



# TEXAS

## Health and Human Services

*Cecile E. Young, Executive Commissioner*

*Request for Applications (RFA)*

*Grant for*

**Zoonosis Control Animal Friendly Spay and  
Neuter Grant Program for Cats and Dogs**

***RFA No. HHS0012167***

**DEADLINE FOR SUBMISSION OF APPLICATIONS**

***January 10, 2023, by 10:30 a.m. Central Time***

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## Article I. Executive Summary, Definitions, and Statutory Authority

### 1.1 EXECUTIVE SUMMARY

The Health and Human Services Commission (“HHSC”) on behalf of the Department of State Health Services (“DSHS” or “System Agency”) Zoonosis Control Branch (“Program”) announces the expected availability of Animal Friendly funding for the period of August 31, 2023, through August 30, 2024) and is accepting Applications. This funding is for Spay and Neuter Projects, and to make grants eligible for organizations that sterilize dogs and cats owned by the general public at minimal or no cost. This Request for Application (RFA) is not limited to this source of funding if other sources become available for this Project.

Applicants should reference **Article II, Scope of Grant Project**, for further detailed information regarding the purpose, background, eligible population, eligible activities, and requirements.

Grant Name:	Zoonosis Control Animal Friendly Spay and Neuter Grant Program for Cats and Dogs
RFA No.:	HHS0012167
Deadline for Submission of Applications:	January 10, 2023, at 10:30 a.m. Central Time
Deadline for Submitting Questions or Requests for Clarifications:	December 9, 2022, at 5:00 a.m. Central Time
Estimated Total Available Funding:	\$275,000.00 per Project Period
Estimated Total Number of Awards:	15
Anticipated Project Start Date:	August 31, 2023
Length of Project Period:	One (1) year, with the option of an additional one-year renewal
Eligible Applicants:	<ol style="list-style-type: none"><li>1. Be established as a legal entity;</li><li>2. Have a physical business address in Texas, located within the proposed service area;</li></ol>

	<p>3. Have the authority to do business in the State of Texas;</p> <p>4. Be in good standing with the U.S. Internal Revenue Service; and</p> <p>5. Be at least one of the following:</p> <ul style="list-style-type: none"> <li>a) A private (for-profit or non-profit) entity;</li> <li>b) A public Releasing Agency (animal shelter);</li> <li>c) An organization that is qualified as a charitable organization under Internal Revenue Code Section 501(c) and that must provide animal welfare services or services that provide for the Sterilization of dogs and cats owned by the general public at minimal or no cost as its primary purpose; or</li> <li>d) A Local Non-Profit Veterinary Medical Association that has an established program for sterilizing animals owned by the general public at minimal or no cost.</li> </ul>
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To be considered for screening, evaluation, and award, Applicants must provide and submit all required information and documentation as set forth in **Article VIII, Application Organization and Submission Requirements** and **Article XIII, Submission Checklist** by the Deadline for Submission of Applications established in **Section 7.1, Schedule of Events**, or subsequent Addenda. See **Section 9.2, Initial Compliance Screening for Applications**, for further details.

## 1.2 DEFINITIONS AND ACRONYMS

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

Refer to all exhibits to this RFA for additional definitions, including **Exhibit A (HHS Solicitation Affirmations, Version 2.3)** and **Exhibit B (HHS Uniform Terms and Conditions – Grant, Version 3.2)**.

**“Addendum”** means a written clarification or revision to this RFA, including exhibits, forms, and attachments, as issued and posted by HHSC to the HHS Grants RFA website.

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

“Application” means all documents the Applicant submits in response to this RFA, including all required forms and exhibits. May also be referred to in this RFA as solicitation response.

“Budget” means the financial plan for carrying out the Grant Project, as formalized in the Grant Agreement, including awarded funds and any required Match, submitted as part of the Application in response to this RFA. An Applicant’s requested Budget may differ from the System Agency-approved Budget executed in the final Grant Agreement.

“CFR” means the Code of Federal Regulations which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

“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 member of the general public, who owns a dog or cat.

“Cost Reimbursement” means a payment mechanism by which contractors are reimbursed for allowable costs incurred up to the total award amount specified in the contract. Costs must be incurred in carrying out approved activities and must be based on an approved eight-category line-item (categorical) Budget. Amounts expended in support of providing services and goods, if any, in accordance with the contract terms and conditions must be billed on a monthly basis for reimbursement, unless otherwise specified in the contract. Reimbursement is based on actual allowable costs incurred that comply with the cost principles applicable to the grant.

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

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

“Grantee” means the Party receiving funds under any Grant Agreement awarded under this RFA. May also be referred to in this RFA or its exhibits as “subrecipient” or “contractor”.

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

“Historically Underutilized Business (HUB)” means a business as defined by Chapter 2161 of the Texas Government Code and 34 TAC § 20.282.

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

“Local Non-Profit Veterinary Medical Association (VMA)” means an organization set up by and comprised of several volunteer veterinarians in their immediate region for the purpose of presenting continuing education, planning group activities, or discussing issues common to their professional field.

“Project” or “Grant Project” means the specific work and activities that are supported by the funds provided under the Grant Agreement as a result of this RFA.

“Project Period” is the initial period of time set forth in the Grant Agreement during which Grantees may perform approved grant-funded activities to be eligible for reimbursement or payment. Unless otherwise specified, the Project Period begins on the Grant Agreement effective date and ends on the Grant Agreement termination or expiration date, and represents the base Project Period, not including extensions or renewals. When referring to the base Project Period plus anticipated renewal or extension periods, “grant term” is used.

“Owner” means a person who feeds, shelters, harbors, and has possession or control of an animal or responsibility to control an animal.

“Releasing Agency” means a public or private animal pound, shelter, or humane organization. The term does not include an individual who occasionally renders human assistance or shelter in the individual’s home to a dog or cat.

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

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

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

“Sterilization” means the surgical removal of the reproductive organs of a dog or cat or the use of nonsurgical methods and technologies approved by the United States Food and Drug



Administration or the United States Department of Agriculture to permanently render the animal unable to reproduce.

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

“TxGMS” means the Texas Grant Management Standards published by the Texas Comptroller of Public Accounts.

### **1.3 STATUTORY AUTHORITY**

The System Agency is requesting Applications under, and governed by, Texas Health and Safety Code § 828.014, Dog and Cat Sterilization and Texas Administrative Code, Title 25, Part 1, Chapter 169, Subchapter E, Section 169.102, Department of State Health Services Animal Friendly Account.

### **1.4 STANDARDS**

Awards made as a result of this RFA are subject to all policies, terms, and conditions set forth in or included with this RFA as well as applicable statutes, requirements, and guidelines including, but not limited to applicable provisions of the Texas Grant Management Standards (TxGMS) and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200).

