



TEXAS

Health and Human Services

Cecile E. Young, Executive Commissioner

**Request for Applications (RFA)
Grant for**

*Food Bank Nutrition Policy Project
RFA No. HHS0014111*

APPLICATION SUBMISSION DEADLINE

March 26, 2024, by 10:30 a.m. Central Time

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SECTION I. EXECUTIVE SUMMARY, DEFINITIONS, AND STATUTORY AUTHORITY

1.1 EXECUTIVE SUMMARY

The Texas Health and Human Services Commission (HHSC), for and on behalf of the Department of State Health Services (DSHS), seeks qualified Applicants to be considered for funding through the Obesity Prevention grant program (OPP).

OPP provides funding to implement policies and improve operating procedures at food banks that will increase consumption of healthy foods by low-income, food-insecure target populations in Texas.

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:	Food Bank Nutrition Policy Project
RFA No.:	HHS0014111
Application Submission Deadline:	March 26, 2024, by 10:30 a.m. Central Time
Deadline for Submitting Questions or Requests for Clarifications:	March 5, 2024, by 2:00 p.m. Central Time
Estimated Total Available Funding:	\$40,000.00 for Project Period with 4 possible one-year renewals of \$40,000 each
Estimated Total Number of Awards:	One (1)
Estimated Max Award Amount:	\$200,000.00
Match Required:	None
Anticipated Project Start Date:	September 1, 2024
Length of Project Period:	One year (12 months)
Eligible Applicants:	Refer to 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 for Applications**, for further details.

1.2 DEFINITIONS AND ACRONYMS

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

Refer to all exhibits to this RFA for additional definitions.

[“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. Each Addendum will be posted must be signed by the Applicant and returned with its Application.

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

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

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

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

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

[“CFR”](#) means the Code of Federal Regulations which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

[“Contract”](#) or [“Grant Agreement”](#) means the agreement entered into by the Parties, including the Signature Document, these Uniform Terms and Conditions, along with any attachments and amendments that may be issued by the System Agency.

“DSHS” means the Department of State Health Services.

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

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

“Grant Agreement” means the agreement entered into by System Agency and Grantee as a result of this RFA, including the Signature Document and all attachments and amendments. May also be referred to in this RFA as “Contract.”

“Grantee” means the Party receiving funds under any Grant Agreement awarded under this RFA. May also be referred to as “Contractor.”

“Grant Term” means the Project Period plus any renewal or extension periods.

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

“HHSC” means the Health and Human Services Commission.

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

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

“Project” means specific activities of the Grantee that are supported by funds provided under this Grant Agreement.

“Project Period” or “Grant 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.

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

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

“Subaward” means an award provided by a Contractor/Grantee to a subrecipient for the subrecipient to carry out part of a Federal award received by Contractor/Grantee. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal or state program. The activities of a subrecipient are considered “Contractual” in a categorical budget.

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

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

1.3 STATUTORY AUTHORITY

Federal funding for this Grant Project is authorized under the Public Health Service Act, as amended, and codified in Section 301(a) and Section 317K, 42 U.S.C. 241(a); 42 U.S.C. 247b-12. 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 System Agency is through the program(s) listed below:

Federal Grant Program:	The State Physical Activity and Nutrition Program
Federal Awarding Agency:	Centers for Disease Control and Prevention
Funding Opportunity No.:	CDC-RFA-DP-23-0012
Assistance Listing Number and Program Title:	93.439, State Physical Activity and Nutrition (SPAN)

1.4 STANDARDS

Any award 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 Food Bank Nutrition Policy Project. The purpose of this project is to coordinate and collaborate with state and local partners to improve food bank inventory classification and ordering procedures with the goal of increasing access to healthy food for low-income and food-insecure populations in Texas. The successful Respondent will implement an internal policy within a selected food bank in accordance with the [Healthy Eating Research Guidelines](https://healthyeatingresearch.org/research/healthy-eating-research-nutrition-guidelines-for-the-charitable-food-system) (HER) for the Charitable Food System found at: <https://healthyeatingresearch.org/research/healthy-eating-research-nutrition-guidelines-for-the-charitable-food-system>. System Agency will monitor a Grantee's performance with the contract terms and conditions including compliance to federal fiscal requirements.

