



Jaime Masters, Commissioner

Open Enrollment

For

**Treatment Foster Family Care (TFFC)**

**Residential Child-Care Services**

**Provided by**

**Child Placing Agencies (CPA)**

**Enrollment Number: HHS0012375**

Enrollment Period Opens: July 08, 2022

Enrollment Period Closes: August 31, 2027

NIGP Class/Item Code:

952-47

952-59

# GENERAL INFORMATION

* 1. TFFC Open Enrollment

The Child Protective Services Program (CPS) of the Texas Department of Family & Protective Services (DFPS or Department) is issuing this Open Enrollment to seek applications from HHSC Licensed Child Placing Agencies (CPA) to enter into contracts with DFPS to provide Treatment Foster Family Care (TFFC) Residential Child Care (RCC) Services for children in its managing conservatorship in DFPS Regions across Texas (See Subsection 1.6.2 for a map).

DFPS has determined that there is a continuing need to expand TFFC services of HHS licensed CPAs who will provide highly qualified services through a time-limited (see Section 1.4.4) TFFC home for children with complex mental health and behavioral needs while utilizing treatment models that incorporate evidence-based or research-supported practices.

CURRENT TFFC CONTRACTORS – In 2018, DFPS awarded contracts for TFFC services under RFP No. HHS0000609 (TFFC RFP).

For current TFFC contractors that have an active TFFC RFP, they will have to reapply under this TFFC Open Enrollment. Once a new TFFC Open Enrollment contract has been established, their TFFC RFP contract will be terminated.

* 1. Point of Contact

Unless instructed otherwise by the Point of Contact, all inquiries concerning this Open Enrollment and potential Applicants must direct all communications to this Point of Contact at [DFPS24HourResidentialApplications@dfps.texas.gov](mailto:DFPS24HourResidentialApplications@dfps.texas.gov).

* 1. Open Enrollment HHS Enrollment Posting, Amendments and Announcements

Texas Health and Human Services (HHS) Procurement and Contracting Services (PCS) will post all official communication on behalf of DFPS for this Open Enrollment on the HHS Enrollment site at:

[HHS Enrollment](file:///C:/Users/willial6/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/BHVFUC3W/HHS%20Enrollment) (<https://apps.hhs.texas.gov/pcs/openenrollment.cfm>)

# DFPS reserves the right to revise this Open Enrollment at any time, including the closing date of this Open Enrollment. Applicants must comply with any changes, amendments, or clarifications posted to the HHS Enrollment site by HHS PCS.

* + 1. It is the responsibility of the potential Applicant to check the HHS Enrollment site periodically for any updates to this Open Enrollment and to comply with these requirements. The Applicant’s failure to periodically check the HHS Enrollment site will in no way release them from any responsibility or additional costs to meet the requirements of complying with the Open Enrollment and resulting Contract.
  1. Open Enrollment Background
     1. DFPS Mission. The mission of DFPS is to promote safe and healthy families and protect children and vulnerable adults from abuse, neglect, and exploitation.
     2. CPS Purpose. The purpose of the CPS Program is to keep children safe while partnering with parents and other family members, the community, and our providers to achieve permanency and improve child well-being.
     3. CPS Objectives
        + 1. Prevent further harm to children and to keep children with their families when possible;
          2. Provide permanence for children in substitute care by resolving danger or enhancing parental protective factors and returning children to their families;
          3. Provide permanence for children who cannot return to their families;
          4. Accept and prevent separation and work to keep siblings together;
          5. Ensure that all provided services meet the following quality indicators:

Children are safe in their placements.

Children receive quality services designed to meet their individual needs.

Children maintain connections to parents, siblings, family, and other individual the child deems as important to themselves.

Children are placed with siblings.

To be fully prepared for successful adulthood, children are provided opportunities, experiences, and activities similar to those experienced by their non-foster care peers.

Children are provided opportunities to participate in decisions that impact their lives.

Services reflect and meet the unique needs of the community.

Children experience normalcy.

Children participate in quality education programs and services regularly and in accordance with Texas educational laws.

* + 1. TFFC Objectives.

TFFC is a program designed to provide innovative, multi-disciplinary treatment services to a child in a highly structured family home environment. The target population for TFFC is children in DFPS conservatorship with very high needs and complex trauma history requiring treatment services. For Client Characteristics, see Section 2.4.

Placing a child in a TFFC foster home or kinship TFFC foster home prevents the need for placement in a Residential Treatment Center (RTC) and assists in transitioning the child to a less restrictive and permanent placement.

TFFC Placements are used to help stabilize children at risk of placement in an RTC setting or psychiatric hospital who experience emotional, behavioral, or mental health difficulties.

Placement in a TFFC Program is limited to nine months. A child can be granted a one-time, three-month extension by DFPS. No placement can exceed 12 months unless staffed and approved by DFPS.

* 1. Eligible Applicants

To be eligible to receive a Contract award through this Open Enrollment, Applicants must submit an Application, Attachments and Required Forms (See Section 5) and meet the following requirements.

