



**TEXAS**  
**Health and Human Services**

**Dr. Courtney N. Phillips, Executive Commissioner**

**Request for Applications (RFA)  
For**

**Consumer Managed Personal Attendant  
Services (CMPAS) Program**

**RFA No. HHS0001339**

**Date of Release: Wednesday, April 3, 2019**  
**Responses Due: Wednesday, April 24, 2019 by 2 P.M. Central  
Time**

**NIGP Class/Item Code:  
952-68 Personal Care Services**

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# ARTICLE I. EXECUTIVE SUMMARY, DEFINITIONS, AND AUTHORITY

## 1.1 EXECUTIVE SUMMARY

Services must be provided in accordance with the specifications contained in this request for applications (RFA) and in compliance with this CMPAS RFA's **Exhibit C, Contract Requirements**.

To be considered for selection as a Successful Respondent, a Respondent must execute **Exhibit A, Affirmations and Solicitation Acceptance**, of this Solicitation and provide all other required information and documentation as set forth in this Solicitation.

## 1.2 DEFINITIONS

As used in this Solicitation, unless the context clearly indicates otherwise, the following terms and conditions have the meanings assigned below. Refer to **Exhibit B, HHSC Uniform Terms and Conditions - Grant** for additional definitions.

**“Addendum”** means a written clarification or revision to this Solicitation issued by HHSC.

**“Apparent Awardee”** means a Respondent that has been preliminarily selected as a potential grant recipient through response to this RFA but has not yet executed a grant agreement or contract. May also be referred to as **“Apparent Grantee.”**

**“Consumer”** means a member of the target population to be served by the Respondent's organization.

**“HHS Grants Website”** means the website where HHSC announces the availability of grant funds. The HHS Grants Website may currently be accessed at <https://apps.hhs.texas.gov/pcs/rfa.cfm>.

**“Health and Human Services Commission”** or **“HHSC”** means the administrative agency established under Chapter 531, Texas Government Code, or a designee of that agency.

**“Home and Community Support Services Agency”** or **“HCSSA”** means an individual, corporation, or association that provides home health, hospice, habilitation, or personal assistance services for pay or other consideration in a client's residence, an independent living environment, or another appropriate location.

**“Personal Assistance Services (PAS)”** means routine ongoing care or services required by a consumer in a residence or independent living environment that enables the consumer to engage in the activities of daily living or to preform functions required for independent living, including respite services. The term includes the services and tasks described in Title 40, Texas Administrative Code Part I, Chapter 97, Subchapter A, Rule §97.2(87).

**“Procurement Library”** means the procurement file or folder that houses the procurement documents.

**“Project”** means specific activities of the Grantee that are supported by funds provided under a Contract resulting from this Solicitation.

**“Respondent”** means the entity responding to this Solicitation. May also be referred to in that context as **“Applicant.”**

**“Solicitation” or “RFA”** means this document, including its exhibits and any Addenda.

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

**“Successful Respondent”** means an entity that is selected as an Apparent Awardee and executes a contract to receive a grant award as a result of this RFA. May also be referred to as **“Grantee,” “Subrecipient,” or “Grant Recipient.”**

### **1.3 AUTHORITY**

HHSC is soliciting the services listed herein pursuant to Texas Government Code Section 531.051, Human Resources Code Section 161.071, Title XX, Social Security Act, 42 United States Code Sections 1397-1397f, and in accordance with Title 40, Texas Administrative Code Part 1, Chapter 44.

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## **ARTICLE II. SCOPE OF GRANT AWARD**

### **2.1 PROGRAM BACKGROUND**

HHSC's mission is to improve the health, safety and well-being of Texans with good stewardship of public resources. HHSC seeks qualified Respondent(s) to provide services within the regions currently served by CMPAS as referenced within **Section 2.5** below. HHSC's fundamental commitment is to contract for results. HHSC defines a successful result as the generation of defined, measurable, and beneficial outcomes that satisfy the Contract requirements and support the HHSC mission and objectives. This RFA describes what is required of the Respondent in terms of services, Deliverables, and performance requirements.

CMPAS serves Consumers who do not meet income and resource eligibility requirements for Medicaid-funded personal assistance programs. The goal of the CMPAS Program is for Consumers to receive needed assistance with personal care and support in performing daily living activities. This results in Consumers remaining independent and able to pursue goals, such as employment, pursuing educational opportunities, and eliminating and delaying the need for institutionalization or other more restrictive and costly care.

### **2.2 GRANT AWARD AND TERM**

#### **2.2.1 Available Funding**

The total amount of funding available for all Contracts award under the CMPAS Program is **\$6,484,210.00** per State Fiscal Year, with a projected maximum five-year budget total of \$32,421,050. It is HHSC's intention to make multiple award(s), based upon the most qualified Respondent(s) to this RFA.

Grants awarded as a result of this RFA will be funded on a cost reimbursement basis. Under the cost reimbursement method of funding, Grant Recipients are required to finance operations with their own working capital, with grant payments made by HHSC to reimburse the Grant Recipients for actual cash disbursements supported by adequate documentation.

#### **2.2.2 Grant Term**

It is anticipated that the initial grant period for any Contract awarded under this Solicitation will begin September 1, 2019 and continue through August 31, 2021. Subject to the availability of funds, HHSC, at its sole discretion, may extend this Contract for any period(s) of time, provided the Contract term, including all extensions or renewals, does not exceed five (5) years. Notwithstanding the limitation in the preceding sentence, HHSC, at its sole discretion, also may extend the Contract beyond five years as necessary to ensure continuity of service, for purposes of transition, or as otherwise determined by HHSC to serve the best interest of the State.

Reimbursement will only be made for those allowable expenses that occur within the term of the grant. No pre-award spending will be allowed.