DSHS currently has a contract with Feeding Texas for coordinating the implementation of an internal nutrition policy that incorporates and improves upon food bank technology use, food service practices, partner-agency behaviors, and communication with internal procurement, inventory, and public communications teams. To date, Feeding Texas has successfully collaborated with Houston Food Bank and Tarrant Area Food Bank. It is DSHS' intent to continue present efforts with Tarrant Area Food Bank and may expand the service area as future grant funding allows.

2.2 PROGRAM BACKGROUND

According to 2020 data, the overall prevalence of obesity in Texas is 35.7%. This prevalence is higher in some regions and populations in the state. Having overweight and/or obesity challenges increases a person's risk of serious medical conditions which may impact a person's quality of life and have large economic consequences for our healthcare system. The DSHS Obesity Prevention Program's overall goal is to create long-term change in our social and economic environments that address the obesity epidemic. Priority objectives and evidence-based strategies for reducing obesity in Texas are detailed in the DSHS Obesity Prevention Program Priority (OPP) Objectives report found here: <https://www.dshs.texas.gov/sites/default/files/obesity/pdf/OPP-Priority-Strategies-Document.pdf>. In general, the Program strives to help Texans understand the importance of healthy habits like good nutrition and daily physical activity.

Additional information, resources and reports can be found on the Obesity Prevention Program web page at: <https://www.dshs.texas.gov/obesity-texas>.

2.3 ELIGIBLE POPULATION

The eligible population to be served under this RFA consists of individuals who are low-income and food-insecure populations.

2.4 ELIGIBLE SERVICE AREAS

The service area eligible for project funding under this RFA for the initial Project is Tarrant County and surrounding areas. The target population(s) may be expanded in the future to other areas throughout the state as grant funding allows.

2.5 ELIGIBLE ACTIVITIES

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

The initial focus of the RFA is to coordinate efforts with OPP and Tarrant Area Food Bank to continue implementation of internal nutrition policies at the Tarrant Area Food Bank that approves upon its existing policies. The secondary focus of the RFA will be to expand efforts to improve internal nutrition policies at food banks across Texas which is dependent upon future grant funding.

The internal nutrition policy shall address the food bank's use of technology, food service practices, partner-agency behaviors, communication with internal procurement staff, inventory, and public communications teams.

Funding shall be used for the following primary services and outcomes:

- a. Construction of a project that provides technical assistance to the food bank for the development and implementation of a nutrition policy; and
- b. Collaboration with the food bank to document lessons learned from this project and disseminate that information to the statewide network of Texas food banks. Grantee shall determine the best dissemination method, such as email, posting on Grantee's website, or other methods recommended by Grantee to reach food banks in Texas.

Funding shall be used for the following secondary services:

- a. Prepare and submit a work plan for System Agency review and approval that outlines how the activities set forth in this RFA will be implemented during the project period;
- b. Implement the approved Work Plan;
- c. Prepare and submit an evaluation plan that assesses processes and impacts related to implementation of the Work Plan;
- d. Prepare and submit quarterly narrative progress reports to System Agency that detail project barriers and performance data; and

- e. Prepare and submit a final comprehensive report evaluating the project challenges, solutions, successes, and recommendations for maximizing Food Bank Nutrition Policy Project outcomes.
- f. Analyze data to determine potential future projects with food banks across the state and submit recommendations to DSHS for review and consideration. Future projects are subject to availability of future grant funding and program determination of need.

