

Cecile E. Young, Executive Commissioner

Request for Applications (RFA)

Grant for
Abstinence Education Services
RFA No. HHS0013957

# **DEADLINE FOR SUBMISSION OF APPLICATIONS**

April 2, 2024 by 10:30 a.m. Central Time

# Contents

Section	I. Executive Summary, Definitions, and Statutory Authority	5
1.1	Executive Summary	5
1.2	Definitions and Acronyms	6
1.3	Statutory Authority	10
1.4	Standards	11
Section	II. Scope of Grant Project	11
2.1	Purpose	11
2.2	Program Background	11
2.3	Eligible Population	12
2.4	Eligible Service Areas	12
2.5	Eligible Activities	14
2.6	Program Requirements	14
2.7	Required Reports	19
2.8	Performance Measures and Monitoring	20
2.9	Financial Status Reports (FSRs)	22
2.10	Final Billing Submission	22
2.11	Data Use Agreement	22
2.12	Limitations on Grants to Units of Local Government	22
Section	III. Applicant Eligibility Requirements	23
3.1	Legal Authority to Apply	23
3.2	Application Screening Requirements	23
3.3	Grant Award Eligibility	24
3.3	.1 Conditions for Eligibility	24
3.4	Grants for Political Polling Prohibited	25
Section	IV. Project Period	26
4.1	Project Period	26
4.2	Project Closeout	26
Section	V. Grant Funding and Reimbursement Information	26
5.1	Grant Funding Source and Available Funding	26
5.2	No Guarantee of Reimbursement Amounts	27
5.3	Grant Funding Prohibitions	27
5.4	Cost Sharing or Matching Requirements	28

5.5	Payment Method	29
Section	VI. Application Exhibits and Forms for Submission	29
6.1	Narrative Proposal	29
6.2	Requested Budget	30
6.3	Indirect Costs	31
6.4	Administrative Applicant Information	32
Section	VII. RFA Administrative Information and Inquiries	33
7.1	Schedule of Events	33
7.2	Sole Point of Contact	34
7.3	RFA Questions and Requests for Clarification	35
7.4	Ambiguity, Conflict, Discrepancy, Clarifications	35
7.5	Responses To Questions or Request for Clarifications	36
7.6	Changes, Amendment Or Modification To RFA	36
7.7	Exceptions.	37
Section	VIII. Application Organization and Submission Requirements	37
8.1	Application Receipt	37
8.2	Application Submission	37
8.3	Required Submission Method	38
8.4	Costs Incurred for Application	39
8.5	Application Composition	39
8.6	Application Organization	40
8.7	Application Withdrawals or Modifications	40
Section	IX. Application Screening and Evaluation	40
9.1	Overview	40
9.2	Initial Compliance Screening of Applications	41
9.3	Questions or Requests for Clarification for Applications	41
9.4	Evaluation Criteria	42
9.5	Past Performance	42
9.6	Site Visits	43
9.7	Compliance for Participation in State Contracts	44
Section	X. Award of Grant Agreement Process	45
10.1	Final Selection	45
10.2	Negotiations	46

Revision Date 11/14/2023

10.3	Disclosure of Interested Parties	46
10.4	Execution and Announcement Of Grant Agreement(s)	47
Section 2	XI. General Terms and Conditions	47
11.1	Grant Application Disclosure	47
11.2	Texas Historically Underutilized Businesses (HUBs)	48
Section 2	XII. Application Confidential or Proprietary Information	48
12.1	Texas Public Information Act – Application Disclosure Requirements	48
12.2	Applicant Waiver – Intellectual Property	50
Section 2	XIII. Submission Checklist	51
	XIV. List of Exhibits and Forms Attached to RFA	

### 1.1 EXECUTIVE SUMMARY

The Texas Health and Human Services Commission (HHSC), the System Agency, is accepting Applications for the Abstinence Education Program Services (AEP), Sexual Risk Avoidance Education (SRAE) for eligible Applicants to provide abstinence-based SRAE to youth ages 10 through 19 years. HHSC AEP SRAE announces the expected availability of funds for Federal Fiscal Year (FY) 2025 in accordance with funding opportunity announcement HHS-2018-ACF-ACYF-SRAE-1359, which provides funding to support AEP activities for SRAE in Texas. This Request for Application (RFA) is not limited to this source of funding if other sources become available for this Project. The HHSC System Agency has discretion to change funding amounts.

The purpose of this program is to provide Abstinence based sexual risk avoidance education to youth with knowledge regarding the risks associated with non-marital sexual activity, in an effort to decrease the teen pregnancy rate and prevent the spread of Sexually Transmitted Infections (STI) for youth ages 10 through 19.

This RFA contains standardized requirements that all Applicants must meet to be eligible for potential contract opportunities that may result from this RFA. Failure to comply with these requirements may result in disqualification of the Applicant without further consideration. Each Applicant is solely responsible for the preparation and submission of an application in accordance with instructions contained in this RFA.

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

Grant Name:	Abstinence Education Services
RFA No.:	HHS0013957
Deadline for Submission of Applications:	April 2, 2024, by 10:30 a.m. Central Time
Deadline for Submitting Questions or Requests for Clarifications:	March 8, 2024 by 2:00 p.m. Central Time
Estimated Total Available Funding:	\$6,199,921

Estimated Total Number of Awards:	Multiple Awards
Estimated Max Award Amount:	\$600,000 per Grant Term
Anticipated Project Start Date:	October 1, 2024
Length of Project Period:	Five (5) Years – Initial year with four optional renewal periods of one (1) year
Eligible Applicants:	See Section 3.2, Application Screening Requirements.

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

### 1.2 **DEFINITIONS AND ACRONYMS**

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

Refer to all exhibits to this RFA for additional definitions.

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

<u>"AEP"</u> means the Abstinence Education Program, a program that is administered by HHSC and funded through the Administration of Children and Families. Title V Grant funds are awarded with the purpose of providing abstinence education services in communities with high teen-pregnancy rates.

"Age Appropriate" means suitable in terms of topics, messages, and teaching methods to the developmental and social maturity of the specific age or age group of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

<u>"Applicant"</u> 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

Revision Date 11/14/2023

Grant Agreement that may result from the submission of the Application. May also be referred to in this RFA or its exhibits as "Respondent."

<u>"Application"</u> 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 <u>"Solicitation Response."</u>

"Ascend" means a Sexual Risk Avoidance (SRA) certification course that teaches educators how to apply the most current sexual health research, data and trends. Educators earn Sexual Risk Avoidance Specialist (SRAS) designation certificates after successfully completing the course.

<u>"Budget"</u> means the financial plan for carrying out the Grant Project, as formalized in the Grant Agreement, including awarded funds, submitted as part of the Application in response to this RFA. An Applicant's requested Budget may differ from the System Agency-approved Budget executed in the final Grant Agreement.

"Business Day(s)" is any day other than a Saturday, Sunday, or day in which Texas State offices are authorized or obligated by law or executive order to be closed.

"Calendar Day (s)" is every day on the calendar, including weekends and public holidays.

<u>"CFR"</u> means the Code of Federal Regulations which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

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

"Community Capacity Building" means the support that community groups access to help them address issues which are important to them. It involves identifying, using, and developing skills and resources such as knowledge, skills, ideas, shared experiences, and material resources like funding and community spaces. The goal is to enhance a community's ability to build resilience, self-reliance, and development initiatives. Community capacity building is a continuous process that involves local leadership and a bottom-up approach that is community-led. The process enables individuals, groups, and communities to develop the confidence, understanding, and skills required to influence decision making and service delivery.

"Continuous Quality Improvements" (CQI) means a methodology for continuous improvement of the quality of an enterprise's products, services or internal processes to improve service delivery and efficiency.

