



# HARRIS COUNTY, TEXAS

Office of Management and Budget 1001 Preston; Suite 500 Houston, TX 77002 713-274-1135

Grants Coordination Section - Conveyance Form Application  Award

Department Name / Number	DUNS	Grant Title
Management & Budget - 201	Not Applicable	Community Mental Health Grant Program '25
<b>Funding Source:</b> Texas Health and Human Services Commission: CFDA# N/A		<b>Grant Agency:</b> Texas Health and Human Services Commission
<b>Program Year:</b> 5 <sup>th</sup>		<b>Program Ending:</b>
<b>Grant Begin Date:</b> 09/01/2024		<b>Grant End Date:</b> 08/31/2025
<b>Grant Org. Key:</b>		<b>If applicable, Prior Year Org. Key:</b> FY24_CMHG

### Grant Description:

Funded by the Texas Health and Human Services Commission, the Community Mental Health Grant program is designed to foster community collaboration, reduce duplication of mental health services, and strengthen continuity of care for people receiving services through a diverse local provider network. Specifically, the Community Mental Health Grant (CMHG) program funds support for: Services to fill gaps in mental health prevention, early intervention, treatment, recovery, mental health education, screening and assessment, care coordination and integrated services; strategies that help people access, transition between or remain engaged in mental health services; and Community partnerships to prioritize community needs, leverage resources and coordinate and case manage service delivery.

	Total Budget	Grant Funded	County Funded
Salary & Benefits	\$0.00	\$0.00	\$0.00
Non-Labor	\$2,115,000.00	\$2,115,000.00	\$0.00
Sub Tot. Incremental Cost	\$2,115,000.00	\$2,115,000.00	\$0.00
Indirect Cost	\$0.00	\$0.00	\$0.00*
<b>TOTALS</b>	<b>\$2,115,000.00</b>	<b>\$2,115,000.00</b>	<b>\$0.00</b>

\* under development

**Full Time Equivalent Positions**

**% of Positions Paid by Grant**

**Date Guidelines are Available**

**Grant Submittal Deadline Date**

### Grant Discussion:

If awarded, this would be the 6th round of funding for the County under this grant program and would allow the County to continue to operate critical components of the Harris County Mental Health Jail Diversion Program, including the diversion desk at the Joint Processing Center, outpatient competency restoration services, and other supports for recidivism reduction and related efforts. The required match of \$2.115 million is being provided as an in-kind match by the Harris Center via the Sheriff's Office and is not shown on this form. Note: To meet the deadline, the application has already been submitted.

### County Funded Cost Projection

Year	Required	Discretionary
2025	-	-
2026	-	-
2027	-	-
2028	-	-
2029	-	-

Completed by : Eric Cadow Cadow, Eric

Date : 2/14/2024

Reviewed by: Adam Prosk  
Adam Prosk (Feb 15, 2024 14:48 CST)

Date : 02/14/2024

**COURT ORDER**

STATE OF TEXAS


COUNTY OF HARRIS

On this, the 27th day of February, 2024 the Commissioners' Court of Harris County, Texas, sitting as the governing body of Harris County, upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, duly put and carried,

IT IS ORDERED that County Judge Lina Hidalgo or her designee be hereby authorized to approve, and on behalf of Harris County, Texas, to apply for grant funding from the Texas Health and Human Services Commission, and to approve ancillary documents for:

**Community Mental Health Grant Program FY25**

Application Amount:	\$2,115,000.00
In-Kind Match:	\$2,115,000.00
Grant Period:	9/1/24 – 8/31/25

 An official State of Texas website. [Here's how you know.](#)



<<https://www.hhs.texas.gov/>>

Offices and Services </>

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# Request for Application: HHS0013925

**Agency:** HHSC

**Procurement Number:** HHS0013925

**Procurement Name:** Community Mental Health Grant

**Program Name:** Medical and Social Services

**Release Date:** January 16, 2024

**Submission Deadline:** February 23, 2024 — 10:30 am CST

## Executive Summary

The Texas Health and Human Services Commission (HHSC) is currently accepting Applications for the Community Mental Health Grant (CMHG) program. The CMHG program is a behavioral health matching grant program authorized by the Texas Legislature and administered by the HHSC Behavioral Health Services (BHS) department.

A grant awarded under the CMHG program must be used for the sole purpose of supporting community programs that provide mental health care services and treatment to individuals with a mental illness. These programs should also coordinate mental health care services with other Transition Support Services. The eligible service area under this RFA is a single or any combination of Texas' 254 counties.

## Documents

HHS0013925 Community Mental Health Grant (PDF)

[/sites/default/files/documents/hhs0013925\\_community\\_mental\\_health\\_grant\\_1.pdf](/sites/default/files/documents/hhs0013925_community_mental_health_grant_1.pdf) (588.18 KB)

HHS0013925 Exhibits (ZIP) [/sites/default/files/documents/exhibits\\_3.zip](/sites/default/files/documents/exhibits_3.zip) (10.66 MB)



# TEXAS

## Health and Human Services

*Cecile E. Young, Executive Commissioner*

*Request for Applications (RFA)*

*Community Mental Health Grant (CMHG) Program*

*RFA No. HHS0013925*

### **DEADLINE FOR SUBMISSION OF APPLICATIONS**

*February 23, 2024, by 10:30 a.m. Central Time*

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

### 1.1 EXECUTIVE SUMMARY

The Texas Health and Human Services Commission (HHSC) is currently accepting Applications for the Community Mental Health Grant (CMHG) program. The CMHG program is a behavioral health matching grant program authorized by the Texas Legislature and administered by the HHSC Behavioral Health Services (BHS) department.

A grant awarded under the CMHG program must be used for the sole purpose of supporting community programs that provide mental health care services and treatment to individuals with a mental illness. These programs should also coordinate mental health care services with other Transition Support Services. The eligible service area under this RFA is a single or any combination of Texas' 254 counties.

