available to HHSC at any time during the Grant Term.
2. Performance Remedies and Corrective Actions
 - a. Grantee must take corrective action on any insufficiencies, including, but not limited to when (i) its Project encounters operational difficulties, or (ii) Grantee's Project staff fails to follow contractual or legal requirements, or SMART Innovation Grant Program policies or procedures.

- b. Grantee must notify HHSC of any insufficiencies, or corrective action(s) to remedy the insufficiencies, via the reports that are required to be submitted to HHSC under **Section 2.7, Required Reports**. Upon HHSC’s request, Grantee must provide documentation evidencing its corrective action(s) to remedy the insufficiencies identified in its required reports.

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 will submit the following reports with the frequency stated in the table below:

REPORT	DUE DATE(S)
Financial Status Report – Quarterly (see Section 2.9, Financial Status Reports)	The last Business Day of the month following the end of each first, second, and third State fiscal quarter AND forty-five (45) Calendar Days following the end of each fourth State fiscal quarter.
Performance Report – Quarterly (see Section 2.8, Performance Measures and Monitoring)	The last Business Day of the month following the end of each State fiscal quarter.
Performance Report – Biannually (see Section 2.8, Performance Measures and Monitoring)	The last Business Day of the month following the end of each second State fiscal quarter AND forty-five (45) Calendar Days following the end of each fourth State fiscal quarter.
Invoices/Requests for Reimbursement - Monthly	The last day Business Day of the month, following the month in which expenses were incurred AND forty-five (45) Calendar Days following the end of the term of the Grant Agreement.

The Financial Status Reports (FSRs) will reflect the Grantee’s approved categorical Budget, cumulative allowable costs incurred through the end of the reporting quarter by Budget category (e.g., personnel, Equipment, supplies, etc.), Budget variances, the System Agency’s share of program income, and non-HHSC funding. Grantee must submit

quarterly Financial Status Reports to HHSC in accordance with **Section 2.9, Financial Status Reports**.

Grantee must submit the quarterly and biannual Performance Reports in a manner prescribed by HHSC. The Performance Reports will be used to monitor the development, implementation, and lessons learned from preventive innovations that improve mental health outcomes for Children and Families and build healthy Community foundations. Additional details on the quarterly and biannual Performance Reports can be found in **Section 2.8, Performance Measures and Monitoring**.

Invoices/Requests for Reimbursement include expenses to be reimbursed from State funds for a particular month's reporting period. Grantee must submit for reimbursement in a manner prescribed by HHSC, to HHSC no later than the last Business Day of the month following that in which the expenditure occurred. Expenditures reported must be allowable and be supported by documentation. HHSC will pay Grantee from available funds for services rendered in accordance with the terms of the Grant Agreement upon receipt of a proper and verified statement and after deduction of any known previous overpayments made by HHSC.

Additional requirements, clarifications, and report items may be added by HHSC as information needs change.

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, 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 and/or pursuing any other corrective or remedial actions available under the Grant Agreement.

2.8 PERFORMANCE MEASURES AND MONITORING

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

Grant Agreement(s) awarded as a result of this RFA are subject to the System Agency's performance monitoring activities, identified in this section, throughout the duration of the Project Period. This evaluation may include a reassessment of Project activities and services to determine whether those activities and services continue to be effective throughout the Grant Term.

Grantee must regularly collect and maintain data that measures the performance and effectiveness of activities under a Grant Agreement resulting from this RFA in the manner, and within the timeframes, specified in this RFA and resulting Grant Agreement, or as otherwise identified by System Agency.

Grantee will be expected to report on the following measures quarterly:

1. Number of unique Participants receiving a minimum of one (1) grant-funded service. Grantee is required to demonstrate by the end of the State Fiscal Year that at least ninety percent (90%) of its projected number of Participants were served;
2. Percentage of unique Participants receiving a minimum of one (1) grant-funded service within the State Fiscal Year that report satisfaction with the service(s). Grantee is required to demonstrate by the end of the State Fiscal Year that at least seventy-five (75%) of Participants completing a post-assessment (see **Section 2.6.3, Participant Evaluation Requirements**) report satisfaction with the service(s);
3. Unique performance measures and targets selected using **Form E, Required Reporting Tool**; and
4. Narrative items detailing the following information on its approved reporting tool:
 - a. Completed Grant Project activities, e.g., staffing, program activity, Community collaboration;
 - b. Challenges encountered when implementing and operating the SMART Innovation Grant Program, and plans for overcoming those challenges; and
 - c. Real or perceived benefits related to the services provided to Participants and/or the Community. Perceived benefits may include Participant success stories, staff input, Community response, or other material. Grantee must include Outcome data for services and activities, if available.

