**Cecile E. Young, Executive Commissioner**

# Request for Applications (RFA)
# For
# 2-1-1 Texas Information and Referral Network Operations
# RFA No. HHS0009792

**Date of Release: March 31, 2021**
**Responses Due: April 30, 2021 by 10:30 a.m. Central Time**

**NIGP Class/Item Codes**

**948-43, Health Information Services**

**952-74, Referral Services**

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# ARTICLE I. EXECUTIVE SUMMARY, DEFINITIONS, AND AUTHORITY

## 1.1 EXECUTIVE SUMMARY

The Health and Human Services Commission (**HHSC**) seeks qualified Applicants to provide 2-1-1 Texas Information and Referral Network (**TIRN**) Operations. Services must be provided in accordance with the specifications contained in this Request for Applications (**RFA**) and within **Exhibit A, Grant Requirements**.

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

## 1.2 DEFINITIONS

Refer to **Exhibit C, HHSC Uniform Terms and Conditions – Grant, Exhibit D, Data Use Agreement,** or **Exhibit E, Data Use Agreement for Government Entity**, 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:

"2-1-1" 2-1-1 is an easy-to-remember and universally recognizable number that connects individuals with appropriate community-based organizations and government agencies, with the goal of encouraging prevention and fostering self-sufficiency.

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

"AIC" means Area Information Center.

"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 Grant. May also be referred to as "Apparent Grant Recipient" or "Apparent Grantee."

"Applicant" means the entity responding to this Solicitation and is the organization with which HHSC contracts, to which HHSC disburses Grant funds, and that will handle any funds to be distributed. May also be referred to as "Lead Applicant."

"Application" is an Application submitted by an Applicant in response to this Solicitation. Used interchangeably with the term "Response," "Proposal," or "Offer."

"Client" means a member of the target population to be served by the Applicant's organization. For the purposes of this grant, a client is any individual contacting the 2-1-1 TIRN.

"Grant" is a contract Awarded by HHSC to an entity through this Solicitation.

"HHS Grants Website" - 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" has the same meaning as the definition in **Exhibit C, HHSC Uniform Terms and Conditions - Grant**.

"Indirect Costs" means those costs incurred for a common or joint purpose benefitting more than one cost objective, and no readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved.

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

"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 Applicant" 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 C, HHSC Uniform Terms and Conditions - Grant**.

"Texas Information and Referral Network" or "TIRN" means the program established under Texas Government Code Sec. 531.0312, *et seq*. or its designee.

"Texas eGrants" means the website where Grant opportunities are posted. The Website address is https://txapps.texas.gov/tolapp/egrants/search.htm.

## 1.3 AUTHORITY

The System Agency is requesting applications under Title 10, Subtitle D, Chapter 2155, Purchasing, General Rules and Procedures, of the Texas Government Code. This Solicitation and resulting Grants are also governed by federal, state, and local laws, including, but not limited to, the following:

A. Title 45 Code of Federal Regulations (**CFR**), Part 75;

B. Title 45 CFR, Part 1321;

C. Title 45 CFR, Part 91;

D. The Texas Grant Management Standards (**TxGMS**); and

E. Federal Grant and Cooperative Agreement Act of 1977, now 31 U.S.C. §§ 6301-6308.

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# ARTICLE II. SCOPE OF GRANT AWARD

## 2.1 PROGRAM BACKGROUND

HHSC administers the TIRN, which is comprised of 25 Area Information Center (**AIC**) regional locations that provide general information and referral (**I&R**) services to individuals in Texas (See **Exhibit F, AIC Regions and Estimated Funding**). An AIC is the term used to describe the Successful Applicant. Each multi-county regional AIC is responsible for collecting, providing, and updating accurate, well-organized, and accessible information from State and local Health and Human Services (**HHS**) programs.

Individuals and families seeking I&R can contact their local AIC by dialing "2-1-1," which is the national abbreviated dialing code for free access to HHS I&R. Individuals can also access information through the TIRN by visiting the public website at: https://www.211texas.org/.

In addition to providing comprehensive I&R services to all counties in their regions, AICs play an integral role in the Governor's Homeland Security Strategic Plan for 2020-2025 by providing information to the public in the event of a disaster or emergency.

AIC Emergency Services and Escalation Centers (**ESECs**) (formerly referred to as "Warm Centers") play key roles in disaster or emergency event-related situations. In Texas, several AICs contract with HHSC/TIRN to take on additional responsibilities during disasters or emergency events to provide expanded call coverage, oversight of database administrative functions, and support to affected AIC regions. ESECs have the capability to quickly increase their call handling capacity to provide 24-hour services. Respondents interested in applying to be an ESEC must provide services in accordance with the specifications contained in this RFA and within **Exhibit G, Emergency Services and Escalation Centers Grant Requirements**. There is an additional opportunity to provide State of Texas Emergency Assistance Registry (STEAR) services as part of ESEC funding. Applicants interested in applying to be an ESEC and provide STEAR services must respond to **Exhibit G, Emergency Services and Escalation Centers Grant Requirements**, in a separate narrative proposal and provide cost information on **Exhibit H-1, Expenditure Proposal Template for Emergency Services and Escalation Centers**.

The 2-1-1 TIRN is committed to continuous improvement of the efficiency and quality of services. In addition to providing services during normal operations and public emergency events, AICs also participate in special initiatives and collaborative projects that serve Texas residents. The Successful Applicant must demonstrate capacity to expand their programming to accommodate these types of initiatives.