"Contract" means the Signature Document, the Uniform Terms and Conditions, along with any Attachments, and any Amendments, or Technical Guidance Letters that may be issued by the System Agency, to be incorporated by reference for all purposes.

"<u>Dating Violence</u>" means physical, sexual, emotional, or verbal abuse from a romantic or sexual partner.

"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.

<u>"Educators"</u> means any entity staff or contractor that provides direct service curricula to clients.

<u>"Effectiveness"</u> means the impact of a program under conditions that are likely to occur in real-world implementation.

<u>"Evidence-based"</u> means interventions, strategies, approaches, or program models that have been evaluated using rigorous evaluation design, such as randomized controlled, or high-quality quasi-experimental trials, that have demonstrated positive impacts on youth, families, and communities.

<u>"Equipment"</u> pursuant to 2 CFR § 200.1, means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000.

"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 "Contractor" or "Subrecipient."

"Goal Setting" means the process of deciding what to accomplish and devising a plan to achieve the desired result(s).

"Healthy Relationships" means peer, romantic, marriage, family, and other interactions that are based on trust, honesty, and respect, and allow adolescents to feel supported, connected, and independent which have the following key elements of communication, appropriate boundaries, empathy, effective conflict resolution, and resistance of peer pressure.

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

"HHSC" means the Health and Human Services Commission.

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

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

<u>"Key Personnel"</u> means a Grantee organization's Project Contact, Fiscal Contact, or Executive Director, or any other key stakeholders in the proposed Project.

"Medically Accurate and Complete" means programs which are verified or supported by the weight of research conducted in compliance with accepted scientific methods and published in peer-reviewed journals (where applicable) or comprise information that leading professional organizations and agencies with relevant expertise in the field recognize as accurate, objective, and complete.

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

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

<u>"Readiness"</u> means a determination that the Applicant has the specified attributes to support a given service; the ability to meet program and contractual requirements; and the capacity to achieve the service levels proposed to be provided with the funds awarded under a Contract resulting from this procurement.

<u>"RFA"</u> means this Request for Applications, including all parts, exhibits, forms, attachments and Addenda posted on the HHS Grants RFA website. May also be referred to herein as <u>"Solicitation."</u>

"Rigorous" means established scientific methods for measuring the impact of an intervention or program model in changing behavior (specifically, sexual activity or other sexual risk behaviors), or reducing pregnancy among youth.

<u>"Self-Regulation"</u> means the act of managing thoughts and feelings to enable goal-directed actions, including a variety of actions necessary for success in school, relationships, and the workplace.

<u>"Sexual Risk Avoidance Education"</u> means education is a science-based approach on the public health model of primary prevention to empower youth to avoid all the risks of sexual activity.

<u>"State"</u> means the State of Texas and its instrumentalities, including the System Agency and any other State agency, its officers, employees, or authorized agents.

<u>"System Agency"</u> means HHSC, DSHS, or both, that will be a party to any Grant Agreement resulting from the RFA.

<u>"TxGMS"</u> means the Texas Grant Management Standards published by the Texas Comptroller of Public Accounts.

"Youth Development Service" means a process that provides young people with opportunities for youth development, youth voice and reflection. Organizations using a youth development approach provide services, opportunities, and supports that enhance the young person's environment and increase his or her ability to reach outcomes. Effective youth work helps young people to identify their social and development needs and involves them in shaping the services designed to meet those needs. Youth development is providing young people with the agency to make decisions about their lives and to have access to resources, opportunities and training that will position them to successfully engage with systems and institutions that help them to realize their dreams and goals. Youth development is a process in which youth prepare for the challenges of adolescence and adulthood by building skills and competencies through coordinated, progressive activities and experiences.

#### 1.3 STATUTORY AUTHORITY

Federal funding for this Grant Project is authorized under Section 510 of the Social Security Act, as amended and codified in 42 U.S.C. Section 710. All awards are subject to the availability of appropriated federal funds and any modifications or additional requirements that may be imposed by law. Federal funding awarded to the System Agency is through the program(s) listed below:

Federal Grant Program:	Sexual Risk Avoidance Education
Federal Awarding Agency:	Administration for Children & Families
Funding Opportunity No.:	HHS-2018-ACF-ACYF-SRAE-1359
Assistance Listing Number and Program Title:	Abstinence Education Program

#### 1.4 STANDARDS

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

# Section II. Scope of Grant Project

### 2.1 PURPOSE

This funding opportunity invites grant applications requesting funding for the Abstinence Education Program. The purpose of this program is to implement Evidence-based interventions that will delay initiation of sexual activity as part of a continuum of services to decrease the teen pregnancy rate and prevention of STIs in youth ages 10 - 19 years old. Sexual Risk Avoidance Curricula will focus on youth 10-19 years old with attention to risk and protective factors that affect early initiation of sexual activity.

#### 2.2 PROGRAM BACKGROUND

The AEP program provides funding in support of abstinence education services to all youth ages 10 through 19 years statewide. Additionally, services may target vulnerable youth populations including, but not limited to, youth living in under-resourced regions and areas with high rates of teen births and STIs; culturally underrepresented youth populations, especially Hispanic, African American, or Native American teenagers; youth in or aging out of foster care or adjudication systems; youth who are victims of trafficking; runaway and homeless youth; and other vulnerable youth populations.

AEP uses direct service contractors and statewide programming to implement Evidence-based interventions that emphasize a positive youth development approach to preventing adolescent pregnancy, STIs, and HIV/AIDS and preparing youth for successful transitions to adulthood. This includes, but is not limited to, direct service contracts with community-based organizations; memorandums of understandings with school districts; statewide outreach efforts; and other positive youth-development abstinence approaches. Contractors are required to have staff educators certified in Sexual Risk Avoidance (SRA) certification course through Ascend prior to teaching any SRA courses.

The Texas AEP is funded in part by the federal AEP Sexual Risk Avoidance Education Grant authorized under Title V, Section 510 of the Social Security Act (42 U.S.C. §710). The Title V AEP Sexual Risk Avoidance Education Grant is administered through the Administration for Children and Families (ACF), and Family and Youth Service Bureau (FYSB). The purpose of the AEP is to fund states and territories to implement AEP-SRAE.

The AEP is designed to help today's youth obtain the skills necessary to refrain from sexual activity, while promoting positive youth development.

# 2.3 ELIGIBLE POPULATION

The eligible population to be served under this RFA consists of youth populations between the ages of 10 and 19. Target services may include vulnerable youth populations, but not limited to:

- A. Youth living in under resourced regions;
- B. Areas with high rates of teen births and STIs;
- C. Culturally underrepresented youth populations;
- D. Hispanic youth;
- E. African American youth;
- F. Native American youth;
- G. Youth in or aging out of foster care or adjudication systems,
- H. Youth who are victims of trafficking,
- I. Runaway and homeless youth; and
- J. Other vulnerable youth populations.

### 2.4 ELIGIBLE SERVICE AREAS

Applications will be accepted for services in any Texas county. However, HHSC will prioritize SRAE service in targeted counties using a tiered approach in order to assure program coverage for a wider, as well as traditionally underserved, area. Counties are divided into five tiers based on rate and frequency of teen birth rates among those aged 15-19. Tiers have been defined using a three-year average of 2020, 2021 and 2022 data per teen birth rates from vital statics data and Texas demographics center for teen birth rates. Tiers are as follows:

- A. Tier One: a county with over 50 births to mothers 15-19 years old and rate of births to mothers 15-19 years old greater than or equal to 30 and less than 35 per 1,000 females.
- B. Tier Two: a county with over 100 births to mothers 15-19 years old and rate of births to mothers 15-19 years old greater or equal to 35 per 1,000 females;
- C. Tier Three: a county with over 150 births to mothers 15-19 years old and rate of births to mothers 15-19 years old over or equal to 25 and less than 30 per 1,000 females;
- D. Tier Four: a county with over 150 births to mothers 15-19 years old over and rate of births to mothers 15-19 years old over or equal to 30 and less than 35 per 1,000 females;

E. Tier Five: a county with over 150 births to mothers 15-19 years old and rate of births to mothers 15-19 years old over or equal to 35 per 1,000 females;

A goal of this RFA is to fund SRAE programs in each of the five tiers listed. Counties listed in each tier are targeted for funding based on teen pregnancy rate/frequency. However, if an insufficient number of quality of applications is received in any of the five tiers, other counties will be considered for funding. Applicants can provide services in more than one county.

