TEXAS
Health and Human Services

Cecile E. Young, Executive Commissioner

Request for Applications (RFA)
For

Resource Specialist Program and Specialized Telecommunications Assistance Program (STAP) Outreach Services
RFA No. HHS0009536

Date of Release: March 3, 2021
Responses Due: April 1, 2021 by 10:30AM Central Time

NIGP Class/Item Codes

710-52	**Audio Equipment for the Visual and Hearing Impaired**
710-73	**Hearing Devices**
710-95	**Speech Training Equipment, For the Hearing Impaired**
839-80	**Telecommunicators and/or Display Terminals for the Hearing and Disabled**
915-25	**Captioned Services for the Hearing Impaired**
915-85	**Telecommunication Relay Services: Text Telephone (TTY); Text-To-Voice; Voice Carry Over (VCO); Hearing Carry Oer (HCO); Speech-To-Speech Relay; Video Relay; Spanish Relay; 7-1-1 Access to TRS, Short Message Service (SMS)**
961–92	**Interpreter Services for American Sign Language and other forms of sign language for deaf/hard of hearing whose first language is sign language**
962-58	**Professional Services (Not Otherwise Classified)**

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ARTICLE I. EXECUTIVE SUMMARY, DEFINITIONS, AND AUTHORITY

1.1 EXECUTIVE SUMMARY

The Texas Health and Human Services Commission (**HHSC**), for and on behalf of its Office of Deaf and Hard of Hearing Services (**ODHHS**) seeks qualified Applicants to provide ODHHS Resource Specialist services and Specialized Telecommunications Assistance Program (**STAP**) Outreach and Training services. Services shall be provided in accordance with the specifications contained in this RFA and in compliance with **Exhibit F, Contract Standards for ODHHS Specialist Grants.**

To be considered for award, Respondents must execute **Exhibit A, HHS Solicitation Affirmations**, of this Solicitation and provide all other required information and documentation as set forth in this Solicitation.

1.2 DEFINITIONS

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

"Addendum" means a written clarification or revision to this Solicitation issued by the System Agency.

"Apparent Awardee" means an organization that has been selected to receive a grant award through response to this RFA but has not yet executed a grant agreement or contract. May also be referred to as "Apparent Grant Recipient" or "Apparent Grantee."]

"Client" means a member of the target population to be served by the Respondent's organization. For the purposes of this grant, a Client is a person who is deaf or hard of hearing for Resource Specialist services or a person with a disability that interferes with his/her access to the telephone networks for STAP Outreach and Training services.

"Entity" means a public or private agency or organization including for-profit agencies and organizations, and institutions of higher education.

"Fiscal Year" is the State of Texas Fiscal Year from September 1 through August 31 of each calendar year. This is not to be confused with federal Fiscal Year or federal Grant Project periods.

"Grant" is a sum of money given by a government or other organization for a particular purpose.

"Health and Human Services Commission" or "HHSC" has the same meaning as the definition in **Exhibit B, HHSC Uniform Terms and Conditions – Grant**.

"HUB" has the same meaning as the definition in **Exhibit B, HHSC Uniform Terms and Conditions – Grant**.

"Key Personnel" means a Respondent organization's Project Contact, Fiscal Contact, and Executive Director and/or any other key stakeholders in the Proposed Project.

"Project" means the work and activities for which grant funding is awarded and information is provided as part of the response to this Solicitation. During the open application period and before selection of Grant Recipients are made, the Project will be known as the Proposed Project.

"Respondent" means the Entity responding to this Solicitation. May also be referred to as "Applicant."

"Solicitation" means this RFA including any exhibits and Addenda, if any.

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

"Successful Respondent" means an organization that receives a grant award as a result of this RFA. May also be referred to as "Grantee," "Awarded Applicant," "Subrecipient," or "Grant Recipient."

"System Agency" has the same meaning as the definition in **Exhibit B, HHSC Uniform Terms and Conditions – Grant**.

1.3 AUTHORITY

The System Agency is requesting applications under the *Texas Human Resources Code, Title 4,* Chapter 81.006, and *Texas Utilities Code* §56.151(b) and is authorized by and in compliance with the provisions of the *Texas Government Code* Chapter 531.

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ARTICLE II. SCOPE OF GRANT AWARD

2.1 PROGRAM BACKGROUND

Title 4, Section 81.006 of the Human Resources Code authorizes ODHHS to implement a statewide program of advocacy and education to ensure continuity of services to persons who are deaf or hard of hearing.