## 2.2 GRANT AWARD AND TERM

### 2.2.1 Available Funding

The anticipated total amount of funding available for all Grant Awards under the 2-1-1 TIRN Program for the initial Grant term, beginning September 1, 2021 and continue until August 31, 2023, is $21,032,106.00 with the option to renew for three (3) one (1) year periods (estimated grant cost of $10,516,053.00 per State Fiscal Year). Additionally, State government revenue COVID funding is available for only State Fiscal Year 2022 in the total amount of $954,000 for all Grant Awards under the 2-1-1 TIRN Program. (See **Exhibit F, AIC Regions and Estimated Funding Amounts**). Funding for this Solicitation is broken down between State general revenue, federal funding, and inter-agency contract funding.

It is HHSC's intention to make multiple Grant Awards, based upon the AIC Region's most qualified Applicants to this Solicitation and further selection criteria found in **Sections 4.3, Evaluation, and 4.4, Final Selection**.

### 2.2.2 Cost Reimbursement Process

Grants awarded as a result of this Solicitation 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. There is no matching requirement and a Grantee will be reimbursed for actual, allowable, and allocable costs incurred and will be supported by reporting the actual, eligible services provided and client-level data. By the twentieth (20th) business day of the month following the month in which expenses were incurred or services provided to HHSC, Applicants must bill HHSC for services delivered using an invoice templates provided by HHSC after Grant Award. Reimbursement for administrative or indirect costs will be capped at ten percent (10%) of expenditures. Reimbursement will only be made for those allowable, actual, and eligible expenses that occur within the term of the grant in **Section 2.2.3, Grant Term**. No pre-award costs will be eligible for reimbursement. There will be no initial or advanced payment.

Eligible reimbursement is limited to allowable costs previously approved by HHSC that are incurred and supported by reporting the services provided and client-level data.

Final budgets (including equipment purchases) must be approved by HHSC. To be reimbursed for expenses incurred through a cost reimbursement method, Applicants must develop a categorical budget, allocating HHSC, as identified during the Applicant's budget development process, the approved costs to the following categories:

A. Personnel

B. Travel

C. Equipment

D. Supplies

E. Contractual

F. Other

G. Indirect Costs

See **Article VII, Expenditure Proposal** for additional information regarding the **Exhibit H, Expenditure Proposal Template**.

### 2.2.3 Grant Term

It is anticipated that the initial Grant period for any Grant awarded under this Solicitation will begin September 1, 2021 and continue until August 31, 2023 (Initial Term). Subject to the availability of funds, HHSC, at its sole option, may extend any Grant awarded pursuant to this Solicitation with the option to renew for three (3) one (1) year periods. Following the base term and any allowable extensions, HHSC may extend the Grant for not more than one optional period to address immediate operation or service delivery needs. If the resulting Grant does not include a defined option period, the extension is limited to one year.

## 2.3 ELIGIBLE APPLICANTS

In order to be awarded a Grant as a result of this Solicitation, an Applicant shall meet the following criteria:

A. Nonprofit and governmental organizations;

B. Applicants must either be fully accredited by the Alliance of Information and Referral Systems (AIRS) or have a "conditional" accreditation status from AIRS at the time of application, referenced in the **Exhibit I, AIRS Standards and Quality Indicators**;

C. Applicants shall have demonstrated a minimum of three (3) years of experience with providing I&R, or similar, services;

D. Applicants must provide three (3) years of audited financial reports and evidence of adequately capital within their provided Certified Public Accountant's Statement of Tangible Net Worth for the most current State Fiscal Year;

E. Applicant must be authorized to do business in the State of Texas;

F. Applicant must not be debarred, suspended, or otherwise excluded or ineligible for participation in federal or state assistance programs; and

G. Applicant's staff members, including the executive director, must not serve as voting members on Applicant's governing board.

Applicants must meet these requirements throughout the entirety of the application process and, if chosen for Grant Award, must continue to meet them through the entirety of the grant funding period. HHSC expressly reserves the right to review and analyze the documentation submitted and to request additional documentation to determine the Applicant's eligibility to compete for the Grant Award.

**Applicant must submit separate complete applications if the Applicant intends to apply and be considered for AIC and ESEC funding. Applicant must submit one application per program (AIC and ESEC) that funding is being requested under. See Article V, Narrative Proposal and Article VII, Expenditure Proposal for further details.**

## 2.4 PROGRAM REQUIREMENTS

To meet the mission and objectives of the 2-1-1 TIRN program, Grantees must meet the requirements of this 2-1-1 TIRN Solicitation and **Exhibit A, Grant Requirements**.

## 2.5 SCOPE

HHSC seeks to secure a Texas-based local organization, or multiple organizations, to provide 2-1-1 TIRN Operational Services, to offer local and statewide information, and referral services in accordance with the Standards and Quality Indicators for Professional Information and Referral, Version 8.0 (Standards) as revised and published April 12, 2016, or the current federally required equivalent. The Standards may be found at AIRS Standards as stated in **Exhibit I, AIRS Standards and Quality Indicators.** The Successful Applicant(s) must be able to provide services during normal operations, see **Exhibit A, Grant Requirements,** Section 2.1, Physical Location and Hours of Operation, during declared disaster periods and participate in special initiatives or public emergency events in which HHSC shall collaborate with the Successful Applicant.

As part of this Solicitation, Emergency Services and Escalation Centers provide expanded disaster-related activities that include disaster/event monitoring, network communication, resource management, and added human resource capacity for responding to disasters/events, see **Exhibit A, Grant Requirements,** Section 3.4.2, Disaster Preparedness and Response, and **Exhibit G, Emergency Services and Escalation Centers Grant Requirements**. Year round, Emergency Services and Escalation Centers provide registration assistance for the **STEAR**. STEAR provides local emergency planners and responders with information about prospective evacuation needs.