Applicants will be prioritized in comparison to other applicants in their tier group as follows:

Tier One	Tier Two	Tier Three	Tier Four	Tier Five
Angelina	Cherokee	El Paso	Cameron	Potter
Atascosa	Cooke	Midland	Ector	Webb
Bastrop	Dallam		Hidalgo	
Bowie	Dawson		Jefferson	
Caldwell	Deaf Smith			
Henderson	Dimmit			
Victoria	Frio			
	Hale			
	Huston			
	Jackson			
	Jim Wells			
	Lamb			
	Liberty			
	Limestone			
	Llano			
	Madison			
	Matagorda			
	Maverick			
	Milan			
	Moore			
	Navarro			
	Nolan			
	Parmer			
	Pecos			
	Palo Pinto			
	Polk			
	Jackson			
	Reeves			
	Sabine			
	Starr			
	Terry			
	Tyler			
	Uvalde			
	Val Verde			
	Wilbarger			
	Willacy			
	Zapata			
	Zavala			

# 2.5 ELIGIBLE ACTIVITIES

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

Applicants providing services must provide services on a monthly basis during the fiscal period. When services are not being provided, applicants must maintain and submit a detailed staff activity logs demonstrating staff are working on outreach efforts and other task directly related to the AEP program when requesting reimbursement.

Applicants not providing continued services may be subjected to denied reimbursement of cost at the program's discretion.

The primary focus of the RFA is providing Sexual Risk Avoidance Education that has been approved by HHSC as outlined in **Section 2.6**, **Program Requirements**, to youths ages 10 - 19. Each Applicant must include the provision of services as part of its proposed Grant Project. Primary services include Sexual Risk Avoidance Education and

Youth and family referral services. Refer to **Section 2.6**, **Program Requirements** for additional information.

# 2.6 PROGRAM REQUIREMENTS

Funds issued by the System Agency to the selected Grantee(s) must be used for abstinence education/sexual risk avoidance curricula and activities that are required under 42 U.S.C. Section 710(b) and must strictly comply with each of the sections as listed below.

All Grantees and Projects funded under this RFA must meet the following program requirements:

- A. Education on sexual risk avoidance required components under this section shall:
  - 1. Ensure that the unambiguous and primary emphasis and context for each topic described in **Section 2.6**, **Program Requirements**, **B.**, below is a message to youth that normalizes the optimal health behavior of avoiding non-marital sexual activity;
  - 2. Be medically accurate and complete;
  - 3. Be age appropriate;
  - 4. Be based on adolescent learning and developmental theories for the age group receiving the education; and
  - 5. Be culturally appropriate, recognizing the experiences of youth from diverse communities, backgrounds, and experiences.
- B. Education on sexual risk avoidance shall address each of the following topics:

- 1. The holistic, individual, and societal benefits associated with personal responsibility, self-regulation, goal setting, healthy decision making, and a focus on the future.
- 2. The advantage of refraining from non-marital sexual activity in order to improve the future prospects and physical and emotional health of youth.
- 3. The increased likelihood of avoiding poverty when youth attain self-sufficiency and emotional maturity before engaging in sexual activity.
- 4. The foundational components of healthy relationships and their impact on the formation of healthy marriages and safe and stable families.
- 5. How other youth risk behaviors, such as drug and alcohol usage, increase the risk for teen sex.
- 6. How to resist and avoid, and receive help regarding, sexual coercion and Dating Violence, recognizing that even with consent, teen sex remains a youth risk behavior.
- C. The following curricula have been approved by the Health and Human Services Commission (HHSC) for use in the SRAE program. Any curricula not listed below must be approved by HHSC prior to use. All curricula below have been reviewed and are medically accurate and complete; age and culturally appropriate; evidence-based; proven effective in reducing sexual initiation among teens; include other positive research findings that impact the health and well-being of youth; and otherwise comply with the curriculum requirements at 42 U.S.C. §710.
  - 1. Aspire (www.ampartnership.org).
  - 2. Choosing the Best (http://www.choosingthebest.com/).
  - 3. Game Plan (http://www.ampartnership.org/).
  - 4. Heritage Keepers (<a href="https://www.heritageservices.org/">https://www.heritageservices.org/</a>).
  - 5. Making a Difference (https://www.etr.org/ebi/).
  - 6. Pure & Simple (www.pst4y.org), and
  - 7. Real Essentials (https://www.myrelationshipcenter.org/).
- D. Grantees must obtain parental consent forms before youth can be enrolled or participate in the program.
  - 1. Consent forms must be sent to parents 14 Calendar Days prior to curricula sessions taking place;
  - 2. Consent forms collected by Grantee must be kept on file and made available to HHSC upon request; and
  - 3. Grantee must be able to account for parental consents collected by school districts or other parties.
- E. Grantees must ensure:

- 1. All educators complete and successfully pass Ascend Sexual Risk Avoidance professional development Certification courses at <a href="https://weascend.org/sras-certification">https://weascend.org/sras-certification</a> prior to providing a curriculum session. Copies of certifications must be sent to the HHSC AEP program upon completion.
- 2. Educators attend any additional curricula trainings provided by the curricula providers to teach the curriculum; and;
- 3. Teacher and student curriculum workbooks are ordered, as applicable.
- F. Curricula educators will use program forms (program forms available through program SharePoint) to report:
  - 1. Youth who participated in sessions;
  - 2. Sexual Orientation;
  - 3. Age;
  - 4. Ethnicity; and,
  - 5. Session attended.

Forms must be kept on file by the Grantee and made available to HHSC in its original format (excel) upon request. Applicant is required to create unique identifiers for each youth to maintain the youth's confidentiality.

- G. Grantee will be required to track and report the following efficiency measures biannually on HHSC program forms (program forms available through program SharePoint):
  - 1. Unduplicated number of Clients served for each program year;
  - 2. Total number of class hours provided to youth aged 10 to 19 years;
  - 3. Geographical areas in which the Grantee has provided services; and
  - 4. Total number of all youth who completed the program.
- H. Required Memorandum of Understanding (MOU): Prior to submitting a curriculum implementation plan for each confirmed location at a school district, an MOU will be required to establish service at each school location. The MOU must be signed and on-file before implementation of the program may begin. A school location which already has an established MOU with another Grantee may not be used. This is a measure to ensure that there are no duplicated Clients.

An MOU is not required when services are provided at another business location other than a school setting, however a site participation agreement must be submitted.

Per the Texas Education Code, Chapter 28, Section 28.004, school districts wishing to participate in the AEP must first receive approval from their School Health Advisory Council and or board. If approved, a school district must sign an MOU with Grantee or HHSC to implement state-approved abstinence education curricula within its schools.