This RFA consists of two connected programs, the ODHHS Resource Specialist Program and the ODHHS STAP Outreach and Training Services Program. The ODHHS Resource Specialist Program was created to assist persons in assistive technology including telephone equipment, promote equal access and equal opportunity, provide advocacy and, teach self-advocacy skills for persons who are deaf or hard of hearing The ODHHS STAP Outreach and Training Services Program was created to assist persons with a disability in completing the application, demonstrate and purchase specialized telephone equipment that are available under the program. Together, these programs assist persons in ensuring communication access to services and the telephone networks.

2.2 GRANT AWARD AND TERM

2.2.1 Available Funding

The estimated amount of funding available for the **Resource Specialist Program** is $1,360,000.00 **and STAP Outreach and Training Services** is $340,000.00 per Fiscal Year based on HHSC approval of funds requested and allowable services provided by the Grantee. Grants awarded will be funded on a fee-for-service basis based on Clients served and minimum goals established as stated in the Grant determined through the negotiation process in **Exhibit F, Contract Standards for ODHHS Specialist Grants.**

Applicants must request funding in their application based on their service level goals and projected allocable and allowable grant costs. Awards will be at $0 funding with the expectation that if goals are met, funding would be paid monthly based on the fee-for-service levels as stated in the Grant determined by HHSC through the negotiation process. It is HHSC's intention to make a multiple Grant Awards through this Solicitation.

In accordance with **Section 6** of **Exhibit F, Contract Standards for ODHHS Specialist Grants,** funds are to be requested by the Grantee in advance of services provided or Specialized Assistive Devices and Software (SADS) purchased throughout the year. ODHHS must give prior approval of funds for the service month requested to ensure compensation. Services provided or SADS purchased without prior funding approval are not guaranteed to be approved for compensation for services provided.

Unused funds for services not provided or not invoiced may be relinquished to ODHHS at the discretion of ODHHS 30 days following the end of the service month for which they were originally requested. Once funds are relinquished, any remaining expenditures for services provided or SADS purchased that have not been invoiced prior to funds being relinquished for that service month are not guaranteed to be compensated.

Compensation will not be more than the total amount of funds approved per service month and will not be more than the allowable fees for service or SADS reimbursement in accordance with **Sections 11.3 and 12.7** of **Exhibit F, Contract Standards for ODHHS Specialist Grants.**

Reimbursement will only be made for actual, allowable, and allocable services, expenses, and/or costs incurred in accordance to Grant requirements that occur within the term of the grant. No pre-award spending will be eligible for reimbursement.

2.2.2 Grant Term

It is anticipated that the grant funding period for this program will begin **September 1, 2021 and end August 31, 2022.** HHSC, at its sole option, may extend any Grant awarded pursuant to this Solicitation for a total of four (4) additional fiscal years.

2.3 ELIGIBLE APPLICANTS

To be eligible to apply for a Resource Specialist Program Grant, Applicant must be an Entity that is currently providing deaf and hard of hearing-related services to individuals who are deaf or hard of hearing.

To be eligible to apply for a STAP Outreach and Training Services Grant, Applicant must be an Entity that is currently providing disability-related services to individuals who are deaf or hard of hearing or with other disabilities. Registered vendors of specialized telecommunications devices or services are not eligible to apply for STAP Outreach and Training services program.

Using **Form D, Proposal– Resource Specialist and Form D-1, Proposal– STAP Outreach Specialist,** Applicant will complete the appropriate form for each service and HHSC Region applying.

2.4 PROGRAM REQUIREMENTS

To meet the mission and objectives of the Resource Specialist Program and STAP Outreach and Training Services Program, Applicant must comply with all program requirements including, but not limited to, **Exhibit F, Contract Standards for ODHHS Specialist Grants.**

2.5 SCOPE

HHSC seeks qualified Applicants to provide Resource Specialist Program and STAP Outreach and Training Services statewide.

The Applicants shall, in accordance with the terms identified within the Contract and **Exhibit F, Contract Standards for ODHHS Specialist Grants**, provide all necessary personnel, supplies, assistive devices, and services as identified within the Contract and ODHHS Contract Standards.