* + 1. Not be debarred from receiving any federal or state funds at the time of the Contract award.
    2. Be legally authorized to do business in the State of Texas and determined to be "Active" by the Texas Comptroller of Public Accounts. Applicants can check their status at <https://comptroller.texas.gov/>.
    3. Be an individual, entity, or Applicant:
       - 1. Has been contracting with DFPS as a CPA for at least one year;
         2. Accepts the requirements of this Open Enrollment and does not alter it; and
         3. Holds a valid HHS Child Care Licensing (CCL) issued License to operate as a CPA providing treatment services;
    4. Comply with the Insurance Requirements (See Section 1.7.2 for DFPS Vendor Uniform Terms and Conditions (UTCs) Section II (G) and Supplemental and Special and Programmatic Conditions for TFFC (TFFC Conditions) Section I (H)).
    5. Have reasonable financial stability and solvency to provide services as required by this Contract.
    6. Provide a complete list of all its Persons in a Key Position in its Application (see Section 7). Applicant will also provide immediately in writing any updates to its Persons in a Key Position list to DFPS during the Application process, after Contract award and through the Contract Term (see Section 2.11.2).
    7. Not be the subject of an Abuse or Neglect Investigation that received a disposition of Reason to Believe (RTB). This eligibility requirement also applies to the Applicant’s Persons in a Key Position (see Appendix I for Definition in the 24-Hour Residential Child Care Requirements (Requirements) at <http://www.dfps.state.tx.us/Doing_Business/Purchased_Client_Services/Residential_Child_Care_Contracts/documents/24_Hour_RCC_Requirements.pdf>).
       - 1. If it is found that a Person in a Key Position is ineligible under this Subsection, then the Applicant will remove the ineligible Person in a Key Position and notify DFPS of this action to continue with the Application process (see Section 2.11.2).
         2. If the Applicant is an individual, rather than a legal entity, and the Applicant becomes ineligible under this Section, then the Application will be denied.
    8. Additional Information for Prospective Applicants. These links serve as reference guides for prospective applicants who are interested in contracting with DFPS to provide RCC Services to children in DFPS foster care.
       - 1. RCC Contracts: <http://www.dfps.state.tx.us/Doing_Business/Purchased_Client_Services/Residential_Child_Care_Contracts/default.asp>
         2. Comparison of Minimum Standards, Residential Contract Requirements, and Service Level Indicators: <http://www.dfps.state.tx.us/Doing_Business/Purchased_Client_Services/Residential_Child_Care_Contracts/comparison.asp>
         3. Become a 24-hour Residential Provider: <https://hhs.texas.gov/doing-business-hhs/provider-portals/protective-services-providers/child-care-licensing/24-hour-residential-child-care-provider/become-a-24-hour-residential-provider>
  1. Service Delivery Areas – DFPS Regions
     1. The Applicant must specify the DFPS Region in which its RCC CPA is located and licensed (or has a valid CCL acceptance letter) and provide the physical address for its location in the Application (See Section 7), which must be identical to the one on the Applicant’s CCL License.
     2. A map of all DFPS regions may be accessed at <http://www.dfps.state.tx.us/contact_us/counties.asp?r=all>.
     3. DFPS Community Based Care Catchment Areas. As provided for in [Texas Family Code Chapter 264](https://statutes.capitol.texas.gov/Docs/FA/htm/FA.264.htm) Subchapter B-1, DFPS has commenced implementation of a community-based model, Community Based Care (CBC), where a single contractor referred to as a Single Source Continuum Contractor (SSCC) provides a full continuum of services to children and families within a designated CBC catchment area.

APPLICATIONS NOT ACCEPTED - DFPS will not accept new applications for RCC Services from CPA Contractors whose entire placement capacity is located solely in a CBC catchment area. A map of all CBC catchment area may be accessed at <http://www.dfps.state.tx.us/Child_Protection/Foster_Care/Community-Based_Care/default.asp>.

If a CPA Contractor has developed capacity only in CBC catchment areas, DFPS encourages them to approach the designated SSCC for their area. For a list and contact information, see <http://www.dfps.state.tx.us/Doing_Business/Purchased_Client_Services/Community-Based_Care_Contracts/default.asp>.

DFPS will accept TFC applications from CPA Contractor applicants who have developed placement capacity both inside and outside designated CBC catchment areas, but DFPS will only utilize the placement capacity that is outside of a CBC catchment area.

* 1. Open Enrollment Application Contract Documents
     1. The Applicant, if awarded a Contract for this Open Enrollment, will be referred to as a “Contractor,” and agrees to comply with this Open Enrollment and execute a Contract that is prepared by DFPS.
     2. The Contractor will comply with the Open Enrollment (see Section 1.3), the UTCs and TFFC Conditions, which can be accessed on DFPS’ RCC Page at <http://www.dfps.state.tx.us/Doing_Business/Purchased_Client_Services/Residential_Child_Care_Contracts/default.asp>.
     3. The Contract Term will begin on a date determined by DFPS and will end on August 31, 2027, unless DFPS determines a shorter Contract Term.
  2. Funding Availability

External factors may affect the Open Enrollment, including budgetary and resource constraints. Any contract resulting from this Open Enrollment is subject to the availability of state and federal funds.

By issuing this Open Enrollment, DFPS anticipates that budgeted funds will be available. If, however, funds are not available, DFPS reserves the right to withdraw the Open Enrollment or terminate the resulting contract without penalty.