- I. Grantee will be required to submit Curriculum Implementation Plans that include:
  - 1. <u>Curriculum Implementation Plan</u>, <u>Form K</u>, identifies the location of the implementation; Grade levels and number of clients who will be served, staff who will be responsible for providing the services and timelines for completion of activities.
  - 2. Survey Request Form (Program Form) identifies how many surveys will be needed, the date needed by the location of services to be performed and the address where survey forms will be shipped to; and/or when needed, a link to electronic surveys administered.
  - 3. Memorandum of Understanding (MOU) agreements created by the applicant and School District (see Section 2.6, Program Requirements, G);- or,
  - 4. Site Participation Agreement (Program Form available through Program SharePoint) as outlined in **Section 2.6, Program Requirements, H.**, agreement between the applicant and location owner to use the site to administer SRAE curriculum. Also required for sites owned or leased by applicant. An executive staff member must sign the agreement.
    - Plans must be submitted as a single PDF file and five (5) Business Days prior to implement services at the designated location to the program mailbox at Education\_Services@HHSC.state.tx.us. Any changes to the original implementation plan must be submitted to the AEP program prior to the implementation dates.
- J. Contingency Plan: To ensure personnel continuity, the Grantee shall provide a contingency plan, within five (5) Business Days of the Key Personnel vacancy, in the event Key Personnel vacancies exceed ten (10) Calendar Days. At a minimum, the plan should include the specific names of the substitute agency personnel who have been assigned to carry out the duties and responsibilities of the absent Key Personnel members. In addition, the Grantee shall provide a brief description of pertinent training and qualifications the substitute agency personnel have for the functions they will perform. This information must be submitted to Education\_Services@HHSC.state.tx.us
- K. Grantee's must ensure all of the following:
  - 1. All program personnel directly involved with administering curricula obtain SRAE Certification prior to providing services to Clients;
  - 2. Required Key Personnel and curriculum administrators attend HHSC Contractor Training for SRAE programming. (Final details will be determined upon the finalization of this RFA); and
  - 3. Grantees' program managers attend all program-related trainings and meetings, unless notification detailing the reason(s) for a program manager's absence has been provided to HHSC prior to training/meeting.
- L. Grantee must submit a Success Story Narrative annually highlighting a success achieved in a program or activity performed over the past year. It shall include

pictures of the youth participating in the activity or project. It is due each year no later than September 30. Though not limited to the following, it shall include:

- 1. Pictures of youth engaging in the project (parental consent must be given prior to using any pictures of minors);
- 2. A PowerPoint presentation; and or,
- 3. Testimonies.
- M. Grantees must have in place policies that identify referral resources to School Health administrators, Parents or program participants to the proper health care providers regarding any issue affecting pregnancy prevention (e.g., substance abuse (including alcohol and tobacco) and mental/behavioral health matters) or to law enforcement regarding intimate-partner violence. Policies must include information about how referrals will be made to other services and programs, and how follow-up will take place when appropriate.

Referral resources should include, but not be limited to, dating violence, substance use and abuse, Human Trafficking, and mental health services. Parents or other caring adults should be encouraged in enrolling eligible youth in health assistance programs such as Medicaid and the Children's Health Insurance Program (CHIP), or any other federal or state assistance program for which they may be eligible.

### N. Grantee must:

- 1. Submit a monthly progress report (program form) on the fifth Business Day of each following month indicating the following:
  - a. Total number of youths served by age group;
  - b. Provide a summary of the services provided, program expectations, and goals met.
  - c. Provide any outreach activities during non-instructional periods for the reporting period.
- 2. Submit a semi-annual report (program form) by the tenth Business Day of April and October. If the tenth Business Day falls on a weekend or holiday, the report would be due on the following Business Day. Reports must be submitted to the Education Services@hhsc.state.tx.us, reporting the following:
  - a. The number of youths in grades five (5) through twelve that a parent consent form was received and parents or caring adults who participated in the program.
  - b. How many hours each participant completed.
  - c. How many youths completed 75% or more of curricula activities, using information gathered from the Participant Tracking Logs (program form); and
  - d. Names of all counties served.

- 3. Grantee must submit various program data semi-annually to the Family & Youth Service Bureau (FYSB) portal.
- O. Grantees must certify the federal requirements found in **Exhibit F**, **Assurances Non-Construction Programs**,
- P. Applicant may not affiliate with any entity that performs elective abortion procedures or any elective abortion provider affiliate at any time during the term of this Contract.
- Q. Applicant must complete **Exhibit L**, **Assurance Regarding Non-Affiliation Requirement**.
- R. Grantee must submit to HHSC via **Form H, Narrative Proposal** AEP Services Applicants Application as indicated in Article VI.

# 2.7 REQUIRED REPORTS

The System Agency will monitor Grantee's performance, including, but not limited to, financial and programmatic reports and performance measures, under any Grant Agreement awarded as a result of this RFA. Each Grantee awarded a Grant Agreement as a result of this RFA must submit the following reports by the noted due dates:

REPORT	DUE DATE
Monthly Progress Report that includes: A. Clients served; B. Monthly Progress Summary; and C. Monthly Outreach activities	The 5th Business Day of each following month.
Semi-Annual Report, in a format specified by the program, that includes:  A. Unduplicated client counts;  B. Program Hours completed;  C. Percentage completed of Curricular activities; and  D. Counties Served	The 10 <sup>th</sup> Business Day in April and the 10 <sup>th</sup> Business Day in October.
Family & Youth Service Bureau Portal	August and January - final dates to be determined by Family and Youth Service Bureau (FYSB)

Invoice Payment Request, and Billing Workbook	The 15th Business Day of the following month expenditures was incurred.
, ,	following month expenditures

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

#### 2.8 PERFORMANCE MEASURES AND MONITORING

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

Grant Agreement(s) awarded as a result of this RFA are subject to the System Agency's performance monitoring activities throughout the duration of the Grant Project Period. This evaluation may include a reassessment of project activities and services to determine whether they continue to be effective throughout the grant term.

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

- A. Demonstrate that 90% of their projected number of enrollees were served. (Measure #1);
- B. Demonstrate that 75% of hours have been completed by youth for each curriculum session administered (Measure #2);
- C. Demonstrate that 90% of Clients served are surveyed, unless a waiver has been granted by FYSB (Measure #3); and
- D. Demonstrate that 95% of all required reports to HHSC are submitted by their due dates. (Measure #4);

The Grantee shall report quarterly on the progress towards completion of the grant project and other relevant information as determined by System Agency during the Grant Project Period.

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

- A. 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 the RFA.
- B. Execution of requirements includes, but is not limited to:
  - 1. Program staffing;
  - 2. Staff implementation training;
  - 3. Staff background checks;
  - 4. Evaluation of administrators and program facilitators;
  - 5. Implementation of curricula and program core components;
  - 6. Community assessment and collaboration effectiveness;
  - 7. Referral policy use;
  - 8. Outcome goals met; and
  - 9. Cost effective use of program resources.
- C. If individual program compliance or performance is lacking, contract corrective action recommendations will be made through contract performance improvement plans.
- D. Should HHSC find medically inaccurate information including information subject to 42 U.S.C. Section 247b-17(c)(2); materials or programming that contradicts Section 710 of the Social Security Act (42 U.S.C. Section 710); or information that would be considered religious instruction, worship, prayer, or proselytizing, then funding may be withheld while inaccuracies, contradictions, or non-compliance is corrected. These corrections may include a required change in chosen curriculum.
- E. 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 quarterly basis.
- F. Acceptable quality level will be reviewed under either the standards provided in **Section 2.8, Performance Measures and Monitoring** the standards set forth in the Applicant's accepted offer, or the final negotiated standards-whichever is most advantageous to the Client or HHSC. HHSC reserves the right to impose remedial measures including but not limited to:
  - 1. Written corrective action plans;
  - 2. Additional reporting;
  - 3. Withholding/offsetting payments;

- 4. Termination of contract; and/or
- 5. Article IX, Section 9.1 Remedies of **Exhibit B**, **HHS Uniform Terms and Conditions Grant, v. 3.3.**
- G. Applicant agrees to adhere to the applicable federal guidance found at 45 C.F.R. Part 75 *et seq.*; the <u>Texas Grant Management Standards (TGMS)</u>, and work with HHSC staff regarding the management of funds received under this contract.