The purpose of the ODHHS Deaf and Hard of Hearing Resource Specialist Program, as stated in **Sections 9.1 and 10.1** of **Exhibit F, Contract Standards for ODHHS Specialist Grants,** is to promote communication access and independence for persons who are deaf or hard of hearing through technology and managing hearing loss through Technology Specialists and to promote equal access and equal opportunity for persons who area deaf or hard of hearing through Access Specialists.

The purpose of the ODHHS STAP Outreach and Training services program, as stated in **Section 12.1** of **Exhibit F, Contract Standards for ODHHS Specialist Grants,** is to assist persons with disabilities, whose disability interferes with their ability to access the telephone networks, to obtain specialized telecommunications devices or services to facilitate access to the telephone networks.

Sections 9, 10, 11, and 12 of **Exhibit F, Contract Standards for ODHHS Specialist Grants,** contains Grantee requirements, program restrictions, monthly reporting requirements, required supporting documentation, and fee types.

Using **Form D, Proposal – Resource Specialist or Form D-1 – STAP Outreach Specialist.** Applicant must address demonstrate the ability to meet the ODHHS Deaf and Hard of Hearing Resource Specialist program and STAP Outreach and Training program requirements listed in **Exhibit F, Contract Standards for ODHHS Specialist Grants./**

2.5.1 Cost

Using **Form D, Proposal – Resource Specialist or Form D-1 – STAP Outreach Specialist** for the services applying for, Applicant must:

1. Provide proposed fees meeting all requirements of **Article VII,** Proposed Fees
2. Demonstrate that the Project costs outlined in the proposed fees are reasonable and directly attributable to carrying out eligible grant-funded activities.

2.6 PERFORMANCE MEASURES

HHSC will monitor the performance of contracts awarded under this RFA. All services and deliverables under the contract shall be provided at an acceptable quality level and in a manner consistent with acceptable industry standard, custom, and practice. Grantee shall ensure services are provided at least at the level established for ODHHS approved minimum goals and outcomes as established during the negotiation process and incorporated into the Grant. Grantee shall report on minimum goals and outcomes in accordance with **Section 8** of **Exhibit F, Contract Standards for ODHHS Specialist Grants.**

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 (i.e. mobile data terminals, body cameras, in-car video systems, or radar units, etc. 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. Admission fees or tickets to any amusement park, recreational activity or sporting event;

g. Promotional gifts;

h. Food, meals, beverages, or other refreshments, except for eligible per diem associated with grant-related travel or where pre-approved for working events;

i. Membership dues for individuals;

j. Any expense or service that is readily available at no cost to the grant Project;

k. Any use of grant funds to replace (supplant) funds that have been budgeted for the same purpose through non-grant sources;

l. Fundraising;

m. Statewide Projects;

n. Any other prohibition imposed by federal, state, or local law; and

o. The acquisition or construction of facilities.

2.8 STANDARDS

Grantees must comply with the requirements applicable to this funding source cited in the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements* for Federal Awards (2 CFR 200); the *Texas Grant Management Standards (TxGMS),* and all statutes, requirements, and guidelines applicable to this funding.
Grantees are required to conduct Project activities in accordance with federal and state laws prohibiting discrimination. Guidance for adhering to non-discrimination requirements can be

found on the Health and Human Services Commission (HHSC) Civil Rights Office website at: https://hhs.texas.gov/about-hhs/your-rights/civil-rights-office

Upon request, a Grantee must provide the HHSC Civil Rights Office with copies of all the Grantee's civil rights policies and procedures. Grantees must notify HHSC's Civil Rights Office of any civil rights complaints received relating to performance under the contract no more than 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 Grantee must ensure that its policies do not have the effect of excluding or limiting the participation of persons in the Grantee's 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.

2.9 DATA USE AGREEMENT

By entering into a Grant Agreement with the System Agency as a result of this Solicitation, Respondent agrees to be bound by the terms of the Data Use Agreement attached as **Exhibit D, Texas HHS System Data Use Agreement (DUA) or Exhibit D-2: Texas HHS System Data Use Agreement (DUA) Non-Governmental Entity**. Applicant must submit **Exhibit D-1, Texas HHS System Security and Privacy Inquiry (SPI),** with its Grant Application.

2.10 NO GUARANTEE OF VOLUME, USAGE OR COMPENSATION

The System Agency makes no guarantee of volume, usage, or total compensation to be paid to any Respondent under any awarded Grant, if any, resulting from this Solicitation, and any awarded Grant is subject to appropriations and the continuing availability of funds.