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## Article II. Scope of Grant Project

### **2.1 PURPOSE**

This funding opportunity invites grant Applications requesting funding from the Zoonosis Control Branch. The purpose of this program is to provide spay/neuter services for cats and dogs owned by the public at no- or low-cost for the period of August 31, 2023, through August 30, 2025.

### **2.2 PROGRAM BACKGROUND**

Due to pet overpopulation in Texas, over half a million animals are euthanized annually at a cost of over \$20 million. These figures do not include animals that are abandoned and die from starvation, disease, or trauma. Stray animals represent public health threats through a variety of diseases such as rabies, toxoplasmosis, plague, and parasitic infections. Failure to sterilize pets is irrefutably a major cause of pet overpopulation. The cost of the Sterilization is considered cost prohibitive to many pet owners. As a response to these problems, the 75th Texas Legislature designated funds derived from the sale of Animal Friendly license plates are to be used for Sterilization programs.

In an effort to reduce pet overpopulation, Animal Friendly Program funds will be made available for community-based programs for the spaying and neutering or Sterilizations of cats and dogs.

### **2.3 ELIGIBLE SERVICE AREAS**

The service areas eligible for Project funding under this RFA are all counties as long as Respondent meets the requirements of this RFA.

### **2.4 ELIGIBLE ACTIVITIES**

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

The primary focus of the RFA is providing spay/neuter Sterilization services for dogs and cats owned by Texas residents at no- or low-cost. Grants awarded as a result of this RFA will be funded on a Cost Reimbursement basis. Under the Cost Reimbursement method of funding, grant recipients are required to finance operations with their own working capital with grant payments made by DSHS to reimburse the grant recipients for actual cash disbursements to be supported by adequate documentation.

### **2.5 PROGRAM REQUIREMENTS**

All Grant Projects funded under this RFA must meet the following program requirements as referenced in **Exhibit H: Program Requirements**:

To meet the mission and objectives of Zoonosis Control for Animal Friendly Grant Program, Respondent must:

1. Sterilize dogs and cats owned by Texas residents based on the Grantee’s approved funding request.
2. Have access to or maintain a computer, e-mail address, and internet connectivity throughout the contract period.
3. Submit quarterly performance measure reports utilizing **Exhibit J, Zoonosis Quarterly Performance Measure Report**. Submit quarterly performance measure reports after the work has been done to the DSHS Program.
4. Complete **Exhibit I, Client Information**, for each dog and cat that is spayed or neutered. The information must be available to DSHS in the case of an audit or upon request and submitted.

**2.6 REQUIRED REPORTS**

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

REPORT	DUE DATE
Financial Status Report (FSR) – Bi-annually	<p>First semi-annual FSR, to include months from September through February, due no later than March 31<sup>st</sup>.</p> <p>Second semi-annual FSR, to include months from March through August, due no later than October 15<sup>th</sup>.</p>
Performance Measure Report – Quarterly	The 30 <sup>th</sup> calendar day following the end of the quarter being reported

Grantee shall provide all applicable reports in the format specified by System Agency in an accurate, complete, and timely manner and shall maintain appropriate supporting backup documentation. Failure to comply with submission deadlines for required reports, FSRs, or other requested information may result in System Agency, in its sole discretion, placing the Grantee on financial hold without first requiring a corrective action plan, in

addition to pursuing any other corrective or remedial actions specified under the Grant Agreement.

## **2.7 PERFORMANCE MEASURES AND MONITORING**

The System Agency will look solely to Grantee for the performance of all Grantee obligations and requirements in a Grant Agreement resulting from this RFA. Grantee shall not be relieved of its obligations for any nonperformance by its subgrantees or subcontractors, if any.

Grant Agreement(s) awarded as a result of this RFA are subject to the System Agency's performance monitoring activities throughout the duration of the Grant Project Period. This evaluation may include a reassessment of Project activities and services to determine whether they continue to be effective throughout the grant term.

Grantees must regularly collect and maintain data that measures the performance and effectiveness of activities under a Grant Agreement resulting from this RFA in the manner, and within the timeframes, specified in this RFA and resulting Grant Agreement, or as otherwise specified by System Agency. Grantees must submit the necessary information and documentation regarding all requirements, including reports and other deliverables, and will be expected to issue a quarterly report regarding such.

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

## **2.8 FINANCIAL STATUS REPORTS (FSRs)**

For Grant Agreements with categorical Budgets, Grantee shall submit biannual FSRs. The first biannual report will cover September through February, and shall be submitted no later than March 15 for System Agency review and financial assessment; and the second biannual report will cover March through August, and shall be submitted no later than October 15 for System Agency review and financial assessment. Through submission of a FSR, Grantee certifies that:

1. Any applicable invoices have been reviewed to ensure all grant-funded purchases **of goods or services have been completed, performed, or delivered in accordance** with Grant Agreement requirements;
2. All Grantee-performed services have been completed in compliance with the terms of the Grant Agreement;

3. The amount of the FSR added to all previous approved FSRs does not exceed the maximum liability of the Grant Award; and
4. All expenses shown on the FSR are allocable, allowable, actual, reasonable, and necessary to fulfill the purposes of the Grant Agreement.

## **2.9 FINAL BILLING SUBMISSION**

Unless otherwise directed by the System Agency, Grantee shall submit a reimbursement or payment request as a final close-out invoice no later than forty-five (45) calendar days following the end of the term of the Grant Agreement. Reimbursement or payment requests received after the deadline may not be paid.

## **2.10 LIMITATIONS ON GRANTS TO UNITS OF LOCAL GOVERNMENT**

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

- (a) In each Grant Agreement with a unit of local government, grant funds appropriated under the General Appropriations Act will be expended subject to limitations and reporting requirements similar to those provided by:
  - (1) Parts 2, 3, and 5 of Article IX of the General Appropriations Act (except there is no requirement for increased salaries for local government employees);
  - (2) §§ 556.004, 556.005, and 556.006 of the Government Code; and
  - (3) §§ 2113.012 and 2113.101 of the Government Code.
- (b) In this section, "unit of local government" means:
  - (1) a council of governments, a regional planning commission, or a similar regional planning agency created under Chapter 391 of the Local Government Code;
  - (2) a local workforce development board; or
  - (3) a community center as defined by the Health and Safety Code, § 534.001(b).

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## Article III. Applicant Eligibility Requirements

### **3.1 LEGAL AUTHORITY TO APPLY**

By submitting an Application in response to this RFA, Applicant certifies that it has legal authority to apply for the Grant Agreement that is the subject of this RFA and is eligible to receive awards. Further, Applicant certifies it will continue to maintain any required legal authority and eligibility throughout the entire duration of the grant term, if awarded. All requirements apply with equal force to Applicant and, if the recipient of an award, Grantee and its subgrantees or subcontractors, if any.

Each Applicant may only submit one Grant Application.