# 2.9 FINANCIAL STATUS REPORTS (FSRS)

Except as otherwise provided, for Grant Agreements with categorical budgets, Grantee shall submit quarterly FSRs to System Agency by the last Business Day of the month following the end of each quarter for System Agency review and financial assessment. Through submission of a FSR, Grantee certifies that (1) any applicable invoices have been reviewed to ensure all grant-funded purchases of goods or services have been completed, performed or delivered in accordance with Grant Agreement requirements; (2) all Grantee-performed services have been completed in compliance with the terms of the Grant Agreement; (3) that the amount of the FSR added to all previous approved FSRs does not exceed the maximum liability of the Grant Award; and (4) all expenses shown on the FSR are allocable, allowable, actual, reasonable, and necessary to fulfill the purposes of the Grant Agreement.

#### 2.10 Final Billing Submission

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

#### 2.11 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 v.8.5** or **Exhibit E**, **Governmental Entity Version HHS Data Use Agreement v.8.5**, including but not limited to the terms and conditions regarding **Exhibit D-1**, **Texas HHS System Data Use Agreement**, **Attachment 2**, **Security and Privacy Inquiry (SPI)**, attached to this RFA.

# 2.12 LIMITATIONS ON GRANTS TO UNITS OF LOCAL GOVERNMENT

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

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

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

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

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

# **Section III. Applicant Eligibility Requirements**

### 3.1 LEGAL AUTHORITY TO APPLY

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

Each applicant may only submit one Grant Application.

# 3.2 APPLICATION SCREENING REQUIREMENTS

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

Eligible Respondents include:

- A. Independent school districts;
- B. Charter schools;
- C. Alternative schools;
- D. Regional Educational Service Centers;
- E. Non-profit community organizations;

- F. Clinics;
- G. Hospitals;
- H. Health departments;
- I. Universities;
- J. Faith-based organizations; and
- K. Cities, counties, or other governmental entities.

Except as expressly provided below, Applicant is not considered eligible to apply unless the Applicant also meets the eligibility conditions listed in **Section 3.3**, **Grant Award Eligibility** at the time the application is submitted. Respondents must continue to meet these conditions throughout the selection and funding process. The System Agency expressly reserves the right to review and analyze, at any time, all documentation submitted by the Applicant. In addition, the Grantee may be disqualified if it is involved in litigation with the System Agency or another State agency.

# 3.3 GRANT AWARD ELIGIBILITY

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

- A. Applicant and all of its identified subsidiaries intending to participate in the Grant Agreement are eligible to perform grant-funded activities, if awarded, and are not subject to suspension, debarment, or a similar ineligibility determined by any state or federal entity;
- B. Applicant is in good standing under the laws of Texas and has provided HHS with any requested or required supporting documentation in connection with this certification;
- C. Applicant shall remain in good standing and eligible to conduct its business in Texas and shall comply with all applicable requirements of the Texas Secretary of State and the Texas Comptroller of Public Accounts;
- D. Applicant is currently in good standing with all licensing, permitting, or regulatory bodies that regulate any or all aspects of Applicant's operations; and
- E. Applicant is not delinquent in taxes owed to any taxing authority of the State of Texas as of the effective date of this Grant Agreement.

### 3.3.1 Conditions for Eligibility

- A. Respondents must have a minimum of one year of operational experience providing direct client services for prevention education to at-risk youth; and
  - 1. Respondents must further explain, in **Form H, Narrative Proposal**, the services provided;
  - 2. Must provide a summary of their current or past experiences serving at-risk-youth.

- 3. Previous enrollment figures of at-risk youth served per year.
- B. Respondents must disclose any other federal grant programs in which they are currently participating, or any federal grant awards they have received.
- C. Respondents must provide a cost-allocation plan if they are participating in other grantfunded programs.
- D. Respondents must sign <u>Exhibit L, Assurance Regarding Non-Affiliation</u> <u>Requirement</u> and agree to all the non-affiliation requirements in that exhibit. Failure to comply with this requirement shall disqualify the Respondent.
- E. A Respondent is ineligible to apply if the organization, or any of its affiliates:
  - 1. Has had a contract or grant agreement with System Agency terminated for cause prior to the original contract end-date; or
  - 2. Has previously had critical performance issues under a System Agency contract.
- F. In compliance with Comptroller of Public Accounts and Texas Statewide Procurement Division rules, a name search will be conducted using the websites listed in this section prior to the development of a contract. A Respondent is not considered eligible to contract with System Agency, regardless of the funding source, if any active exclusions are recorded or a name match is found on the Texas Comptroller of Public Accounts (CPA) Debarment List:
  - 1. The General Services Administration's (GSA) System for Award Management (SAM) for parties excluded from receiving federal contracts, certain subcontracts and from certain types of federal financial and non-financial assistance and benefits, which can be found at <a href="https://www.sam.gov/SAM/">https://www.sam.gov/SAM/</a>
  - 2. Texas Comptroller of Public Accounts (CPA) Debarment List located at <a href="https://comptroller.texas.gov/purchasing/programs/vendor-performance-tracking/debarred-vendors.php">https://comptroller.texas.gov/purchasing/programs/vendor-performance-tracking/debarred-vendors.php</a>
- G. Respondents who wish to receive these federal SRAE planning funds must also be set up with a **Federal Tax ID No**. (9-digit), **State of Texas Comptroller Vendor ID Number** (14-digit) or **Social Security Number** (9-digit).

#### 3.4 GRANTS FOR POLITICAL POLLING PROHIBITED

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

to this RFA, Applicant certifies that it is not ineligible for a Grant Agreement pursuant to this prohibition.

# Section IV. Project Period

#### 4.1 PROJECT PERIOD

The Project Period is anticipated to be October 1, 2024, through August 31, 2026.

**Extension of Project Period:** The System Agency may, at its sole discretion, extend the Project Period for up to four (4) one (1) year terms.

Initial Project Period is one (1) year to determine Project effectiveness. Amendments and extensions will be tied to performance, compliance, demonstrated grant-funded activity, spending rates and Clients served. Have the project fully functioning and serving youth within at least 90 Calendar Days following the issuance of the Notice of Award.

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 years.

### 4.2 PROJECT CLOSEOUT

System Agency will programmatically and financially close the grant award and end the Grant Agreement when System Agency determines Grantee has completed all applicable actions and work in accordance with Grant Agreement requirements. The Grantee must submit all required financial, performance, and other reports as required in the Grant Agreement. The project close-out date is 90 Calendar Days after the Grant Agreement end date, unless otherwise noted in the original or amended Grant Agreement. Funds not obligated by Grantee by the end of the Grant Agreement term and not expended by the project close-out date will revert to System Agency.

# Section V. Grant Funding and Reimbursement Information

### 5.1 GRANT FUNDING SOURCE AND AVAILABLE FUNDING

The total amount of Federal grant funding available for the Abstinence Education Program is **\$6,199,921** for the Project Period of one (1) year which must be expended in State Fiscal Years 2025. It is the System Agency's intention to make multiple awards to Applicants that successfully demonstrate to implementation of Evidence-based interventions that will delay initiation of sexual activity as part of a continuum of services to decrease the teen pregnancy rate and prevention of STIs in youth ages 10 - 19 years old comply with all

PCS 560 HHS RFA Template Version 1.60

Revision Date 11/14/2023

RFA No. HHS0013957

Page 26 of 53

program requirements as stated in **Section 2.6**, **Program Requirements**. Project interventions will focus on youth 10-19 years old with attention to risk and protective factors that affect early initiation of sexual activity.

Funding will be prioritized based on High-Risk Teen counties identified in **Section 2.4**, **Eligible Services Areas** proposed youth to be served and other factors detailed in **Form H, Narrative Proposal**.

Applicants are strongly cautioned to only apply for 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 to ensure grant funds are available for the broadest possible array of communities and programs.