2.6 PROGRAM REQUIREMENTS

The Grant Project funded under this RFA must meet the following program requirements:

- a. Formalize a partnership with a DSHS-approved food bank through a written subcontract agreement. A copy of the written subcontract must be provided to DSHS prior to initiating any services under any Grant Agreement awarded as a result of this RFA.
- b. Following industry best practices and using a template provided by System Agency, prepare, and submit a draft work plan to System Agency for review and approval. The approved work plan will become the basis for quarterly reporting to System Agency throughout the course of the project.
- c. Implement all strategies identified in the approved Work Plan, as well as the following:
 - 1. Convene a workgroup of internal partners at the approved food bank to assess the current nutrition policy at the food bank and guide the development, adoption, and implementation of a nutrition policy that integrates the [Healthy Eating Research \(HER\)](#) Guidelines for the Charitable Food System into the food procurement, inventory, and distribution practices of the food bank.
 - 2. Assist the food bank with the classification and tagging of foods based on HER guidelines into food bank inventory and food pantry ordering systems. Grantee shall use software utilized by food banks to organize their inventory, as well as a software utilized by food pantries for ordering.
 - 3. Engage with food bank marketing and communications teams to launch an internal and external information campaign on project initiatives, with a focus on providing information about HER guideline's classification to staff and donor groups.
- d. Prepare and submit a draft Evaluation Plan to System Agency that evaluates the processes and outcomes of implementing the proposed nutrition policy, including the methods used for collecting performance data from the food bank capturing stakeholder perspectives, and suggestions for improvement. System Agency will review and provide feedback. Draft Evaluation Plan shall be revised to System Agency satisfaction and approval.
- e. Implement all activities approved in the final Evaluation Plan.

- f. Prepare and submit a draft Food Bank Nutrition Policy Project Final Report to System Agency. System Agency will review and provide feedback. The Final Report shall be revised to System Agency satisfaction and final approval. At minimum, a narrative report shall include an assessment of the activities in the approved Evaluation Plan, summary of the project results, challenges and solutions, successes, and recommendations for future activities.
- g. Prepare and disseminate a Food Bank Nutrition Policy Project Implementation Summary in one-page format to food banks across Texas. The summary shall describe the goals of the project, the strategies used for implementation, and the outcome of the project. The purpose of the implementation summary is to support replicability of this project in other food banks in Texas. Grantee shall determine the best dissemination method, such as email, posting on Grantee website, or other methods recommended by Grantee to reach food banks in Texas.

2.7 REQUIRED REPORTS

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

REPORT	DUE DATE
Financial Status Report – Biannually	The end of month following the six-month period being reported
Progress Report – Quarterly	The 30th Calendar Day following the end of the quarter being reported
Work Plan - Draft	October 1, 2024
Work Plan - Final	October 15, 2024
Monthly Progress Calls	Prior to the 15 th of each month
Evaluation Plan - Draft	October 30, 2024
Evaluation Plan - Final	November 15, 2024
Food Bank Nutrition Policy Project Final Report – Draft	August 1, 2025
Food Bank Nutrition Policy Project Final Report – Final	August 31, 2025
Food Bank Nutrition Policy Project Implementation Summary	August 31, 2025

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

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.

Any Grant Agreement awarded as a result of this RFA will be subject to 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 monthly and quarterly on the measures and activities described in the final Work Plan.

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

2.9 FINANCIAL STATUS REPORTS (FSRS)

Except as otherwise provided, for Grant Agreements with categorical budgets, Grantee shall submit biannual FSRs to System Agency by the last Business Day of the month following the end of each six-month period for System Agency review and financial assessment. Through submission of an 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 System Agency, Grantee shall submit a reimbursement or payment request as a final close-out invoice no later than forty-five (45) Calendar Days following the end of each Grant Project Period. 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 either **Exhibit D, HHS Data Use Agreement v. 8.5**, **Exhibit D-1, HHS Data Use Agreement – Governmental Entity v. 8.5**, or **Exhibit D-2, HHS Data Use Agreement-University of Texas System Version 10.24.2019** (as is applicable to the Applicant), including but not limited to the terms and conditions regarding **Exhibit D-3, Texas HHS System-Data Use Agreement-Attachment 2-Security and Privacy Inquiry (SPI)**, attached to this RFA.