### **3.2 APPLICATION SCREENING REQUIREMENTS**

In order to be considered an Applicant eligible for evaluations, Applicant must meet one of the following requirements:

1. Be a private (for-profit or non-profit) entity;
2. Be a public Releasing Agency (animal shelter);
3. Be an organization that is qualified as a charitable organization under Internal Revenue Code Section 501(c) and that must provide animal welfare services or services that provide for the Sterilization of dogs and cats owned by the general public at minimal or no cost as its primary purpose; or
4. Be a Local Non-Profit Veterinary Medical Association that has an established program for sterilizing animals owned by the general public at minimal or no cost.

Eligible Applicants must also comply with the criteria listed below:

1. If applicable, organizations submitting a Request for Application must agree that they are in compliance with Texas Health and Safety Code § 828.002, “Requirements for Adoption,” and § 828.003, “Sterilization Agreement.” <https://statutes.capitol.texas.gov/Docs/HS/htm/HS.828.htm>;
2. Respondent must be established as an appropriate legal entity, as described above and according to State statutes, and must have the authority and be in good standing to do business in Texas and to conduct the activities described in the RFA;
3. Respondent must have a Texas business address. A post office box may be used when the Application is submitted, but the Respondent must conduct business at a physical location in Texas prior to the date that the contract is awarded;
4. Respondent must be in good standing with the U.S. Internal Revenue Service;

5. Respondent is not eligible to apply for funds under this RFA if currently debarred, suspended, or otherwise excluded or ineligible for participation in Federal or State assistance programs;
6. In compliance with Comptroller of Public Accounts and Statewide Procurement Division rules, a name search will be conducted using the websites listed in this section prior to the development of a contract;

A Respondent is not considered eligible to contract with DSHS, regardless of the funding source, if a name match is found on any of the following lists:

- a. The General Services Administration's (GSA) System for Award Management (SAM) for parties excluded from receiving federal contracts, certain subcontracts and from certain types of federal financial and non-financial assistance and benefits at <https://www.sam.gov/SAM/>;
  - b. The Office of Inspector General (OIG) List of Excluded Individuals/Entities Search at <https://oig.hhsc.state.tx.us/oigportal2/Exclusions>;
  - c. Texas Comptroller of Public Accounts (CPA) Debarment List;
  - d. Iran, Sudan, & Foreign Terrorist Organizational Check and Boycott Israel, prior to award, the purchaser must check the divestment lists in accordance with the Texas Government Code; and
  - e. Texas Comptroller Public Accounts (CPA) Franchise Tax Check.
7. Respondents must be listed at <https://direct.sos.state.tx.us/acct/acct-login.asp>, if they are Professional Corporations, Professional Associations, Texas Corporations, and/or Texas Limited Partnership Companies; and
  8. Contractor must have access to or maintain a computer, e-mail, and the internet throughout the contract period.

Respondent is not considered eligible to apply unless the Respondent meets the eligibility conditions to the stated criteria listed above at the time the Application is submitted. Respondent must continue to meet these conditions throughout the selection and funding process. DSHS expressly reserves the right to review and analyze the documentation submitted and to request additional documentation and determine the Respondent's eligibility to compete for the Grant award.

### **3.3 GRANT AWARD ELIGIBILITY**

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

1. Applicant and all of its identified subsidiaries intending to participate in the Grant Agreement are eligible to perform grant-funded activities, if awarded, and are not

subject to suspension, debarment, or a similar ineligibility determined by any State or federal entity;

2. Applicant is in good standing under the laws of Texas and has provided HHS with any requested or required supporting documentation in connection with this certification;
3. Applicant shall remain in good standing and eligible to conduct its business in Texas and shall comply with all applicable requirements of the Texas Secretary of State and the Texas Comptroller of Public Accounts;
4. Applicant is currently in good standing with all licensing, permitting, or regulatory bodies that regulate any or all aspects of Applicant's operations; and
5. Applicant is not delinquent in taxes owed to any taxing authority of the State of Texas as of the effective date of this Grant Agreement.

### **3.4 GRANTS FOR POLITICAL POLLING PROHIBITED**

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

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## Article IV. Project Period and Grant Term

### **4.1 PROJECT PERIOD**

The Project Period is **August 31, 2023**, through **August 30, 2024**, for a **12-month period**.

**Extension of Project Period:** The System Agency may, at its sole discretion, extend the Project Period for up to one (1) year to allow for the full expenditure of awarded funding and completion of Grant activities.

### **4.2 GRANT TERM**

The System Agency may, at its sole discretion, extend the grant term for any period(s) of time through Grant Agreement extensions or renewals with funded Project periods, provided the grant term, including all extensions or renewals, does not exceed two (2) years. Continued funding of the contract in a second year is contingent upon the availability of funds and the satisfactory performance of the Grantee during the prior year. Funding may vary and is subject to change with each renewal.

### **4.3 PROJECT CLOSEOUT**

System Agency will programmatically and financially close the grant award and end the Grant Agreement when System Agency determines Grantee has completed all applicable actions in accordance with Grant Agreement requirements. The Grantee must submit all required financial, performance, and other reports as required in the Grant Agreement. The Project close-out date is forty-five (45) calendar days after the Grant Agreement end date, unless otherwise noted in the original or amended Grant Agreement. Funds not obligated by Grantee by the end of the Grant Agreement term and not expended by the Project close-out date will revert to System Agency.

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## **Article V. Grant Funding and Reimbursement Information**

### **5.1 GRANT FUNDING SOURCE AND AVAILABLE FUNDING**

The total amount of State funding available for the Zoonosis Control Program Animal Friendly Grant program is **\$275,000.00** for the entire Project Period. It is the System Agency's intention to make multiple awards to Applicants that successfully demonstrate the project's primary purpose of Sterilization of dogs and cats owned by the public at minimal or no cost. One (1) grant award per contract year will be awarded per approved applicant for the Sterilization of dogs and/or cats. Award amounts are at the sole discretion of DSHS, but typically range from \$15,000-\$30,000 annually.

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

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

### **5.2 NO GUARANTEE OF REIMBURSEMENT AMOUNTS**

There is no guarantee of total reimbursements to be paid to any Grantee under any Grant Agreement, if any, resulting from this RFA. Grantees should not expect to receive additional or continued funding under future RFA opportunities and should maintain sustainability plans in case of discontinued grant funding. Any additional funding or future funding may require submission of a new Application through a subsequent RFA.

Receipt of an Application in response to this RFA does not constitute an obligation or expectation of any award of a Grant Agreement or funding of a grant award at any level under this RFA.