* 1. Sequestration Impact

Sequestration refers to the automatic spending cuts that are required under the 2011 Budget Control Act. This law required $1.2 trillion in automatic cuts to mandatory and discretionary programs to begin in 2013 if Congress failed to pass legislation that would reduce the nation’s deficit by at least $1.5 trillion during the next decade. The failure of Congress to pass any deficit reduction legislation has triggered the automatic cuts required under sequestration.

These across-the-board cuts began January 2, 2013 and continue for the next ten years. The cuts must be split equally between security and non-security programs, according to the Budget Control Act. DFPS has determined that this Open Enrollment has the potential to be impacted by these budget cuts.

* 1. Delegation of DFPS Authority

State and federal laws generally limit DFPS’s ability to delegate certain decisions and functions to a contractor, including but not limited to policy-making and final decision-making authorities on the acceptance or rejection of services provided under a Contract.

* 1. Texas Public Information Act

Any information submitted to DFPS in response to this Open Enrollment is subject to public disclosure in accordance with the Texas Public Information Act (the Act), and Texas [Government Code Chapter 552](https://statutes.capitol.texas.gov/Docs/GV/htm/GV.552.htm). DFPS will process any request for information comprising all or part of any information submitted to DFPS by the Applicant in accordance with the Act.

If an Applicant claims that information contained in any materials submitted to DFPS is exempt from required public disclosure under the Act, the Applicant must clearly identify such information and the applicable exemptions in the Act and explain in detail why such exemption is applicable.

For information concerning the application of the Act’s provisions to Applicant's application and proprietary information, Applicants may consult the following:

Attorney General’s website:

<http://www.oag.state.tx.us>

<http://www.oag.state.tx.us/open/index.shtml>

Public Information Handbook:

<https://www.texasattorneygeneral.gov/files/og/publicinfo_hb.pdf>

* 1. Use of Ideas by the State of Texas

DFPS reserves the right to use any and all ideas presented in an application unless the Applicant presents a valid legal case that such ideas are a trade secret or confidential information and identifies the information as such in its application. An Applicant may not object to the use of ideas that are not the Applicant’s intellectual property and so designated in the application that are known to DFPS before the submission of the application, are in the public domain through no fault of DFPS or become properly known to DFPS after application submission through other sources or through acceptance of the application.

* 1. Copyright Restrictions

DFPS will not consider any Application that bears a copyright.

# STATEMENT OF WORK

* 1. Contract Purpose

Contractor will provide DFPS children with highly qualified services through a time-limited TFFC home for children with complex mental health and behavioral needs while utilizing treatment models that incorporate evidence-based or research-supported practices.

The goal is to prevent the need for placement in an RTC and to assist in transitioning the child to a less restrictive, permanent placement.

* 1. Contract Requirements
     1. Contractor will provide all services in a manner that safeguards the health, welfare, and safety of children in the least restrictive setting possible and in accordance with the following:

1. Requirements at <http://www.dfps.state.tx.us/Doing_Business/Purchased_Client_Services/Residential_Child_Care_Contracts/documents/24_Hour_RCC_Requirements.pdf>.
2. HHS Child Care Regulations (CCR) Minimum Standards for CPAs at <https://hhs.texas.gov/doing-business-hhs/provider-portals/protective-services-providers/child-care-licensing/minimum-standards>.
3. Must have an Evidence-based Treatment Model(s) that incorporates trauma-informed care for children that have been the victim of abuse and/or neglect. The Treatment Model must include specific programming designed to meet the custom needs of children, youth, and young adults. The Treatment Model should be practiced throughout the operation and used as the basis to form all policy, procedures, and practices. Children, youth, and young adults must be aware of, and all staff and Caregivers providing these services must be trained in, practice, and remain current with, delivery of the Treatment Model.
4. Comply with the DFPS’ Intensive Foster Family Care (IFFC) Services policy and procedures, see Section 3 of the TFFC SSPCs.
5. Contractor agrees to comply with any updates to this Open Enrollment HHS0012375, Requirements, and CCR Minimum Standards, and will periodically review these documents for any updates.

* + 1. Effective September 1, 2021 through August 31, 2023, Contractor must use the Supplemental Daily Rate payments (see Section 3.3.1) consistent with the Contract purpose, which includes but is not limited to the following. As instructed by DFPS, Contractor will provide reports of how they used their Supplemental Daily Rate payments.

1. Increasing the number of children served by utilizing existing capacity;
2. Strengthening the quality of care; and
3. Providing targeted capacity expansion for necessary placements (particularly for children with high needs or currently without placement).
   * 1. The Contractor must have an internal Quality Assurance (QA) process in place that:
        1. Continuously monitor operations;
        2. Services provided to children;
        3. Progress towards Child Plan of Service (CPOS) goals; and
        4. Contractor’s compliance with all contract terms, performance expectations, outcomes, and outputs.
     2. Contractor must respond to feedback from DFPS relative to services provided under this Contract and incorporate said feedback to ensure continuous improvement.
     3. Contractor must evaluate processes and apply actions necessary for improvement.
     4. Contractor must develop, implement and maintain a process to ensure documents and reports are complete and accurate.
     5. The Contractor will have intake and admissions services that are available after normal working hours (including holidays and weekends).
     6. Contractors providing services to children parenting their children must:
4. State in their admission policy that children parenting their children are included in the population served; and
5. Have policies in place specific to this population of children, including a service plan that addresses the complex needs of these children and their children.
   * 1. Contractor must be authorized to provide IFFC. The IFFC requirements are in TFFC SSCCs Section III (A), which includes the Foster Home Eligibility Requirements and Population Characteristics.