Successful Applicant(s) must provide all necessary services, in accordance with the terms identified within the Solicitation and **Exhibit A, Grant Requirements**. The Applicant may submit a proposal to provide 2-1-1 TIRN in one (1) or

multiple regions, see **Exhibit F, AIC Regions and Estimated Funding Amounts**.

### 2.5.1 Expenditure Proposal

Using **Exhibit H, Expenditure Proposal Template,** the Applicant must:

A. Demonstrate that Project costs outlined in the Expenditure Proposal are reasonable, allowable, allocable, and developed in accordance with applicable state and federal requirements; and
B. Identify costs to be requested from HHSC.

## 2.6 PERFORMANCE MEASURES

HHSC will monitor the performance of Grants awarded under this Solicitation. All services and Deliverables under the Grant must be provided at an acceptable quality level outlined in **Exhibit A, Grant Requirements**, and **Exhibit G, Emergency Services and Escalation Centers Grant Requirements, if applicable**, and in a manner consistent with acceptable standards, custom, and practices, as outlined in **Exhibit J, Key Performance Requirements**, and **Exhibit K, Deliverables**. The Successful Applicant must ensure services are provided at or above a level acceptable by HHSC as defined by the requirements specified in this RFA. The Successful Applicant must report on Key Performance Requirements (**KPR**) and outcomes in accordance to the quality and performance outlined within **Exhibit J, Key Performance Requirements**, and **Exhibit K, Deliverables**, and outlined below:

A. All services and deliverables provided under the agreement resulting from this procurement must be provided in a manner consistent with the standards of quality and integrity as outlined in the agreement, the Solicitation, and the Successful Applicant's proposal;
B. All services and deliverables must meet or exceed the required level of performance specified in or under the agreement resulting from this procurement, and must meet or exceed HHSC's mission and objectives, as set forth in the Solicitation; and
C. The Successful Applicant must meet or exceed all performance requirements and business practices in the development of **Exhibit K, Deliverables**, and **Exhibit J, Key Performance Requirements**.

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 A, Grant Requirements,** Section 10, Formal Communication Requirements.

## 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*), AIRS Standards, 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/non-discrimination-statement.

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 Grant 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.

Grantees must comply with Executive Order 13279, and its implementing regulations at 45 CFR Part 87 or 7 CFR Part 16, which provide that any organization that participates in programs funded by direct financial assistance from the U.S. Dept. of Agriculture or U.S. Dept. 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

The Successful Applicant will develop and implement security systems and procedures to safeguard all confidential information in accordance with **Exhibit D, Data Use Agreement (DUA)**, **Exhibit D-1, Subcontractor Agreement Form**, and **Exhibit D-2, Security and Privacy Initial Inquiry (SPI)**.

If the Successful Applicant is a Governmental Entity, the Successful Applicant will develop and implement security systems and procedures to safeguard all confidential information in accordance with **Exhibit E, DUA for Governmental Entity**, **Exhibit E-1, Subcontractor Agreement Form**, and **Exhibit E-2, SPI**.

Additionally, the Successful Applicant will require each of its Subrecipients (if applicable) to sign the sub-Applicant (**Exhibit D-1,** and **E-1, Subcontractor Agreement Form (as applicable)**) agreement referenced in the DUA and DUA for Government Entity, respectively.

## 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 Applicant under any awarded Grant, if any, resulting from this Solicitation. 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.

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# ARTICLE III. ADMINISTRATIVE INFORMATION

## 3.1 SCHEDULE OF EVENTS

| EVENT | DATE/TIME |
|---|---|
| Solicitation Release Date | March 31, 2021 |
| Applicant Pre-Submittal Conference (optional) | April 5, 2021 at 10:00 a.m. CT |
| Deadline for Submitting Questions | April 12, 2021 at 2:00 p.m. CT |
| Tentative Date Answers to Questions Posted | April 16, 2021 at 5:00 p.m. CT |
| **Deadline for Submission of Solicitation Responses [NOTE: Responses must be RECEIVED by HHSC by the deadline.]** | April 30, 2021 at 5:00 p.m. CT |
| Anticipated Notice of Award | July 2021 |
| Anticipated Grant Start Date | August 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 Applicant to periodically 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, Sole Point of Contact,** as soon as possible so corrective Addenda may be furnished to prospective Applicants.

## 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 Applicants 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 Applicant's Solicitation Response.**

Name: Ross Hoffpauir, CTCM, CTCD
Title: Grants Specialist
Address: 1100 W. 49th Street, Services Building S, Austin, TX 78756
Phone: 512-406-2479
Email: Ross.Hoffpauir01@hhs.texas.gov

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

### 3.4.2 Prohibited Communications

All communications between Applicants 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 Applicant'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, Sole Point of Contact,** above. Applicants' 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 Applicant

Applicants 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 will 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 will be posted on the HHS Grants website. It is Applicant'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 provide a single consolidated response of all similar questions in any manner at the System Agency's sole discretion.

### 3.4.6 Applicant Pre-Submittal Webinar

The System Agency will conduct an **optional** pre-submittal webinar on April 5, 2021 at 10:00 AM. Central Time. Applicants may register for the webinar using the following link below:

Webinar Link

The Applicant Pre-Submittal Webinar is **optional**.