2.12 LIMITATIONS ON GRANTS TO UNITS OF LOCAL GOVERNMENT

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

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

- a. Parts 2, 3, and 5 of Article IX of the General Appropriations Act (except there is no requirement for increased salaries for local government employees);
- b. §§556.004, 556.005, and 556.006, Government Code; and
- c. §§2113.012 and 2113.101, Government Code.
- d. In this section, "unit of local government" means:
 1. A council of governments, a regional planning commission, or a similar regional planning agency created under Chapter 391, Local Government Code;
 2. A local workforce development board; or
 3. A community center as defined by Health and Safety Code, §534.001(b).

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:

- a. Be a registered non-profit organization;
- b. Serve low-income, food-insecure populations throughout Texas;
- c. Application must be submitted by deadline for submission specified in **Section 7.1, Schedule of Events**;
- d. All information and forms specified in **Section XIII, Submission Checklist** must be submitted and contain the required signatures;
- e. Be established as an appropriate legal entity, under State statutes, and must have the authority and be in good standing to do business in Texas and to conduct the activities described in this RFA;
- f. Applicant must be in active status with the System for Award Management (SAM) as specified in **Section 9.6, Compliance for Participation in State Contracts**. Please note: a 12-character alphanumeric Unique Entity ID assigned by SAM.gov must be obtained prior to executing any Contract that may result from this RFA.

3.3 GRANT AWARD ELIGIBILITY

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

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

as of the effective date of this Grant Agreement.

3.4 GRANTS FOR POLITICAL POLLING PROHIBITED

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

SECTION IV. PROJECT PERIOD

4.1 PROJECT PERIOD

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

Extension of Project Period: System Agency may, at its sole discretion, extend the Project Period for up to one (1) year to allow for the full expenditure of awarded funding and completion of Grant activities. Approved Projects may not exceed a five (5) year Project Period.

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 ninety (90) Calendar Days after the Grant Agreement end date, unless otherwise noted in the original or amended Grant Agreement. Funds not obligated by Grantee by the end of the Grant Agreement term and not expended by the project close-out date will revert to System Agency.

SECTION V. GRANT FUNDING AND REIMBURSEMENT INFORMATION

5.1 GRANT FUNDING SOURCE AND AVAILABLE FUNDING

The total amount of Federal funding available for the State Physical Activity and Nutrition grant program is **\$40,000.00** for the entire Project Period. It is System Agency's intention to make one award to one Applicant that successfully demonstrates the ability to perform the services described in this RFA, including implementation of processes that increase the consumption of healthy foods by low-income and food-insecure populations in Texas.

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

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

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. 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

Matching funds are not required under this grant program.

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 and supported by adequate documentation.

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 be submitted with an application under this RFA.

6.1 NARRATIVE PROPOSAL

Using **Form C, Executive Summary** attached to this RFA, Applicants shall provide a high-level overview and description of 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.

Using **Form D, Work Plan** attached to this RFA, Applicants shall further elaborate and describe in detail the proposed services, processes, and methodologies for meeting all components of the activities described in Article II, including the Applicant's approach to meeting timelines and associated milestones, and ensuring all project activities will be completed during the grant funding period.

6.2 REQUESTED BUDGET

Attached **Exhibit K, Proposed Budget Template**, 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, **Exhibit K, Proposed Budget Template** and identify all budget line items. Budget categories must be broken out into specific budget line items that allow System Agency to determine if proposed costs are reasonable, allowable, and necessary for the successful performance of the Project. Applicants must enter all costs in the budget tables and explain why the cost is necessary and how the cost was established.

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

Submission of Exhibit K, Proposed Budget Template, is mandatory. Applicants that fail to submit a Requested Budget as set forth in this RFA with their application will be disqualified.