## **2.3 Eligible Population**

Children with a determined Service Level of Moderate, Specialized, or Intense referred by the DFPS.

* 1. Client Characteristics
     1. DFPS will refer children who are in DFPS Conservatorship from any Non-CBC Catchment area (Section 1.6.3) within the state and who:

1. Are under the age of 17 years old;
2. In DFPS conservatorship;
3. In need of treatment services as documented in the psychological and/or Child and Adolescent Needs and Strengths (CANS) assessment (See Section 5330 of Requirements linked in Section 1.5.7); and
4. Meet one of the following qualifications:
   * 1. Currently placed in, or has been recommended for placement in, an RTC.
     2. Currently in a psychiatric hospital and is being discharged or is at risk of psychiatric hospitalization due to history of diagnosed emotional disorder.
     3. See Application in Section 7 for a list of targeted characteristics and behaviors that may be exhibited by children needing TFFC placement.
   1. Referral Process
      1. The DFPS regional placement team will forward to the Contractor the child’s psychological evaluation, Common Application (Form 2087), which includes the child's history and background information, and the Service Level Authorization to the Contractor for review for children with Moderate, Specialized, Intense or Intense Plus Service Levels.
      2. DFPS Regional Child Placement Unit (CPU) will contact the Contractor to confirm that they have a vacancy based on information submitted by Contractors to the General Placement Search (GPS) portal and ask the Contractor to consider the child for placement.
      3. If the Contractor is willing to accept the child for placement, and this is the best placement option for the child, the caseworker will contact the appropriate Contractor staff to schedule a day and time for the child's placement. If the Contractor does not accept a child, the reason should be provided and documented.
      4. Foster Care Placement Authorization (Form 2085-FC) provides DFPS’ authorization for the Contractor to provide residential services to a child placed with them.
   2. TFFC Admission Process

The TFFC Contractor will perform the following when admitting a child into their TFFC program.

* + 1. Approve any foster home or kinship foster home in which a TFFC child could be placed who meets the CPA’s requirements for the TFFC program.
    2. Intake coordinator or their designee reviews referrals and a placement decision is provided to DFPS within two business days.
    3. Coordinate and facilitate the pre-placement staffing with the CPS caseworker, identified TFFC foster family, and other interested parties.
    4. Confirm placement of the DFPS referred child into a TFFC placement based on the foster family’s ability to provide IFFC services to the specific child referred.
  1. Contractor’s TFFC Program.

Contractor will provide the following to children that are placed in their TFFC Program.

* + 1. Services

1. Respond to DFPS placement referrals for intake and admissions into TFFC within two business days;
2. Provide 24-hour, in-home crisis intervention and placement stabilization services to child and/or family;
3. Provide strong clinical supervision and support for case manager and TFFC foster parents;
4. Formal provision of paid Intermittent Alternate Care (See Section 2300 of Requirements linked in Section 1.5.7) for respite, both routine and upon request;
5. Complete a CANS initial assessment prior to initial CPOS development unless an existing CANS is available and completed no more than 30 days prior to date of placement;
6. Ensure any child in a TFFC program is receiving a CANS assessment each 90 days for the duration of the placement and every 90 days thereafter to determine if the array of treatment services being provided are effective and meeting the child's specific needs;
7. Facilitate the participation of family members and/or supportive persons in the child’s treatment program when identified and as appropriate;
8. Include the child’s CPS Caseworker in all treatment team meetings and planning;
9. Facilitate the outreach to the family members of the child, to include siblings and supportive persons including documenting how the outreach is made and maintaining contact information for any known biological family and fictive kinship of the child;
10. Provide processes, facilitate activities, and document into the Child Plan of Service (CPOS) all efforts designed to assist in finding individuals or family members for children who have no identified family or fictive kin in a supportive role; and
11. Document in the CPOS how the family members were integrated into the treatment process, including post-discharge aftercare support, and how sibling connections are maintained.
    * 1. Oversight
      2. The Contractor must provide oversight and management of the foster family to ensure child safety as part of their TFFC Program.
      3. The Contractor will ensure that the child placement ratio of having no more than two DFPS foster children in the home when there is one TFFC child is maintained (See Texas Administrative Code (TAC) §700.1335).
      4. The Contractor will ensure the foster family is able to meet the needs of the children placed in their home.
      5. The Contractor is responsible for the following:
12. Evaluate the TFFC foster family(s) and their on-going ability to meet the specific and individualized needs of the children placed in the TFFC program and their home; and
13. Maintain a caseload of one TFFC Case Manager to every six children. This position is the staff who is primarily responsible for the case management, development, implementation, and monitoring of the TFFC child.
    * 1. Services Planning

In addition to the requirements outlined in Section 4000 (Services to Children) in the Requirements, Contractors must:

1. Perform initial and ongoing assessments and service planning based on assessment results and identified child specific needs; and
   1. Develop initial CPOS within 14 days of admission.
   2. Complete CPOS within 30 days of admission.
   3. Update CPOS every 60 days thereafter (or sooner, as indicated by members of the treatment team).
2. Identify, facilitate, coordinate, and implement wrap-around services as needed.
   * 1. Discharge Planning