### **5.3 GRANT FUNDING PROHIBITIONS**

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

1. Any use of grant funds to replace (supplant) funds that have been budgeted for the same purpose through non-grant sources;
2. Inherently religious activities such as prayer, worship, religious instruction, or proselytization;
3. Lobbying or advocacy activities with respect to legislation or to administrative changes to regulations or administrative policy (cf. 18 U.S.C. § 1913), whether conducted directly or indirectly;

4. Any portion of the salary of, or any other compensation for, an elected or appointed government official;
5. Vehicles for general agency use; to be allowable, vehicles must have a specific use related to Project objectives or activities;
6. Entertainment, amusement, or social activities and any associated costs including but not limited to admission fees or tickets to any amusement park, recreational activity or sporting event unless such costs are incurred for components of a program approved by the grantor agency and are directly related to the program's purpose;
7. Costs of promotional items and memorabilia, including models, gifts, and souvenirs;
8. Food, meals, beverages, or other refreshments, except for eligible per diem associated with grant-related travel, where pre-approved for working events, or where such costs are incurred for components of a program approved by the grantor agency and are directly related to the program's purpose;
9. Membership dues for individuals;
10. Any expense or service that is readily available at no cost to the Grant Project;
11. Any activities related to fundraising;
12. Any other prohibition imposed by federal, State, or local law; and
13. Other unallowable costs as listed under TxGMS, Appendix 7, Selected Items of Cost Supplement Chart and/or 2 CFR 200, Subpart E – Cost Principles, General Provisions for Selected Items of Cost, where applicable.

#### **5.4 COST SHARING OR MATCHING REQUIREMENTS**

There is no cost sharing or matching requirements under this Grant Project.

#### **5.5 PAYMENT METHOD**

Grant Agreement(s) awarded under this RFA will be funded on a Cost Reimbursement basis for reasonable, allowable, and allocable Grant Project costs. Under the Cost Reimbursement payment method, Grantee is required to finance operations and will only be reimbursed for actual, allowable, and allocable costs incurred on a monthly basis and supported by adequate documentation. No additional payments will be rendered unless an advanced payment is approved. There is no cost sharing or matching requirements under this Grant Project.

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## Article VI. Application Forms and Exhibits for Submission

**Note:** Applicants must refer to **Article XIII, Submission Checklist**, for the complete checklist of documents that must be submitted with an Application under this RFA.

### **6.1 NARRATIVE PROPOSAL**

The grant narrative proposal consists of Forms D through G. Applicants shall provide an executive summary and describe their proposed activities, processes, and methodologies to satisfy all objectives described in **Article II, Scope of Grant Project**.

Applicants shall provide a high-level overview of their proposed approach to meeting the RFA's requirements using **Form E, Applicant Respondent Background**. This Executive Summary must demonstrate an understanding of the program requirements and scope of the grant (see Section 2.4 of the RFA).

The Executive Summary must demonstrate an understanding of the goals and objectives of the grant program. Applicants should identify all proposed tasks to be performed, including all Project activities, during the Grant Project Period. Applicants must complete and submit all required attachments.

### **6.2 REQUESTED BUDGET**

Attached **Exhibit C, Requested Budget Template**, of this RFA is the template for submitting the requested Budget. Applicants must develop the requested Budget to support their Proposed Project, in alignment with the requirements described in this RFA.

Applicants must ensure that Project costs outlined in the requested Budget are reasonable, allowable, allocable, and developed in accordance with applicable State and federal grant requirements. Reasonable costs are those if, in nature and amount, do not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. A cost is allocable to a particular cost objective if the cost is chargeable or assignable to such cost objective in accordance with relative benefits received. See 2 CFR § 200.403 or TxGMS Cost Principles, Basic Considerations (pgs. 32-33), for additional information related to factors affecting allowability of costs.

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

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

**Submission of Exhibit C, Requested Budget Template, is mandatory. Applicants that fail to submit a requested Budget with their Application, as set forth in this RFA, will be disqualified.**

### **6.3 INDIRECT COSTS**

Applicants must have an approved Indirect Cost Rate (ICR) or request the de minimis rate to recover Indirect Costs. All Applicants are required to complete and submit **Form J, HHS System Indirect Costs Rate Questionnaire**, with required supporting documentation. The questionnaire initiates the acknowledgment or approval of an ICR for use with the System Agency cost-reimbursable Grant Agreements. Entities declining the use of Indirect Costs cannot recover Indirect Costs on any System Agency award or use unrecovered Indirect Costs as Match.

The System Agency typically accepts the following approved ICRs:

1. Federally Approved Indirect Cost Rate Agreement; or
2. State of Texas Approved Indirect Cost Rate.

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

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

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

The System Agency's Federal Funds Indirect Cost Rate Group will contact applicable Grantees after Grant Agreement execution to initiate and complete the ICR process. Grantees should respond within thirty (30) business days or the request will be cancelled, and Indirect Costs may be disallowed.

Once the System Agency acknowledges an existing rate or approves an ICR, the Grantee will receive one of the three Indirect Cost approval letters: ICR Acknowledgement Letter; ICR Acknowledgement Letter – Ten Percent De Minimis; or the ICR Agreement Letter.

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

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

## 6.4 ADMINISTRATIVE APPLICANT INFORMATION

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

### 1. Litigation and Contract History

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

In addition, Applicant must disclose any civil or criminal litigation or investigation pending over the last five (5) years that involves Applicant or in which Applicant has been judged guilty or liable. Failure to comply with the terms of this provision may disqualify Applicant. See **Exhibit A, HHS Solicitation Affirmations, Version 2.3**. Applicant certifies it does not have any existing claims against or unresolved audit exceptions with the State of Texas or any agency of the State of Texas.

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

### 2. Internal Controls Questionnaire

Applicant must complete **Form H, Organizational Financial Information and Internal Controls Questionnaire**, and submit with its Application.

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Article VII. RFA Administrative Information and Inquiries

**7.1 SCHEDULE OF EVENTS**

<b>EVENT</b>	<b>DATE/TIME</b>
Funding Announcement Posting Date  Posted to System Agency Grants RFA and Texas eGrants websites	November 22, 2022
Applicant Conference  (attendance is optional)	December 2, 2022, at 10:00 a.m. Central Time
Deadline for Submitting Questions or Requests for Clarification	December 9, 2022, at 5:00 p.m. Central Time
Date that Answers to Questions or Requests for Clarification are Posted	Tentative Date December 29, 2022
<b>Deadline for Submission of Applications</b>  <b>NOTE: Applications must be <u>RECEIVED</u> by the System Agency by this deadline, if not changed by subsequent addenda, to be considered eligible.</b>	<b>January 10, 2023, by 10:30 p.m. Central Time</b>
Anticipated Notice of Award	June of 2023
Anticipated Project Start Date	August 31, 2023

**Applicants must ensure their Applications are received by the System Agency in accordance with the Deadline for Submission of Applications (date and time) indicated in this Schedule of Events or as changed by subsequent addenda posted to the [HHS Grants RFA](#) website.**

**All dates are tentative and DSHS reserves the right to change these dates at any time. At the sole discretion of DSHS, events listed in the Schedule of Events are subject to scheduling changes and cancellation. Scheduling changes or cancellation determinations made prior to the Deadline for Submission of Applications will be published by posting an addendum to the [HHS Grants RFA](#) website. After the Deadline for Submission of Applications, if there are delays that significantly impact**

the anticipated award date, the System Agency, at its sole discretion, may post updates regarding the anticipated award date to the [Procurement Forecast](#) on the HHS Procurement Opportunities [website](#). Each Applicant is responsible for checking the HHS Grants RFA website and Procurement Forecast for updates.