Grantee will be expected to report on the following measures biannually:

1. Return on investment and/or cost savings calculation that demonstrates the Grant Project services reduce morbidity and mortality associated with mental health disorders, criminal justice, healthcare, and/or child welfare costs. Additional details are outlined in **Form E, Required Reporting Tool**; and
2. Narrative items detailing and demonstrating Grantee’s innovation, relevance, usability, and sustainability in regard to the services it provides in the identified Community. Specifically, Grantee must include the information identified in the table below with regard to the innovation, relevance, usability, and sustainability of its services:

Innovation	Grantee will demonstrate that the service being provided is new to the Community and that it improves a current practice, advances understanding of a problem, addresses a problem more efficiently, introduces a new way of achieving positive Outcomes, or improves technical capability.
Relevance	Grantee will update the CAN to demonstrate the appropriateness of the service and a continued Community need for the service.

Usability	Grantee will describe its continuous quality improvement, including any Participant suggestions for service improvements that were discussed and adopted.
Sustainability	Grantee will describe its plans for sustainability.

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

Grantee agrees that HHSC staff and its representatives may monitor and audit Grantee performance under its awarded grant.

Grantee agrees to cooperate fully and assist with the coordination of the activities listed below, including but not limited to:

1. Periodic site visits to monitor for compliance with federal and State requirements;
2. Efficient use of public funds;
3. Grant performance; and
4. Adherence to the requirements set forth in this RFA.

If individual program compliance or performance is lacking, corrective action recommendations will be made through the Grant Agreement performance improvement plans.

Acceptable quality level will be evaluated under the final negotiated standards. HHSC reserves the right to impose remedial measures including, but not limited to, the following:

1. Written corrective action plans;
2. Additional reporting;
3. Withholding/offsetting payments; and/or
4. Termination of Grant Agreement.

HHSC reserves the right, where allowed by legal authority, to redirect funds in the event of an agency financial shortfall. HHSC will monitor Grantee’s expenditures on a monthly basis.

Applicant agrees to adhere to the Texas Grant Management Standards (TGMS), and work with HHSC staff regarding the management of funds received under this Grant Agreement.

2.9 FINANCIAL STATUS REPORTS (FSRs)

Except as otherwise provided, for Grant Agreements with categorical Budgets, Grantee shall submit quarterly FSRs to System Agency the last business day of the month following the end of each first, second, and third State fiscal quarter, and forty-five (45) Calendar Days following the end of each fourth State fiscal quarter, for System Agency review and financial assessment.

Through submission of a FSR, Grantee certifies the following: (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 not-to-exceed amount of the Grant Agreement; 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 forty-five (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 **Exhibit D, HHS Data Use Agreement, Version 8.5, October 23, 2019, Exhibit D-1, HHS Data Use Agreement – Governmental Entity, Version 8.5, October 23, 2019, or Exhibit D-2, HHS Data Use Agreement – Community Center, Version 8.5, January 25, 2023**, as applicable, 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, funds appropriated by the General Appropriations Act, in the form of a Grant Agreement with a “unit of local government,” will be subject to limitations and reporting requirements similar to those provided by the following:

1. 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);
2. Texas Government Code §§ 556.004, 556.005, and 556.006; and
3. Texas Government Code §§ 2113.012 and 2113.101.

As defined in General Appropriations Action, Article IX, Section 4.04(b), and for the purpose of this **Section 2.12, Limitation of Grants to Units of Local Government**, "unit of local government" means the following: (1) a council of governments, a regional planning commission, or a similar regional planning agency created under Chapter 391, Local Government Code; (2) a local workforce development board; or (3) a Community center as defined by Health and Safety Code, §534.001(b).

The remainder of this page is left blank intentionally.

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 submit multiple Grant Applications if applying for more than one innovative Project.