The System Agency reserves the right to cancel, make partial award, or decline to award a Grant under this Solicitation at any time at its sole discretion.

There should be no expectation of additional or continued funding on the part of the Grant Recipient. Any additional funding or future funding may require submission of an application through a subsequent RFA.

ARTICLE III. ADMINISTRATIVE INFORMATION

3.1 SCHEDULE OF EVENTS

EVENT	DATE/TIME
Solicitation Release Date	March 3, 2021
Deadline for Submitting Questions	March 10, 2021 by 2:00 PM Central Time
Tentative Date Answers to Questions Posted	March 17, 2021
Deadline for Submission of Solicitation Responses [NOTE: Responses must be RECEIVED by HHSC by the deadline.]	April 1, 2021 at **10:30AM** Central Time
Anticipated Notice of Award	August 1, 2021
Anticipated Contract Start Date	September 1, 2021

Note: These dates are a tentative schedule of events. The System Agency 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 the System Agency and may occur earlier or later than scheduled without notification on the HHS Grants website.

3.2 CHANGES, AMENDMENT, OR MODIFICATION TO SOLICITATION

The System Agency reserves the right to change, amend or modify any provision of this Solicitation, or to withdraw this Solicitation, at any time prior to award, if it is in the best interest of the System Agency and will post on the HHS Grants website. It is the responsibility of Respondent to check the HHS Grants website to ensure full compliance with the requirements of this Solicitation.

3.3 IRREGULARITIES

Any irregularities or lack of clarity in this Solicitation should be brought to the attention of the Sole Point of Contact listed in **Section 3.4.1** as soon as possible so corrective Addenda may be furnished to prospective Respondents.

3.4 INQUIRIES

3.4.1 Sole Point of Contact

All requests, questions or other communication about this Solicitation shall be made in writing to the System Agency's Point of Contact addressed to the person listed below (Sole Point of Contact). All communications between Respondents and other System Agency staff members concerning the Solicitation are strictly prohibited, unless noted elsewhere in this RFA.

Failure to comply with these requirements may result in disqualification of Respondent's Solicitation Response.

Name: Amy Pearson, CTCD
Title: PCS Grants Specialist
Address: Procurement & Contracting Services, HHSC, 1100 West 49th St, MC2020 Building S, Austin, TX 78756
Phone: 512.406.2638
Email: amy.pearson@hhs.texas.gov

However, if expressly directed in writing by the Sole Point of Contact, Respondent may communicate with another designated System Agency representative, e.g., during contract negotiations, if any.

3.4.2 Prohibited Communications

All communications between Respondents and other System Agency staff members concerning the Solicitation may not be relied upon and responded should send all questions or other communications to the Sole Point of Contact. This restriction does not preclude 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

The System Agency will allow written questions and requests for clarification of this Solicitation. Questions must be submitted in writing and sent by U.S. First class mail or email to the Sole Point of Contact listed in **Section 3.4.1** above. Respondents' names will be removed from questions in any responses released. Questions shall be submitted in the following format. Submissions that deviate 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; and

f. Question.

Note: Questions or other written requests for clarification must be received by the Sole Point of Contact by the deadline set forth in Section 3.1, Schedule of Events above. However, the System Agency, at its sole discretion, may respond to questions or other written requests received after the deadline. 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 and by the deadline for submitting questions.

3.4.5 Responses

Responses to questions or other written requests for clarification may be posted on the HHS Grants website. The System Agency reserves the right to amend answers prior to the deadline of Solicitation Responses. Amended answers may be posted on the HHS Grants website. It is Respondent's responsibility to check the HHS Grants website or contact the Sole Point of Contact for updated responses. The System Agency also reserves the right to decline to answer any question or questions or to provide a single consolidated response of all questions they choose to answer in any manner at the System Agencies sole discretion.

3.5 SOLICITATION RESPONSE COMPOSITION

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, no less than size 10 for tables, graphs, and appendices;

e. Blank forms provided in the Exhibits, Attachments, and Forms must be used (electronic reproduction of the forms is acceptable; however, all forms must be identical to the original form(s) provided); do not change the font used on 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 must be signed but need not bear an original signature).

3.6 SOLICITATION RESPONSE SUBMISSION AND DELIVERY

3.6.1 Deadline

Solicitation Responses must be received at the address in **Section 3.6.3** time-stamped by the System Agency no later than the date and time specified in **Section 3.1**.