### 2.3 ELIGIBLE RESPONDENTS

To be eligible to apply for a grant, a Respondent must be a Home and Community Support Services Agency, as defined in Health and Safety Code Section 142.001(12) and Title 40 Texas Administrative Code Part I, Chapter 97, Subchapter A, Rule §97.2(50), that holds a HCSSA license issued by HHSC in the PAS category of licensure and provides personal assistance services to Consumers who have physical disabilities.

HHSC will only contract with an entity which holds a current HCSSA license issued by HHSC in the PAS licensure category. Respondents are required to provide proof of a current PAS license at the time of application.

### 2.4 PROGRAM REQUIREMENTS

To meet the mission and objectives of the CMPAS program, Grantees must be in compliance with the requirements of this CMPAS RFA's **Exhibit C, Contract Requirements**- Respondents must demonstrate compliance with the requirements relating to unlicensed personnel as set forth in 40 TAC Part 1, Chapter 97, Subchapter C, Division 3, §97.247 (relating to Verification of Employability and Use of Unlicensed Persons) and the requirements of Texas Health and Safety Code Chapter 250, concerning nurse aid registry and criminal history checks.

### 2.5 SCOPE

HHSC seeks qualified Respondent(s) to provide services under the CMPAS Program.

The Successful Respondent must provide all necessary personnel, supplies, and services, in accordance with the terms identified within the Contract and **Exhibit C, Contract Requirements** a Respondent may submit an Application to provide CMPAS in one or multiple service areas.

The Successful Respondent must, at a minimum, continue to provide CMPAS Consumers with current CMPAS services as described in **Exhibit C, Contract Requirements**.

As of October 25, 2018, the CMPAS program has a total of 381 Consumers located in the following HHSC regions:

HHSC Regions	Counties Served	Current Number of Consumers
Region 01	Lubbock, Potter and Randall	9

Region 03	Collin, Cooke, Dallas, Denton, Ellis, Erath, Fannin, Grayson, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Tarrant and Wise	50
Region 05	Angelina, Hardin, Houston, Jasper, Jefferson, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity and Tyler	40
Region 06	Fort Bend, Harris, Montgomery, Wharton	58
Region 07	Travis and Williamson	35
Region 08	Atascosa, Bexar, Comal, Guadalupe, Kendall, Medina and Wilson	106
Region 10	El Paso	43
Region 11	Aransas, Bee, Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, Live Oak, McMullen, Nueces, Refugio, San Patricio, Starr, Webb, Willacy, Zapata	40

Respondents must address the Eligibility Determination, Annual Eligibility Reassessment, Individualized Service Plan, Suspension or Termination of Services, and Service Delivery Requirements in **Exhibit C, Contract Requirements**, which outline the requirements of the Grantee if a Contract is awarded.

### **2.5.1 Contract Monitoring Requirements and Questionnaire**

A Successful Respondent must comply with all applicable cost principles, audit and contract monitoring, and administrative requirements in accordance with Contract, contract management guidelines, and state and federal regulations.

To ensure compliance with these requirements, HHSC utilizes a risk-based contract monitoring process. **Exhibit D, Contract Monitoring Questionnaire** (CMQ), is part of the risk-based contract monitoring process and provides detailed information to HHSC regarding the Successful Respondent’s internal and financial controls and other general contracting processes.

The Successful Respondent shall submit an initial CMQ within thirty (30) calendar days after Contract execution and an annual CMQ to certify controls thereafter within sixty (60) calendar days prior to the end of each State Fiscal Year.

## **2.6 KEY PERFORMANCE REQUIREMENTS**

HHSC will monitor the performance of Contracts awarded under this RFA. All services and Deliverables under the Contract(s) must be provided at an acceptable quality level and



in a manner consistent with acceptable standards, custom, and practice. The Successful Respondent must ensure services are provided at least at the level established for CMPAS approved minimum goals and outcomes. The Successful Respondent must report on key performance requirements and outcomes in accordance to the quality and performance outlined within **Exhibit E, Key Performance Requirements (KPR)**, and **Exhibit F, Deliverables** and outlined below:

- A. All services and Deliverables provided under any agreement must be provided in a manner consistent with the standards of quality and integrity as outlined in the agreement, the Solicitation, and the Successful Respondent's proposal.
- B. All services and Deliverables must meet or exceed the required level of performance specified in or under any agreement, and must meet or exceed HHSC's mission and objectives, as set forth in the Solicitation.
- C. The Successful Respondent must perform the services in a quality manner, in accordance with best practices and high professional standards used in well-managed operations performing services similar to the services described in the agreement.

HHSC's formal communication process will be utilized for the submission of all KPRs and Deliverable reports. HHSC provides comments and approval of each report provided in support of this agreement via the formal communication process see Exhibit C, Contract Requirement, Section 2, concerning Formal Communication.

## **2.7 PROHIBITIONS**

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

- A. Inherently religious activities such as prayer, worship, religious instruction, or proselytization;
- B. Lobbying;
- C. Any portion of the salary of, or any other compensation for, an elected or appointed government official;
- D. Vehicles or equipment for government agencies that are for general agency use and/or do not have a clear nexus to terrorism prevention, interdiction, and disruption (e.g., mobile data terminals, body cameras, in-car video systems, or radar units, for officers assigned to routine patrol);
- E. Weapons, ammunition, tracked armored vehicles, weaponized vehicles or explosives (exceptions may be granted when explosives are used for bomb squad training);
- F. Costs of entertainment, including amusement, diversion, and social activities and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities) are unallowable, 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. Promotional gifts;
- H. Membership dues for individuals;

- I. Any expense or service that is readily available at no cost to the grant Project;
- J. Replacement or supplanting of funds that have been budgeted for the same purpose through non-grant sources;
- K. Fundraising; and
- L. Any other prohibition imposed by federal, state, or local law.