## 7.2 SOLE POINT OF CONTACT

All requests, questions, or other communication about this RFA shall be made by email **only** to the Grant Specialist designated as the System Agency's Sole Point of Contact listed below:

**Name:** John Norton

**Title:** Grant Specialist, HHSC Procurement and Contracting Services

**Email:** [John.Norton2@hhs.texas.gov](mailto:John.Norton2@hhs.texas.gov)

**Applicants shall not use this e-mail address for submission of an Application. Follow the instructions for submission as outlined in *Article VIII, Application Organization and Submission Requirements*.**

However, if expressly directed in writing by the Sole Point of Contact, Applicant may communicate with another designated System Agency representative as part of the normal grant review process.

**Prohibited Communications:** Applicants and their representatives shall not contact other System Agency personnel regarding this RFA.

This restriction (on only communicating in writing by email with the sole point of contact identified above) does not preclude discussions between Applicant and agency personnel for the purposes of conducting business unrelated to this RFA.

Failure of an Applicant or its representatives to comply with these requirements may result in disqualification of the Application.

## 7.3 RFA QUESTIONS AND REQUESTS FOR CLARIFICATION

Written questions and requests for clarification of this RFA are permitted if submitted by email to the Sole Point of Contact by the Deadline for Submitting Questions or Requests for Clarification established in **Section 7.1, Schedule of Events**, or as may be amended in Addenda, if any, posted to the HHS Grants RFA website.

Applicants' names will be removed from questions in any responses released. All questions and requests for clarification must include the following information (submissions that do not include this information may not be accepted):

1. RFA number;



2. Section or paragraph number from this solicitation;
3. Page number of this solicitation;
4. Exhibit or other attachment and section or paragraph number from the exhibit or other attachment;
5. Page number of the exhibit;
6. Language, topic, and/or section-heading being questioned; and
7. The specific question.

The following contact information must be included in the e-mail submitted with questions or requests for clarification:

1. Name of individual submitting question or request for clarification;
2. Organization name;
3. Phone number; and
4. E-mail address.

**Questions or other written requests for clarification must be received by the Sole Point of Contact by the Deadline for Submitting Questions or Requests for Clarification set forth in this Section 7.1, Schedule of Events, or as may be amended in Addenda (if any) posted to the HHS Grants RFA website.**

**DSHS may review and, at its sole discretion, may respond to questions or other written requests received after the Deadline for Submitting Questions or Requests for Clarification.**

#### **7.4 AMBIGUITY, CONFLICT, DISCREPANCY, CLARIFICATIONS**

Applicants must notify the Sole Point of Contact of any ambiguity, conflict, discrepancy, exclusionary specification, omission or other error in the RFA by the date and in the manner outlined in **Section 7.1 (Schedule of Events)**. Each Applicant submits its Application at its own risk.

If Applicant fails to properly and timely notify the Sole Point of Contact of any ambiguity, conflict, discrepancy, exclusionary specification, omission, or other error in the RFA, Applicant, whether awarded a Grant Agreement or not:

1. Shall have waived any claim of error or ambiguity in the RFA and any resulting Grant Agreement;
2. Shall not contest the interpretation by DSHS of such provision(s); and

3. Shall not be entitled to additional reimbursement, relief, or time by reason of any ambiguity, conflict, discrepancy, exclusionary specification, omission, or other error, or its later correction.

## 7.5 RESPONSES TO QUESTIONS OR REQUEST FOR CLARIFICATIONS

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

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

## 7.6 CHANGES, AMENDMENTS, OR MODIFICATIONS TO RFA

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

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

## 7.7 EXCEPTIONS AND ASSUMPTIONS

Applicants are highly encouraged, in lieu of including exceptions in their Applications, to address all issues that might be advanced by way of exception or assumptions by submitting questions or requests for clarification pursuant to **Section 7.3, RFA Questions and Requests for Clarification**. Applicants seeking exceptions must submit their request through **Exhibit E, Exceptions**.

No exception, nor any other term, condition, or provision in an Application that differs, varies from, or contradicts this RFA, will be considered to be part of any Grant Agreement resulting from this RFA unless expressly made a part of the Grant Agreement in writing by the System Agency.

## 7.8 APPLICANT CONFERENCE

HHSC will conduct an Applicant conference on the date and time set out in **Section 7.1, Schedule of Events**, to review the key elements of this RFA. Attendance is optional and not required; however, it is strongly encouraged.

People with disabilities who wish to attend the meeting and require auxiliary aids or services should contact the Sole Point of Contact identified in **Section 7.2, Sole Point of Contact**, at least seventy-two (72) hours before the meeting in order to have reasonable accommodations made by HHSC.

The conference will be held by webinar, conference call, or both. Attendees are required to sign a conference attendance log, and those joining via conference call are required to send an email to the Sole Point of Contact (see **Section 7.2, Sole Point of Contact**), advising of participation in the conference. Whether signing the conference attendance log in person or sending email notification, each attendee must provide his/her name, attendee's company name, and attendee email address.

### **WEBINAR INFORMATION:**

The conference will be held through GoToWebinar, which may be accessed at:

<https://attendee.gotowebinar.com/register/2642774479180310543>.

### **Webinar Instructions:**

1. Enter Webinar ID: 511-514-019;
2. Enter Attendee's business email; and
3. To register, the participants must have the following information ready:
  - a. First and last name of each attendee/registrant;
  - b. E-mail address for the attendee/registrant;
  - c. Applicant's legal name; and
  - d. Job title of attendee/registrant.

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## Article VIII. Application Organization and Submission Requirements

### 8.1 APPLICATION RECEIPT

Applications must be received by the System Agency by the Deadline for Submission of Applications specified in **Section 7.1, Schedule of Events**, or subsequent Addenda. The System Agency will date and time stamp all Applications upon receipt. Applications received after the Deadline for Submission of Applications may be ruled ineligible. Applicants should allow for adequate time for submission before the posted Deadline for Submission of Applications.

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

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

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

### 8.2 APPLICATION SUBMISSION

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

### 8.3 REQUIRED SUBMISSION METHOD

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

#### 1. Submission Option #1

**HHS Online Bid Room:** Applicants shall upload the following documents to the Online Bid Room utilizing the procedures in **Exhibit G, HHS Online Bid Room**.  
**File Size Limitation:** Restriction to 250MB per file attachment.

- a. One (1) copy marked as "Original Application" that contains the Applicant's entire Application in a Portable Document Format (".pdf") file.