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:	FY25 Community Mental Health Grant Program
RFA No.:	HHS0013925
Deadline for Submission of Applications:	February 23, 2024, by 10:30 a.m. Central Time
Deadline for Submitting Questions or Requests for Clarifications:	January 26, 2024, at 5:00 p.m. Central Time
Estimated Total Available Funding:	\$27,500,000.00 per State Fiscal Year, and \$137,500,000.00 for the Grant Term
Estimated Total Number of Awards:	Fifty (50) or more.
Estimated Max Award Amount:	No maximum
Match Required, if any:	Twenty-five percent (25%), fifty percent (50%) or one hundred percent (100%) of the value of State funds awarded based on service area population as outlined in <b>Section 5.4, Cost Sharing or Matching Requirements</b> .



Anticipated Project Start Date:	September 1, 2024
Length of Project Period:	Two (2) State Fiscal Years
Eligible Applicants:	<ol style="list-style-type: none"> <li>1. Application is received by the published deadline;</li> <li>2. Application is complete and includes all applicable attachments, exhibits, forms, and addenda;</li> <li>3. Application is signed by Applicant’s authorized representative;</li> <li>4. Applicant is a Non-Profit Organization or a Government Entity; and</li> <li>5. Applicant is eligible to conduct business in Texas.</li> </ol>

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 of 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.

“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” or “Grant 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”.

“BHS” or “Behavioral Health Services” means the department within HHSC that is responsible for the Community Mental Health Program.

“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 HHSC-approved Budget executed in the final Grant Agreement.

“Business Day” or “Working Day” is Monday-Friday, other than a national or State holiday as defined by Texas Government Code Sections 662.003(a) and (b). Use of the term "day," rather than “Working Day” shall mean a Calendar Day.

“Calendar Day” refers to every day on the calendar, i.e. all 365 days of the year (366 if it is a leap year).

“Child Protective Investigations” or “CPI” examines reports of child abuse or neglect to determine if any child in the family has been abused or neglected. Investigators decide if there are any threats to the safety of all children in the home.

“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 under a Grant Agreement as a result of this RFA. May also be referred to in this RFA or its exhibits as “Participant”.

“CMBHS” or “Clinical Management for Behavioral Health Services” is an electronic health record (EHR) developed by the Texas Department of State Health Services (DSHS) – Mental Health and Substance Abuse Division (MH/SA) for use by providers who contract with DSHS to deliver behavioral health (BH) services to clients and other business entities involved in service delivery, management, and oversight.

“CMHG” or “Community Mental Health Grant” means a behavioral health matching grant authorized by the Texas Legislature, which is administered by the HHSC Behavioral Health Services department.

“Community Collaborative” or “Collaborative” means an entity including, but not limited to, federal, State, and local governmental entities, nonprofit community organizations, and faith-based community organizations, which bring public and private sectors together to coordinate and provide services supporting mental health services to Clients. Community Collaboratives may include member organizations that are not directly involved in providing services and supports as part of the Grant Project.

“Continuity of Care” means to the coordination and consistent provision of healthcare services to an individual over time. It involves the smooth transition of a patient from one healthcare provider or setting to another, ensuring that there is no interruption or fragmentation in their medical care. This approach aims to maintain the quality and effectiveness of care, reduce duplication of services, and enhance patient outcomes.

“Cost Reimbursement” means a payment method in which a Grantee is reimbursed for costs that are reasonable, allowable, and allocable in accordance with the Grant Agreement and consistent with the Grant Project Budget approved by HHSC.

“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.

“Disaster Response Plan” A disaster response plan is a structured and organized set of procedures and actions developed to manage and mitigate the impact of emergencies and disasters. It outlines the strategies, resources, responsibilities, and actions required to respond effectively to a wide range of adverse events, including natural disasters (e.g., hurricanes, earthquakes, floods), man-made crises (e.g., industrial accidents, terrorism), and other emergency situations.

“Equipment” pursuant to 2 CFR § 200.1, means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000. See §200.1 for capital assets, computing devices, general purpose equipment, information technology systems, special purpose equipment, and supplies.

“Government Entity” means an “Agency” as defined in Texas Government Code Section 771.002 or a “Local Government” as defined in Texas Government Code Section 791.003.

“Grant Agreement” means the agreement entered into by HHSC 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”.

“Grant Term” means Project Period plus anticipated renewal or extension periods.

“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).

“HHSC” means the Health and Human Services Commission.

“Indirect Cost” those costs incurred for a common or joint purpose benefiting 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.

“Indirect Cost Rate” is a device for determining in a reasonable manner the proportion of Indirect Costs each program should bear. It is the ratio (expressed as a percentage) of the Grantee’s Indirect Costs to a Direct Cost base.

“In-Kind” means non-cash matching and refers to the practice of using non-monetary resources to fulfill a portion of the required financial Match for a grant or funding opportunity.

“Intellectual or Developmental Disabilities” or “IDD” includes many severe, chronic conditions that are due to mental and/or physical impairments. IDD can begin at any time, up to 22 years of age.

“Jail Diversion” means the process by which individuals with mental health and substance use disorders are diverted from the criminal justice system into treatment or alternatives to incarceration. There are multiple points at which an individual with mental illness may be intercepted and diverted from the criminal justice system into treatment or services, including crisis services, law enforcement and behavioral health pre-arrest and co-responder programs, and pre-trial supervision and diversion services. Reentry services and specialized community correction programs are also part of larger diversion efforts, as they can prevent re-arrest and reincarceration.

“LBHA” or “Local Behavioral Health Authority” is an entity designated as a LBHA by HHSC in accordance with Texas Health and Safety Code §533.0356.

“LIDDA” or “Local Intellectual and Developmental Disability Authority” is an entity designated as a LIDDA by HHSC in accordance with Texas Health and Safety Code §533A.035.

“LMHA” or “Local Mental Health Authority” is an entity designated as a LMHA by HHSC in accordance with Texas Health and Safety Code §533.035(a).

“Match” the non-federal and/or non-State share of costs the Grantee is required to contribute to accomplish the purpose of the Grant Project.

“Mental Health Professional Shortage Area” Throughout the United States, there are geographic areas, special populations, and facilities with shortages of primary care, dental, and mental health providers, and services. The shortage designation process helps target and distribute limited resources to the areas that need the most assistance with increasing the supply, capacity, and distribution of health professionals.