3.2 APPLICATION SCREENING REQUIREMENTS

In order to be considered an Applicant eligible for evaluations, Applicant must meet the following minimum requirements:

1. Applicant must be one of the following entity types:
 - a. hospital licensed under Chapters 241 of the Texas Health and Safety Code;
 - b. mental hospital licensed under Chapter 577 of the Texas Health and Safety Code;
 - c. hospital district;
 - d. local mental health authority;
 - e. child-care facility, as defined by Chapter 42, Human Resources Code § 42.002(3);
 - f. county or municipality; or
 - g. nonprofit organization that is exempt from federal income taxation under Section 501(a) of the Internal Revenue Code of 1986, by being listed as an exempt entity under Section 501(c)(3) of that code;
2. Applicant must submit a complete Application by the date identified as the “Deadline to Submit Applications,” established at **Section 7.1, Schedule of Events**; and
3. Applicant must have a physical business address in Texas.

3.3 GRANT AWARD ELIGIBILITY

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

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;
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. Applicant will remain in good standing and eligible to conduct its business in Texas and will comply with all applicable requirements of the Texas Secretary of State and the Texas Comptroller of Public Accounts;

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
5. Applicant is not delinquent in taxes owed to any taxing authority of the State of Texas as of the date Applicant submitted its Application.

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 that 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.

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Article IV. Project Period and Grant Term

4.1 PROJECT PERIOD

The Project Period is anticipated to be July 1, 2024, through August 31, 2025.

4.2 GRANT TERM

Subject to availability of funds, the System Agency may, at its sole discretion, extend the Grant Term for any period(s) of time through Grant Agreement extensions or renewals with funded Project Periods, provided the Grant Term, including all extensions or renewals, does not exceed five (5) years. The System Agency will be able to make decisions regarding grant extensions based on legislative appropriations made in 2025.

4.3 PROJECT CLOSEOUT

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

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Article V. Grant Funding and Reimbursement Information

5.1 GRANT FUNDING SOURCE AND AVAILABLE FUNDING

5.1.1 Project Period Funding

The total amount of State funding available for the SMART Innovation grant program is **thirty million dollars (\$30,000,000.00)** for the entire Project Period. It is the System Agency's intention to make awards to multiple Applicants that successfully demonstrate the ability to conduct innovative, community-based initiatives to promote the identification of potential mental health needs and improve access to early intervention and treatment for Children and Families.

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

Reimbursement will only be made for actual, allowable, and allocable expenses that occur within the Project Period.

5.1.2 Startup Funding

Up to twelve million dollars (\$12,000,000.00) of funding available for the entire Project Period may be reserved by System Agency to be allocated as start-up costs for new SMART Innovative programs. The start-up costs must assist in initial establishment and operating costs of new innovative programs. Start-up costs will not be eligible for continued funding in subsequent award years. Examples of start-up funds may include the following: trainings, purchase costs for proprietary programming, personnel costs for program development, or repairs that improve safety and accessibility. Applicants must indicate any amount requested for startup funding in **Form F, State and Matching Budget Proposal**. Startup funding will be reimbursed in the same manner described in **Section 5.5, Payment Method**. Reimbursement will only be made for actual, allowable, and allocable expenses that occur within the Project Period.

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

Grantee may not use grant money awarded under the SMART Innovation Grant Program or matching money provided by the Grantee to:

1. Reimburse an expense or pay a cost that another source, including the Medicaid program, is obligated to reimburse or pay by law or under a contract; or
2. Supplant or be a substitute for money awarded to the Grantee from a non-Medicaid federal funding source, including federal grant funding.

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

1. Any use of grant funds or matching money to replace (supplant) funds that have been budgeted for the same purpose through non-grant sources;
2. Any use of grant funds or matching money to reimburse an expense or pay a cost that another source, including the Medicaid program, is obligated to reimburse or pay by law or under a Grant Agreement;
3. Inherently religious activities such as prayer, worship, religious instruction, or proselytization;
4. 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. Any portion of the salary of, or any other compensation for, an elected or appointed government official;
6. Vehicles for general Grantee use; to be allowable, vehicles must have a specific use related to Project objectives or activities;
7. 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 System Agency and are directly related to the SMART Innovation Grant Program's purpose;
8. Costs of promotional items and memorabilia, including models, gifts, and souvenirs;
9. 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 System Agency and are directly related to the program's purpose;
10. Membership dues for individuals;
11. Any expense or service that is readily available at no cost to the Grant Project;
12. Any activities related to fundraising;
13. Any other prohibition imposed by federal, State, or local law; and
14. Other unallowable costs as listed under TxGMS, Appendix 7, Selected Items of Cost Supplement Chart and/or 2 CFR Part 200, Subpart E – Cost Principles, General Provisions for Selected Items of Cost, where applicable.