6.3 INDIRECT COSTS

Applicants must have an approved indirect cost rate (ICR) or request the de minimis rate to recover indirect costs. All Applicants are required to complete and submit **Form E, HHS System Indirect Cost Rate (ICR) Questionnaire**, with required supporting documentation. The questionnaire initiates the acknowledgment or approval of an ICR for use with 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
- b. State of Texas Approved Indirect Cost Rate

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

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

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

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

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

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

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

6.4 ADMINISTRATIVE APPLICANT INFORMATION

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

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. See **Form F, Internal Controls Questionnaire**. Failure to comply with the terms of this provision may disqualify Applicant. See, **Exhibit A, HHS Solicitation Affirmations**. Applicant certifies it does not have any existing

claims against or unresolved audit exceptions with the State of Texas or any agency of the State of Texas.

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

b. Internal Controls Questionnaire

Applicant must complete **Form F, Internal Controls Questionnaire**, and submit with its Application.

SECTION VII. RFA ADMINISTRATIVE INFORMATION AND INQUIRIES

7.1 SCHEDULE OF EVENTS

EVENT	DATE/TIME
Funding Announcement Posting Date Posted to HHS Grants RFA and Texas eGrants websites	February 27, 2024
Deadline for Submitting Questions or Requests for Clarification	March 5, 2024, by 2:00 p.m. Central Time
Tentative Date for Answers to Questions or Requests for Clarification Posted	March 18, 2024
Application Submission Deadline NOTE: Applications must be <u>RECEIVED</u> by HHSC by this deadline if not changed by subsequent Addenda to be considered eligible.	March 26, 2024, by 10:30 a.m. Central Time
Anticipated Notice of Award	August 1, 2024
Anticipated Project Start Date	September 1, 2024

Applicants must ensure their applications are received by HHSC in accordance with the Deadline for Submission of Applications (date and time) indicated in this Schedule

of Events or as changed by subsequent Addenda posted to the [HHS Grants RFA](#) website.

All dates are tentative and HHSC and/or DSHS reserve the right to change these dates at any time. At the sole discretion of HHSC and/or DSHS, events listed in the Schedule of Events are subject to scheduling changes and cancellation. Scheduling changes or cancellation determinations made prior to the Deadline for Submission will be published by posting an addendum to the [HHS Grants RFA](#) website. After the Deadline for Submission, 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	Amy Pearson
Title	Grant Specialist, HHSC Procurement and Contracting Services
Address	Procurement and Contracting Services Building 1100 W 49th St. MC: 2020 Austin, TX 78756
Phone	(512) 406-2638
Email	amy.pearson@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 and/or DSHS 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. 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 and/or DSHS of such provision(s); and
- c. Shall not be entitled to additional reimbursement, relief, or time by reason of any ambiguity, conflict, discrepancy, exclusionary specification, omission, or other error or its later correction.

7.5 RESPONSES TO QUESTIONS OR REQUEST FOR CLARIFICATIONS

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

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

7.6 CHANGES, AMENDMENT OR MODIFICATION TO RFA

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

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

7.7 EXCEPTIONS AND ASSUMPTIONS

Applicants are highly encouraged, in lieu of including exceptions in their Applications, to address all issues that might be advanced by way of exception or assumptions by submitting **Exhibit J, Exceptions**, 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 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.

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

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

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

8.2 APPLICATION SUBMISSION

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

8.3 REQUIRED SUBMISSION METHOD

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

HHS Online Bid Room: Applicants shall upload the following documents to the Online Bid Room utilizing the procedures in **Exhibit I, HHS Online Bid Room. File Size**

Limitation: Restriction to 250MB per file attachment.

- a. One (1) copy marked as “Original Application” that contains the Applicant’s entire application in a Portable Document Format (“.pdf”) file.
- b. One (1) copy of the completed **Exhibit K, Proposed Budget Template**, in its original Excel format.
- c. One (1) copy of the complete Application marked as “Public Information Act Copy,” if applicable, in accordance with **Section 12.1, Texas Public Information Act**, in a Portable Document Format (“.pdf”) file.