“Non-Profit Organization” is an entity that has obtained a federal income tax exemption under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt entity under Section 501(c)(3) of that code.

“Participant” means a member of the target population to be served under a Grant Agreement as a result of this RFA. May also be referred to in this RFA or its exhibits as “Client”.

“Partner Organization” means a member of a Community Collaborative, as identified by formal agreement with the Applicant, which provides reportable behavioral health treatments and services in direct support of the Community Mental Health Grant Project.

“Peer Support Services” means the process of giving encouragement or assistance to overcome a challenge in life by someone with lived experience.

“Prevention and Early Intervention” or “PEI” is the DFPS program that focuses on stopping bad outcomes *before* they happen.

“Project” or “Project Design” 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.

“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 HHSC and any other State agency, its officers, employees, or authorized agents.

“State Fiscal Year” means the period beginning September 1 and ending August 31 each year, which is the annual accounting period for the State of Texas.

“Statewide Behavioral Health Coordinating Council” or “SBHCC” is comprised of representatives of State Agencies or institutions of higher education that receive State general revenue for behavioral health services. Core duties of the SBHCC include developing and monitoring the implementation of a five-year Statewide behavioral health strategic plan.

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

“Transition Support Services” means activities or services that assist individuals experiencing mental illness transitioning between or remaining engaged in mental health services.

“TxGMS” means the [Texas Grant Management Standards](#) published by the Texas Comptroller of Public Accounts.

### **1.3 STATUTORY AUTHORITY**

HHSC is requesting Applications under [Texas Government Code Chapter 531, Section 531.0991](#). State funds for this Grant Project are authorized under the Texas General Appropriations Act, Article II, Rider 48 (Community Mental Health Grant Programs). All awards are subject to the availability of appropriated State funds and any modifications or additional requirements that may be imposed by law.

### **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).

*The remainder of this page is left blank intentionally.*

## **Article II. Scope of Grant Project**

### **2.1 PURPOSE**

The Texas Health and Human Services Commission (HHSC) is currently accepting Applications for the Community Mental Health Grant (CMHG) program. The CMHG is a behavioral health matching Grant Project authorized by the Texas Legislature, which is administered by the HHSC Behavioral Health Services department.

The CMHG program's design and operational processes are directed by State statute as well as agency policies. The CMHG program must fulfill goals and strategies identified by the Texas Statewide Behavioral Health Strategic Plan, incorporated by reference and posted at: <https://www.hhs.texas.gov/reports/2022/11/texas-statewide-behavioral-health-strategic-plan-2022-2026>. The goals of the CMHG program are to mitigate specific gaps in Texas' behavioral health system at the community level. The nine (9) goals of the CMHG program and their corresponding systemic gap from *Texas's Strategic Plan for Fiscal Years 2022-2026* are listed below:

- A. Increase access to appropriate behavioral health services for underserved populations (Gap 1).
- B. Decrease adverse impacts of behavioral health conditions on public-school students (Gap 2).
- C. Enhance Continuity of Care and systemic coordination for justice-involved individuals (Gap 5).
- D. Enhance timely access to appropriate crisis behavioral health services (Gap 6).
- E. Support continued implementation of evidenced-based practices (Gap 7).
- F. Increase access to Peer Support Services (Gap 8).
- G. Enhance availability of mental health services specific to the needs of people with Intellectual and Developmental Disabilities (IDD) (Gap 9).
- H. Support expansion of Prevention and Early Intervention (PEI) services (Gap 11).
- I. Increase access to behavioral health and employment services to promote employment and housing stability (Gap 12).

### **2.2 PROGRAM BACKGROUND**

In 2017, the 85th Texas Legislature passed House Bill (H.B.) 13 to enact Texas Government Code Section 531.0999 (later redesignated to [Section 531.0991](#)) to establish the CMHG program. In 2021, the 87th Texas Legislature amended CMHG program Match requirements by passing of H.B. 3088. In 2023, the 88th Texas Legislature, expanded the CMHG program pursuant to HHSC Rider 48 under the 2024-25 Texas General Appropriations Act (H.B. 1, 88th Texas Legislature, Regular Session). Additionally, 88th Texas Legislature passed Senate Bill (S.B.) 1677 amending Texas Government Code Section 531.0991 to require HHSC, if additional funding is provided, to accept Applications from Applicants not selected as grant recipients in the previous State Fiscal Year or Applicants that were selected as grant recipients but require additional funding for their CMHG program.

## **2.3 ELIGIBLE POPULATION**

The CMHG program supports a range of clinical mental health and non-clinical supportive services for persons with unmet mental health needs. The eligible population to be served under this RFA consists of Texas residents (i.e., children or adults) who have a clinical diagnosis of a mental health condition and/or co-occurring disorders, including, but not limited to, intellectual or developmental disability, substance use disorder, and complex medical conditions.

- A. HHSC may give special consideration to an Applicant that:
1. Serves rural areas;
  2. Provides services for children and adults that are justice-involved;
  3. Includes strategies to mitigate the forensic waitlist; or
  4. Serves children that are involved with the Department of Family and Protective Services (DFPS), including children at risk of relinquishment to DFPS, children involved with Child Protective Investigations (CPI) program and families that receive services through Family Based Support Services (FBSS) program.

## **2.4 ELIGIBLE SERVICE AREAS**

The service areas eligible for Grant Project funding under this RFA are any single or combination of Texas' 254 counties.

To the extent possible, HHSC will reserve 50 percent of total awarded funds for Applicants serving individuals in counties each with a population of less than 250,000. Applicants should refer to the 2020 United States Census for county population data, visit [www.census.gov](http://www.census.gov) for more information.

## **2.5 ELIGIBLE ACTIVITIES**

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

Applicants are encouraged to create Project Designs that include impactful interventions addressing the diverse needs of adults, children, and families within the community. Applicants should establish community partnerships and coordination activities that identify unmet local needs, develop strategies, and implement activities supporting a continuum of care.

- A. Applicants must include at least one of the following two (2) preferred strategies as part of their Project Design.