## 3.5 SOLICITATION RESPONSE COMPOSITION

All Applications must be:

A. Clearly legible;

B. Sequentially page-numbered and include the Applicant's 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 Attachments 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. Place the completed template in a separate file clearly marked with the Applicant's name, the Solicitation number, the Solicitation submission date, Region, and funding opportunity (AIC or ESEC);

H. Responsive to all RFA requirements; and

I. Signed by an authorized official in each place a signature is needed (copies must be signed but need not bear an original signature).

Note: One complete application is required for each funding opportunity and each region.

## 3.6 SOLICITATION RESPONSE SUBMISSION AND DELIVERY

### 3.6.1 Deadline

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

### 3.6.2 Labeling

Solicitation Responses under Submission Option #2 shall be placed in a sealed box/envelope and clearly labeled as follows:

| | |
|---|---|
| SOLICITATION NO.: | HHS0009792 |
| SOLICITATION NAME: | 2-1-1 Texas Information and Referral Network Operations |
| SOLICITATION RESPONSE DEADLINE: | April 30, 2021 @ 10:30 am CT |
| PURCHASER NAME: | Ross Hoffpauir |
| APPLICANT'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 Applicant'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 Applicant's Application.

### 3.6.3 Delivery

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

**Submission Option #1**: Applicant shall submit the following through the Online Bid Room utilizing the procedures in **Exhibit L, HHS Online Bid Room**:

A. One file named "Original Proposal" that contains the Applicant's entire proposal in searchable portable document format (PDF).

B. In accordance with **Section 8.1.3, Public Information Act – Applicant Requirements Regarding Disclosure**, one file named "Public Information Copy" that contains the Applicant's entire proposal in searchable PDF, if applicable.

**Submission Option #2**: Applicant 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 Applicant's entire proposal in searchable portable document format (PDF), where applicable.

B. In accordance with **Section 8.1.3, Public Information Act – Applicant Requirements Regarding Disclosure**, if applicable, one additional file named "Public Information Copy" that contains the Applicant's entire proposal in searchable PDF.

C.

| U.S. Postal Service | Overnight/Express Mail or Hand Delivery | Online Bid Room |
|---|---|---|
| HHSC Procurement and Contracting Services (PCS)<br>Bid Room<br>Attn: Ross Hoffpauir<br>P.O. Box 149166<br>Austin, TX 78714-9166 | HHSC Procurement and Contracting Services (PCS)<br>Bid Room<br>Attn: Ross Hoffpauir<br>1100 West 49th Street; Mail Code 2020<br>Building S<br>Austin, TX 78756 | See **Section 3.5, generally** and **Exhibit L, Online Bid Room**<br>**Submit Response Online to:**<br>**https://hhs.texas.gov/doing-business-hhs/contracting-hhs/hhs-online-bid-room ;**<br>**if applicable.**<br>***(You must be registered to submit online.)*** |

### 3.6.4 Alterations, Modifications, and Withdrawals

Prior to the Solicitation submission deadline, an Applicant 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.

# 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.

## 4.3 EVALUATION

Applications will be evaluated and scored in accordance with the factors required by **Form A, Applicant Information,** Section 13, Proposed Project, Section 14, Region, and the program criteria in this Solicitation using **Exhibit M, Evaluation Tool for AIC,** or **Exhibit N, Evaluation Tool for AIC and ESEC**, with other factors deemed relevant by HHSC. Applicants applying to become an ESEC must also have applied to become an AIC. ESEC applications received that do not include a separate AIC application will not be evaluated or considered for award.

### 4.3.1 Specific Selection Criteria

A. **Exhibit M, Evaluation Tool for AI**C: Grant Applications for AIC's include applying for only the AIC, and not the ESEC. This evaluation is based upon the following criteria:

1. Qualifications/Experience (5%)
2. Performance Requirements/Deliverables (65%)
3. Cost (30%)

B. **Exhibit N, Evaluation Tool for ESEC**: This evaluation is based upon an Applicant applying for an ESEC and is based upon the following criteria:

1. Qualifications/Experience (10%)
2. Performance Requirements / Deliverables (60%)
3. Cost (30%)

## 4.4 FINAL SELECTION

**HHSC intends on making multiple awards for AIC only and the option to apply for an ESEC.** After initial screening for eligibility, application completeness, and initial scoring of the elements listed above in **Section 4.3, Evaluation**, a selection committee will look at all eligible Applicants for each AIC Region and for each funding opportunity 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, who will make the final award approval.

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

## 4.5 NEGOTIATION AND AWARD

The specific dollar amount Awarded to each Awarded Applicant will depend upon the merit and scope of the Response, the recommendation of the selection committee, the number of selected Applicants, and the decision of the HHSC Deputy Executive Commissioner. 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 Awarded Applicant and HHSC PCS and HHSC representatives via phone and/or email. During negotiations, Successful Applicants may expect:

A. An in-depth discussion of the submitted Proposal and budget; 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 HHSC Deputy Executive Commissioner has given approval to execute grants.

**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 O, 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 grant with any Applicant whose award is posted.

## 4.6 ASSUMPTIONS

Respondent must identify on the **Exhibit O-1, Assumptions Form** any business, economic, legal, programmatic, or practical assumptions that underlie the Respondent's response to the Solicitation. See **Section 7.1**, **Expenditure Proposals**. HHSC reserves the right to accept or reject any assumptions. All assumptions not expressly identified and incorporated into any Grant resulting from this RFA are deemed rejected by HHSC.