5.4 COST SHARING OR MATCHING REQUIREMENTS

Match is defined as the non-federal/non-State share of costs the Grantee is required to contribute to accomplish the purpose of the Grant Project. Match must be treated consistently with grant funds and used only for allowable and allocable purposes.

All cost sharing or matching funds and contributions must meet all the following criteria:

1. Are verifiable from the Grantee's records;
2. Are not included as contributions for any other State or federal award;
3. Are necessary and reasonable for accomplishment of Grant Project objectives;
4. Are allowable under the Grant Agreement;
5. Are not paid by the State or federal government; and
6. Are provided for in the approved Grant Project Budget.

Each Grantee must dedicate matching funds equal to a certain percentage of the State award, contingent on the amount requested for the following categories: personnel, fringe, Participant services, travel, Equipment and supplies, and other. Requests for start-up funding are subject to ten percent (10%) matching funds and will not increase based on award amounts.

The following table outlines Match percentage requirements contingent on the amount requested, excluding requests that include start-up funding:

Total Funding Amount Requested (Excluding start-up funding)	Required Match	Dollar Amount
<\$500,000	10%	<\$50,000
\$500,000-749,999.99	13%	\$65,000-97,500
\$750,000-2,499,999.99	16%	\$120,000-400,000
\$2,500,000-5,000,000	19%	\$475,000-950,000

Note: Final Match amount is contingent on total State funds reimbursed.

The percentage of required match may be increased annually to support long term sustainability of Community-based initiatives.

Matching funds must be cash contributions. Grantees that meet the following conditions may substitute in-kind contributions for any required match over ten percent (10%):

1. Projects providing a majority of its grant-funded activities in a Community that includes a county with a population of less than 250,000;
2. Entities with less than fifty (50) employees; or
3. Historically Underutilized Businesses (HUBs).

Donations. The value of donated services may be used to meet cost sharing or matching requirements. If a third party donates supplies, the contribution will be valued at the market

value of the supplies at the time of donation. If a third party donates the use of Equipment or space in a building, but retains title, the contribution will be valued at the fair rental rate of the Equipment or space. If a third party donates Equipment, building, or land, and title passes to Grantee, the treatment of the donated property will be determined based on TxGMS, Cost Sharing or Matching Section.

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.

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Article VI. Application Forms and Exhibits for Submission

This Article of the RFA serves to describe many of the required forms and exhibits related to Applicant's submission of its Application. Note: Applicants must refer to **Article XIII, Submission Checklist**, for the complete checklist of documents that must be submitted with an Application under this RFA.

6.1 NARRATIVE PROPOSAL

Using **Forms C, Form D, and Form E**, attached to this RFA, Applicant shall provide a Program Response Form, Community Assessment on Needs, and Required Reporting Tool to satisfy all objectives described in **Article II, Scope of Grant Project**. Applicants must complete and submit all required forms, including the following:

1. **Form C, Program Response Form.** Applicant must complete all sections of **Form C, Program Response Form**, which includes the following:
 - a. Project design and Outcomes;
 - b. Community engagement and assessment of needs; and
 - c. Required attachments, including those listed below.
 - i. Applicant's most recent two (2) years of audited financial statements or single audits.
 - ii. If applicable, a copy of Applicant's board minutes for all board meetings from January 1, 2022, through November 30, 2023, and a copy of the Applicant's current board bylaws.
 - iii. A copy of Applicant's current or proposed job descriptions for all Key Personnel.
 - iv. A copy of Applicant's current organizational chart.
 - v. Letters of support for Applicant from a minimum of two (2) Community partners located within Applicant's proposed service area.
2. **Form D, Community Assessment of Needs.** The Community Assessment of Needs (CAN) is an assessment the Applicant develops and uses to demonstrate the current landscape of the Community or service area that Applicant is proposing to serve.

The CAN should demonstrate the following:

- a. How innovative programming could have a high potential for positive Outcomes for Children and Families in need of early intervention within the Community; and
- b. The unmet needs and gaps in available mental health services and supports within the Community.

A successful CAN will support the Applicant's proposed Project design, members of the population proposed by the Applicant, and desired Outcomes by highlighting

trends and details impacting the eligible population, as outlined in **Section 2.3, Eligible Population**, and by showing demonstrated need, as outlined in **Section 2.4, Eligible Service Areas**. A successful CAN will incorporate input from current or potential Community partners. CANs may be used as a point of reference in responding to other portions of the RFA.