1. Evidence-based clinical and non-clinical service provision within a continuum of care for mental health treatment, prevention, early intervention, and/or recovery services. Examples of eligible activities include, but are not limited to:
  - a. Client education and skills development;
  - b. Screening and assessment;
  - c. Case management;
  - d. Integrated medical services, including medication management;
  - e. Mental health rehabilitation;
  - f. Psychotherapy;
  - g. Nursing support services;
  - h. Co-occurring treatment; and
  - i. Peer Support Services.
  
2. Activities and/or services within a continuum of care that assist with individuals transitioning between or remaining engaged in mental health services. Examples of eligible activities include, but are not limited to:
  - a. Care coordination and/or navigation services;
  - b. Childcare;
  - c. Transportation;
  - d. Employment and education services; and
  - e. Housing.
  
- B. Applicants may also include optional strategies that complement the two (2) preferred strategies noted above within its proposed Grant Project. Examples of eligible activities include, but are not limited to:
  - a. Workforce enhancement (e.g., training);
  - b. Community needs assessments;
  - c. Client evaluations;
  - d. Sustainability strategies; and/or
  - e. Population-based strategies such as awareness campaigns.

## 2.6 PROGRAM REQUIREMENTS

Grantees must adhere to the following requirements:

- A. **Implementation.** Grantee shall ensure all services and treatments are:
  1. Delivered using a trauma-informed and person-centered approach;
  2. Implemented with 100% model fidelity to an evidence-based program or based upon best available research (if applicable);
  3. Planned in partnership with individuals receiving services and inclusive of peers, family partners, and family members;
  4. Provided in an environment that is most appropriate and/or based on an individual's preference;
  5. Provided in a culturally and linguistically sensitive manner per the National Culturally and Linguistically Appropriate Service (CLAS) Standards. These standards are incorporated by reference and posted at:

<https://thinkculturalhealth.hhs.gov/clas>;

6. Tailored to an individual's unique strengths and needs; and
  7. Delivered within a continuum of care using a holistic method that integrates mental health services with other services including substance use disorder, intellectual and/or developmental disability, and physical health services.
- B. Sustainability.** Grantee shall submit a sustainability plan within 90 Calendar Days of Grant Agreement Effective Date to the HHSC contract manager. The sustainability plan must include strategies to ensure financial sustainability, maintain community support, and organizational longevity after Grant Term.
- C. Staffing Plan.** Grantee shall submit a staffing plan within 90 Calendar Days of Grant Agreement Effective Date to the HHSC contract manager. The staffing plan must include description of recruitment and retention efforts for staff and training to ensure staff are qualified to carry out required duties of the CMHG program. The staffing plan shall include ongoing training and technical assistance to ensure staff obtain competency in addressing the identified goals or carrying out evidence-based service activities.
- D. Collaboration.** Pursuant to [Texas Government Code Section 531.0991\(f\)](#): Applicants under this RFA must notify each Local Mental Health Authority (LMHA) or Local Behavioral Health Authority (LBHA) with a local service area that is covered wholly or partly by the Applicant's proposed Grant Project and must provide in the Application a letter of support from each LMHA or LBHA. HHSC will consider an LMHAs/LBHAs written input before awarding a grant under this section and may take any recommendations made by the LMHA or LBHA.
- E. Subcontracting.** Should a Grantee subcontract any Grant Project service(s), Grantee expressly understands and acknowledges that in entering into such subcontract(s), HHSC is in no manner liable to any subcontractor(s). Furthermore, in no event shall this provision relieve Grantee of the responsibility for ensuring that the services performed under all subcontracts are rendered in compliance with the Grant Agreement.
- F. Matching Funds.** Grantees shall dedicate matching funds equal to a certain percentage of the State award, based on the population of the counties proposed to be served pursuant to [Texas Government Code Section 531.0991\(h\)](#) and as outlined in **Section 5.4, Cost Sharing or Matching Requirements.**

## 2.7 GRANTEE'S RESPONSIBILITIES

Grantees shall ensure Projects and proposed Deliverables under the CMHG program contain the following characteristics:

- A. Coordinates mental health services for individuals with mental illness with other Transition Support Services;
- B. Enhances external stakeholder partnerships;

- C. Fosters community collaboration;
- D. Encourages greater Continuity of Care for individuals receiving services through a diverse local provider network;
- E. Reduces the duplication of mental health services provided in the local service area;
- F. Develop a Disaster Response Plan that contemplates continuity of operations in the event of a man-made crises, natural disaster, or other emergency situations;
- G. Adherence to [Texas Government Code Section 531.0991](#) requirements based on Project Design; and
- H. Ensures operational staff adhere to any licensure requirements.

## 2.8 REQUIRED REPORTS

The HHSC will monitor Grantee’s performance, including, but not limited to, a thorough 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*
Invoice/General Ledger – Monthly	On or before the last Calendar Day of the month following each month reported using the CMBHS invoice module.
Expenditure Report – Monthly	On or before the last Calendar Day of the month following each month reported using the CMBHS Invoice module.
Match Certification - Quarterly	On or before the last Calendar Day of the month following the end of each State fiscal quarter reported using the CMBHS Invoice module.
Financial Status Report - Quarterly	On or before the last Calendar Day of the month following the end of each State fiscal quarter reported using the CMBHS Financial Status Reports (FSR) module.
Performance Report - Quarterly	<p>On or before the 30<sup>th</sup> Calendar Day following the end of each State fiscal quarter reported using Microsoft Excel Performance Measure workbook provided by the HHSC Behavioral Health Services (BHS) department and submitted via email.</p> <p>Quarter 1 is due December 30.            Quarter 2 is due March 30.            Quarter 3 is due June 30.            Quarter 4 is due September 30.</p>

Statewide Behavioral Health Coordinating Council (SBHCC) Reports, <b>Exhibit K</b>	Twice annually, on or before September 30 <sup>th</sup> and March 30 <sup>th</sup> a survey report will be provided by the HHSC Behavioral Health Services (BHS) department and submitted via email.
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\*If the Due Date is a weekend or State holiday, the due date is the next Business Day.