3.6.2 Labeling

Solicitation Responses submitted via USB by mail or hand delivery shall be placed in a sealed box and clearly labeled as follows:

SOLICITATION NO.:	RFA HHS0009536
SOLICITATION NAME:	Resource Specialist Program and STAP Outreach and Training Services
SOLICITATION RESPONSE DEADLINE:	April 1, 2021 by 10:30AM CT
PURCHASER NAME:	Amy Pearson, CTCD
RESPONDENT'S NAME:	_____

The System Agency will not be held responsible for any Solicitation Response that is mishandled prior to receipt by the System Agency. It is Respondent's responsibility to mark appropriately and deliver the Solicitation Response to the System Agency by the specified date and time. The System Agency will not be responsible for any technical issues that result in late delivery, inappropriately identified documents, or other submission error that may lead to disqualification (including substantive or administrative) or nonreceipt of the Respondent's application.

3.6.3 Delivery for Individual Submission Options

Respondent must correctly deliver Solicitation Responses by the method below. Solicitation Responses submitted by any other method (e.g. facsimile, telephone, email) will NOT be considered.

Respondent shall submit responsive applications via USB on two USB drives – One (1) labeled "Original" and One (1) labeled "Copy"- to the correct mailing address that is dependent upon mailing method identified in this section:

a. Each USB must contain one file named "Original Proposal" that contains the Respondent's entire proposal in searchable portable document format (PDF).

b. In accordance with **Section 8.1.3**, if applicable, each USB must contain one additional file named "Public Information Copy" that contains the Respondent's entire proposal in searchable PDF.

U.S. Postal Service	Overnight/Express Mail or Hand Delivery
HHSC Procurement and Contracting Services (PCS) Bid Room Attn: Amy Pearson, CTCD P.O. Box 149166 Austin, TX 78714-9166	HHSC Procurement and Contracting Services (PCS) Bid Room Attn: Amy Pearson, CTCD 1100 West 49th Street; Mail Code 2020 Building S Austin, TX 78756

NOTE: All Solicitation Applications become the property of HHSC after submission and will not be returned to Applicant. It is the Applicant's responsibility to appropriately mark and deliver the Solicitation Application to HHSC by the specified date. A U.S. Postal Service (USPS) postmark; a mail receipt with the date of mailing, stamped by the USPS; a dated shipping label, invoice of receipt from a commercial carrier; or, any other documentation in lieu of the on-site time stamp by submission deadline may not be considered an eligible application under this Solicitation.

3.6.4 Alterations, Modifications, and Withdrawals

Prior to the Solicitation submission deadline, a Respondent may: (1) withdraw its Solicitation Response by submitting a written request to the Sole Point of Contact identified in **Section 3.4.1**; or (2) modify its Solicitation Response by submitting a written amendment to the Sole Point of Contact identified in **Section 3.4.1**. The System Agency may request Solicitation Response Modifications at any time.

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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. Applications with significant errors, omissions, or eligibility issues may not be screened or evaluated at HHSC's discretion. All complete applications meeting the minimum qualifications will move to the Evaluation stage. Minimum qualifications are:

a. Application is received by published deadline;

b. Application is complete and includes required attachments per **Article IX, Application Submission Checklist;**

c. Application is signed by an authorized representative in all places where signature is needed; and

d. Applicant must meet criteria listed in **Section 2.3, Eligible Applicants.**

4.3 EVALUATION

Applications will be evaluated and scored in accordance with the factors required by program criteria in this Solicitation using **Exhibit G, Exhibit G-1 and Exhibit G-2, Evaluation Tools** depending on the funding requested.

4.3.1 Specific Selection Criteria

Grant applications shall be evaluated based upon:

a. Demonstrated ability to serve the target population (35%)
ODHHS will consider the following subfactors under this criterion:

1) The extent to which the specialist has appropriate training and experience to serve the target population and to carry out the proposed services.
2) The extent to which Project personnel are appropriate to support the proposed services to be provided.

3) The extent to which past performance and accomplishments of the Applicant indicate an ability to serve the target population. Demonstrated ability of the Applicant to serve the target population.

b. Documented details of the proposed Project's plan of operation (45%)
ODHHS will consider the following subfactors under this criterion:

1) The extent to which the proposed plan is adequate to accomplish the purpose of the program and to ensure proper and efficient management of the Project. The plan should be well documented and provides sufficient details including:

   a) information related to how the Applicant will serve the target population and how the Project will be implemented;
   b) strategies to outreach to Clients;
   c) strategies to network with the public (Resource Specialist programs);
   d) plans for enhancing the knowledge, skills, and abilities of the specialist (Resource Specialist programs); and
   e) plans for large group trainings to be provided (Resource Specialist programs).