In developing the CAN, Applicant should use a variety of data from appropriate, reliable sources and is highly encouraged to use local sources to prioritize local needs. The CAN should use Community data to clearly support the gaps in service or needs to be addressed and indicate that Applicant used such Community data to prioritize the identified gaps in service or needs.

If Applicant does not address all required components of **Form D, Community Needs Assessment**, it may result in disqualification of its Application from further consideration for a Grant Agreement.

3. **Form E, Required Reporting Tool.** Applicant must propose performance measures to report on during the term of the Grant Agreement, if awarded, or propose alternatives based on the unique characteristics of its Project. An Applicant may only present alternative outcomes that are evidence-based or otherwise demonstrate positive progress towards the Project's desired outcomes. All alternatives to methodologies, performance expectations, and outcomes must be approved by HHSC prior to implementation.

6.2 REQUESTED BUDGET

Form F, State and Matching Budget Proposal, of this RFA is the template for submitting the requested Budget, including Applicant's required Match amount. Applicant must develop the requested Budget to support its proposed Project and in alignment with the requirements described in this RFA.

Applicant must ensure that the Project costs outlined in the requested Budget are reasonable, allowable, allocable, and developed in accordance with applicable State and federal grant requirements. As defined under 2 CFR § 200.404, "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 at **Form F, State and Matching Budget Proposal**, and identify all Budget line items and matching costs. Budget categories must be separated 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. Matching funds must also be identified in the requested Budget.

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 Form F, State and Matching Budget 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 G, Texas HHS System Indirect Cost Rate (ICR) Questionnaire**, with required supporting documentation, as applicable. 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 Costs cannot recover Indirect Costs on any System Agency award or use unrecovered Indirect Costs as Match.

HHS typically accepts the following approved ICRs:

1. Federally Approved Indirect Cost Rate Agreement; or
2. 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, an 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 after execution of any Grant Agreement that results from this Solicitation.

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 thirty (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 (1) of the three (3) Indirect Cost approval letters: ICR Acknowledgement Letter, ICR Acknowledgement Letter – Ten Percent De Minimis, or the ICR Agreement Letter.

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

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

6.4 ADMINISTRATIVE APPLICANT INFORMATION

Using **Forms A, B, B-1, and 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.

1. Litigation and Contract History

Applicant must include in its Application a complete disclosure of any alleged or significant contractual or grant failures using **Form B, Entity Information, Conflicts, and Contract Litigation**.

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. Such disclosure must be made using **Form B, Entity Information, Conflicts, and Contract Litigation**. Failure to comply with the terms of this provision may disqualify Applicant (see also **Exhibit A, HHS Solicitation Affirmations, Version 2.4, Effective August 2023**). 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.

Applicant's 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.

2. Internal Controls Questionnaire

By accepting an award from HHSC, Applicant's organization and the Board of Directors or other oversight authority accept responsibility for complying with the management and administration of programmatic, financial, and reporting requirements of the award. Applicant must complete **Form H, Internal Controls Questionnaire – Financial Management and Administration**, 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	January 10, 2024
Applicant Conference Attendance is Optional	January 12, 2024, at 2:00 PM Central Time
Deadline for Submitting Questions or Requests for Clarification	January 18, 2024, at 5:00 PM Central Time
Tentative Date Answers to Questions or Requests for Clarification Posted	January 25, 2024
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.	February 8, 2024, by 10:30 a.m. Central Time
Anticipated Notice of Award	June 2024
Anticipated Project Start Date	July 1, 2024

Applicant must ensure its Application is 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 at the following URL: <https://resources.hhs.texas.gov/rfa/>.

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 (see <https://apps.hhs.texas.gov/procurement-calendar/procurement-forecast.pdf>) on the HHS Procurement Opportunities website at the following URL: <https://www.hhs.texas.gov/business/contracting-hhs/procurement-opportunities>. 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 in writing, via email, **only** to the HHSC Grant Specialist designated below (Sole Point of Contact).

Name	Michele Rivers
Title	Grant Specialist, HHSC Procurement and Contracting Services
Address	Procurement and Contracting Services Building 1100 W 49th St. MC: 2020 Austin, TX 78756
Phone	512-406-2449
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.

Prohibited Communications: Applicant and its representatives shall not contact other HHS personnel regarding this RFA.

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.