Grantee shall provide all applicable reports in the format specified by HHSC in an accurate, complete, and timely manner and shall maintain appropriate supporting backup documentation. Failure to comply with submission deadlines for required reports, Financial Status Reports (FSRs) or other requested information may result in HHSC, 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 under the Grant Agreement.

## 2.9 PERFORMANCE MEASURES AND MONITORING

HHSC 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 HHSC’s performance monitoring activities throughout the duration of the Grant Project Period/Grant Term. 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 HHSC. Grantees must submit the necessary information and documentation regarding all requirements, including reports and other Deliverables and will be expected to report quarterly and semiannually for those reports.

HHSC will negotiate outputs and outcomes with Applicants before final selection. Applicants must select anticipated performance measures using **Form H, Performance Measures. Exhibit H, BHS Matching Grants Performance Measures** provides a list of current outputs, outcomes, and definitions for Applicant’s reference.

A semiannual (i.e., twice per State Fiscal Year) report for the Statewide Behavioral Health Coordinating Council is required. This report must be prepared using an HHSC-provided reporting tool. **Exhibit I, SBHCC Report Template** provides examples of information historically reported for Applicant’s reference.

If requested by HHSC, the Grantee shall report on the progress towards completion of the Grant Project and other relevant information as determined by HHSC during the Grant Project Period/Grant Term. 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.

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

Except as otherwise provided, for Grant Agreements with categorical Budgets, Grantee shall submit quarterly FSRs to HHSC on or before the last Calendar Day of the month following the end of each State fiscal quarter for HHSC 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) that 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.

## **2.11 FINAL BILLING SUBMISSION**

Unless otherwise directed by HHSC, Grantee shall submit a reimbursement or payment request as a final close-out invoice not later than 45 Calendar Days following the end of the Project Period of the Grant Agreement. Reimbursement or payment requests received after the deadline may not be paid.

## **2.12 DATA USE AGREEMENT**

By submitting an Application in response to this RFA, Applicant agrees to be bound by the terms of a Data Use Agreement (DUA) **Exhibit D, Data Use Agreement, version 8.5** or **Exhibit D-1, Data Use Agreement-Governmental Entity version 8.5**, as applicable, including but not limited to the terms and conditions regarding **Exhibit D-2, Security and Privacy Inquiry (SPI), Attachment 2 to DUA**, attached to this RFA.

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

- 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](#), Texas Government Code; and
  3. [§§2113.012 and 2113.101](#), Texas 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, Local Government Code](#);
  2. a local workforce development board; or
  3. a community center as defined by [Texas Health and Safety Code, §534.001\(b\)](#).

## **Article III. Applicant Eligibility Requirements**

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

To be eligible for award under this RFA, Applicants must be a Government Entity or a Non-Profit Organization. Additionally, an Applicant is not eligible for award if Applicant is listed as a Partner Organization of or within any other Application submitted in response to this RFA. An Applicant must meet all requirements under Texas Government Code Section 531.0991 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.

### **3.2 APPLICATION SCREENING REQUIREMENTS**

Each Applicant may only submit one (1) Grant Application per Project Design as outlined in **Section 2.5, Eligible Activities**. Separate Applications must be submitted if Applicant has more than one Project Design.

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

1. Application is received by the published deadline.
2. Application is complete and includes all applicable attachments, exhibits, forms, and addenda.
3. Application is signed by Applicant's authorized representative.
4. Applicant is a Non-Profit Organization or a Government Entity.

### **3.3 GRANT AWARD ELIGIBILITY**

Pursuant to Texas Health and Safety Code Section 531.0991(e), HHSC shall select grant recipients based on the submission of applications or proposals by nonprofit and governmental entities. Additionally, pursuant to subsection (e-1), in cases where HHSC is allocated funds for implementing the CMHG program during a State Fiscal Year and such allocation surpasses the total aggregate of grants awarded during the preceding State Fiscal Year, HHSC, in the process of selecting grant recipients for the surplus amount, must consider and evaluate Applications or proposals from entities that were not designated as grantees in the previous State Fiscal Year. Additionally, HHSC must also entertain Applications from prior grantees who seek supplementary funding to enhance their CMHG programs.

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

1. Applicant has a physical business address in Texas located within the service area

- proposed to be served.
2. Applicant has demonstrated financial history to fund activities/cover Project costs prior to receiving reimbursement. Applicant may not be eligible for award if audit reports or financial statements submitted with the Application identify concerns regarding the future viability of the Applicant, material non-compliance, or material weaknesses that were not satisfactorily addressed, as determined by HHSC.
  3. 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;
  4. 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;
  5. 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;
  6. Applicant is currently in good standing with all licensing, permitting, or regulatory bodies that regulate any or all aspects of Applicant's operations; and
  7. 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 AND GRANT TERM**

The **Project Period** is anticipated to be **September 1, 2024**, through **August 31, 2026**.

**Grant Term:** At the sole discretion of HHSC, and contingent on the continued availability of funds appropriated by the Texas Legislature, HHSC may renew a grant issued under this RFA without re-procurement through **August 31, 2029**.

**Extension of Grant Term:** The HHSC may, at its sole discretion, extend the Grant Term for up to one (1) year to allow for the full expenditure of awarded funding and completion of Grant activities. Approved Projects may not exceed a six (6) year Grant Term. No additional grant funds will be awarded during the extension period.

### **4.2 PROJECT CLOSEOUT**

HHSC will programmatically and financially close the grant award and end the Grant Agreement when HHSC determines Grantee has completed all applicable actions and work 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 ninety (90) 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 HHSC.

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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 Community Mental Health Grant (CMHG) program is **\$137,500,000** for the entire Grant Term. It is HHSC's intention to make multiple awards to Applicants that successfully demonstrate community Projects that provide mental health care services and treatment to individuals experiencing mental illness and that coordinate mental health care services with other Transition Support Services.

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.

### **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.

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 this Grant Agreement will be eligible for reimbursement.