2) The extent to which goals and outcomes are measurable and appear to show commitment to high quality service.
3) The extent to which the proposed plan provides details to ensure effective communication between specialist and Clients, training audiences, and others served by the program.

c. Cost (20%)

ODHHS will consider the following subfactors under this criterion:

1) The extent to which the proposed fees for the Project are adequate to support the proposed activities.
2) The extent to which the proposed fees are reasonable in relation to the objectives of the program.

4.4 FINAL SELECTION

HHSC intends on making multiple awards. After initial screening for eligibility, application completeness, and initial scoring of the elements listed above in **Section 4.3**, a selection committee will look at all eligible applicants to determine which proposals should be awarded in order to most effectively accomplish state priorities. The selection committee will recommend grant awards to be made to the HHSC Deputy Executive Commissioner for Health, Developmental, & Independence Services, who will make the final Grant award approval.

HHSC will make all final funding decisions based on eligibility, geographic distribution across the state, state priorities, reasonableness, availability of funding, cost-effectiveness, or other relevant factors.

4.5 NEGOTIATION AND AWARD

The specific fees for services established will depend upon the merit and scope of the Application, the recommendation of the Selection Committee, and the decision of the Deputy Executive Commissioner for Health, Developmental, & Independence Services. Not all Applicants who are deemed eligible to receive funds are assured of receiving an award.

The negotiation phase will involve direct contact between the successful Applicant and HHSC representatives via phone and/or email. During negotiations, successful Applicants may expect:

a. An in-depth discussion of the submitted proposal and proposed fees; and

b. Requests from HHSC for clarification or additional detail regarding submitted Application.

The final funding amount and the provisions of the Grant will be determined at the sole discretion of HHSC staff.

HHSC may announce tentative or apparent Grant Recipients once the Deputy Executive Commissioner for Health, Developmental, & Independence Services has given approval to initiate negotiation and execute Grant.

Any exceptions to the requirements, terms, conditions, or certifications in the RFA or attachments, addendums, or revisions to the RFA or General Provisions, sought by the Applicant must be specifically detailed in writing by the Applicant on Exhibit C, Exceptions Form in this proposal and submitted to HHSC for consideration. HHSC will accept or reject each proposed exception. HHSC will not consider exceptions submitted separately from the Applicant's proposal or at a later date.

HHSC will post to the HHS Grants website and may publicly announce a list of Applicants whose Applications are selected for final award. This posting does not constitute HHSC's agreement with all the terms of any Applicant's proposal and does not bind HHSC to enter into a contract with any Applicant whose award is posted.

4.6 QUESTIONS OR REQUESTS FOR CLARIFICATION BY THE SYSTEM AGENCY

The System Agency reserves the right to ask questions or request clarification from any Respondent at any time during the application process.

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ARTICLE V. NARRATIVE PROPOSAL

5.1 NARRATIVE PROPOSAL

5.1.1 Executive Summary

Utilizing **Form C, 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 Project Work Plan

Utilizing **Form D, Proposal – Resource Specialist** or **Form D-1 – STAP Outreach Specialist**, describe the proposed services, processes, and methodologies for meeting all components described in **Article II**, including the Respondent's approach to meeting the timeline and associated milestones. Respondent should identify all tasks to be performed, including all Project activities, to take place during the grant funding period. Respondent will also include all documents requested as part of completing forms to demonstrate fulfilling **Article II** requirements.

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ARTICLE VI. REQUIRED RESPONDENT INFORMATION

6.1 ADMINISTRATIVE ENTITY INFORMATION

Respondent must provide satisfactory evidence of its ability to manage and coordinate the types of activities described in this Solicitation. As a part of the Solicitation Response requested in **Article III**, Respondent provide the following information using **Form E, Entity Information and Contract and Litigation History**.

6.2 LITIGATION AND CONTRACT HISTORY

Respondent must include in its Solicitation Response a complete disclosure of any alleged or significant contractual failures.

In addition, Respondent must disclose any civil or criminal litigation or investigation pending over the last five (5) years that involves Respondent or in which Respondent has been judged guilty or liable. Failure to comply with the terms of this provision may disqualify Respondent.