As an exception, travel costs are allowable for expenses for transportation, lodging, subsistence, and related items incurred by employees traveling on official business. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip, and results in charges consistent with those normally allowed in like circumstances in non-federally-and non-state-sponsored activities unless state law prescribes otherwise.

## 2.8 STANDARDS

A Successful Respondent must comply with the requirements applicable to this funding source cited in the *Uniform Grant Management Standards* (UGMS), Texas Comptroller of Public Accounts, and all statutes, requirements, and guidelines applicable to this funding.

A Successful Respondent is required to conduct contract activities in accordance with federal and state laws prohibiting discrimination. Guidance for adhering to non-discrimination requirements can be found on the HHSC Civil Rights Office website at <https://hhs.texas.gov/about-hhs/your-rights/civil-rights-office/requirements-contractors>.

Upon request, a Successful Respondent must provide the HHSC Civil Rights Office with copies of all of its civil rights policies and procedures. A Successful Respondent must notify HHSC's Civil Rights Office of any civil rights complaints received relating to performance under the Contract no more than ten (10) calendar days after receipt of the complaint. Notice must be directed to:

HHSC Civil Rights Office  
701 W. 51st Street, Mail Code W206  
Austin, TX 78751  
Phone Toll Free (888) 388-6332  
Phone: (512) 438-4313  
TTY Toll Free (877) 432-7232  
Fax: (512) 438-5885

A Successful Respondent must ensure that its policies do not have the effect of excluding or limiting the participation of persons in its programs, benefits or activities on the basis of national origin, and must take reasonable steps to provide services and information, both orally and in writing, in appropriate languages other than English, in order to ensure that persons with limited English proficiency are effectively informed and can have meaningful access to programs, benefits, and activities.

A Successful Respondent must comply with Executive Order 13279, as amended by Executive Orders 13559 and 13831, and its implementing regulations at 7 CFR Part 16 or 45 CFR Part 87, as applicable, which provide that any organization that participates in programs funded by direct financial assistance from the U.S. Department of Agriculture or U.S. Department of Health and Human Services must not, in providing services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.

## **2.9 DATA USE AGREEMENT**

All Respondents must complete **Exhibit G, Data Use Agreement (DUA)**, pursuant to which Respondent agrees, if Respondent becomes a Grantee, to be bound by its Contract with HHSC as a result of this Solicitation to the terms throughout the exhibit. Respondents must also complete **Exhibit G-1, Attachment 2 to DUA--Security and Privacy Inquiry (SPI)**.

## **2.10 NO GUARANTEE OF VOLUME, USAGE OR COMPENSATION**

HHSC makes no guarantee of volume, usage, or total compensation to be paid to any Applicant who becomes a Successful Respondent under any grant awarded by Contract as a result of this Solicitation. Any grant agreement is subject to appropriations and the continuing availability of funds.

HHSC reserves the right to cancel, make partial award, or decline to award a grant under this Solicitation at any time at its sole discretion.

An Applicant should have no expectation of additional or continued funding if it becomes a Grant Recipient. A Successful Respondent may be required to submit an application through a subsequent RFA to apply for any additional funding or future funding.

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## ARTICLE III. ADMINISTRATIVE INFORMATION

### 3.1 SCHEDULE OF EVENTS

EVENT	DATE/TIME
Solicitation Release Date	Wednesday, April 3, 2019
Respondent Conference ( <b>Mandatory</b> ) <b>A Respondent who does not attend the conference is automatically disqualified.</b>	Thursday, April 11, 2019 at 1:00PM CT
Deadline for Submitting Questions	Thursday, April 18, 2019 at 2:00 PM CT
Answers to Questions Posted	Friday, April 19, 2019
<b>Deadline for submission of Solicitation Responses [NOTE: Responses must be RECEIVED by HHSC by the deadline.]</b>	Wednesday, April 24, 2019 at 2:00 PM CT
Anticipated Notice of Award	August 31, 2019
Anticipated Contract Start Date	September 1, 2019

**Note:** These dates are a tentative schedule of events. HHSC reserves the right to modify these dates at any time upon notice posted to the HHS Grants website. Any dates listed after the Solicitation Response deadline will occur at the discretion of HHSC and may occur earlier or later than scheduled without notification on the HHS Grant website.

### 3.2 CHANGES, AMENDMENT OR MODIFICATION TO SOLICITATION

HHSC reserves the right to change, amend, or modify any provision of this Solicitation, or to withdraw this Solicitation, at any time prior to executing a grant agreement, if it is in the best interest of HHSC. HHSC will post any amendment on the HHS Grants website as an Addendum. It is the responsibility of the Respondent to periodically check the HHS Grants website to ensure full compliance with the requirements of this Solicitation. All posted Addendum must be printed, signed, and submitted with an Applicant's Solicitation Response.

### 3.3 IRREGULARITIES

A Respondent must use the Point of Contact listed in **Section 3.4.1** to bring any irregularities or lack of clarity in this Solicitation, to the attention of HHSC. Contacting the Point of Contact as soon as possible after Respondent identifies any irregularity or lack of clarity in the RFA enables HHSC to furnish corrective addenda to prospective Respondents.