To ensure continuity of care between placements in the time limited program, Contractor will start Discharge Planning and transition services no later than 30 days after child’s admission into TFFC and be responsible for:

1. Coordinating and facilitating of the transition planning meeting with CPS case worker and other interested parties to plan for the child’s discharge and transition from the Program. Ongoing discharge planning includes:
   1. No less than 45 days prior to the end of the nine-month time period, if the contractor believes that the child is not ready for successful discharge, contractor will submit a request to the Regional Placement Discharge mailbox for the child’s legal region, copying the CPS caseworker and CPS supervisor, to apply for the 90-day extension. If the extension request is denied, the contractor will request a Service Level determination from the third-party contractor for the Texas Service Levels System no later than 30 days prior to the nine-month discharge date admission.
   2. Once the child is ready for successful discharge, but no later than 30 days prior to the nine-month discharge date, or 30 days prior to the discharge date if DFPS has previously approved a 90-day extension, contractor will request a Service Level determination from the third-party contractor for the Texas Service Levels System.
2. Identifying, facilitating, and coordinating transition of services and after care support services in children’s local community needed for the child to ensure a safe transition of care to the next appropriate placement; and
3. Identifying, facilitating, and coordinating transition services or after care support services needed for the subsequent placement caregivers, including biological parents, relatives and/or adoptive parents.
4. Providing children and caregivers access to 24-hour, in-home crisis intervention and placement stabilization services.
   * 1. Discharge.

The Contractor will perform the following when discharging a child.

1. Transition the child from the TFFC program by following standard discharge procedures in Section 8000, Discharge of Children, of the Requirements and submitting Discharge Notice ([Form 2109](http://www.dfps.state.tx.us/Doing_Business/Purchased_Client_Services/Residential_Child_Care_Contracts/forms.asp)) (Discharge Notice) through child’s chain of command to include the Caseworker, Supervisor, CPU mailbox and State Office TFFC email box within 30 days or immediately upon emergency discharge.
2. No later than 30 days before the planned discharge date or immediately upon emergency discharge, submit child’s complete packet to third-party contractor for the Texas Service Levels System for service level review. Required materials for a complete packet include:
3. Form 2089 IMPACT Level of Service Authorization Request;
4. Any recent special evaluations, such as most recent CANS;
5. First and last service plan or service plan;
6. Daily Caregiver reports from previous 30 days;
7. Information regarding any medical issues or disabilities;
8. Medical records from previous 30 days;
9. Progress and therapy notes from previous 30 days;
10. Educational records from previous 30 days;
11. Serious incidents and seclusion reports from previous 30 days; and
12. CPS Caseworker monthly narrative.
13. If contractor submits any unsuccessful discharge notice prior to the planned discharge date, the contractor is responsible for also requesting a Service Level determination from the third-party contractor for the Texas Service Levels System.
    1. Training.

**2.8.1** Contractor will support the safety, permanency, and well-being for Children in Care by providing all direct delivery staff and caregivers the following ongoing training and skills development in addition to training requirements located in the Requirements at <http://www.dfps.state.tx.us/Doing_Business/Purchased_Client_Services/Residential_Child_Care_Contracts/documents/24_Hour_RCC_Requirements.pdf>.

**2.8.2** Contractor will be responsible for additional training for foster parents providing TFFC services. The following trauma-informed treatment strategies maximize TFFC effectiveness:

* + - 1. The National Child Traumatic Stress Network (NCTSN) (see <http://learn.nctsn.org/login/index.php>)
      2. Cognitive Behavioral Therapy for Psychosis (see the [UW Spirit Lab](https://uwspiritlab.org/cognitive-behavioral-therapy-for-psychosis-cbtp/))
      3. Extracurricular activities and employment
      4. Functional Family Therapy
      5. Healing groups
      6. Mindfulness Therapy
      7. Motivational Interviewing
      8. Project KEEP
      9. Trauma-focused Cognitive Behavioral Therapy (TF-CBT)
  1. Reporting.

2.9.1 Contractor will develop and maintain a DFPS approved tracking system to record and document DFPS’ referrals and discharges that include, but is not limited to the following:

1. Date and time of referral;
2. Date of placement;
3. Number of paid days in the TFFC program;
4. Progress made during treatment (CANS at discharge);
5. Reasons for discharge from the program; and
6. Next placement type.

2.9.2 Contractor will submit referral and discharge tracking system records to designated DFPS Contract Manager every March 15th and September 15th.

2.9.3 Contractor agrees to comply with DFPS reporting requirements in Requirements, unless otherwise noted as an exception in TFFC SSCPs.