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. **Exhibit K, Proposed Budget Template**, in addition to the .pdf, 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 the approved method of submission set forth in this RFA. The modification must be received by HHSC by the Deadline for Submission of Applications set forth in **Section 7.1, Schedule of Events**, 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, in coordination with System Agency, Applications with errors, omissions, or compliance issues may be considered non-responsive and may not be considered. The remaining Applications will continue to the evaluation stage and will be considered in the manner and form as which they are received. HHSC reserves the right to

waive minor informalities in an Application. A “minor informality” is an omission or error that, in the determination of HHSC if waived or modified, would not give an Applicant an unfair advantage over other Applicants or result in a material change in the Application or RFA requirements. **Note:** Any disqualifying factor set forth in this RFA does not constitute an informality (e.g., **Exhibit A, HHS Solicitation Affirmations v.2.4**, or **Exhibit K, Proposed Budget Template**).

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 H, Evaluation Tool**.

Scoring Criteria: Qualified Applications shall be evaluated based upon:

- a. Qualifications and experience (25%);
- b. Strength of proposed Project approach (65%); and
- c. Proposed budget and justification (cost effectiveness) (10%)

9.5 PAST PERFORMANCE

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

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

System Agency, at its sole discretion, may also initiate investigations or examinations of Applicant performance based upon media reports. Any negative findings, as determined

by System Agency in its sole discretion, may result in System Agency removing the Applicant from further consideration for award.

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

- a. Notices of termination;
- b. Cure notices;
- c. Assessments of liquidated damages;
- d. Litigation;
- e. Audit reports; and
- f. Non-renewals of grants or contracts based on Applicant's unsatisfactory performance.

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

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

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

9.6 COMPLIANCE FOR PARTICIPATION IN STATE CONTRACTS

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

The information (e.g., legal name and, if applicable, assumed name (d/b/a), tax identification number, 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 (<https://comptroller.texas.gov/purchasing/programs/vendor-performance-tracking/debarred-vendors.php>) or have an active warrant or payee hold placed by the Comptroller of Public Accounts (CPA).

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

Applicant must not be excluded from contract participation at the federal level. This verification is conducted through SAM, the official website of the U.S. Government which may be accessed at: <https://sam.gov/content/home>.

c. Divestment Statute Lists

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

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

d. HHS Office of Inspector General

Applicant must not be listed on the HHS Office of Inspector General Texas Exclusions List for people or businesses excluded from participating as a provider: <https://oig.hhsc.state.tx.us/oigportal2/Exclusions>.

e. U.S. Department of Health and Human Services

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

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

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

HHSC reserves 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

After initial screening for eligibility and Application completeness, and initial evaluation against the criteria listed in **Section 9.4, Evaluation Criteria**, System Agency may apply other considerations such as program policy or other selection factors that are essential to the process of selecting Applications that individually or collectively achieve program objectives. In applying these factors, System Agency may consult with internal and external subject matter experts.

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

10.2 NEGOTIATIONS

After selecting Applicants for award, 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 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 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 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 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: https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm.

Additional instructions and information to be used to process the Form 1295 will be provided by 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 System Agency with the signed Grant Agreement, System Agency is prohibited by law from executing a contract, even if the potential Grantee is otherwise eligible for award. 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)

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

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

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

HHSC may announce tentative funding awards through an “Intent to Award Letter” once the DSHS Deputy Commissioner and relevant HHSC 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, 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 the services described above in **Section II, Scope of Grant Project**.

11.2 TEXAS HISTORICALLY UNDERUTILIZED BUSINESSES (HUBS)

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

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

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 v.2.4**, Applicant’s confidential information assertion and the filing of its Public Information Act Copy; and
- c. **Submit Public Information Act Copy of Application:** Submit a separate “Public Information Act Copy” of the Original Application (in addition to the original and all copies otherwise required under the provisions of this RFA). The Public Information Act Copy must meet the following requirements:
1. The copy must be clearly marked as “Public Information Act Copy” on the front page in large, bold, capitalized letters (the size of, or equivalent to, 12-point Times New Roman font);
 2. Each portion Applicant claims is exempt from public disclosure must be redacted (blacked out); and
 3. Applicant must identify, adjacent to each redaction, the claimed exemption from disclosure. Each identification provided as required in **Subsection (3) of this section** must be identical to those set forth in the Original Application as required in **Subsection 1(b)**, above. The only difference in required markings and information between the Original Application and the “Public Information Act Copy” of the Application will be redactions – which can only be included in the “Public Information Act Copy.” There must be no redactions in the Original Application.