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

### 5.2 NO GUARANTEE OF REIMBURSEMENT AMOUNTS

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

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

#### 5.3 GRANT FUNDING PROHIBITIONS

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

- A. Any use of grant funds to replace (supplant) funds that have been budgeted for the same purpose through non-grant sources;
- B. Inherently religious activities such as prayer, worship, religious instruction, or proselytization;
- C. Lobbying or advocacy activities with respect to legislation or to administrative changes to regulations or administrative policy (cf. 18 U.S.C. § 1913), whether conducted directly or indirectly;
- D. Any portion of the salary of, or any other compensation for, an elected or appointed government official;

- E. Vehicles for general agency use; to be allowable, vehicles must have a specific use related to Project objectives or activities;
- F. Entertainment, amusement, or social activities and any associated costs including but not limited to admission fees or tickets to any amusement park, recreational activity or sporting event unless such costs are incurred for components of a program approved by the grantor agency and are directly related to the program's purpose;
- G. Costs of promotional items, and memorabilia, including models, gifts, and souvenirs;
- H. Food, meals, beverages, or other refreshments, except for eligible per diem associated with grant-related travel, where pre-approved for working events, or where such costs are incurred for components of a program approved by the grantor agency and are directly related to the program's purpose;
- I. Membership dues for individuals;
- J. Any expense or service that is readily available at no cost to the grant Project;
- K. Any activities related to fundraising;
- L. Equipment and other capital expenditures such as capital improvements, property losses and expenses, real estate purchases, mortgage payments, remodeling, the acquisition or construction of facilities, or other items that are unallowable pursuant to 2 CFR 200.439;
- M. Any other prohibition imposed by federal, state, or local law; and
- N. Other unallowable costs as listed under TxGMS, Appendix 7, Selected Items of Cost Supplement Chart and/or 2 CFR 200, Subpart E Cost Principles, General Provisions for Selected Items of Cost, where applicable.

### 5.4 Cost Sharing or Matching Requirements

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:

- A. Are verifiable from the Grantee's records;
- B. Are not included as contributions for any other state or federal award;
- C. Are necessary and reasonable for accomplishment of Grant Project objectives;
- D. Are allowable under the Grant Agreement;

- E. Are not paid by the State or federal government; and
- F. Are provided for in the approved Grant Project Budget.

**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.

Unrecovered indirect costs, including indirect costs on cost sharing or matching, may be included as part of cost sharing or matching. Unrecovered indirect cost means the difference between the amount charged to the award and the amount which could have been charged to the award under the Applicant's indirect cost rate.

Refer to Title 2 CFR Subtitle A, Chapter II, Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and TxGMS issued by the Texas Comptroller of Public Accounts for additional Match information and requirements.

#### 5.5 PAYMENT METHOD

Grant Agreement(s) awarded under this RFA will be funded on a cost reimbursement basis for reasonable, allowable and allocable Grant Project direct 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 or quarterly basis, or whatever is appropriate to the grant] and supported by adequate documentation. No additional payments will be rendered unless an advanced payment is approved.

### Section VI. Application Exhibits and Forms for Submission

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

#### 6.1 NARRATIVE PROPOSAL

Using <u>Form H, Narrative Proposal</u> attached to this RFA, Applicants shall provide an executive summary and describe their proposed activities, processes, and methodologies to satisfy all objectives described in **Section II**, **Scope of Grant Project**, including the Applicant's problem statement, supporting data, Project approach and activities, organizational capacity, performance management, target population, and use of

evidence-based practices. Applicants should identify all proposed tasks to be performed, including all Project activities, during the Grant Project Period. Applicants must complete and submit all required attachments.

Using <u>Form L</u>, <u>Special Project Narrative Proposal</u> to provide a detailed narrative and <u>Form I</u>, <u>Budget Summary</u>, Special Projects tab to identify cost related to the special projects with the identified listing. Applicants may apply for additional funding up to \$30,000 to provide optional projects under one of the following categories, not limited to:

# A. Community Capacity Building

- 1. Developing and implementing communication strategy to inform the community of services,
- 2. Development of implementation of volunteer program for the Sexual Risk Avoidance Education Program.
- 3. Developing and implementing community coalition focused on positive youth development and services. The purpose of the coalition should be to collaborate and coordinate services to best support youth in the community. Coalitions can help tackle shared priorities and common challenges, leverage each organization's strengths, break down silos, reduce duplication of services, and support the community most effectively.
- 4. Improving program outcomes and demonstration of impact, including how outcomes are measured.
- 5. Other community capacity building project that supports SRAE and promotes the coordination of services for youth.
- B. <u>Youth Development-</u> Teach youth to gain knowledge and develop skills while meeting real community needs. After identifying and examining local issues, students agree on a plan, take action, and evaluate results, learn strategies that integrates meaningful community service with instruction and reflection to enrich the learning experience, teach civic responsibility, and strengthen communities.
- C. <u>Continuous Quality Improvement (CQI)</u> Create a progressive incremental improvement of SRAE processes. The goal of CQI may include improvement of operations, outcomes, systems processes, improved work environment directly related to the SRAE program. Process improvement may be gradual or breakthrough in nature.

Detailed project plans and budget must be submitted describing any of the project's applicant request for additional funding to be awarded. HHSC reserves the right to not award additional funding at its discretion.

### **6.2** REQUESTED BUDGET

Attached <u>Form I, Budget Summary</u>, of this RFA is the template for submitting the Requested Budget. Applicants must develop the Requested Budget to support their Proposed Project and in alignment with the requirements described in this RFA.

Applicants must ensure that Project costs outlined in the Requested Budget are reasonable, allowable, allocable, and developed in accordance with applicable state and federal grant requirements. Reasonable costs are those if, in nature and amount, do not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. A cost is allocable to a particular cost objective if the cost is chargeable or assignable to such cost objective in accordance with relative benefits received. See 2 CFR Part 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, <u>Form I, Budget Summary</u>, and identify all budget line items and matching costs. Budget categories must be broken out into specific budget line items that allow System Agency to determine if proposed costs are reasonable, allowable, and necessary for the successful performance of the Project. Applicants must enter all costs in the budget tables 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 <u>Form I, Budget Summary</u>, 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 <u>Form J</u>, <u>Texas Health and Human Services System Indirect Costs Rate (ICR) Questionnaire for Request for Applications</u>, with required supporting documentation. The questionnaire initiates the acknowledgment or approval of an ICR for use with the System Agency cost-reimbursable contracts. Entities declining the use of indirect cost cannot recover indirect costs on any System Agency award or use unrecovered indirect costs as match.

HHS typically accepts the following approved ICRs:

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

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

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

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

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

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

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

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

#### 6.4 ADMINISTRATIVE APPLICANT INFORMATION

Using <u>Forms A</u> through <u>L</u> 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.

### A. Litigation and Contract History

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

In addition, Applicant must disclose any civil or criminal litigation or investigation pending over the last five (5) years that involves Applicant or in which Applicant has been judged guilty or liable. Failure to comply with the terms of this provision may disqualify Applicant. See, **Exhibit A, HHS Solicitation Affirmations v2.4**. Applicant certifies it does not have any existing claims against or unresolved audit exceptions with the State of Texas or any agency of the State of Texas.

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

# **B.** Internal Controls Questionnaire

Applicant must complete <u>Form E, Financial Management and Administration</u> <u>Ouestionnaire</u>, and submit with its Application.