- b. One (1) copy of the completed **Exhibit C, Requested Budget Template**, in its original Excel format.
- c. One (1) copy of the complete Application marked as “Public Information Act Copy,” if applicable, in accordance with **Section 12.1, Texas Public Information Act**, in a Portable Document Format (“.pdf”) file.

**2. Submission Option #2**

**Sealed Package with USB Drives:** Applicants shall submit each of the following on separate USB drives:

- a. One (1) USB drive with the complete Application file marked as “Original Application” in a Portable Document Format (“.pdf”) file. Include the USB in a separate envelope within the sealed Application package and mark the USB and envelope with “Original Application.” USB drive must include the completed **Exhibit C, Requested Budget Template**, in its original Excel format.
- b. One (1) USB drive with a copy of the complete Application file marked as “Public Information Act Copy,” if applicable and in accordance with **Section 12.1, Texas Public Information Act**. The copy must be in a Portable Document Format (“.pdf”) file. Include the USB in a separate envelope within the sealed package and mark the USB and envelope with “Public Information Act Copy” or “PIA Copy.”

Applicant must deliver Applications submitted via USB by one of the methods below.

<b>Overnight/Express/Priority Mail</b>	<b>Hand Delivery</b>
Health and Human Services Commission ATTN: Response Coordinator Tower Building, Room 108 1100 W. 49th St., MC 2020 Austin, Texas 78756	Health and Human Services Commission ATTN: Response Coordinator Procurement & Contracting Services Building 1100 W. 49th St., MC 2020 Austin, Texas 78756

Sealed packages must be clearly labeled with the following:

<b>RFA No:</b>	RFA No. HHS0012167
<b>RFA TITLE:</b>	Zoonosis Control Animal Friendly Spay and Neuter Grant Program for Cats and Dogs

<b>DEADLINE FOR SUBMISSION OF APPLICATIONS:</b>	January 10, 2023, at 10:30 a.m. Central Time
<b>SOLE POINT OF CONTACT'S NAME:</b>	John Norton
<b>APPLICANT'S NAME:</b>	[Applicant's legal name]

Applicants are solely responsible for ensuring the USB drives are submitted in sealed packaging that is sufficient to prevent damage to contents and delivered by overnight or express mail, or hand delivery to the addresses above. No HHS agency will be responsible or liable for any damage.

#### **8.4 COSTS INCURRED FOR APPLICATION**

All costs and expenses incurred in preparing and submitting an Application in response to this RFA and participating in the RFA selection process are entirely the responsibility of the Applicant.

#### **8.5 APPLICATION COMPOSITION**

All Applications must:

1. Be responsive to all RFA requirements;
2. Be clearly legible;
3. Be presented using font type Verdana, Arial, or Times New Roman, font size 12 pt., with one (1) inch margins and 1.5 line spacing; the sole 12-point font size exception is no less than size 10 pt. for tables, graphs, and appendices;
4. Include page numbering for each section of the Application; and
5. Include signature of Applicant's authorized representative on all exhibits and forms requiring a signature. Copies of the Application documents should be made after signature.

#### **8.6 APPLICATION ORGANIZATION**

The complete Application, in a Portable Document Format (".pdf") file, must:

1. Be organized in the order outlined in **Article XIII, Submission Checklist**, and include all required sections (e.g., "Administrative Information," "Narrative Proposal," and "Exhibits to be Submitted with Application");
  - a. **Exhibit C, Requested Budget Template**, is to be submitted in its original Excel format; and

- b. Each Application section must have a cover page with the Applicant's legal name, RFA number, and Name of Grant identified; and
2. Include all required documentation, exhibits, and forms completed and signed, as applicable. Copies of forms are acceptable, but all copies must be identical to the original. All exhibits must be submitted and obtained directly from the posted RFA package; previous versions and copies are not allowed or acceptable.

## **8.7 APPLICATION WITHDRAWALS OR MODIFICATIONS**

Prior to the Deadline for Submission of Applications set forth in **Section 7.1, Schedule of Events**, or subsequent Addenda, an Applicant may:

1. Withdraw its Application by submitting a written request to the Sole Point of Contact; or
2. Modify its Application by submitting an entirely new submission, complete in all respects, using one of the approved methods of submission set forth in this RFA. The modification must be received by the System Agency by the Deadline for Submission of Applications set forth in **Section 7.1, Schedule of Events**, or subsequent Addenda.

No withdrawal or modification request received after the Deadline for Submission of Applications, set forth in **Section 7.1, Schedule of Events**, or subsequent Addenda, will be considered. Additionally, in the event of multiple Applications received, the most timely received and/or modified Application will replace the Applicant's original and all prior submission(s) in its entirety, and the original submission(s) will not be considered.

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## Article IX. Application Screening and Evaluation

### 9.1 OVERVIEW

A three-step selection process will be used:

1. Application screening to determine whether the Applicant meets the minimum requirements of this RFA;
2. Evaluation based upon specific criteria; and
3. Final selection based upon State priorities and other relevant factors, as outlined in **Section 10.1, Final Selection.**

### 9.2 INITIAL COMPLIANCE SCREENING OF APPLICATIONS

All Applications received by the Deadline for Submission of Applications as outlined in **Section 7.1, Schedule of Events**, or subsequent Addenda, will be screened by the System Agency to determine which Applications meet all the minimum requirements of this RFA and are deemed responsive and qualified for further consideration. See **Section 3.2, Application Screening Requirements.**

At the sole discretion of the System Agency, Applications with errors, omissions, or compliance issues may be considered non-responsive and may not be considered. The remaining Applications will continue to the evaluation stage and will be considered in the manner and form in which they are received. The System Agency reserves the right to waive minor informalities in an Application. A “minor informality” is an omission or error that, in the determination of the System Agency, if waived or modified, would not give an Applicant an unfair advantage over other Applicants or result in a material change in the Application or RFA requirements. **Note: Any disqualifying factor set forth in this RFA does not constitute an informality (e.g., a lack of a sufficient response for Exhibit A, HHS Solicitation Affirmations, Version 2.3, or Exhibit C, Requested Budget Template, is a definitive disqualifying factor that does not merely constitute an “informality”).**

The System Agency, in its sole discretion, may give an Applicant the opportunity to submit missing information or make corrections at any point after receipt of Application. The missing information or corrections must be submitted to the Sole Point of Contact e-mail address in **Section 7.2, Sole Point of Contact**, by the deadline set by the System Agency. Failure to respond by the deadline may result in the rejection of the Application and the Applicant’s not being considered for award.

### 9.3 QUESTIONS OR REQUESTS FOR CLARIFICATION FOR APPLICATIONS

The System Agency reserves the right to ask questions or request clarification or revised documents for a submitted Application from any Applicant at any time prior to award. The



System Agency reserves the right to select qualified Applications received in response to this RFA without discussion of the Applications with Applicants.

#### **9.4 EVALUATION CRITERIA**

Applications will be evaluated and scored in accordance with the following scoring criteria, using **Exhibit F, Evaluation Tool**.