### **5.3 GRANT FUNDING PROHIBITIONS**

The restrictions outlined herein pertain to both State-awarded funds and any accompanying Match contributions. Both State and federal funds and resources are strictly prohibited from being employed as Match for this grant. Grant funds may not be used to support the following services, activities, or costs:

1. Non-mental health initiatives or activities not directly related to mental health services, treatment, or support;
2. Any use of grant funds to replace (supplant) funds that have been budgeted for the same purpose through non-grant sources;
3. Building construction, renovation, or facility improvements, unless approved by HHSC and directly related to the CMHG program's purpose;

4. Inherently religious activities such as prayer, worship, religious instruction, or proselytization;
5. 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;
6. Any portion of the salary of, or any other compensation for, an elected or appointed government official;
7. Vehicles for general agency use; to be allowable, vehicles must have a specific use related to Project objectives or activities;
8. 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 Project approved by the grantor agency and are directly related to the Project's purpose;
9. Activities aimed at generating profit or financial gain;
10. Support initiatives that contribute to service redundancy;
11. Costs of promotional items, and memorabilia, including models, gifts, and souvenirs;
12. 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 Project approved by the grantor agency and are directly related to the Project's purpose;
13. Membership dues for individuals;
14. Any expense or service that is readily available at no cost to the Grant Project;
15. Any activities related to fundraising;
16. Capital expenditures such as capital improvements, property losses, and expenses, real estate purchases, mortgage payments, remodeling, the acquisition or construction of facilities, or other items that are unallowable pursuant to 2 CFR § 200.439;
17. Any activities, Projects, or expenses that do not align with the goals and objectives of this RFA;
18. Any other prohibition imposed by federal, State, or local law; and
19. 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**

Applicants receiving Grant Agreements under this RFA must contribute non-State and non-federal funding as cost sharing or Match. Grantee must contribute matching funds equal to a certain percentage of the HHSC award, based on the population of the counties proposed to be served pursuant to Texas Government Code Section 531.0991(h):

- A. Grant Projects providing or coordinating services in a county with a population of less than 100,000 must Match twenty-five percent (25%) of the amount of State funds awarded;
- B. Grant Projects providing or coordinating services in a county with a population of 100,000 or greater but less than 250,000 must Match fifty percent (50%) of the

- amount of State funds awarded;
- C. Grant Projects providing or coordinating services in a county with a population of 250,000 or greater must Match one hundred percent (100%) of the amount of State funds awarded; and
  - D. Projects providing or coordinating services in multiple counties must Match the percentage required based on the county with the largest population in the Applicants service area.

Match is defined as the non-State share of costs the Grantee is required to contribute to accomplish the purpose of the Grant Project. Match must be treated consistently with grant funds and used only for allowable and allocable purposes. All cost sharing or matching funds and contributions must meet all the following criteria:

1. Are verifiable from the Grantee's records;
2. Are not included as contributions for any other State or federal award;
3. Are necessary and reasonable for accomplishment of Grant Project objectives;
4. Are allowable under the Grant Agreement;
5. Are not paid by the State or federal government; and
6. Are provided for in the approved Grant Project Budget.

**Donations:** The value of In-Kind donated services may be utilized to fulfill the cost-sharing or matching requirements. In the case of supplies donated by a third party, the contribution will be assessed at the market value of the supplies at the time of donation. Should a third party provide the use of Equipment or space in a building while retaining title, the contribution will be valued at the fair rental rate of the Equipment or space. In instances where a third party donates Equipment, building, or land, and title passes to Grantee, the treatment of the donated property will be determined in accordance with the guidelines specified in TxGMS, Cost Sharing or Matching Section.

## 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 Direct 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.

Grantee shall request monthly payments on or before the last day of the month following the month being reported, using the CMBHS Invoices module. Grantee shall include supporting documentation for all CMHG program expenses in its monthly payment requests. Supporting documentation includes a copy of Grantee's General Ledger, quarterly, **Attachment A-2, Match Certification Form** when appropriate, monthly **Attachment A-3, Project Expenditure Report**, supporting financial documentation of expenditures, and any other financial report required or requested by HHSC to prove expenditure of funds by cost category.

## **Article VI. Application Forms and Exhibits for Submission**

Applicants must refer to **Article XIII, Submission Checklist**, for the complete list of documents required for submission under this RFA.

### **6.1 NARRATIVE PROPOSAL**

Applicant's narrative proposal response will consist of **Form E, Community Needs; Form F, Project Design; and Form G, Applicant Experience**. Applicant will describe proposed services, processes, and methodologies for meeting all components described in **Article II, Scope of Grant Project**, including the Applicant's approach to meeting any required or proposed timelines and associated milestones. The Applicant will describe their experience implementing any state and/or federally-funded grants identifying key agency personnel to demonstrate experience germane to the Project's roles.

Applicant must identify all tasks to be performed, including all Grant Project activities, to take place during the Project Period. Applicant will also include all documents requested to demonstrate fulfillment of **Article II, Scope of Grant Project**, requirements.

### **6.2 REQUESTED BUDGET**

**Form I, Requested Annual Budget Template**, of this RFA is the template to be used for submitting the requested Budget. Applicants are required to create a Budget that aligns with the specified requirements in this RFA to support their Application.

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 **Form I, Requested Annual Budget Template**, and identify all Budget line items and matching costs. Budget categories must be broken out into specific Budget line items that allow HHSC 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. Matching funds must also be identified in the requested Budget.

If selected for a grant award under this RFA, only HHSC-approved Budget items in the requested Budget may be considered eligible for reimbursement. Refer to **Section 5.4, Cost Sharing or Matching Requirements**, to determine Match Requirements based on county population.

**Submission of Form I, Requested Annual 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 Cost Rate Questionnaire**, with required supporting documentation. The questionnaire initiates the acknowledgment or approval of an ICR for use with HHSC cost-reimbursable Grant Agreements. Entities declining the use of Indirect Cost cannot recover Indirect Costs on any HHSC award or use unrecovered Indirect Costs as Match.

HHS typically accepts the following approved ICRs:

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

HHSC, 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 HHS.

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

The HHS 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 HHS 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 C**, 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.

### A. Litigation and Contract History

Applicant must include **Form B, Administrative Information**, in its Application for 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**. 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.