### 3.4 INQUIRIES

### 3.4.1 Point of Contact

Applicants must make all requests, questions, or other communication about this Solicitation in writing to HHSC's Point of Contact listed below. All communications between a Respondent and other HHSC staff members concerning the Solicitation are strictly prohibited, unless authorized or directed elsewhere in this RFA. **Failure to comply with these requirements may result in disqualification of Respondent's Solicitation Response.**

Name: Michele Rivers, CTCD, CTCM  
Title: Procurement Project Manager  
Address: 1100 West 49<sup>th</sup> Street, Austin, TX 78756  
Phone: (512) 406-2449  
Email: [Michele.Rivers@hhsc.state.tx.us](mailto:Michele.Rivers@hhsc.state.tx.us)

### 3.4.2 Prohibited Communications

A Respondent may not rely on any prohibited communication between Respondent and an HHSC staff member who is not the Point of Contact concerning the Solicitation. Respondents must send all questions or other communications to the Point of Contact. This restriction does not apply to discussions between affected parties for the purposes of conducting business unrelated to this Solicitation. **Failure to comply with these requirements may result in disqualification of Respondent's Solicitation Response.**

### 3.4.3 Questions

Respondents may submit written questions or requests for clarification relating to this Solicitation to the Point of Contact listed designated in **Section 3.4.1**. Questions must be submitted in writing and sent by U.S. First class mail or email to the Point of Contact. Respondents' names will be removed from questions in any responses released. Questions must be submitted in the following format. A submission that deviates from this format may not be accepted:

- A. Identifying Solicitation number
- B. Section number
- C. Paragraph number
- D. Page number
- E. Text of passage being questioned
- F. Question

**Note: Questions or other written requests for clarification must be received by the Point of Contact by the deadline set forth in Section 3.1 above. Please provide entity name, address, phone number, fax number, e-mail address, and name of contact person when submitting questions.**

#### **3.4.4 Clarification request made by Respondent**

Respondents must notify the Point of Contact of any ambiguity, conflict, discrepancy, exclusionary specifications, omission, or other error in the Solicitation in the manner required, and by the deadline, for submitting questions.

#### **3.4.5 Responses**

HHSC will post responses to questions or other written requests for clarification on the HHS Grant website. HHSC reserves the right to amend answers prior to the deadline of Solicitation Responses. HHSC will post amended answers on the HHS Grant website. It is Respondent's responsibility to check the HHS Grant website or contact the Point of Contact for updated responses. HHSC also reserves the right, in its sole discretion, to provide a single consolidated response to all similar questions.

#### **3.4.6 Mandatory Respondent Conference**

HHSC will conduct a conference for Respondents on April 11, 2019 at 1:00 PM AM Central Time. The respondent conference is **mandatory. A Respondent who does not attend the conference is automatically disqualified.**

To participate in the webinar, Respondents must register at <https://attendee.gotowebinar.com/register/3899293041441914882>. Respondents which register and log onto the conference will be included in the Attendee Sign-in Sheet. The Attendee Sign-in Sheet will be posted on the HHS Grant site with the questions and answers.

Webinar ID: 249-968-403

##### Audio

Participants can use their telephone or computer mic and speakers (VoIP).

+1 (562) 247-8321

Access Code: 879-684-574

### **3.5 SOLICITATION RESPONSE COMPOSITION**

#### **3.5.1 Generally**

All applications must be:

- A. Clearly legible;

- B. Sequentially page-numbered and include the Respondents name at the top of each page;
- C. Organized in the sequence outlined in **Article IX - Submission Checklist**;
- D. In Arial or Times New Roman font, size 12 or larger, for normal text, and no less than size 10 for tables, graphs, and appendices;
- E. Submitted with the blank forms provided in the exhibits completed. Forms may be electronically reproduced. However, all forms completed for submission must be identical to the original form(s) provided. Do not change the text or font used in forms provided;
- F. Correctly identified with the RFA number and submittal deadline;
- G. Responsive to all RFA requirements; and
- H. Signed by an authorized official in each place a signature is needed. Copies required under **Article IX** must be signed but need not bear an original signature.

### **3.5.2 Submission in Separate Parts**

- A. Narrative Proposal
- B. Required Respondent Information
- C. Expenditure Proposal

Paper documents (i.e., the original and all hard copies) must be separated by parts. Electronic submissions must be separated by electronic medium used for submission (i.e., flash drive).

The entire RFA Response – all separated paper documents and electronic copies – must then be submitted in one package to HHSC at the address listed in Section 3.6.3. The number of copies and directions for submitting an "Original" and "Copies" are outlined in Article IX.

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## **ARTICLE IV. SOLICITATION RESPONSE EVALUATION AND AWARD PROCESS**

### **4.1 GENERALLY**

A three-step selection process will be used:

- A. Eligibility screening;
- B. Evaluation based upon specific selection criteria; and
- C. Final Selection based upon State priorities.

### **4.2 ELIGIBILITY SCREENING**

Applications will be reviewed for minimum qualifications and completeness. All complete applications meeting the minimum qualifications will move to the evaluation stage. A Solicitation Response must appear realistic in terms of technical commitment, show technical competence, and indicate comprehension of the risk and complexity of a potential contract.

### **4.3 MINIMUM QUALIFICATIONS**

Respondents must meet the minimum qualifications listed below.

- A. Respondents must be licensed and have a current Texas Health and Human Services Home and Community Support Services Agency License in the PAS licensure category and must have recently been in business for a minimum of two (2) years, or the principals/owners must have had recent ownership/executive management experience in a previous company that provided PAS.
- B. Respondents must have demonstrated experience in PAS.
- C. Respondents must be financially solvent and adequately capitalized.
- D. Respondents must be authorized to do business in the State of Texas by being registered with the State Comptroller of Public Accounts and the Texas Secretary of State. See the following links: <https://comptroller.texas.gov/> and <https://www.sos.state.tx.us/>. If the Respondent is not currently a Financial Management Services Agency (FMSA), Respondent agrees to secure requisite training to function as an FMSA for those Consumers who choose the Consumer directed services option for CMPAS services.
- E. The Respondent's prior history must be in good standing with the State of Texas or with any other party, and may not reflect unsatisfactory performance, adversarial or contentious demeanor, or significant failure(s) to meet contractual obligations.