* 1. Service Level Monitor
     1. DFPS Service Level Monitoring will be completed annually for contract compliance to evaluate the level of services that are being provided by the Contractor. The Service Level Monitoring will be conducted by a DFPS 3rd Party Service Level Reviewer. The Contractor will receive written notification of the outcome of the assessment.
     2. When deficiencies are identified, the Contractor has 30 calendar days for correction beginning with the date that the written notification to the Contractor of not meeting the contracted requirements.
     3. If correction is not achieved within 30 calendar days of correction period, the Service Level Monitor will issue a final letter indicating the Contractor’s non-compliance with the Service Levels.
     4. DFPS will issue written notification to the Contractor of actions needed.
     5. DFPS will notify the Contractor in writing of acceptance of corrections.
  2. Organization and Personnel Qualifications
     1. Contractor must comply with organization and personnel qualifications in the CCR Minimum Standards.
     2. Throughout a Contract Term, The Contractor:
     3. Must timely provide all updates to its Persons in a Key Position list that it submitted in its completed Application to DFPS (see Section 7).
     4. Agrees to immediately notify DFPS in writing when it becomes aware that a Person in a Key Position has received an RTB as a result of an Abuse or Neglect Investigation.
     5. After receiving notification, but not later than 24 hours, Contractor will remove an ineligible Person in a Key Position from providing any services to DFPS children.
     6. Within 48 hours of removal, Contractor will notify DFPS in writing of the removal.
     7. Failure to comply can result in a contract action up to and including termination.
  3. Background Checks

In addition to complying with the UTCs Section VII (C), anyone who is a Principal or has access to the financial operations of the organization, needs to submit Forms 2970c and 2971c (See Section 7).

* 1. Performance Measures

The Contractor must comply with the Performance Measures in Section 6.

* 1. Subcontractors

In addition to complying with the UTCs (See Section VII (T)), the Contractor is required to submit [2033RCC](https://www.dfps.state.tx.us/Application/Forms/showFile.aspx?Name=2033RCC.xls) (Subcontractor Documentation Form) annually, regardless of if the Contractor uses subcontractors to provide direct delivery and management services under this Contract.

If Subcontractors are used, then the Contractor will list all of them. If no subcontractors are used, then the Contractor will indicate such.

# UTILIZATION AND PAYMENT

* 1. Utilization

DFPS does not guarantee any minimum level of utilization or specific number of referrals. Actual utilizations will vary according to the needs of DFPS, children, and DFPS budgetary allocations and is at the discretion of DFPS.

* 1. Payment
     1. DFPS will pay the Contractor the Service Level daily rate (See Subsection 3.3) for each child placed by DFPS and receiving services in accordance with the CPOS (including Permanency Planning goals) and Section 2.2.1.
     2. DFPS is not obligated to pay for unauthorized services or to pay more than the daily rate.
     3. DFPS will only authorize payments to be made to the Contractor after deducting any known previous overpayment made by the DFPS to the Contractor.
     4. DFPS will pay for the calendar day of placement, but not for the calendar day of discharge. If the child is discharged on the day of placement, the Contractor will not be reimbursed for that day.
     5. DFPS will provide the Contractor notice in writing at least 30 calendar days prior to the effective date of any change that affects payments to the Contractor.
     6. Contractor will not be paid for services provided without a Form 2085FC or outside of the date range on the Form 2085FC.
     7. The Contractor will not be reimbursed for vandalism or damage caused by deliberate acts of destruction by a child placed with the Contractor.
     8. If a child is away from the Contractor’s Facility without prior authorization and if the Caseworker or the Caseworker’s supervisors and the Contractor agree in writing that the child should return to the Facility, then the Contractor may keep the placement open for the child.

1. Reimbursement will be in accordance with 40 TAC §700.323, for up to 14 days of foster care in the following circumstances:
   1. Psychiatric hospitalization;
   2. Medical facility hospitalization;
   3. Runaway;
   4. Unauthorized placement;
   5. Temporary placement/visit in own home;
   6. Locked facility, jail, juvenile detention center; or
   7. Short-term substance abuse placement.
2. To receive payment, the Contractor must also:
   1. Give emotional support to the child (via active participation in the child’s treatment while hospitalized);
   2. Meet the child's concrete needs (providing clothing, etc.);
   3. Have frequent face-to-face contact with the child on a regular basis (being physically present with the child at the hospital as required by some medical facilities, etc.);
   4. Facilitate family visits, as appropriate; and
   5. Communicate with the medical facility care team regarding the child’s progress and discharge plan.
      1. DFPS will not reimburse the Contractor for days of foster care when the child resides in the following:
   6. Psychiatric hospital once acute care ends;
   7. Nursing home placement;
   8. Intermediate care facilities for persons with intellectual developmental disabilities (ICFIDD);
   9. State Supported Living Centers (SSLC);
   10. Placed with a non-licensed relative caregiver;
   11. Pre-consummated adoptive placement;
   12. Texas Juvenile Justice Department facility; or
   13. Texas State Hospitals.
   14. Fee Schedule
       1. Daily Rate.
3. DFPS will pay TFFC Contractor for services at the per diem Daily Rate of $277.37 with a Minimum Pass Through Rate of $137.52 per day and CPA retainage rate of $139.85. For more information about Daily Rates see <http://www.dfps.state.tx.us/Doing_Business/Purchased_Client_Services/Residential_Child_Care_Contracts/Rates/default.asp>
4. For Minimum Pass Through Rate Funds, the Contractor must:
5. Hold, maintain, manage, and account for such funds in a fiduciary capacity, without limitation because such funds are held for the sole purpose of disbursement by the Contractor to the applicable Foster Parents;
6. Not directly, indirectly, or collaterally pledge, assign, or otherwise attach, without limitation, as security or collateral to any financial instrument or other obligation any such funds that the Contractor has received, will receive, or may receive under this Contract; and
7. Disburse such funds only to the applicable Foster Parents not later than ten days after the date such funds are received by the Contractor.
   * 1. Supplemental Daily Rate. Effective September 1, 2021 through August 31, 2023, DFPS will pay Contractor a Supplemental Daily Rate for each child in a TFFC placement a daily rate of $31.90, in addition to the Rates in Section 3.3.1.