The restriction of only communicating in writing, via email, with the Sole Point of Contact identified herein does not preclude discussions between Applicant and HHSC 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:

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 or other attachment;
6. Language, topic, section heading in question; and
7. Question for HHSC.

Submissions that do not include the preceding information may not be accepted.

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

1. Organization name;
2. Name of organization representative submitting question or request for clarification;
3. Organization representative's phone number; and
4. Organization representative's 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 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 identified in **Section 7.1, Schedule of Events**.

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. Waives any claim of error or ambiguity in the RFA and any resulting Grant Agreement;
2. Must not contest the interpretation by HHSC of such provision(s); and
3. Is not 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 at the following URL: <https://resources.hhs.texas.gov/rfa/>. Responses will not be provided individually to requestors.

HHSC reserves the right to amend answers previously posted at any time prior to the Deadline for Submission of Applications identified in in **Section 7.1, Schedule of Events**. 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 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 at the following URL: <https://resources.hhs.texas.gov/rfa/>.

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 or assumptions by

submitting questions or requests for clarification pursuant to **Section 7.3, RFA Questions and Requests for Clarification.**

Any exceptions included in an Application may result in Applicant not being awarded a Grant Agreement. If an Applicant includes exceptions in its Application, Applicant is required to use the form included at **Exhibit E, Exceptions**, to this RFA and provide all information requested on the form. Any exceptions that does not provide all required information in the format set forth in **Exhibit E, Exceptions**, may be rejected without consideration.

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

7.8 APPLICANT CONFERENCE

HHSC 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 not required, however, it 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 Applicant conference in order to have reasonable accommodations made by HHSC.

The Applicant 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's email address.

WEBINAR INFORMATION:

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

<https://attendee.gotowebinar.com/register/1433276514631229277>

Webinar ID:

414-698-963

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 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 RFA, 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 bind the Applicant under any Grant Agreement that may result from the submission of an Application.

8.3 REQUIRED SUBMISSION METHOD

1. Applicant must submit its 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.
2. **Submission Option No. 1, HHS Online Bid Room:** Applicant shall upload the following documents to the Online Bid Room utilizing the procedures in **Exhibit G, HHS Online Bid Room**. Note, there is a file size limitation of 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 F, State and Matching Budget 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**, in a Portable Document Format (“.pdf”) file.
3. **Submission Option No. 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 package and mark the USB and envelope with “Original Application.”
 - b. One (1) USB drive must include the completed **Form F, State and Matching Budget Proposal**, in its original Excel format.
 - c. One (1) USB drive with a copy of the complete Application file marked as “Public Information Act Copy,” if applicable and in accordance with **Section 12.1, Texas Public Information Act**. The copy must be in a Portable Document Format (“.pdf”) file. Include the USB in a separate envelope within the sealed package and mark the USB and envelope with “Public Information Act Copy” or “PIA Copy.”

Sealed packaged must be clearly labeled with the following:

- 1) RFA Number
- 2) RFA Title
- 3) Application Response Deadline
- 4) Sole Point of Contact’s name
- 5) Applicant’s legal name

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

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

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:

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 F, State and Matching Budget 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, as previous versions and copies are not allowed.

8.7 APPLICATION WITHDRAWALS OR MODIFICATIONS

Prior to the Deadline for Submission of Applications identified at **Section 7.1, Schedule of Events**, or subsequent Addenda, an Applicant may take the following actions:

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, identified at in **Section 7.1, Schedule of Events**, or subsequent Addenda, will be considered.

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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 also, **Section 3.2, Application Screening Requirements**).

At the sole discretion of HHSC, 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, Version 2.4, Effective August 2023**, or **Form F, State and Matching Budget 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, via the e-mail address identified at **Section 7.2, Sole Point of Contact**, by the deadline set by HHSC. Failure to respond by the deadline may result in rejection of the Application and the Applicant 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 F, Evaluation Tool**.

Scoring Criteria: Qualified Applications shall be evaluated based upon:

1. Project Design and Outcomes (45%); and
2. Community Engagement and Assessment of Needs (55%).

9.5 PAST PERFORMANCE

System Agency reserves the right to request additional information and conduct investigations as necessary to evaluate 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:

1. Notices of termination;
2. Cure notices;
3. Assessments of liquidated damages;
4. Litigation;
5. Audit reports; and
6. Non-renewals of grants or grant agreements based on Applicant's unsatisfactory performance.