### 4.3 EVALUATION—SPECIFIC SELECTION CRITERIA

Grant applications are evaluated based upon:

	Criteria	Weight
1	Response demonstrates the Respondent's ability to administer the program in accordance with contract terms (RFA No. HHS0001339).	10%
2	Respondent demonstrates the ability to be responsible in providing accurate eligibility determination and assessment of Consumer's care needs under the CMPAS Program (RFA No. HHS0001339, Exhibit C: Contract Requirements, Section 4, Initial Eligibility Determination).	20%
3	Respondent demonstrates the ability to determine annual Consumer eligibility reassessments in an accurate and timely manner (RFA No. HHS0001339, Exhibit C: Contract Requirements, Section 5 Annual Eligibility Reassessment Requirement).	20%
4	Response demonstrates the Respondent's ability to meet all expenditure requirements as outlined in RFA, section 7.1, Expenditure Proposal, Exhibit <b><u>L Expenditure Proposal Template</u></b> , as necessary to support implementation of the Plan of Operation required under this CMPAS RFA Exhibit C: Contract Requirements, Section 11, Plan of Operation.	10%
5	Respondent demonstrates the ability to provide a detailed, quality approach in providing necessary service delivery to eligible Consumers (RFA No. HHS0001339, Exhibit C: Contract Requirements, Section 8, Service Delivery Requirements).	15%
6	Respondent demonstrates the ability to develop and maintain a written plan for developing and enhancing the performance of staff responsible for providing the CMPAS services to Consumers (RFA No. HHS0001339, Exhibit C: Contract Requirements, Section 13 Grantee Staff Development).	15%
7	Response demonstrates the Respondent's ability to meet CMPAS <b><u>Key Performance Requirements (KPR)</u></b> in Exhibit E and the <b><u>Deliverables</u></b> in Exhibit F.	10%

See also, **Exhibit H, Evaluation Tool**.

### 4.4 FINAL SELECTION

HHSC intends to make multiple awards. After initial screening for eligibility and application completeness and initial scoring of the elements listed above in **Section 4.3**, a selection committee will review all eligible Applications to determine which Respondent

Applications most effectively demonstrate an ability to meet HHSC selection criteria. The selection committee will recommend to the HHSC Executive Commissioner Apparent Awardees for grant(s) under this RFA No. HHS0001339. The HHSC Executive Commissioner determines the final Apparent Awardee(s).

#### **4.5 NEGOTIATION AND AWARD**

**In submitting its Solicitation Response, Respondent must specifically detail in writing on Exhibit I, Exception Form, any exceptions Respondent proposes to the requirements, terms, conditions, or certifications in the RFA, or to any exhibit, Addendum, or revision to the RFA or HHSC Uniform Terms and Conditions—Grant, Exhibit B. HHSC will not consider exceptions submitted separately from the Respondent’s Solicitation Response or at a later date. Respondent must submit any proposed exceptions to HHSC for consideration with Respondent’s Solicitation Response. HHSC will accept or reject each proposed exception.**

HHSC posts to the HHS Grants website (<https://apps.hhs.texas.gov/pes/rfa.cfm>) and may publicly announce a list of Apparent Awardees determined by the Executive Commissioner after she approves the initiation of Contract negotiation and, if negotiations are successful, Contract execution. This posting does not constitute HHSC’s agreement with all of the terms of any Respondent’s Solicitation Response and does not bind HHSC to enter into a Contract with any Apparent Awardee who is posted.

The specific dollar amount designated for each Apparent Grantee depends upon the merit and scope of the Application, the recommendation of the selection committee, and the decision of the Executive Commissioner. Not all Respondents who are deemed eligible to receive funds are guaranteed a Contract.

Contract negotiations will involve direct contact between the Successful Respondent and HHSC representatives. Contract negotiations typically include, but are not limited to, the following:

- A. An in-depth discussion of the submitted Application and budget; and
- B. Clarification requests and questions from HHSC regarding the submitted Application.

HHSC determines in its sole discretion the final funding amount and the Contract provisions to which it will agree.

#### **4.6 QUESTIONS OR REQUESTS FOR CLARIFICATION BY HHSC**

HHSC reserves the right to ask questions or request clarification from any Respondent at any time during the solicitation process. Any questions to Respondents and clarification of responses do not include the opportunity to cure substantive defects (e.g., missing documents) in the submitted responses.

## ARTICLE V. NARRATIVE PROPOSAL

### 5.1 NARRATIVE PROPOSAL

#### 5.1.1 Executive Summary

Provide a high-level overview of the Respondent's approach to meeting the RFA's requirements. The summary must demonstrate an understanding of the goals and objectives of the grant.

#### 5.1.2 Plan of Operation

Respondents must describe the proposed services, processes, and methodologies for meeting all components described in **Article II** of this RFA, including the Respondent's approach to meeting the timeline and associated milestones for providing contract requirements listed in **Exhibit C**. Respondent must identify all tasks to be performed, including all Contract activities, to take place during the grant funding period. Respondent must also include all Deliverables and Contract KPRs requested under **Article II** of this RFA and a plan of operation that meets the requirements specified in **Exhibit C, Contract Requirements, Section 11, Plan of Operation**. HHSC's expectations are for the Respondent to provide a clear and concise proposal.

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## ARTICLE VI. REQUIRED RESPONDENT INFORMATION

### **6.1 ADMINISTRATIVE ENTITY INFORMATION**

The Respondent must provide satisfactory evidence of its ability to manage and coordinate the types of activities described in this solicitation. A Respondent must submit a Solicitation Response in accordance with **Article III** of this RFA, which must include all required attachments in **Article IX**.