**Scoring Criteria:** Qualified Applications shall be evaluated based upon:

1. Respondent Background (Form E, Applicant Respondent Background) – 10%
2. Target Area (Form F, Assessment Narrative) – 35%
3. Strategy for Marketing (Form F, Assessment Narrative) – 25%
4. Coordination and Collaboration (Form F, Assessment Narrative) – 10%
5. Target Cost Estimate (Form F, Assessment Narrative; Exhibit C, Requested Budget Template) – 20%

#### **9.5 PAST PERFORMANCE**

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

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

The System Agency, in its sole discretion, may also initiate investigations or examinations of Applicant's performance based upon media reports. Any negative findings, as determined by the System Agency, may, in its sole discretion, result in the System Agency removing the Applicant from further consideration for award.

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

1. Notices of termination;
2. Cure notices;
3. Assessments of liquidated damages;
4. Litigation;

5. Audit reports; and
6. Non-renewals of grants or contracts based on Applicant's unsatisfactory performance.

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

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

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

## **9.6 COMPLIANCE FOR PARTICIPATION IN STATE CONTRACTS**

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

The information (e.g., legal name and, if applicable, assumed name (d/b/a), tax identification number, Unique Entity Identifier ("UEI", a unique identifier created via SAM.gov, which replaces the previously used DUNS)) provided by Applicant will be used to conduct these checks. At System Agency's sole discretion, Applicants found to be barred, prohibited, or otherwise excluded from being awarded a Grant Agreement may be disqualified from further consideration under this solicitation, pending satisfactory resolution of all compliance issues.

Checks include:

### **1. State of Texas Debarment and Warrant Hold**

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Applicant must not be debarred from doing business with the State of Texas (<https://comptroller.texas.gov/purchasing/programs/vendor-performance-tracking/debarred-vendors.php>) or have an active warrant or payee-hold placed by the Comptroller of Public Accounts (CPA).

## **2. U.S. System of Award Management (SAM) Exclusions List**

Applicant must not be excluded from contract participation at the federal level. This verification is conducted through SAM, the official website of the U.S. Government which may be accessed at:

<https://sam.gov/content/exclusions>

## **3. Divestment Statute Lists**

Applicant must not be listed on the Divestment Statute Lists provided by CPA, which may be accessed at:

<https://comptroller.texas.gov/purchasing/publications/divestment.php>

- a. Companies that boycott Israel;
- b. Companies with Ties to Sudan;
- c. Companies with Ties to Iran;
- d. Foreign Terrorist Organizations; and
- e. Companies with Ties to Foreign Terrorist Organizations.

## **4. HHS Office of Inspector General**

Applicant must not be listed on the HHS Office of Inspector General Texas Exclusions List for people or businesses excluded from participating as a provider:

<https://oig.hhs.texas.gov/exclusions>

## **5. U.S. Department of Health and Human Services**

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

<https://exclusions.oig.hhs.gov/>.

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

as required by 2 CFR Part 25.

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

HHSC reserves the right to conduct additional checks to determine eligibility to receive a Grant Agreement.

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## Article X. Award of Grant Agreement Process

### **10.1 FINAL SELECTION**

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

The System Agency will make final funding decisions based on Applicant eligibility, evaluation rankings, the funding methodology above, and geographic distribution across the State, State priorities, reasonableness, availability of funding, cost-effectiveness, and other relevant factors.

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

### **10.2 NEGOTIATIONS**

After selecting Applicants for award, the System Agency may engage in negotiations with selected Applicants. As determined by System Agency, the negotiation phase may involve direct contact between the selected Applicant and HHS representatives by virtual meeting, by phone, and/or by email. Negotiations should not be interpreted as a preliminary intent to award funding unless explicitly stated in writing by the System Agency and is considered a step to finalize the Application to a state of approval and discuss proposed grant activities. During negotiations, selected Applicants may expect:

1. An in-depth discussion of the submitted Application and requested Budget; and
2. Requests from the System Agency for revised documents, clarification, or additional detail regarding the Applicant's submitted Application. These clarifications and additional details, as required, must be submitted in writing by Applicant as finalized during the negotiation.

### **10.3 DISCLOSURE OF INTERESTED PARTIES**

Subject to certain specified exceptions, Section 2252.908 of the Texas Government Code, "Disclosure of Interested Parties," applies to a Grant Agreement of a State agency that has a value of \$1 million or more; requires an action or vote by the governing body of the entity or agency before the Grant Agreement may be signed; or is for services that would require a person to register as a lobbyist under Chapter 305 of the Texas Government Code.

One of the requirements of Section 2252.908 is that a business entity (defined as “any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation”) must submit a Form 1295, “Certificate of Interested Parties,” to the System Agency at the time the business entity submits the signed Grant Agreement.

Applicant represents and warrants that, if selected for award of a Grant Agreement as a result of this RFA, Applicant will submit to the System Agency a completed, certified, and signed Form 1295, “Certificate of Interested Parties,” at the time the potential Grantee submits the signed Grant Agreement.

The Form 1295 involves an electronic process through the Texas Ethics Commission (TEC). The online process for completing the Form 1295 may be found on the TEC public website at: [https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm).

Additional instructions and information to be used to process the Form 1295 will be provided by the System Agency to the potential Grantee(s). Grantee may contact Sole Point of Contact or designated contract manager for information needed to complete Form 1295.

If the potential Grantee does not submit a completed, certified, and signed TEC Form 1295 to the System Agency with the signed Grant Agreement, the System Agency is prohibited by law from executing a Grant Agreement, even if the potential Grantee is otherwise eligible for award. The System Agency, as determined in its sole discretion, may award the Grant Agreement to the next qualified Applicant, who will then be subject to this procedure.

#### **10.4 EXECUTION AND ANNOUNCEMENT OF GRANT AGREEMENT(S)**

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

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

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

The System Agency may announce tentative funding awards through an “Intent to Award Letter” once the DSHS Deputy Commissioner and relevant HHSC approval authorities have given approval to initiate and/or execute grants. Receipt of an “Intent to Award Letter” does not authorize the recipient to incur expenditures or begin Project activities, nor does it guarantee current or future funding.

Upon execution of Grant Agreement(s) as a result of this RFA, the System Agency will post a notification of all grants awarded to the [HHS Grants RFA](#) website.

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## Article XI. General Terms and Conditions

### **11.1 GRANT APPLICATION DISCLOSURE**

In an effort to maximize State resources and reduce duplication of effort, the System Agency, at its discretion, may require the Applicant to disclose information regarding the Application for or award of State, federal, and/or local grant funding to the Applicant or subgrantee or subcontractor (i.e., organization who will participate, in part, in the operation of the Project) within the past two (2) years to provide Zoonosis Control Animal Friendly Spay and Neuter Grant Program for Cats and Dogs.