## 4.7 QUESTIONS OR REQUESTS FOR CLARIFICATION BY THE SYSTEM AGENCY

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

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# ARTICLE V. NARRATIVE PROPOSAL

## 5.1 NARRATIVE PROPOSAL

The Applicant must create and submit a separate Narrative Proposal for each region which they are applying to be an Area Information Center, labeled **Attachment A, Narrative Proposal**. The Narrative proposal must be developed by the Applicant and consist of the following parts:

A. Part 1 – Executive Summary;
B. Part 2 – Plan of Operation;
C. Part 3 – Project Work Plan
D. Part 4 - Key Staffing
E. Part 5 – Value Added Benefits

Descriptions of each part are listed below.

Applicants applying for Emergency Services and Escalation Centers (ESEC, formerly known as Warm Centers) must create and submit a separate Narrative Proposal, labeled **Attachment B, Narrative Proposal for ESEC** with Parts 1 - 5 describing the proposed services, processes, and methodologies for meeting all components described in **Exhibit G, Emergency Services and Escalation Centers Grant Requirements**, including the Applicant's approach to meeting the timeline and associated milestones for providing and meeting grant requirements. Applicants must place the completed attachment in a separate file clearly marked with the Applicant's name, the Solicitation number, the Solicitation submission date, Region, and funding opportunity (AIC or ESEC).

### 5.1.1 Executive Summary

Applicant must provide a high-level overview of the Applicant'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

Applicant must describe the proposed services, processes, and methodologies for meeting all components described in **Article II, Scope of Grant Award**, of this Solicitation, including the Applicant's approach to meeting the timeline and associated milestones for providing and meeting Grant requirements listed in **Exhibit A, Grant Requirements**, **Exhibit J, Key Performance Requirements**, **Exhibit K, Deliverables, and Emergency Services and Escalation Centers, if applicable**. Applicants must have or propose to have offices, chapters or affiliates in the AIC region in which the Applicant is proposing to provide services at the time of Grant execution prior to fully operational date.

### 5.1.3 Project Work Plan

Applicants must describe the proposed services, processes, and methodologies for meeting all components described in **Article II, Scope of Grant Award,** including the Applicant's approach to meeting the timeline and associated milestones. Applicant should identify all tasks to be performed, including all Project activities, to take place during the grant funding period. Applicant will also include all documents requested as part of completing Forms to demonstrate fulfilling **Article II** requirements. Applicant must also include key milestones for successfully complying with **Exhibit A, Grant Requirements**, **Exhibit J, Key Performance Requirements**, **Exhibit K, Deliverables and Exhibit G, Emergency Services and Escalation Centers Grant Requirements, if applicable**.

### 5.1.4 Key Staffing

Applicants must provide an organizational structure for successful fulfillment of Grant and performance requirements. The Applicant must identify the Key Personnel and allocate them 100% to this Grant (i.e. not permitted to manage, oversee, or participate in other Projects, Grants, etc.). Key Personnel is defined as all executive, director or management level positions assigned to this Grant. Resumes and references for Key Personnel must be provided to HHSC for evaluation and approval as part of the Applicant's proposal. Additionally, the Successful Applicant must provide for HHSC approval prior notice of any changes in Key Personnel during the term of the Grant and any extension.

See **Exhibit A, Grant Requirements**, for Post-Award Staffing Requirements associated with this Solicitation.

### 5.1.5 Value-Added Benefits

Describe any services or deliverables that are not required by this Solicitation that the Applicant proposes to provide at no additional cost to the System Agency. Applicants are not required to propose value-added benefits, but inclusion of such benefits may result in a more favorable evaluation.

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# ARTICLE VI. REQUIRED APPLICANT INFORMATION

## 6.1 ADMINISTRATIVE ENTITY INFORMATION

Applicant 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**, **Administrative Information**, Applicant must provide the following information listed in **Article XI, Submission Checklist** within **Form B, Administrative Entity Information**.

## 6.2 LITIGATION AND GRANT HISTORY

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

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

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

## 6.3 CONFLICTS

Applicant 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 Grant. Additionally, if applicable, the Applicant must disclose all potential conflicts of interest. The Applicant 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 Grant. Failure to identify actual and potential conflicts of interest may result in disqualification of a Solicitation Response or termination of a Grant.

Please include any activities of affiliated or parent organizations and individuals who may be assigned to this Grant, if any.

Additionally, pursuant to Section 2252.908 of the Texas Government Code, a Successful Applicant awarded a Grant with a value of $1 million dollars or more or awarded a Grant that would require the Successful Applicant 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 Applicants.

## 6.4 AFFIRMATIONS, CERTIFICATIONS, AND EXHIBITS

Applicant must complete and return all of the following affirmations, assurances, certifications, and exhibits: (A complete list of exhibits is included as **Article X, List of Exhibits, Attachments, and Forms);**

- **Exhibit B, Affirmations and Solicitation Acceptance**;
- **Exhibit D, Data Use Agreement (DUA) Standard Version;** (Return a signed copy of the applicable DUA only if using subrecipient/subcontractors under this award):
  - **Exhibit D-1, Subcontractor Agreement Form**; and
  - **Exhibit D-2, Security and Privacy Initial Inquiry (SPI)**.
- **Exhibit E, Data Use Agreement (DUA) for Governmental Entity;** (Return a signed copy of the applicable DUA only if they are governmental entity and using subrecipient/subcontractors under this award):
  - **Exhibit E-1, Subcontractor Agreement Form**; and
  - **Exhibit E-2, Security and Privacy Initial Inquiry (SPI)**;
- **Exhibit O, Exceptions Form**, if applicable;
  - **Exhibit O-1, Assumptions Form, if applicable;**
- **Exhibit P, Federally Funding and Transparency Act (FFATA)**;
- **Exhibit Q, Certification Regarding Lobbying; and**
- **Exhibit R, Assurances – Non-Construction Programs.**

## 6.5 HUB

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

## 6.6 OTHER REPORTS

### 6.6.1 Financial Capacity

All Applicants must create and submit evidence of financial capacity sufficient to demonstrate reasonable stability and solvency appropriate to the requirements of this RFA and labeled as either **Attachment C, Financial Statements and Financial Solvency or Attachment D, Alternate Report**.