Applicants also may be rejected as a result of unsatisfactory past performance under any grant(s) or grant agreement(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/>;
2. Applicant is currently under a corrective action plan through HHSC or DSHS;
3. Applicant has had repeated, negative vendor performance reports for the same reason;
4. Applicant has a record of repeated non-responsiveness to vendor performance issues;
5. Applicant has grant agreements or purchase orders that have been cancelled in the previous twelve (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 GRANT AGREEMENTS

Prior to award of a Grant Agreement as a result of this RFA, and in addition to the initial screening of Applications, HHSC will conduct all required verification checks.

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 RFA, pending satisfactory resolution of all compliance issues.

HHSC verification checks will include:

1. State of Texas Debarment and Warrant Hold

Applicant must not be debarred from doing business with the State of Texas (see <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 grant agreement participation at the federal level. This verification is conducted through SAM, the official website of the U.S. Government which may be accessed at the following URL: <https://sam.gov/content/home>.

3. Divestment Statute Lists

Applicant must not be listed on the Divestment Statute Lists provided by CPA, which may be accessed at the following URL: <https://comptroller.texas.gov/purchasing/publications/divestment.php>.

The Divestment Statute Lists include the following:

- a. Companies that Boycott Israel;
- b. Companies with Ties to Sudan;
- c. Companies with Ties to Iran;
- d. Designated Foreign Terrorist Organizations;
- e. Scrutinized Companies with Ties to Foreign Terrorist Organizations; and
- f. Financial Companies that Boycott Energy Companies.

4. Texas HHSC Office of Inspector General

Applicant must not be listed on the Texas HHSC Office of Inspector General Exclusions List for people or businesses excluded from participating as a service provider. Access to the Texas HHSC Office of Inspector General Exclusion Database is found at the following URL: <https://oig.hhs.texas.gov/exclusions>.

5. 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), and excluded from participation as a service provider, unless a valid waiver is currently in effect. Access to the Exclusions Database is found at the following URL: <https://exclusions.oig.hhs.gov/>.

Additionally, if a subrecipient under a federal award, Grantee must 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. Grantee must 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 a 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, that it will not conduct business with any entity that is an excluded entity under SAM.

HHSC 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

HHSC intends to make multiple awards. Following the initial screening for eligibility and Application completeness, and the initial evaluation against the criteria listed in **Section 9.4, Evaluation Criteria**, a selection committee will review all eligible Applicants to determine which proposals most effectively accomplish State priorities. The System Agency may apply additional considerations 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.

The funding methodology for issuing final Grant Agreements will include the following identified factors:

1. Proposed number of Participants served;
2. Return on Investment to the State and proposed service area; and
3. Reasonableness and appropriate use of funds in proposed Budget and Match.

The System Agency will make final funding decisions based on Applicant eligibility, evaluation rankings as assessed using **Exhibit F, Evaluation Tool**, the funding methodology above, geographic distribution across the State, State priorities, availability of funding, and other relevant factors.

All funding recommendations will be considered for approval by the HHSC Family Health Services Deputy Executive Commissioner, or their designee.

10.2 NEGOTIATIONS

After initially selecting an Applicant for a potential award, the System Agency may engage in negotiations with the selected Applicant. As determined by System Agency, the negotiation phase may involve direct contact between the selected Applicant and HHSC 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:

1. An in-depth discussion of the submitted Application and requested Budget; and
2. 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 one million dollars (\$1,000,000.00) 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 of the Texas Government Code 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 disclosure of interested parties form prescribed by the Texas Ethics Commission (TEC). The form, referred to as Form 1295, Certificate of Interested Parties, must be submitted 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 TEC. The online process for completing the Form 1295 may be found on the TEC public website at the following URL: 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 the designated HHSC 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, 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 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, 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 HHSC Family Health Services Deputy Executive Commissioner and relevant HHSC approval authorities have given approval to initiate and/or execute grants. Receipt of an “Intent to Award Letter” does not authorize the Grantee 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 at the following URL: <https://resources.hhs.texas.gov/rfa/>.

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Article XI. General Terms and Conditions

11.1 GRANT APPLICATION DISCLOSURE

In an effort to maximize State resources and reduce duplication of effort, the System Agency, at its discretion, may require the Applicant to disclose information regarding the Application for, or award of, State, federal, and/or local grant funding to the Applicant or subgrantee or subcontractor (i.e. organization who will participate, in part, in the operation of the Project) within the past two (2) years to provide services, trainings, and supports to improve mental health Outcomes.