### **11.2 TEXAS HISTORICALLY UNDERUTILIZED BUSINESSES (HUBS)**

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

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

### **11.3 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 this RFA. Requests should be directed to the Sole Point of Contact identified in **Section 7.2, Sole Point of Contact**.

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## Article XII. Application Confidential or Proprietary Information

### **12.1 TEXAS PUBLIC INFORMATION ACT – APPLICATION DISCLOSURE REQUIREMENTS**

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

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

**1. Mark Original Application:**

- a. Mark the Original Application, at the top of the front page, with the words “CONTAINS CONFIDENTIAL INFORMATION” in large, bold, capitalized letters (the size of, or equivalent to, 12-point Times New Roman font), and
- b. Identify, adjacent to each portion of the Application that Applicant claims is exempt from public disclosure, the claimed exemption from disclosure (NOTE: no redactions are to be made in the Original Application);

**2. Certify in Original Application – HHS Solicitation Affirmations:** Certify, in the designated section of the **Exhibit A, HHS Solicitation Affirmations**, Applicant’s confidential information assertion and the filing of its Public Information Act Copy; and

**3. Submit Public Information Act Copy of Application:** Submit a separate “Public Information Act Copy” of the Original Application (in addition to the original and all copies otherwise required under the provisions of this RFA). The Public Information Act Copy must meet the following requirements:

- a. 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), and
- b. Each portion Applicant claims is exempt from public disclosure must be redacted (blacked out), and
- c. Applicant must identify, adjacent to each redaction, the claimed exemption from disclosure. Each identification provided as required in this section must be identical to those set forth in the Original Application as required in Subsection 1.b., above. The only difference in required markings and information between the Original Application and the “Public Information



Act Copy” of the Application will be redactions – which can only be included in the “Public Information Act Copy.” There must be no redactions in the Original Application.

**By submitting an Application under this RFA, Applicant agrees that, if Applicant does not mark the Original Application, provide the required certification in Exhibit A, HHS Solicitation Affirmations, Version 2.3, and submit the Public Information Act Copy, the Application will be considered to be public information that may be released to the public in any manner including, but not limited to, in accordance with the Public Information Act, posted on 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, the System Agency, in its sole discretion, reserves the right to (1) disqualify all Applicants that fail to fully comply with the requirements set forth in this section, or (2) to offer all Applicants that fail to fully comply with the requirements set forth in this section additional time to comply.**

No Applicant should submit a Public Information Act Copy indicating that the entire Application is exempt from disclosure. Merely making a blanket claim that the entire Application is protected from disclosure because it contains any amount of confidential, proprietary, trade secret, or privileged information is not acceptable, and may make the entire Application subject to release under the PIA.

Applications should not be marked or asserted as copyrighted material. If Applicant asserts a copyright to any portion of its Application, by submitting an Application, Applicant agrees to reproduction and posting on public websites by the State of Texas, including 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 RFA, Applicant acknowledges that all information, documentation, and other materials submitted in its Application 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>.

## **12.2 APPLICANT WAIVER – INTELLECTUAL PROPERTY**

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

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## Article XIII. Submission Checklist

HHSC, in coordination with System Agency, in its sole discretion, will review all Applications received and will determine if any or all Applications which do not include complete, signed copies of these exhibits, will be disqualified or whether additional time will be permitted for submission of the incomplete or missing exhibits. If additional time is permitted, Applicants will be notified in writing of the opportunity to provide the missing documentation by a specified deadline. Failure by an Applicant to submit the requested documentation by the deadline **WILL** result in disqualification. Applications that do not include Exhibit A, HHS Solicitation Affirmations, Version 2.3 (completed and signed), and Exhibit C, Requested Budget Template (completed), will be disqualified. See *Section 9.2, Initial Compliance Screening of Applications*, for further detail.

This Submission Checklist identifies the documentation, forms, and exhibits that are required to be submitted as part of the Application.

The Application must be organized in the order below and include each required section and the forms and exhibits identified within a section:

### **1. Administrative Information**

- a. Form A, Face Page
- b. Form B, Contact Person Information
- c. Form C, Administrative Information
- d. Form C-1, Governmental Entity – Authorized Officials, if applicable
- e. Form C-2, Nonprofit or For-Profit Entity – Board of Directors and Principal Officers, if applicable

### **2. Narrative Proposal**

**\*\* NOTE \*\* The Narrative Proposal must be titled “Narrative Proposal” and include the Applicant’s Legal Name, the RFA No., and the name of the Grant Program. Use the titles below for each required section.**

- a. Form D, Executive Summary
- b. Form E, Applicant Respondent Background
- c. Form F, Assessment Narrative
- d. Form G, Financial Management and Administration Questionnaire

- e. Form H, Organizational Financial Information and Internal Controls Questionnaire
- f. Form I, Conflicts and Litigation History
- g. Form J, HHS System Indirect Costs Rate Questionnaire

**3. Exhibits to be Completed, Signed, and Submitted with Application**

- a. Exhibit A, HHS Solicitation Affirmations, Version 2.3

**\*\* NOTE \*\* Exhibit A (HHS Solicitation Affirmations, Version 2.3) is mandatory and must be completed, signed, and submitted for the Application to be considered responsive. Applications received without Exhibit A or with an unsigned Exhibit A may be disqualified.**

- b. Exhibit C, Requested Budget Template (Excel)

**\*\* NOTE \*\* Exhibit C (Requested Budget Template) is mandatory and must be submitted with the Application, in the original format (Excel), for the Application to be considered responsive. Applications received without the completed Requested Budget Template will be disqualified.**

- c. Exhibit D, Certification Regarding Lobbying
- d. Exhibit E, Exceptions
- e. Exhibit F, Evaluation Tool
- f. Exhibit G, Online Bid Room

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## **Article XIV. List of Forms and Exhibits Attached to RFA**

### **Exhibits:**

Exhibit A, HHS Solicitation Affirmations, Version 2.3

Exhibit B, HHS Uniform Terms and Conditions – Grant Version 3.2

Exhibit C, Requested Budget Template

Exhibit D, Certification Regarding Lobbying

Exhibit E, Exceptions

Exhibit F, Evaluation Tool

Exhibit G, Online Bid Room

Exhibit H, Program Requirements

Exhibit I, Client Information

Exhibit J, Zoonosis Quarterly Performance Measure Report

### **Forms:**

Form A, Face Page

Form B, Contact Person Information

Form C, Administrative Information

Form C-1, Governmental Entity – Authorized Officials

Form C-2, Nonprofit or For-Profit Entity – Board of Directors and Principal Officers

Form D, Executive Summary

Form E, Applicant Respondent Background

Form F, Assessment Narrative

Form G, Financial Management and Administration Questionnaire

Form H, Organizational Financial Information and Internal Controls Questionnaire

Form I, Conflicts and Litigation History

Form J, HHS System Indirect Costs Rate Questionnaire