# Section VII. RFA Administrative Information and Inquiries

# 7.1 SCHEDULE OF EVENTS

EVENT	DATE/TIME
Funding Announcement Posting Date	March 1, 2024
Posted to HHS Grants RFA and Texas eGrants websites	
Deadline for Submitting Questions or Requests for Clarification	March 8, 2024 by 2:00 p.m. Central Time
Tentative Date Answers to Questions or Requests for Clarification Posted	March 18, 2024 by 5:00 p.m. Central Time
Deadline for Submission of Applications  NOTE: Applications must be  RECEIVED by HHSC by this deadline if not changed by subsequent Addenda to be considered eligible.	April 2, 2024 by 10:30 a.m. Central Time
Anticipated Notice of Award	July 2024
Anticipated Project Start Date	October 1, 2024

Applicants must ensure their applications are received by HHSC in accordance with the Deadline for Submission of Applications (date and time) indicated in this Schedule of Events or as changed by subsequent Addenda posted to the <a href="https://example.com/hHS Grants">HHS Grants</a> RFA website.

All dates are tentative and HHSC reserves the right to change these dates at any time. At the sole discretion of HHSC, events listed in the Schedule of Events are

subject to scheduling changes and cancellation. Scheduling changes or cancellation determinations made prior to the Deadline for Submission of Applications will be published by posting an addendum to the HHS Grants RFA. After the Deadline for Submission of Applications, if there are delays that significantly impact the anticipated award date, HHSC, at its sole discretion, may post updates regarding the anticipated award date to the Procurement Forecast on the HHS Procurement Opportunities web page. Each Applicant is responsible for checking the HHS Grants RFA website and Procurement Forecast for updates.

# 7.2 SOLE POINT OF CONTACT

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

Name	Julia Solis
Title	Grant Specialist, HHSC Procurement and Contracting Services
Address	Procurement and Contracting Services Building 1100 W 49th St. MC: 2020 Austin, TX 78756
Email	Julia.Solis@hhs.texas.gov

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

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

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

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

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

# 7.3 RFA QUESTIONS AND REQUESTS FOR CLARIFICATION

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

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

- A. RFA Number;
- B. Section or Paragraph number from this Solicitation;
- C. Page Number of this Solicitation;
- D. Exhibit or other Attachment and Section or Paragraph number from the Exhibit or other Attachment;
- E. Page Number of the Exhibit;
- F. Language, Topic, Section Heading being questioned; and
- G. Question

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

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

Questions or other written requests for clarification must be received by the Sole Point of Contact by the deadline 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.

# 7.4 AMBIGUITY, CONFLICT, DISCREPANCY, CLARIFICATIONS

Applicants must notify the Sole Point of Contact of any ambiguity, conflict, discrepancy, exclusionary specification, omission or other error in the RFA in the manner and by the deadline for submitting questions or requests for clarification. Each Applicant submits its Application at its own risk.

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

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

# 7.5 RESPONSES TO QUESTIONS OR REQUEST FOR CLARIFICATIONS

Responses to questions or other written requests for clarification will be consolidated and HHSC will post responses in one or more Addenda on the <u>HHS Grants RFA</u> website. 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. Amended answers will be posted on the <a href="HHS">HHS</a> Grants RFA website in a separate, new Addendum or Addenda. It is Applicant's responsibility to check the <a href="HHS Grants RFA">HHS Grants RFA</a> 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.

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

#### 7.7 EXCEPTIONS

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

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

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

### 8.3 REQUIRED SUBMISSION METHOD

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

- A. Submission Option #1 HHS Online Bid Room: Applicants shall upload the following documents to the Online Bid Room utilizing the procedures in <u>Exhibit K</u>, <u>HHS Online Bid Room</u>. File Size Limitation: Restriction to 250MB per file attachment.
  - 1. One (1) copy marked as "Original Application" that contains the Applicant's entire application in a Portable Document Format (".pdf") file.
  - 2. One (1) copy of the completed **Form I, Budget Summary**, in its original Excel format.
  - 3. One (1) copy of the complete Application marked as "Public Information Act Copy," if applicable, in accordance with **Section 12.1**, **Texas Public Information Act- Application Disclosure Requirements** in a Portable Document Format (".pdf") file.
- **B.** Submission Option #2 Sealed Package with USB Drives: Applicants shall submit each of the following on separate USB drives:
  - 1. One (1) USB drive with the complete Application file marked as "Original Application" in a Portable Document Format (".pdf") file. Include the USB in a separate envelope within the sealed Application package and mark the USB and envelope with "Original Application." USB drive must include the completed **Form I, Budget Summary**, in its original Excel format.
  - 2. One (1) USB drive with a copy of the complete Application file marked as "Public Information Act Copy," if applicable and in accordance with Section 12.1, Texas Public Information Act-Application Disclosure Requirements. 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:

- a. RFA Number
- b. RFA Title
- c. Deadline for Submission of Applications
- d. Sole Point of Contact's name

# e. 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 U.S. Postal Service, overnight or express mail, or hand delivery to the addresses below. No HHS agency will be responsible or liable for any damage.

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

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

# **8.6** APPLICATION ORGANIZATION

The complete application file .pdf must:

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

#### 8.7 APPLICATION WITHDRAWALS OR MODIFICATIONS

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

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

No withdrawal or modification request received after the Deadline for Submission of Applications, set forth in **Section 7.1**, **Schedule of Events**, or subsequent Addenda, will be considered. Additionally, in the event of multiple Applications received, the most timely received and/or modified Application will replace the Applicant's original and all prior submission(s) in its entirety and the original submission(s) will not be considered.

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

# 9.1 OVERVIEW

A three-step selection process will be used:

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

# 9.2 INITIAL COMPLIANCE SCREENING OF APPLICATIONS

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

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

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

# 9.3 QUESTIONS OR REQUESTS FOR CLARIFICATION FOR APPLICATIONS

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

## 9.4 EVALUATION CRITERIA

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

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

- A. Organizational Overview (20%);
- B. Service Delivery Model (15%);
- C. Program Knowledge (20%)
- D. Budget and Justification (25%)
- E. Evidence of Readiness (10%)
- F. Internal Controls (5%)
- G. Financial Stability (5%)

### 9.5 PAST PERFORMANCE

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

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

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

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

- A. Notices of termination;
- B. Cure notices;
- C. Assessments of liquidated damages;
- D. Litigation;

- E. Audit reports; and
- F. Non-renewals of grants or contracts based on Applicant's unsatisfactory performance.

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

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

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

# 9.6 SITE VISITS

Site visits may be required from any or all Applicants. HHSC will notify selected Applicants of the time and location of site visits or a virtual meeting. Failure to permit or participate in the requested site visit may eliminate an Applicant from further consideration.

HHSC is not responsible for any costs incurred by the Applicant in preparation for or attending any site visit.

#### 9.7 COMPLIANCE FOR PARTICIPATION IN STATE CONTRACTS

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

The information (e.g., legal name and, if applicable, assumed name (d/b/a), tax identification number, DUNS number) provided by Applicant will be used to conduct these checks. At System Agency's sole discretion, applicants found to be barred, prohibited, or otherwise excluded from award of a Grant Agreement may be disqualified from further consideration under this solicitation, pending satisfactory resolution of all compliance issues.

Checks include:

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

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

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

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

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

# C. Divestment Statute Lists

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

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

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

# D. HHS Office of Inspector General

Applicant must not be listed on the HHS Office of Inspector General Texas Exclusions List for people or businesses excluded from participating as a provider: <a href="https://oig.hhsc.texas.gov/exclusions">https://oig.hhsc.texas.gov/exclusions</a>

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

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

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

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

HHSC the right to conduct additional checks to determine eligibility to receive a Grant Agreement.

# Section X. Award of Grant Agreement Process

### **10.1 FINAL SELECTION**

HHSC intends to make multiple awards. After initial screening for eligibility and Application completeness, and initial evaluation against the criteria listed in **Section 9.4**, **Evaluation Criteria**, a selection committee will look at all eligible applicants to determine which proposals most effectively accomplish state priorities. The selection committee will recommend grant awards to be made to the HHSC Deputy Executive Commissioner, who will make the final award approval.

The System Agency will make final funding decisions based on Applicant eligibility, evaluation rankings, geographic distribution across the State, State priorities, reasonableness, availability of funding and cost-effectiveness.