### B. Financial Controls

Applicant must complete **Form C, Financial Controls**, 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 HHS Grants RFA and Texas eGrants websites	January 16, 2024
Deadline for Submitting Questions or Requests for Clarification	January 26, 2024, at 5:00 PM Central Time
Tentative Date for Answers to Questions or Requests for Clarification Posted	February 9, 2024
<b>Deadline for Submission of Applications</b>  <b>NOTE: Applications must be <u>RECEIVED</u> by HHSC by this deadline if not changed by subsequent Addenda to be considered eligible.</b>	<b>February 23, 2024, by 10:30 a.m. Central Time</b>
Anticipated Notice of Award	August 2024
Anticipated Project Start Date	September 2024

**Applicants must ensure their Applications are received by HHSC 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 HHSC reserves the right to change these dates at any time. At the sole discretion of HHSC, 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, HHSC, 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 HHSC's Sole Point of Contact listed below:

<b>Name</b>	Michele Rivers
<b>Title</b>	Grant Specialist, HHSC Procurement and Contracting Services
<b>Address</b>	Procurement and Contracting Services Building 1100 W 49th St. MC: 2020 Austin, TX 78756
<b>Phone</b>	512-409-2449
<b>Email</b>	Michele.Rivers@hhs.texas.gov

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

However, if expressly directed in writing by the Sole Point of Contact, Applicant may communicate with another designated HHS representative, e.g., during grant negotiations as part of the normal grant review process, if any.

**Prohibited Communications:** Applicants and their representatives shall not contact other HHS 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, section heading being questioned; and
7. 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 Section 7.1, Schedule of Events, or as may be amended in Addenda, if any, posted to the HHS Grants RFA website.**

**HHSC 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 in the manner and by the Deadline for Submitting Questions or Requests for Clarification. Each Applicant submits its Application at its own risk.

If Applicant fails to properly and in a timely manner 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 HHSC 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 HHSC will post responses in one or more Addenda on the [HHS Grants RFA](#) website. Responses will not be provided individually to requestors.

HHSC 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 with the amended answers.

## 7.6 CHANGES, AMENDMENT OR MODIFICATION TO RFA

HHSC reserves the right to change, amend, modify, or cancel this RFA. All changes, amendments and modifications or cancellation 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

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**.

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 HHSC.

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## **Article VIII. Application Organization and Submission Requirements**

### **8.1 APPLICATION RECEIPT**

Applications must be received by HHSC by the Deadline for Submission of Applications specified in **Section 7.1, Schedule of Events**, or subsequent Addenda. HHSC will date and time stamp all Applications upon receipt. Applications received after the Deadline for Submission of Applications must 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 HHSC. It is the Applicant's responsibility to ensure its Application is received by HHSC 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 HHSC 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 bind 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 the approved method identified below. Applications submitted by any other method (e.g., mail, hand-delivery, facsimile, or email) will not be considered and will be disqualified.

**Online Bid Room:** Applicants shall upload the following documents to the Online Bid Room utilizing the procedures in **Exhibit G, 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 searchable Portable Document Format (".pdf") file.
- B. One (1) copy of the completed **Form I, Requested Annual 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 – Application Disclosure Requirements**, in a searchable Portable Document Format (“.pdf”) file.

#### **8.4 COST 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 proposal; 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 file must:

- A. Be organized in the order outlined in the **Article XIII, Submission Checklist**, and include all required sections (e.g., “Administrative Information,” “Narrative Proposal,” and “Exhibits to be Submitted with Application,”).
  1. **Form I, Requested Annual Budget Template**, is to be submitted in its original Excel format.
  2. Each Application section must have a cover page with the Applicant’s legal name, RFA number, and Name of Grant identified.
- B. 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:

- A. Withdraw its Application by submitting a written request to the Sole Point of Contact; or

- B. Modify its Application by submitting an entirely new submission, complete in all respects, using the method of submission set forth in this RFA. The modification must be received by HHSC 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:

- A. Application screening to determine whether the Applicant meets the minimum requirements of this RFA;
- B. Evaluation based upon specific criteria; and
- C. 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 HHSC 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 HHSC, 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 as which they are received. HHSC reserves the right to waive minor informalities in an Application. A “minor informality” is an omission or error that, in the determination of HHSC 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., **Exhibit A, HHS Solicitation Affirmations**, or **Form I, Requested Annual Budget Template**).

HHSC, at 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 HHSC. 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**

HHSC 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. HHSC 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:

A. In accordance with Texas Health and Safety Code Section 531.0991(e), which requires that the selection criteria must:

1. evaluate and score:
  - a. fiscal controls for the project;
  - b. project effectiveness;
  - c. project cost; and
  - d. an applicant's previous experience with grants and contracts.
2. address whether the services proposed in the application or proposal would duplicate services already available in the applicant's service area;
3. address the possibility of and method for making multiple awards; and
4. include other factors that the executive commissioner considers relevant.

B. Using the following scoring criteria in **Exhibit F, Evaluation Tool**.

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

- A. Community Needs (25%);
- B. Project Design (50%);
- C. Applicant Experience (15%); and
- D. Project Cost (10%).

## 9.5 PAST PERFORMANCE

HHSC 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 HHSC.

HHSC 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.

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

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

- A. Notices of termination;
- B. Cure notices;
- C. Assessments of liquidated damages;

- D. Litigation;
- E. Audit reports; and
- F. 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:

- A. 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/>;
- B. Applicant is currently under a corrective action plan through HHSC or DSHS;
- C. Applicant has had repeated, negative vendor performance reports for the same reason;
- D. Applicant has a record of repeated non-responsiveness to vendor performance issues;
- E. Applicant has Grant Agreement or purchase orders that have been cancelled in the previous 12 months for non-performance or substandard performance; or
- F. 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 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 HHSC's sole discretion, Applicants found to be barred, prohibited, or otherwise excluded from award of a Grant Agreement may be disqualified from further consideration under this Solicitation, pending satisfactory resolution of all compliance issues.

Checks include:

### A. State of Texas Debarment and Warrant Hold

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).



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

Applicant must not be excluded from Grant Agreement participation at the federal level. This verification is conducted through SAM, the official website of the U.S. Government which may be accessed at: [SAM.gov | Exclusions](#)

## **C. 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>

1. Companies that boycott Israel;
2. Companies with Ties to Sudan;
3. Companies with Ties to Iran;
4. Foreign Terrorist Organizations; and
5. Companies with Ties to Foreign Terrorist Organizations.