### 6.6.2 Financial Statements and Financial Solvency

a. Applicant must submit electronically in a word searchable .PDF format an annual report as **Attachment C**, which must include:

1. Last three (3) years of Audited Financial Statements, including all supplements, management discussion and analysis, and actuarial opinions.
2. If applicable, last three (3) years of consolidated statements for any holding companies or affiliates
3. A full disclosure of any events, liabilities, or contingent liabilities that could affect Applicant's financial ability to perform this Grant.

   At a minimum, such financial statements must include:

   i. Balance sheet,

   ii. Income Statement,

   iii. Statement of Changes in Financial Position,

   iv. Statement of Cash Flows, and

   v. Capital Expenditures.

b. If the Applicant is a corporation that is required to report to the Securities and Exchange Commission (SEC), Applicant must submit its three (3) most recent SEC Form 10K, Annual Reports, pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934. Financial materials must be submitted electronically in a word searchable .PDF format.

c. If Audited Financial Statements are not available, Applicant must submit unaudited financial information and any other information the Applicant believes meets the requirements of this section. See Section 6.6.3 (Alternate Report). If the submitted documents do not provide adequate assurance of financial stability or solvency, HHSC reserves the right to request additional information or to disqualify the Applicant.

d. Substantial Ownership or Wholly Owned by another Corporate Entity. If the Applicant is either substantially or wholly owned by another corporate (or legal) entity, the Applicant must include the information required in this Section 6.6.2 for each such entity, including the most recent detailed financial report for each such entity.

e. If HHSC determines that an entity does not have sufficient financial resources to guarantee the Applicant's performance, HHSC may require the Applicant to obtain another acceptable financial instrument or resource from such entity, or to obtain an acceptable guarantee from another entity with sufficient financial resources to guarantee performance.

### 6.6.3 Alternate Report

If Applicant(s) is unable to provide the annual report specified above, Applicant(s) may, at the discretion of the System Agency, provide the following alternate report as **Attachment D**:

a. Last three (3) years un-audited financial statements, including all supplements, management discussion and analysis, and actuarial opinions.;

b. An un-audited financial statement of the most recent quarter of operation; and

c. A full disclosure of any events, liabilities, or contingent liabilities that could affect Applicant's financial ability to perform this Grant.

At a minimum, such financial statements must include:

1. Balance sheet,
2. Income Statement,
3. Statement of Changes in Financial Position,
4. Statement of Cash Flows, and
5. Capital Expenditures.

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# ARTICLE VII. EXPENDITURE PROPOSAL

## 7.1 EXPENDITURE PROPOSAL

Applicant must complete **Exhibit H, Expenditure Proposal Template,** to submit its expenditure proposal. Applicants must place the completed template in a separate Excel file clearly marked with the Applicant's name, the Solicitation number, and the Solicitation submission date. The Applicant must complete one **Exhibit H, Expenditure Proposal Template** for the AIC and one per region. All fields of **Exhibit H, Expenditure Proposal Template** must be completed.

Applicants must complete **Exhibit H-1, Expenditure Proposal Template for Emergency Services and Escalation Centers**, to submit its expenditure proposal for the optional ESEC. All fields of **Exhibit H-1, Expenditure Proposal Template for Emergency Services and Escalation Centers** must be completed. Applicants must place the completed template in a separate file clearly marked with the Applicant's name, the Solicitation number, the Solicitation submission date, Region, and funding opportunity (AIC or ESEC).

See **Exhibit H-2, Expenditure Proposal Instructions and Examples** for instructions and examples on how to complete the HHSC template.

Applicants shall base their respective expenditure proposals on the Scope of Work described in **Article II, Scope of Grant Award,** of this Solicitation. This section should include any business, economic, legal, programmatic or practical assumptions that underlie the expenditure proposal. HHSC reserves the right to accept or reject any assumptions (See **Section 4.6, Assumptions**). All assumptions not expressly identified and incorporated into the Grant resulting from this Solicitation are deemed rejected by HHSC.

Applicant shall submit the initial Expenditure Proposal as a part of the Solicitation Response for the full term of the agreement, beginning September 1, 2021, through August 31, 2023, and include costs to extend for up to three (3) additional years, ending on August 31, 2026.

Applicants shall demonstrate that Project costs outlined in the Expenditure Proposal are reasonable, allowable, and developed in accordance with applicable State and federal Grant requirements.

Applicants 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. Applicants 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. 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 2-1-1 TIRN Program. These costs are allowable to the extent that they are identified in the Grant budget and conform to 45 CFR Part 75. Specify by title or name the positions that will support the 2-1-1 TIRN 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. Travel – The cost of transportation, lodging, meals, and related expenses incurred by employees of the organization while performing duties relevant to 2-1-1 TIRN. Out-of-state travel is travel outside of the Applicant'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) calendar days in advance of the travel will be allowable. Other/local travel costs are those incurred in direct support of the 2-1-1 TIRN 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/textravel/rates/current.php. Do not enter costs for consultants' travel or local transportation. This information will be included under "Other."