The Supplemental Daily Rate does not impact the amount of Foster Parent Minimum Reimbursement Funds currently paid to foster families. These minimum pass through amounts remain unchanged for all service level

* 1. Invoicing Process

Contractors are not required to submit invoices to receive payment. Payment is based on the child's placement and Service Level information. Once approved by DFPS regional billing staff, invoices are automatically generated monthly through DFPS’ IMPACT System.

# INFORMAITON AND SUBMISSION INSTRUCTIONS

* 1. Open Enrollment Cancellation/Partial Award/Non-Award

At its sole discretion, DFPS may cancel this Open Enrollment, make partial award, or no awards.

* 1. Right to Reject Applications or Portions of Applications

At its sole discretion, DFPS may reject any and all responses or portions thereof.

* 1. Joint Applications

DFPS will not consider joint or collaborative Applications that require it to contract with more than one Applicant in a single contract.

* 1. Withdrawal of Applications

Applicants have the right to withdraw their Application from consideration at any time prior to Contract award, by submitting a written request for withdrawal to the DFPS Point of Contact in Section 1.2.

* 1. Cost Incurred

Applicants understand that issuance of this Open Enrollment in no way constitutes a commitment by DFPS to award a Contract or to pay any costs incurred by an Applicant in the preparation of an application to this Open Enrollment. DFPS is not liable for any costs incurred by an Applicant prior to issuance of, or entering into a formal agreement, Contract, or purchase order. Costs of developing applications, preparing for or participating in oral presentations and site visits, or any other similar expenses incurred by an Applicant are entirely the responsibility of the Applicant, and will not be reimbursed in any manner by the State of Texas.

* 1. Application Submission Instructions

Application will submit all contract application files and documents to [DFPS24HourResidentialApplications@dfps.texas.gov](mailto:DFPS24HourResidentialApplications@dfps.texas.gov).

* 1. Organization of Electronic Submission of Application

Applicant must organize its scanned and signed Application as provided for in Section 7. Each electronic copy of the Application packet must include all folders with the respective listed documents included and the documents must be in order and numbered and labeled accordingly.

# APPLICATION ELIGIBILITY DETERMINATION

* 1. Initial Compliance Screening

DFPS will perform an initial screening of all Applications received, including past business history, practices, and conduct. Unsigned Applications and Applications that do not include all required forms and sections are subject to rejection without further evaluation.

If the Application passes the initial screening, the Point of Contact will notify the Applicant of the Contract Manager assigned to review the application. The Contract Manager will contact the applicant within ten days of being assigned the application and will be the point of contact thereafter.

* 1. Unresponsive Applicants

If an Application is determined to be unresponsive while this Open Enrollment is still open, the Applicant may submit another separate and complete Application.

Unless Applicant has withdrawn the Application for this Open Enrollment, an Application will be considered unresponsive and will not be considered further when any of the following occurs.

* + 1. The Applicant fails to meet Open Enrollment specifications, including failure to submit required Application, supporting documentation, forms, not eligible under Section 1.5 or does not accept payment rates in Section 3.3.
    2. The Application is not signed.
    3. The Applicant’s response is not clearly legible. Electronic is preferred.
    4. The Application is not received while the Open Enrollment is posted to the HHS Enrollment site.
    5. The Applicant does not have an HHS Child Care License within 60 calendar days after submitting the Application.
  1. Correction to Application

Applicants have the right to amend their Application at any time prior to an unresponsive decision or Contract award decision by submitting a written amendment to the DFPS Contract Manager assigned to review the application. DFPS may request modifications to the Application at any time and the Applicant will submit it to the DFPS requestor.

* 1. Additional Information

By submitting an Application, the Applicant grants DFPS the right to obtain information from any lawful source regarding the Applicant, its directors, officers, and employees:

* + 1. Past business history, practices, and conduct;
    2. Ability to provide the services to meet the needs of the children for whom the services are being purchased; and
    3. Indicators of probable Contractor performance under the contract such as Contractor performance, the Contractor’s financial resources ability to perform, and the Contractor’s experience and responsibility.
  1. Debriefing

Any Applicant who is not awarded a Contract may request a debriefing by submitting a written request to the DFPS Point of Contact in Section 1.2. The debriefing provides information to the Applicant on the strengths and weaknesses of their Application.