### **6.2 LITIGATION AND CONTRACT HISTORY**

The Respondent must include in its Solicitation Response a complete disclosure of any past or pending breach of contract allegation or finding.

In addition, the Respondent must disclose any civil or criminal litigation or investigation pending or concluded within the last five (5) years that involves the Respondent or in which the Respondent has been judged guilty or liable.

Failure to comply with the terms of **Section 6.2** may disqualify the Respondent.

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

### **6.3 CONFLICTS**

The Respondent must certify that it does not have any personal or business interests that present a conflict of interest with respect to the RFA and any resulting Contract. Additionally, if applicable, the Respondent must disclose all potential conflicts of interest. The Respondent must describe the measures it will take to ensure that any potential conflict will not constitute or become an actual conflict of interest, and that Respondent will maintain fairness, independence, and objectivity throughout any Contract resulting from this RFA. HHSC will determine, in its sole discretion, whether a potential conflict of interest can be mitigated and managed during the term of the Contract or provides a basis for disqualification of a Solicitation Response. Failure to identify actual and potential conflicts of interest may result in disqualification of a Solicitation Response or termination of a Contract.

A Respondent's Solicitation Response must include any activities of affiliated or parent organizations and individuals who may be assigned to this Contract, if any.

Additionally, pursuant to Section 2252.908 of the Texas Government Code, a Successful Respondent executing a Contract greater than \$1 million dollars must submit a disclosure of interested parties, as defined in Section 2252.908(a)(3), to HHSC at the time the business entity submits the signed Contract. The required disclosure form, a link to applicable rules

(Title 1, Part 2, Texas Administrative Code Chapter 46), and filing instructions may be found on the Texas Ethics Commissions public website (<https://www.ethics.state.tx.us/tec/1295-Info.htm>). HHSC will provide additional instructions to Successful Respondents.

#### **6.4 GRANT APPLICATION DISCLOSURE**

In an effort to maximize state resources and reduce duplication of effort, HHSC, at its discretion, may require the Respondent to disclose information regarding its application for, or award of, state, federal, and/or local grant funding within the past two (2) years to provide CMPAS services, or such an application by, or award to, a Community Collaborative member organization. If requested, this information will be used in the evaluation process described in Article IV, Section 4.4, Final Selection.

#### **6.5 REQUIRED FORMS AND EXHIBITS**

The Respondent must complete and return all of the following RFA exhibits, labeled as Solicitation Response Attachments as directed at the end of **Article IX** of this RFA.

- A. Exhibit A, Affirmations and Solicitation Acceptance;**
- B. Exhibit G, Data Use Agreement (DUA)**
- C. Exhibit G-1, Attachment 2 to DUA--Security and Privacy Inquiry (SPI)**
- D. Exhibit J, Federally Required Forms**

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## ARTICLE VII. EXPENDITURE PROPOSAL

### 7.1 EXPENDITURE PROPOSAL

A Respondent must complete **Exhibit K, Expenditure Proposal Template**, to submit its expenditure proposal. Respondents must place the completed template in a separate, sealed package, clearly marked with the Respondent's name, the RFA number, and the RFA submission date. To ensure a complete and concise response, Respondents must follow the instructions outlined in the **Expenditure Proposal Instructions and Examples** document located in the **Procurement Library**.

Respondents shall base their respective expenditure proposals on the Scope of Grant Award, **Article II** of this RFA. Submitted expenditure proposals must include any business, economic, legal, programmatic or practical assumptions that underlie the expenditure proposal. HHSC reserves the right to accept or reject any assumptions. All assumptions not expressly identified and incorporated into the Contract resulting from this RFA are deemed rejected by HHSC.

Respondent shall submit the initial expenditure proposal as a part of the sealed package for the full term of the agreement, beginning September 1, 2019, through August 31, 2021, and include costs to extend for up to three (3) additional years, ending on August 31, 2024.

Respondents shall demonstrate that Project costs outlined in the expenditure proposal are reasonable, allowable, and developed in accordance with applicable state and federal grant requirements.

Respondent shall utilize the HHSC template provided and identify costs to be requested from HHSC and costs to be matched by either in-kind or cash donations. Respondents must break out costs to a degree that is sufficient to enable HHSC to determine if costs are reasonable, allowable and necessary for the successful performance of the Project, as indicated in **Allowable and Non-Allowable Expenditures** in the **Procurement Library**. The requested budget must include supporting documentation and a justification that describes the following:

- A. Personnel – The actual cost of employee salaries devoted to working on activities directly related to the CMPAS Program. These costs are allowable to the extent that they are identified in the Contract budget and conform to 45 CFR Part 75. Specify by title or name the positions that will support the CMPAS services; how many positions you intend to have with the same title or name; and the percentage of time each position will allocate to each service. Do not include the costs of consultants. The costs of consultants must be included in a separate category under “Other.”
- B. Fringe Benefit – The specific costs of fringe benefits, such as the amount budgeted for contributions under the U.S Code, Title 26, Subtitle C, §3121, Federal Insurance Contributions Act, and the Labor Code, Title 4, Subtitle A, Chapter 201, Texas Unemployment Compensation Act (TUCA), and for health insurance, worker's

compensation, retirement, and leave. The fringe benefit rate should be based on Respondent's actual expenditures. The fringe benefit rate is typically calculated by dividing an organization's total fringe benefit costs by total wage/salary costs. Provide specific calculations that show how these costs were derived. The cost of fringe benefits is allowable (in proportion to the amount of time or effort employees devote to the grant funded Project), to the extent that the benefits are reasonable and are in accordance with 2 CFR Part 200.6.