C. Supplies – The cost of consumable items necessary to carry out the services under this HHSC program, including office supplies, Client educational supplies, software, and any tangible items other than those defined under equipment.

D. 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.*

E. Professional Services and Subrecipient – Each known subrecipient, including the names of the organizations or individuals, the purposes of the Grants, and the estimated dollar amounts of the awards as part of the budget justification. If the name of the subrecipient, exact scope of work, and estimated total costs are not available or have not been negotiated, enter something such as "Subrecipient A" as the subrecipient 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 grant that is equal to or exceeds $100,000 over the life of the Grant must obtain prior written approval from HHSC before entering into the Grant.

F. 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/textravel/rates/current.php.

G. Indirect Costs – Enter the total amount of indirect costs, if any. If indirect costs are used, then the Applicant must provide an approved indirect cost rate letter from a cognizant agency. If no indirect costs are requested, enter "none." The Applicant 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. An Applicant without an indirect cost rate letter can use a ten percent (10%) rate until such letter is provided to HHSC (see **Section 7.2, Indirect Cost Rate**).

Costs will be reviewed for compliance with TxGMS 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.

Applicant 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 INDIRECT COST RATE

All Applicants requesting to recover Indirect Costs are required to complete and submit **Exhibit S, Indirect Cost Rate Questionnaire,** along with the required supporting documentation as referenced in **Exhibit S, Indirect Cost Rate Questionnaire**, associated with the Applicant's response. This questionnaire will initiate the acknowledgment or approval of an ICR for use with the HHS System Agency cost-reimbursable Grants. All fields of **Exhibit S, Indirect Cost Rate Questionnaire** must be completed.

HHS will recognize the following pre-approved ICRs:

A. Federally Approved ICR Agreement; and/or

B. State of Texas Approved ICR.

If the Applicant does not have one of the options listed above, then the Applicant may be eligible for the ten percent (10%) De Minimis or request to negotiate an ICR with HHS. For Applicants requesting to negotiate an ICR with HHS, the HHS ICR proposal package must be completed in conjunction with **Exhibit S, Indirect Cost Rate Questionnaire,** no later than ninety (90) days after Grant execution.

The HHS System Federal Funds ICR team will outreach to applicable Applicants after Grant award to complete the ICR process. Applicants should respond within 30 business days or the request will be cancelled.

Once HHS acknowledges an existing rate, or approves an ICR, the Applicant will receive one (1) of the three (3) indirect cost approval letters: ICR Acknowledgement Letter, ICR Acknowledgement Letter – Ten Percent De Minimis, or the ICR Agreement Letter.

If an ICR Letter is required but it is not issued at the time of Grant execution, the Parties agree to amend the Grant to include the ICR Letter as an Attachment in the Grant.

If HHSC, at its sole discretion, approves or acknowledges an updated ICR, the new rate, together with the revised ICR Acknowledgement Letter, ICR Acknowledgement Letter – Ten Percent De Minimis, or the ICR Agreement Letter, will be included in the revised Grant.

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

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# ARTICLE VIII. GENERAL TERMS AND CONDITIONS

## 8.1 GENERAL CONDITIONS

### 8.1.1 Costs Incurred

Applicants understand that issuance of this Solicitation in no way constitutes a commitment by any System Agency to award a Grant or to pay any costs incurred by an Applicant in the preparation of a response to this Solicitation. The System Agency is not liable for any costs incurred by an Applicant prior to issuance of or entering into a formal agreement, Grant, 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 an Applicant are entirely the responsibility of the Applicant, and will not be reimbursed in any manner by the State of Texas.

### 8.1.2 Grant Responsibility

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

### 8.1.3 Public Information Act - Applicant Requirements Regarding Disclosure

Proposals and Grants are subject to the Texas Public Information Act (PIA), Texas Government Code Chapter 552, and may be disclosed to the public upon request. Other legal authority also requires System Agency to post Grants and 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 Applicant asserts that information provided in its Solicitation Response is exempt from disclosure under the PIA, Applicant 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 Applicant 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 - Affirmations and Solicitation Acceptance (attached as **Exhibit B** to this Solicitation):

i. Certify, in the designated section of the Affirmations and Solicitation Acceptance, Applicant'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 Applicant claims is exempt from public disclosure must be redacted (blacked out); and
3. Applicant must identify, adjacent to each redaction, the claimed exemption from disclosure. Each identification provided as required in Subsection (c) of this section must be identical to those set forth in the Original 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, Applicant agrees that, if Applicant does not mark the Original Proposal, provide the required certification in the Affirmations and Solicitation Acceptance, and submit the Public Information Act Copy, Applicant'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 Applicants submit partial, but not complete, information suggesting inclusion of confidential information and failure to comply with the requirements set forth in this section, System Agency, in its sole discretion and in any solicitation, reserves the right to (1) disqualify all Applicants that fail to fully comply with the requirements set forth in this section, or (2) to offer all Applicants that fail to fully comply with the requirements set forth in this section additional time to comply.**

Applicant 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 Applicant asserts a copyright to any portion of its proposal, by submitting a proposal, Applicant agrees to reproduction and posting on public websites by the State of Texas, including the System Agency and all other state agencies, without cost or liability.

The System Agency will strictly adhere to the requirements of the PIA regarding the disclosure of public information. As a result, by participating in this solicitation process, Applicant 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. Applicants are advised to consult with their legal counsel concerning disclosure issues resulting from this process and to take precautions to safeguard trade secrets and proprietary or otherwise confidential information. The System Agency assumes no obligation or responsibility relating to the disclosure or nondisclosure of information submitted by Applicants.