By submitting an Application under this RFA, Applicant agrees that, if Applicant does not mark the Original Application, provide the required certification in Exhibit A, HHS Solicitation Affirmations v.2.4, and submit the Public Information Act Copy, the Application will be considered to be public information that may be released to the public in any manner including, but not limited to, in accordance with the Public Information Act, posted on 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, 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 System Agency and all other state agencies, without cost or liability.

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. 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. System Agency assumes no obligation or responsibility relating to the disclosure or nondisclosure of information submitted by Applicants.

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

12.2 APPLICANT WAIVER – INTELLECTUAL PROPERTY

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

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SECTION XIII. SUBMISSION CHECKLIST

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 v.2.4 (completed and signed), and Exhibit K, Proposed Budget Template (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:

a. Administrative Information and Forms to be Completed, Signed, and Submitted with Application

1. Form A, Applicant Information _____
2. Form B, Administrative Information _____
3. Form B-1, Governmental Entity, Authorized Officials, if applicable _____
4. Form B-2, Non-Governmental Entity, Board of Directors and Principal Officers, if applicable _____
5. Form E, Texas Health, and Human Services System Indirect Costs Rate (ICR) Questionnaire _____
6. Form F, Internal Controls Questionnaire _____

b. Narrative Proposal

The following required Forms must include the Applicant's Legal Name, the RFA No., and the name of the Grant Program. Use the titles below for each required section.

1. Form C, Executive Summary _____
2. Form D, Work Plan _____

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

1. Exhibit A, HHS Solicitation Affirmations v.2.4., August 2023 _____

Per Section 3.2, Application Screening Requirements, 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 v.8.5 _____
3. Exhibit D-1, HHS Data Use Agreement - Governmental Entity v. 8.5
(if applicable) _____
4. Exhibit D-2, HHS Data Use Agreement – University of Texas System Version
10.24.19 (if applicable) _____
5. Exhibit D-3, Texas HHS System-Data Use Agreement-Attachment 2-Security
and Privacy Inquiry (SPI) _____
6. Exhibit E, Certification Regarding Lobbying _____
7. Exhibit F, Federal Assurances – Non-Construction Programs _____
8. Exhibit G, Federal Funding Accountability and Transparency Act (FFATA)
Certification _____
9. Exhibit J, Exceptions Form _____
10. Exhibit K, Proposed Budget Template (Excel) _____

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

d. 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 v.2.4, August 2023
- Exhibit B, HHS Uniform Terms and Conditions – Grant, v. 3.3, November 2023
- Exhibit C, HHS Additional Provisions – Grant Funding, version 1.0, February 2021
- Exhibit D, HHS Data Use Agreement v.8.5
- Exhibit D-1, HHS Data Use Agreement-Governmental Entity Version 8.5
- Exhibit D-2, HHS Data Use Agreement-University of Texas System Version 10.24.2019
- Exhibit D-3, Texas HHS System-Data Use Agreement-Attachment 2-Security and Privacy Inquiry (SPI)
- Exhibit E, Certification Regarding Lobbying
- Exhibit F, Federal Assurances – Non-Construction Program
- Exhibit G, Federal Funding Accountability and Transparency Act (FFATA) Certification Form
- Exhibit H, Evaluation Tool
- Exhibit I, HHS Online Bid Room
- Exhibit J, Exceptions Form
- Exhibit K, Proposed Budget Template

Forms

- Form A, Applicant Information
- Form B, Administrative Information
- Form B-1, Governmental Entity, Authorized Officials
- Form B-2, Non-Governmental Entity, Board of Directors, and Principal Officers
- Form C, Executive Summary
- Form D, Work Plan
- Form E, Texas Health and Human Services System Indirect Costs Rate (ICR) Questionnaire
- Form F, Internal Controls Questionnaire