- C. Travel – The cost of transportation, lodging, meals, and related expenses incurred by employees of the organization while performing duties relevant to CMPAS. Out-of-state travel is travel outside of the Respondent's service area or outside of the State of Texas to attend conferences and training. Only travel costs associated with out-of-state travel with HHSC's prior approval, given at least thirty (30) days in advance of the travel will be allowable. Other/local travel costs are those incurred in direct support of the CMPAS Program and include items such as traveling to outlying counties at least once per month, tolls, and parking fees. Costs attributable to conference registration fees should be classified under the "Other" cost category. HHSC will only reimburse travel costs up to the maximum travel rates identified in the State of Texas Travel Policies and Procedures, available at: <https://fmx.cpa.texas.gov/fmx/travel/texttravel/rates/current.php>. Do not enter costs for consultants' travel or local transportation. This information will be included under "Other."
- D. Materials and Supplies – The cost of consumable items necessary to carry out the services under this HHSC program, including office supplies, Consumer educational supplies, software, and any tangible items other than those defined under equipment.
- E. Equipment – The cost of any purchases of an article of non-expendable, tangible property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. NOTE: If the item does not meet the \$5,000 threshold, include it in your budget under "Supplies." Items such as maintenance for copiers or postage meters should be included as part of "Other" costs.
- F. Units and Rates - The cost, with line item details, of activities directly associated with providing services that directly applies to the total rate and number of units to provide services for a Consumer.
- G. Professional Services and Subcontractors – Each known contractor, including the names of the organizations or individuals, the purposes of the contracts, and the estimated dollar amounts of the awards as part of the budget justification. If the name of the contractor, exact scope of work, and estimated total costs are not available or have not been negotiated, enter something such as "Contractor A" as the contractor name, and include the best estimate of the cost of the work, as well as the best available description of the nature of the work to be purchased. Any third-party contract that is equal to or exceeds \$100,000 over the life of the contract must obtain prior written approval from HHSC before entering into the contract.
- H. Other – All other costs not included under another category. Examples of these costs include: non-contractual fees and travel paid directly to individual consultants; local transportation; space rentals; utility and telephone expenses; printing and publication costs; training costs, including tuition and stipends;

training service costs, including wage payments to individuals and supportive service payments; and staff development costs travel rates as identified in the State of Texas Travel Policies and Procedures, available at: <https://fmx.cpa.texas.gov/fmx/travel/texttravel/rates/current.php>.

- I. Indirect Costs – Enter the total amount of indirect costs, if any. If indirect costs are used, then the Respondent must provide an approved indirect cost rate letter from a cognizant agency. If no indirect costs are requested, enter "none." The Respondent may request indirect costs if it has a current indirect cost rate agreement. This indirect cost rate must be supported by an approved indirect cost rate letter. A Respondent without an indirect cost rate letter can use a ten percent (10%) rate until such letter is provided to HHSC.

Costs will be reviewed for compliance with UGMS and federal grant guidance found in 45 CFR Part 75, with effect given to whichever provision imposes the more stringent requirement in the event of a conflict.

Respondent must enter costs included in the expenditure proposal into budget tables and support them with narrative descriptions of the need for the requested cost and a calculation demonstrating how the cost was derived.

## 7.2 FINANCIAL CAPACITY

A Respondent must supply evidence sufficient to demonstrate reasonable financial stability and solvency appropriate to the requirements of this Solicitation. Respondents must submit a current financial statement plus two (2) years of audited financial reports including all supplements, management discussion and analysis, and actuarial opinions. At a minimum, such financial statements and reports shall include: a balance sheet; a statement of income and expense; a statement of changes in financial position; and cash flows. If the Respondent is a corporation that is required to report to the Securities and Exchange Commission, it must submit its two most recent SEC Forms 10-K and Annual Reports. If any change in ownership is anticipated during the twelve (12) months following the proposal due date, the Respondent must describe the circumstances of such change and indicate when the change is likely to occur.

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## ARTICLE VIII. GENERAL TERMS AND CONDITIONS

### **8.1 GENERAL CONDITIONS**

#### **8.1.1 Costs Incurred**

Issuance of this Solicitation in no way constitutes a commitment by HHSC to award a grant by contract or to pay any costs incurred by a Respondent in the preparation of a response to this Solicitation. HHSC is not liable for any costs incurred by a Respondent prior to issuance of or entering into a formal agreement, contract, or purchase order. Costs of developing Solicitation Responses, preparing for or participating in oral presentations and site visits, or any other similar expenses incurred by a Respondent are entirely the responsibility of the Respondent, and will not be reimbursed in any manner by the State.

#### **8.1.2 Contract Responsibility**

HHSC looks solely to the Grantee for the performance of all contractual obligations that may result from a Contract awarding a grant based on this Solicitation. The Grantee shall not be relieved of its obligations for any nonperformance by its subcontractors.

#### **8.1.3 Public Information Act**

Solicitation Responses are subject to the Texas Public Information Act (PIA), Texas Government Code Chapter 552, and may be disclosed to the public upon request to the extent permitted or required by law. Subject to the PIA, certain information may be protected from public release. Respondents who wish to protect portions of the Solicitation Response from public disclosure should familiarize themselves with this law. Information pertaining to the Solicitation will be withheld or released only in accordance with the PIA.

#### **8.1.4 News Releases**

Prior to an executed Contract finally awarding a grant to a Successful Respondent, a Respondent or Apparent Awardee may not issue a press release or provide any information for public consumption regarding its participation in the solicitation. Questions should be directed to the HHSC Point of Contact identified in **Article III**.