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

### 8.1.4 News Releases

Prior to final award an Applicant 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, Administrative Information**.

### 8.1.5 Additional Information

By submitting a proposal, the Applicant grants HHSC the right to obtain information from any lawful source regarding the Applicant'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 Grant requirements. By submitting a proposal, an Applicant generally releases from liability and waives all claims against any party providing HHSC information about the Applicant. HHSC may take such information into consideration in evaluating proposals.

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## ARTICLE IX. SUBMISSION CHECKLIST

This checklist is provided for Applicant's convenience only and identifies documents that are requested in this Solicitation. One complete application is required for each funding opportunity and each region.

### Original Solicitation Response Package

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

**a. Narrative Proposal as Attachment A*** **(Article V)**

1. Executive Summary (Section 5.1.1)____
2. Plan of Operation (Section 5.1.2)____
3. Project Work Plan (Section 5.1.3)____
4. Key Staffing (Section 5.1.4)____
5. Value Added Benefits, if applicable (Section 5.1.5) ____

**Note: A separate Narrative Proposal, labeled **Attachment B, Narrative Proposal for ESEC** may be submitted for ESEC, if applicable.*

**b. Required Applicant Information** **(Article VI)**

1. Form A, Applicant Information (**Article VI**) ____
2. Form B, Administrative Entity Information (Section 6.1) ____
3. Litigation and Grant History (Section 6.2) ____
4. Conflicts (Section 6.3) ____

**c. Expenditure Proposal** **(Article VII)**

1. Exhibit H, Expenditure Proposal (Section 7.1) ____
2. Exhibit H-1, Expenditure Proposal for ESEC (if applicable) (Section 7.1) ____
3. Exhibit S, Indirect Cost Rate Questionnaire (if applicable) (Section 7.2) ____

**d. Applicable Exhibits** **(Article II)**

1. Exhibit B, Affirmations and Solicitation Acceptance (Section 6.4) ____
2. Exhibit D, Data Use Agreement (Section 2.9) ____
   a. Exhibit D-1, Subcontractor Agreement Form ____
   b. Exhibit D-2, Security and Privacy Initial Inquiry (SPI) ____
3. Exhibit E, Data Use Agreement for Governmental Entity (if applicable) ____
   (Section 2.9)
   a. Exhibit E-1, Subcontractor Agreement Form ____
   b. Exhibit E-2, Security and Privacy Initial Inquiry (SPI)
4. Exhibit O, Exceptions Form (if applicable) (Section 4.5) ____
5. Exhibit O-1, Assumptions Form (if applicable) (Section 4.5) ____
6. Affirmations and Certifications (Section 6.4)
   a. Exhibit P, Federal Funding Accountability and Transparency Act ____
   (FFATA) Certification

b. Exhibit P-1, Certification Regarding Lobbying ____
c. Exhibit P-2, Federal Assurances-Non-Construction Programs ____

7. Other Reports (Section 6.6)
   a. Attachment A, Narrative Proposal ____
   b. Attachment B, Narrative Proposal for ESEC, if applicable ____
   c. Attachment C, Financial Statements and Financial Solvency ____
   d. Attachment D, Alternate Report (if unable to provide Attachment C) ____

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## ARTICLE X. LIST OF EXHIBITS, FORMS, AND ATTACHMENTS

### 10.1 List of Exhibits

Exhibit A, Grant Requirements
Exhibit B, Affirmations and Solicitation Acceptance
Exhibit C, HHSC Uniform Terms and Conditions – Grant
Exhibit D, Data Use Agreement
Exhibit D-1, Subcontractor Agreement Form
Exhibit D-2, Security and Privacy Initial Inquiry (SPI)
Exhibit E, Data Use Agreement for Governmental Entity
Exhibit E-1, Subcontractor Agreement Form
Exhibit E-2, Security and Privacy Initial Inquiry (SPI)
Exhibit F, AIC Regions and Estimated Funding Amounts
Exhibit G, Emergency Services and Escalation Centers Grant Requirements
Exhibit H, Expenditure Proposal Template
Exhibit H-1, Expenditure Proposal Template for Emergency Services and Escalation Centers
Exhibit H-2, Expenditure Proposal Instructions and Examples
Exhibit I, AIRS Standards and Quality Indicators
Exhibit J, Key Performance Requirements
Exhibit K, Deliverables
Exhibit L, HHS Online Bid Room
Exhibit M, Evaluation Tool for AIC
Exhibit N, Evaluation Tool for AIC and ESEC
Exhibit O, Exceptions Form
Exhibit O-1, Assumptions Form
Exhibit P, Federally Funding and Transparency Act (FFATA)
Exhibit Q, Certification Regarding Lobbying
Exhibit R, Federal Assurances – Non-Construction Programs
Exhibit S, HHS Indirect Cost Rate (ICR) Questionnaire
Exhibit T, 2-1-1 Texas Information and Referral Network Database Inclusion/Exclusion Criteria
Exhibit U, TIRN Quality Standards & Definitions Guide
Exhibit V, 2-1-1 TIRN Estimated Messaging Sessions Handled by Region

### 10.2 List of Forms

Form A, Applicant Information
Form B, Administrative Entity Information

### 10.3 List of Attachments

Attachment A, Narrative Proposal
Attachment B, Narrative Proposal for ESEC, if applicable
Attachment C, Financial Statements and Financial Solvency
Attachment D, Alternate Report

***ATTACHMENTS A, B, C, AND D WILL NEED TO BE CREATED AND SUBMITTED BY THE APPLICANT AND LABELED ACCORDINGLY AS STATED IN THIS SOLICITATION.**