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

## 10.2 **NEGOTIATIONS**

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

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

#### 10.3 DISCLOSURE OF INTERESTED PARTIES

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

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

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

The Form 1295 involves an electronic process through the Texas Ethics Commission (TEC). The on-line process for completing the Form 1295 may be found on the TEC public website at: <a href="https://www.ethics.state.tx.us/whatsnew/elf\_info\_form1295.htm">https://www.ethics.state.tx.us/whatsnew/elf\_info\_form1295.htm</a>.

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

If the potential Grantee does not submit a completed, certified and signed TEC Form 1295 to the System Agency with the signed Grant Agreement, the System Agency is prohibited by law from executing a contract, even if the potential Grantee is otherwise eligible for award. The System Agency, as determined in its sole discretion, may award the Grant Agreement to the next qualified Applicant, who will then be subject to this procedure.

# 10.4 EXECUTION AND ANNOUNCEMENT OF GRANT AGREEMENT(S)

The System Agency intends to award multiple awards 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 Program 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 recipient to incur expenditures or begin project activities, nor does it guarantee current or future funding.

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

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

# 11.1 GRANT APPLICATION DISCLOSURE

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

# 11.2 TEXAS HISTORICALLY UNDERUTILIZED BUSINESSES (HUBS)

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

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

# Section XII. Application Confidential or Proprietary Information

# 12.1 TEXAS PUBLIC INFORMATION ACT – APPLICATION DISCLOSURE REQUIREMENTS

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

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

# A. Mark Original Application:

- 1. Mark the Original Application, at the top of the front page, with the words "CONTAINS CONFIDENTIAL INFORMATION" in large, bold, capitalized letters (the size of, or equivalent to, 12-point Times New Roman font); and
- 2. Identify, adjacent to each portion of the Application that Applicant claims is exempt from public disclosure, the claimed exemption from disclosure (NOTE: no redactions are to be made in the Original Application);
- B. Certify in Original Application HHS Solicitation: Certify, in the designated section of the Exhibit A, HHS Solicitation Affirmations v2.4, Applicant's confidential information assertion and the filing of its Public Information Act Copy; and
- C. **Submit Public Information Act Copy of Application:** Submit a separate "Public Information Act Copy" of the Original Application (in addition to the original and all copies otherwise required under the provisions of this RFA). The Public Information Act Copy must meet the following requirements:

- 1. The copy must be clearly marked as "Public Information Act Copy" on the front page in large, bold, capitalized letters (the size of, or equivalent to, 12-point Times New Roman font);
- 2. Each portion Applicant claims is exempt from public disclosure must be redacted (blacked out); and
- 3. Applicant must identify, adjacent to each redaction, the claimed exemption from disclosure. Each identification provided as required in Subsection (C) of this section must be identical to those set forth in the Original Application as required in Subsection A(2), 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 <a href="Exhibit A">Exhibit A</a>, HHS Solicitation Affirmations v2.4, and submit the Public Information Act Copy, the Application will be considered to be public information that may be released to the public in any manner including, but not limited to, in accordance with the Public Information Act, posted on the System Agency's public website, and posted on the Legislative Budget Board's public website.

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

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

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

The System Agency will strictly adhere to the requirements of the PIA regarding the disclosure of public information. As a result, by participating in this RFA, Applicant acknowledges that all information, documentation, and other materials submitted in its Application may be subject to public disclosure under the PIA. The System Agency does not have authority to agree that any information submitted will not be subject to disclosure. Disclosure is governed by the PIA and by rulings of the Office of the Texas Attorney General. Applicants are advised to consult with their legal counsel concerning

disclosure issues resulting from this process and to take precautions to safeguard trade secrets and proprietary or otherwise confidential information. The System Agency assumes no obligation or responsibility relating to the disclosure or nondisclosure of information submitted by Applicants.

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

### 12.2 APPLICANT WAIVER – INTELLECTUAL PROPERTY

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

# **Section XIII. Submission Checklist**

A. Administrative Information

HHSC, in its sole discretion, will review all Applications received and will determine if any or all Applications which do not include complete, signed copies of these exhibits and/or addenda, will be disqualified or whether additional time will be permitted for submission of the incomplete or missing exhibits. If additional time is permitted, Applicants will be notified in writing of the opportunity to provide the missing documentation by a specified deadline. Failure by an Applicant to submit the requested documentation by the deadline WILL result in disqualification. Applications that do not include Exhibit A, HHS Solicitation Affirmations v2.4 (completed and signed), and Form I, Budget Summary (completed), will be disqualified. See Section 9.2, Initial Compliance Screening of Applications for further detail.

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

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

# 1. Form A, Respondent Information (Face Page) 2. Form B, Entity Information, Conflicts, and Contract Litigation History 3. Form C, Texas Counties and Regions 4. Form D, Key Contact Person Information 5. Form E, Financial Management and Administration Questionnaire 6. Form F, Governmental Entity Authorized Officials, if applicable 7. Form G, Nonprofit or For-Profit Entity, if applicable 8. Form K, Curriculum Implementation Plan 9. Form L, Special Project Narrative Proposal 1. Form H, Narrative Proposal C. Budget Proposal (Budget Proposals are mandatory and must be submitted with the Application, in the original format (Excel), for the Application to be considered responsive. Applications received without the completed Budget Proposals will be disqualified).

1. Form I, Budget Summary

# **D.** Indirect Cost 1. Form J, HHS Indirect Costs Rate (ICR) Questionnaire for Request for Application E. Exhibits to be Completed, Signed, and Submitted with Application 1. Exhibit A, HHS Solicitation Affirmations Exhibit A is mandatory and must be completed, signed and submitted for the Application to be considered responsive. Applications received without Exhibit A or with an unsigned Exhibit A will be disqualified. 2. Exhibit D, HHS Data Use Agreement (use if a non-government entity) 3. Exhibit D-1, Texas HHS System Data Use Agreement, Attachment 2, Security and Privacy Inquiry (SPI), (required) 4. Exhibit E, Government Entity Version HHS Data Use Agreement v8.5 (use if government entity) 5. Exhibit F, Assurances – Non-Construction Program 6. Exhibit G, Certification Regarding Lobbying 7. Exhibit H, Federal Funding Accountability and Transparency Act (FFATA) Certification 8. Exhibit I, Exceptions Form 9. Exhibit L, Assurance Regarding Non-Affiliation Requirement F. Addenda:

Each Addendum, if any, must be signed and submitted with the Application.

# Section XIV. List of Exhibits and Forms Attached to RFA

### **Exhibits**

Exhibit A, HHS Solicitation Affirmations v2.4

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

Exhibit C, Additional Provisions – Grant Funding, Version 1.0

Exhibit D, HHS Data Use Agreement

Exhibit D-1, Texas HHS System Data Use Agreement-Attachment 2, Security and Privacy Inquiry (SPI)

Exhibit E, Government Entity Version HHS Data Use Agreement v8.5

Exhibit F, Assurances – Non-Construction Program

Exhibit G, Certification Regarding Lobbying

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

Exhibit I, Exceptions Form

Exhibit J, Evaluation Tool

Exhibit K, HHS Online Bid Room

Exhibit L, Assurance Regarding Non-Affiliation Requirement

#### **Forms**

Form A, Respondent Information (Face Page)

Form B, Entity Information, Conflicts, and Contract Litigation History

Form C, Texas Counties and Regions

Form D, Contact Person Information

Form E, Financial Management and Admin Questionnaire

Form F, Governmental Entity, if applicable

Form G, Nonprofit Entity, if applicable

Form H, Narrative Proposal

Form I, Budget Summary

Form J, HHS Indirect Cost Rate Questionnaire for Request for Application

Form K, Curriculum Implementation Plan

Form L, Special Project Narrative Proposal