# PERFORMANCE MEASURES

|  |
| --- |
| **OUTPUT #1:** **Children in care are provided required cans assessments.** |
| **Performance Period:** Contractor performance for this outcome is determined for one or more of the following Performance Periods, wholly or partially, depending on the contract start and end dates: September 1 through November 30; December 1 through February 28/29; March 1 through May 31; and June 1 through August 31. |
| **Indicator:** The percentage of children exiting the contractor’s care who have had all of their required CANS assessments. |
| **Target:**  90% |
| **Purpose:** To measure the Contractor's ability to coordinate and provide all of the required CANS assessments to children in their care. |
| **Data Source:** Information Management Protecting Adults and Children in Texas (IMPACT) & eCANS |
| **Methodology:**  The denominator is the number of children who have exited the contractor’s care during the performance period. The numerator is the number of those children in the denominator who have all of their required CANS assessments during their placement with the contractor. The numerator is divided by the denominator, multiplied by 100 and stated as a percentage |

|  |
| --- |
| **OUTCOME #1:** **children are safe in care** |
| **Performance Period:** Contractor performance for this outcome is determined for one or more of the following Performance Periods, wholly or partially, depending on the contract start and end dates: September 1 through November 30; December 1 through February 28/29; March 1 through May 31; and June 1 through August 31. |
| **Indicator:** Percent of Children who do not experience a validated incidence of abuse, neglect or exploitation while in Treatment Foster Family Care. |
| **Target:**  100% |
| **Purpose:** To evaluate the Contractor's success protecting Children in its care. |
| **Data Source:** Information Management Protecting Adults and Children in Texas (IMPACT) |
| **Methodology:**  The denominator is the total number of Children in DFPS managing conservatorship placed with a Treatment Foster Family Care Provider during the Performance Period. The numerator is the number of Children reported in the denominator who were Designated Victims as determined by a Residential Child‐Care Licensing (RCCL) investigation with a disposition of RTB. Divide the numerator by the denominator. Subtract the result from one (1) to give the complimentary "Children not Designated Victims" measurement. Multiply by 100 and state as a percentage. |

|  |
| --- |
| **OUTCOME #2a:** **children are successfully transitioned from treatment foster family care.** |
| **Performance Period:** Contractor performance for this outcome is reported bi‐annually and determined annually for one or more of the following Performance Periods, wholly or partially, depending on the contract start and end dates: September 1 through February 28/29 and March 1 through August 31. |
| **Indicator:** Percentage of children who have not entered a more restrictive placement during their initial transition from Treatment Foster Family Care. |
| **Target:**  54.6% |
| **Purpose:** To evaluate Contractor's effectiveness of successfully in transitioning children in care into a less restrictive, positive placement. |
| **Data Source:** Information Management Protecting Adults and Children in Texas (IMPACT) |
| **Methodology:**  The denominator is the total number of children that have transitioned out of Treatment Foster Family Care during the performance period. The numerator is the total number of children in the denominator that have had an initial transition into a less restrictive placement. Divide the numerator by the denominator and state as a percentage.  Less restrictive placement includes:   * Placement with parent (reunification) * Adoptive placement * Foster family home * Kinship caregiver |

|  |
| --- |
| **OUTCOME #2b:** **children who have been successfully stabilized in treatment foster family care remains stabilized.** |
| **Performance Period:** Contractor performance for this outcome is reported bi‐annually and determined annually for one or more of the following Performance Periods, wholly or partially, depending on the contract start and end dates: September 1 through February 28/29 and March 1 through August 31. |
| **Indicator:** The percentage of children who have not entered a more restrictive environment for a period of 6 months after their initial transition from Treatment Foster Family Care. |
| **Target:**  74.3% |
| **Purpose:** To evaluate Contractor's effectiveness in providing long‐term stability to children who have successfully transitioned from Treatment Foster Family Care. |
| **Data Source:** Information Management Protecting Adults and Children in Texas (IMPACT) |
| **Methodology:**  The denominator is the number of children who have successfully transitioned from the contractor’s care into a less restrictive placement for a period of 6 months, anytime during the performance period. The numerator is the number of those children in the denominator who have remained in a less restrictive placement during that 6-month period. The numerator is divided by the denominator, multiplied by 100 and stated as a percentage.  Less restrictive placement includes:   * Placement with parent (reunification) * Adoptive placement * Foster family home * Kinship caregiver |

|  |
| --- |
| **OUTCOME #3:** **children IN CARE SHOW IMPROVED WELL-BEING (AS DEMONSTRATED THROUGH CANS ASSESSMENT).** |
| **Performance Period:** Contractor performance for this outcome is determined for one or more of the following Performance Periods, wholly or partially, depending on the contract start and end dates: September 1 through November 30; December 1 through February 28/29; March 1 through May 31; and June 1 through August 31. |
| **Indicator:** The percentage of the contractor’s overall improvement from pre to post CANS assessment for all children who have exited the contractor’s care. |
| **Target:**  74.3% |
| **Purpose:** To evaluate Contractor's effectiveness in reducing the level of need of children in their care. |
| **Data Source:** Information Management Protecting Adults and Children in Texas (IMPACT) & eCANS |
| **Methodology:**  The denominator is the sum of the CANS entry assessments of all the Children who have been discharged from the contractors care during the performance period. The numerator is the sum of the CANS exit or most recent assessment of all of the Children in the denominator. Subtract the numerator from the denominator and divide the resulting difference by the denominator. Take the result, multiply by 100 and express as a percentage. A negative percentage shows an overall increase in level of need. |

# TFFC OPEN ENROLLMENT APPLICATION

To apply for this Open Enrollment, Applicant will complete this TFFC Open Enrollment Application and submit it to DFPS in accordance with Section 4.

The Application can be accessed online at HHS Open Enrollment Opportunity (see Section 1.3) - [HHS0012375 | Resources](https://resources.hhs.texas.gov/open-enrollment/hhs0012375)