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

6.3 CONFLICTS

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 there will be no actual conflict of interest and that its fairness, independence and objectivity will be maintained. The System Agency will determine to what extent, if any, a potential conflict of interest can be mitigated and managed during the term of the contract. Failure to identify actual and potential conflicts of interest may result in disqualification of a Solicitation Response or termination of a contract.

Please 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 awarded a Contract with a value of $1 million dollars or more or awarded a Contract that would require the successful Respondent to register as a lobbyist under Texas Government Code Chapter 305 must submit a disclosure of interested parties to the state agency at the time the business Entity submits the signed contract. Rules and filing instructions may be found on the Texas Ethics Commissions public website and additional instructions will be given by HHSC to successful Respondents.

6.4 AFFIRMATIONS, CERTIFICATIONS, AND EXHIBITS

Respondent must complete and return all of the following affirmations, assurances, certifications, and exhibits. A complete list of exhibits is included as **Article X**.

a. Exhibit A, HHS Solicitation Affirmations;
b. Exhibit C, Exceptions Form, if applicable; and
c. Exhibit D: Texas HHS System Data Use Agreement (DUA) **or** Exhibit D-2: Texas HHS System Data Use Agreement (DUA) Non-Governmental Entity, as applicable; and
d. Exhibit D-1, Texas HHS System, Security and Privacy Inquiry (SPI)

6.5 HUB

If a successful Respondent chooses to contract for goods and services using the funding awarded in this grant, HHSC encourages the Respondent to use HUBs to provide those goods and services where possible.

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ARTICLE VII. PROPOSED FEES

7.1 PROPOSED FEES

Form D, Proposal – Resource Specialist and **Form D-1 – STAP Outreach Specialist** of this RFA includes the form for submitting the proposed fees.

Respondents must base their proposed fees on the Scope of Work described in **Article II**. Proposed fees for Resource Specialists is to include a tier for number of clients to be served and trained based on the established goals. Fees proposed should include all costs associated to fees proposed.

This section should include any business, economic, legal, programmatic, or practical assumptions that underlie the proposed fees. 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.

Respondents must demonstrate that requested Project fees outlined in the proposed fees are reasonable, allowable, allocable, and developed in accordance with applicable state and federal grant requirements.

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ARTICLE VIII. GENERAL TERMS AND CONDITIONS

8.1 GENERAL CONDITIONS

8.1.1 Costs Incurred

Respondents understand that issuance of this Solicitation in no way constitutes a commitment by any System Agency to award a contract or to pay any costs incurred by a Respondent in the preparation of a response to this Solicitation. The System Agency 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 of Texas.

8.1.2 Contract Responsibility

The System agency will look solely to Respondent for the performance of all contractual obligations that may result from an award based on this Solicitation. Respondent shall not be relieved of its obligations for any nonperformance by its contractors.

8.1.3 Public Information Act - Respondent Requirements Regarding Disclosure

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

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

a. Mark Original Proposal:

   1. Mark the Original Proposal, on the top of the front page, the words "CONTAINS CONFIDENTIAL INFORMATION" in large, bold, capitalized letters (the size of, or equivalent to, 12-point Times New Roman font or larger); and

   2. Identify, adjacent to each portion of the Solicitation Response that Respondent claims is exempt from public disclosure, the claimed exemption from disclosure (NOTE: no redactions are to be made in the Original Proposal);

b. Certify in Original Proposal - HHS Solicitation Affirmations (attached as **Exhibit A** to this Solicitation):

   Certify, in the designated section of the HHS Solicitation Affirmations, Respondent's confidential information assertion and the filing of its Public Information Act Copy; and

c. Submit Public Information Act Copy of Proposal:

Submit a separate "Public Information Act Copy" of the Original Proposal (in addition to the original and all copies otherwise required under the provisions of this Solicitation). The Public Information Act Copy must meet the following requirements:

1. The copy must be clearly marked as "Public Information Act Copy" on the front page in large, bold, capitalized letters (the size of, or equivalent to, 12-point Times New Roman font or larger);
2. Each portion Respondent claims is exempt from public disclosure must be redacted (blacked out); and
3. Respondent must identify, adjacent to each redaction, the claimed exemption from disclosure. Each identification provided as required in Subsection (c) of this section must be identical to those set forth in the Original Proposal as required in Subsection (a)(2), above. The only difference in required markings and information between the Original Proposal and the "Public Information Act Copy" of the proposal will be redactions - which can only be included in the "Public Information Act Copy." There must be no redactions in the Original Proposal.