#### **8.1.5 Additional Information**

By submitting a proposal, the Respondent grants HHSC the right to obtain any of the following information from any lawful source regarding the Respondent or any of its directors, officers, or employees: (1) past business history, practices, and conduct; (2) ability to supply any goods and services required for Contract performance; and (3) ability to comply with contract requirements. By submitting a proposal, a Respondent generally releases from liability, and waives all claims against, any party providing HHSC

information about the Respondent or any of its directors, officers, or employees. HHSC may take such information into consideration in awarding Contracts under this RFA.

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**ARTICLE IX. SUBMISSION CHECKLIST**

All required elements of a responsive Application must be included as required in the checklist provided below. Any Solicitation Response received without these or any other documents required under this RFA may be deemed nonresponsive and may not be considered for a grant award by Contract.

**Original Solicitation Response Package**

The Solicitation Package must include the "Original" Solicitation Response in **hard-copy**, consisting of the six (6) parts and subparts listed below and described in greater detail in the corresponding RFA section referenced in parentheses next to the listed part or subpart. Each part and subpart must be marked by separate cover pages but packaged together and clearly labeled "Original" on each.

- 1. Signed Addenda -Proof of Mandatory Respondent Conference (Article III) \_\_\_\_\_
  
- 2. **Narrative Proposal** (Article V)
  - a. Executive Summary (Section 5.1.1) \_\_\_\_\_
  - b. Plan of Operation (Section 5.1.2) \_\_\_\_\_
  
- 3. **Required Respondent Information** (Article VI)
  - a. Administrative Entity Information (Section 6.1) \_\_\_\_\_
  - b. Litigation and Contract History (Section 6.2) \_\_\_\_\_
  - c. Conflicts (Section 6.3) \_\_\_\_\_
  - d. Grant Application Disclosure, as requested (Section 6.4) \_\_\_\_\_
  - e. Affirmations and Certifications (Section 6.5) \_\_\_\_\_
    - a. Exhibit A - Affirmations and Solicitation Acceptance \_\_\_\_\_
    - b. Exhibit I - Exceptions Form, if applicable \_\_\_\_\_
    - c. Exhibit J -Federally Required Forms
      - i. Exhibit J-1: Certification Regarding Lobbying \_\_\_\_\_
      - ii. Exhibit J-2: Assurances—Non-Construction Programs \_\_\_\_\_
      - iii. Exhibit J-3: Federally Funding Accountability and Transparency Act (FFATA) \_\_\_\_\_
  
- 4. **Expenditure Proposal** (Article VII)
  - a. Exhibit K-Expenditure Proposal (Section 7.1) \_\_\_\_\_
  - b. Financial Capacity (Section 7.2) \_\_\_\_\_

**5. Exhibits and Forms**

- a. Exhibit C- Contract Requirement \_\_\_\_\_
- b. Exhibit D-Contract Monitoring Questionnaire \_\_\_\_\_
- c. Exhibit E-Key Performance Requirement (KPR) \_\_\_\_\_
- d. Exhibit F- Deliverables \_\_\_\_\_
- e. Exhibit I-Exceptions Forms \_\_\_\_\_
- f. Exhibit L-Procurement Library \_\_\_\_\_
  - i. Allowable and Non-Allowable \_\_\_\_\_
  - ii. CCAD Handbook, Section 2230 Interest List Procedures \_\_\_\_\_
  - iii. CMPAS ISP Assessment \_\_\_\_\_
  - iv. Expenditure Proposal Instruction and Examples \_\_\_\_\_
  - v. Form 1584, Consumer Participation Choice \_\_\_\_\_
  - vi. Form 2060, Need Assessment Questionnaire and Task-Hour Guide \_\_\_\_\_
  - vii. Form 2065-A, Notification of Community Care Services \_\_\_\_\_
- g. Form A-Respondent Information \_\_\_\_\_

**6. Addenda (Section 3.2) \_\_\_\_\_**

**Copies of Solicitation Response Package**

The Respondent must provide the following: one (1) **hard copy** marked “Original” and one (1) **electronic** copy marked “Copy” for Solicitation Responses. Electronic copies must be submitted on a USB Drive, with each of the five required parts of the Solicitation Response contained in a separate electronic folder, named to match the separate parts of the “Original” Solicitation Response.

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**ARTICLE X. FORMS AND EXHIBITS**

**List of Attachments which must be included, marked as follows, in the Solicitation Response Package:**

**FORM A: RESPONDENT INFORMATION**

**EXHIBIT A: AFFIRMATIONS AND SOLICITATION ACCEPTANCE**

**EXHIBIT B: HHSC UNIFORM TERMS AND CONDITIONS – GRANT v 2.16.1**

**EXHIBIT C: CONTRACT REQUIREMENTS**

**EXHIBIT D: CONTRACT MONITORING QUESTIONNAIRE**

**EXHIBIT E: KEY PERFORMANCE REQUIREMENTS (KPR)**

**EXHIBIT F: DELIVERABLES**

**EXHIBIT G: DATA USE AGREEMENT (DUA)**

**EXHIBIT G-1: ATTACHMENT 2 TO DUA -- SECURITY AND PRIVACY INQUIRY (SPI)**

**EXHIBIT H: EVALUATION TOOL**

**EXHIBIT I: EXCEPTIONS FORM**

**EXHIBIT J: FEDERALLY REQUIRED FORMS**

**EXHIBIT J-1: CERTIFICATION REGARDING LOBBYING**

**EXHIBIT J-2: ASSURANCES—NON-CONSTRUCTION PROGRAMS**

**EXHIBIT J-3: FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA) CERTIFICATION**

**EXHIBIT K: EXPENDITURE PROPOSAL TEMPLATE**

**EXHIBIT L: PROCUREMENT LIBRARY**