## **D. 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: [Exclusions | Inspector General \(texas.gov\)](#)

## **E. 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**, HHSC 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 Project objectives. In applying these factors, HHSC may consult with internal and external subject matter experts. The funding methodology for issuing final Grant Agreements will include the following identified factors:

- A. Application evaluation scores;
- B. Prior Applicant performance, with a preference given to existing CMHG program grantees with demonstrated success;
- C. Geographic distribution of funding and services represented by Applications, with an emphasis on funding Grant Projects serving communities with a population of 250,000 or less;
- D. Grant Projects that minimize duplication of effort and maximize existing resources in service areas with an emphasis on addressing service gaps;
- E. Specific programmatic components such as supporting community Projects that provide mental health care services and treatment to individuals experiencing mental illness and that coordinate mental health care services with other Transition Support Services; and
- F. To the extent feasible, HHSC will reserve fifty (50) percent of the total awarded funds for Grant Projects targeting individuals situated in counties with populations of fewer than 250,000.

All funding recommendations will be considered for approval by the HHSC Program Deputy Executive Commissioner, or their designee.

### **10.2 NEGOTIATIONS**

After selecting Applicants for award, HHSC may engage in negotiations with selected Applicants. As determined HHSC, the negotiation phase may involve direct contact between the selected Applicant and HHSC 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 HHSC 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:

- A. An in-depth discussion of the submitted Application, proposed outputs and outcomes, and requested Budget; and
- B. Requests from HHSC 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.

Final funding amounts and Grant Agreement provisions are determined at the sole discretion of HHSC.

### **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 HHSC 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 HHSC 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 HHSC 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 HHSC with the signed Grant Agreement, HHSC is prohibited by law from executing a Grant Agreement, even if the potential Grantee is otherwise eligible for award. HHSC, 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)**

HHSC intends to award fifty (50) or more 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, HHSC 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 HHSC.

HHSC may announce tentative funding awards through an “Intent to Award Letter” once the HHSC Program Deputy Executive 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 a Grant Agreement(s) as a result of this RFA, HHSC 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, HHSC, 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 mental health care services and treatment to individuals experiencing mental illness and coordinate mental health care services with other Transition Support Services.

### **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, HHSC 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/>.

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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 HHSC 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:

#### **A. Mark Original Application:**

1. 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 Veranda, Arial, or Times New Roman font); and
2. 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).

#### **B. 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

#### **C. 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:

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 Veranda, Arial, or Times New Roman font);
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 (3) of 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, 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 HHSC'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, HHSC, 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 HHSC and all other State agencies, without cost or liability.

HHSC 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. HHSC 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. HHSC 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 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 (completed and signed), and Form I, Requested Annual Budget Template (completed), will be disqualified. See Section 9.2, Initial Compliance Screening of Applications, for further detail.**

This Submission Checklist identifies the forms, exhibits, and documentation that are required to be submitted as part of the Application. Applicants must submit the following as individual files in their original file formats:

**1. Administrative Information**

- a. Form A: Applicant Information \_\_\_\_\_
- b. Form B: Administrative Information \_\_\_\_\_
- c. Form B-1: Governmental Entity, if applicable \_\_\_\_\_
- d. Form B-2: Nonprofit Entity, if applicable \_\_\_\_\_
- e. Form C: Financial Controls \_\_\_\_\_
- f. Form C-1: Financial Statement \_\_\_\_\_
- g. Form C-2: Audited Financial Reports \_\_\_\_\_

**2. Narrative Proposal**

- a. Form D: Proposed Project Summary \_\_\_\_\_
- b. Form E: Community Needs \_\_\_\_\_
- c. Form F: Project Design \_\_\_\_\_
  - i. Letter(s) of Support \_\_\_\_\_
- d. Form G: Applicant Experience \_\_\_\_\_
- e. Form H: Performance Measure \_\_\_\_\_

- f. Form J: HHS System Indirect Cost Rate Questionnaire \_\_\_\_\_
- i. Indirect Cost Rate Letter(s) (if applicable) \_\_\_\_\_

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

- a. Exhibit A – HHS Solicitation Affirmations version 2.4 \_\_\_\_\_

**Per Section 9.2, Initial Compliance Screening of Applications, Exhibit A 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 will be disqualified.**

- b. Form I: Requested Annual Budget Template (Excel) \_\_\_\_\_

**This 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: Data Use Agreement version 8.5 (if applicable) \_\_\_\_\_
- d. Exhibit D-1: Data Use Agreement-Govt. Entity version 8.5 (if applicable) \_\_\_\_\_
- e. Exhibit D-2: Security and Privacy Inquiry (SPI), Attachment 2 \_\_\_\_\_

**4. Addenda:** Each Addendum, if any, must be signed and submitted with the Application.

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

### **Exhibits**

Exhibit A HHS Solicitation Affirmations, version 2.4

Exhibit B HHS Uniform Terms and Conditions – Grant, version 3.3

Exhibit C HHS Additional Provisions – Grant Funding, version 1.0

Exhibit D Data Use Agreement, version 8.5

Exhibit D-1 Data Use Agreement-Governmental Entity, version 8.5

Exhibit D-2 Security and Privacy Inquiry (SPI), Attachment 2 to DUA, version 2.1

Exhibit E Exceptions

Exhibit F Evaluation Tool

Exhibit G Online Bid Room

Exhibit H BHS Matching Grants Performance Measures

Exhibit I SBHCC Report Template

### **Forms**

Form A Applicant Information

Form B Administrative Information

Form B-1 Government Entity Officials

Form B-2 Non-Profit Board of Directors

Form C Financial Controls

Form D Proposed Project Summary

Form E Community Needs

Form F Project Design

Form G Applicant Experience

Form H Performance Measures

Form I Requested Annual Budget Template

Form J HHS System Indirect Cost Rate Questionnaire

**Attachment**

Attachment A-2 Match Certification Form

Attachment A-3 Project Expenditure Report