By submitting a response to this Solicitation, Respondent agrees that, if Respondent does not mark the Original Proposal, provide the required certification in the HHS Solicitation Affirmations, and submit the Public Information Act Copy, Respondent's proposal will be considered to be public information that may be released to the public in any manner including, but not limited to, in accordance with the Public Information Act, posted on the System Agency's public website, and posted on the Legislative Budget Board's public website.

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

Respondent should not submit a Public Information Act Copy indicating that the entire proposal is exempt from disclosure. Merely making a blanket claim that the entire proposal is protected from disclosure because it contains any amount of confidential, proprietary, trade secret, or privileged information is not acceptable, and may make the entire proposal subject to release under the PIA.

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

The System Agency will strictly adhere to the requirements of the PIA regarding the disclosure of public information. As a result, by participating in this Solicitation process, Respondent acknowledges that all information, documentation, and other materials submitted in the proposal in response to this Solicitation may be subject to public disclosure under the PIA. The System Agency does not have authority to agree that any information submitted will not be subject to disclosure. Disclosure is governed by the PIA and by rulings of the Office of the Texas Attorney General. Respondents are advised to consult with their legal counsel concerning disclosure issues resulting from this process and to take precautions to safeguard trade secrets and proprietary or otherwise confidential information. The System Agency assumes no obligation or responsibility relating to the disclosure or nondisclosure of information submitted by Respondents.

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

8.1.4 News Releases

Prior to final award a Respondent may not issue a press release or provide any information for public consumption regarding its participation in the procurement. Requests 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 information from any lawful source regarding the Respondent's and its directors', officers', and employees': (1) past business history, practices, and conduct; (2) ability to supply the goods and services; 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. HHSC may take such information into consideration in evaluating proposals.

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ARTICLE IX. SUBMISSION CHECKLIST

This checklist is provided for Respondent's convenience only and identifies documents that are requested in this Solicitation.

Original Solicitation Response Package

The Solicitation Package must include the Solicitation Response in one of the approved submission methods identified in **Section 3.6**.

a. Administrative Information (Forms A and B)

1. Form A: Face Page _____
2. Form B: Governmental Entity (if applicable) _____
3. Form B-1: Nonprofit or For-Profit Entity (if applicable) _____
4. Form E: Entity Information and Contract and Litigation History

b. Narrative and Fee Proposal (Section 2.5.1 and 5.1.2)

1. Form C: Executive Summary _____
2. Form D: Proposal – Resource Specialist or
   Form D-1 Proposal – STAP Outreach Specialist _____

c. Applicable Exhibits (Section 6.5)

1. Exhibit A: Solicitation Affirmations _____
2. Exhibit C: Exceptions Form, if applicable _____
3. Exhibit D: Texas HHS System Data Use Agreement (DUA)-Governmental Entity (if applicable) _____
4. Exhibit D-1: Texas HHS System Security and Privacy Inquiry (SPI) _____
5. Exhibit D-2: Texas HHS System Data Use Agreement (DUA)-Non-Governmental Entity (if applicable) _____

ARTICLE X. LIST OF EXHIBITS, ATTACHMENTS, AND FORMS

Exhibit A:	HHS Solicitation Affirmations
Exhibit B:	HHSC Uniform Terms and Conditions – Grant
Exhibit C:	Exceptions Form
Exhibit D:	Texas HHS System Data Use Agreement (DUA) Governmental Entity Version
Exhibit D-1:	Texas HHS System Security and Privacy Inquiry (SPI)
Exhibit D-2:	Texas HHS System Data Use Agreement (DUA) Non-Governmental Entity Version
Exhibit E	Texas Health and Human Services Grant Contract Template
Exhibit F:	Contract Standards for ODHHS Specialist Grants
Exhibit G:	Access Evaluation Tool
Exhibit G-1:	STAP Evaluation Tool
Exhibit G-2:	Technology Evaluation Tool
Form A:	Face Page
Form B:	Government Entity
Form B-1:	Nonprofit or For-Profit Entity
Form C:	Executive Summary
Form D:	Proposal – Resource Specialist
Form D-1:	Proposal – STAP Outreach Specialist
Form E:	Entity Information and Contract and Litigation History