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 at the following URL: <https://comptroller.texas.gov/purchasing/vendor/hub/>.

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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. Additionally, System Agency is required 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 perform the actions identified below:

1. Mark Original Application

- a. Applicant Must 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).
- b. Applicant must 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

Applicant must certify in its Application, specifically in the designated section of the **Exhibit A, HHS Solicitation Affirmations, Version 2.4, Effective August 2023**, its confidential information assertion and the filing of its Public Information Act Copy; and

3. Submit Public Information Act Copy of Application

Applicant must 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 requirements stated below.

- 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 that Applicant claims is exempt from public disclosure must be redacted (blacked out).
- 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, Version 2.4, Effective August 2023, 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 Applicant submits 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 Applicant for failing to fully comply with the requirements set forth in this section; or (2) offer Applicant additional time to comply with the requirements set forth in this section.

Applicant should not 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.

An Application 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. Applicant is advised to consult with its 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 Applicant.

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 the following URL: <http://www.texasattorneygeneral.gov>.

12.2 APPLICANT WAIVER – INTELLECTUAL PROPERTY

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

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Article XIII. Submission Checklist

HHSC, in its sole discretion, will review all Applications received and will determine if any, or all, Applications that 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 a completed and signed Exhibit A, HHS Solicitation Affirmations, Version 2.4, Effective August 2023, and a completed Form F, State and Matching Budget Proposal, 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 – Respondent Information (to be completed and signed)
- b. Form B Entity Information, Conflicts, and Contract Litigation (to be completed)
- c. Form B-1, Governmental Entity – Authorized Officials, if applicable (to be completed)
- d. Form B-2 Nonprofit or For-Profit Entity – Board of Directs and Principal Officers, if applicable (to be completed)

2. Narrative Proposal

- a. Form C Program Response Form (to be completed)
- b. Form D Community Assessment of Needs (to be completed)
- c. Form E Required Reporting Tool (to be completed)

3. Budget Proposal

- a. Form F State and Matching Budget Proposal (to be completed)

4. Indirect Cost

- a. Form G Texas HHS System Indirect Cost Rate (ICR) Questionnaire (to be completed and signed)

5. Internal Controls

- a. Form H Internal Controls Questionnaire – Financial Management and Administration (to be completed and signed)

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

- a. Exhibit A HHS Solicitation Affirmations, Version 2.4, Effective 2023
- b. Exhibit D HHS Data Use Agreement, Version 8.5, October 23, 2019, if applicable, OR
- c. Exhibit D-1 HHS Data Use Agreement – Governmental Entity, Version 8.5, October 23, 2019, if applicable OR
- d. Exhibit D-2 HHS Data Use Agreement – Community Center, Version 8.5, January 25, 2023, if applicable

- e. Exhibit D-3 Texas HHS System – Data Use Agreement – Attachment 2: Security and Privacy Inquiry (SPI)

7. Exhibits to be Completed and Submitted with Application

- a. Exhibit E Exceptions Form, if applicable

- 8. Addenda:** Each Addendum, if any, must be signed and submitted with the Application.

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Article XIV. List of Exhibits and Forms Attached to RFA

Exhibits

Exhibit A HHS Solicitation Affirmations, Version 2.4, Effective August 2023

Exhibit B HHS Uniform Terms and Conditions – Grant, Version 3.3, Effective November 2023

Exhibit C HHS Additional Provisions – Grant Funding, Version 1.0, Effective February 2021

Exhibit D HHS Data Use Agreement, Version 8.5, October 23, 2019

Exhibit D-1 HHS Data Use Agreement – Governmental Entity, Version 8.5, October 23, 2019

Exhibit D-2 HHS Data Use Agreement – Community Center, Version 8.5, January 25, 2023

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

Exhibit E Exceptions Form

Exhibit F Evaluation Tool

Exhibit G HHS Online Bid Room

Forms

Form A Face Page – Respondent Information

Form B Entity Information, Conflicts, and Contract Litigation

Form B-1 Governmental Entity – Authorized Officials

Form B-2 Nonprofit or For-Profit Entity – Board of Directors and Principal Officers

Form C Program Response Form

Form D Community Assessment of Needs

Form E Required Reporting Tool

Form F State and Matching Budget Proposal

Form G Texas HHS System Indirect Cost Rate (ICR) Questionnaire

Form H Internal Controls Questionnaire – Financial Management and Administration.