



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 |
|--|--|--|
| Public Health Services - 275 | JFMKAENLGN81 | Title V - MCH - Fee for Services - Dental FY '25 |
| Funding Source: U.S. Department of Health & Human Services: CFDA# 93.994 | Grant Agency: Texas Health and Human Services Commission | |
| Program Year: 1 st | Program Ending: 08/31/2029 | |
| Grant Begin Date: 09/01/2024 | Grant End Date: 08/31/2025 | |
| Grant Org. Key: | If applicable, Prior Year Org. Key: N/A | |

Grant Description:

The Title V Maternal and Child Health Fee-for-Service Program grant provides for the continued delivery of prenatal medical services, child health services, and prenatal and child dental services. The grant serves low-income women, children, and adolescents who aren't eligible for Medicaid CHIP, CHIP Perinatal, or another program that covers the same services.

| | Total Budget | Grant Funded | County Funded |
|---------------------------|---------------------|---------------------|---------------|
| Salary & Benefits | \$495,600.00 | \$495,600.00 | \$0.00 |
| Non-Labor | \$165,600.00 | \$165,600.00 | \$0.00 |
| Sub Tot. Incremental Cost | \$661,200.00 | \$661,200.00 | \$0.00 |
| Indirect Cost | \$0.00 | \$0.00 | \$0.00* |
| TOTALS | \$661,200.00 | \$661,200.00 | \$0.00 |

* under development

Full Time Equivalent Positions

Date Guidelines are Available

% of Positions Paid by Grant

Grant Submittal Deadline Date

Grant Discussion:

If awarded this would be the first year of potentially 5 years of funding under this new contract program. The dental program expects to use these funds to increase its total number of unduplicated patients served by 100 to 1,450 patients annually. These funds could contribute to HCPH's Strategic Plan by expanding access and awareness to HCPH and social safety net services through partnerships and collaboration across sectors and systems to impact social determinants of health. The services provided will encompass free or affordable dental care for children, adolescents, and adults, further advancing the organization's commitment to fostering inclusive healthcare. Budget is requested for 7 FTEs and needed services/supplies. There is no match requirement.

County Funded Cost Projection

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

Completed by : Eric Cadow Cadow, Eric

Date : 2/15/2024

Reviewed by: Adam Prosk
Adam Prosk (Feb 16, 2024 10:16 CST)

Date : 2/15/2024

THE STATE OF TEXAS §

COUNTY OF HARRIS §

The Commissioners Court of Harris County, Texas, Met in a regular session at its regular term at the Harris County Administration Building in the City of Houston, Texas, on _____,

with the following members present:

| | |
|---------------------|------------------------------|
| Judge Hidalgo | County Judge |
| Rodney Ellis | Commissioner, Precinct No. 1 |
| Adrian Garcia | Commissioner, Precinct No. 2 |
| Tom S. Ramsey, P.E. | Commissioner, Precinct No. 3 |
| Lesley Briones | Commissioner, Precinct No. 4 |

and the following members absent: _____,

constituting a quorum, when among other business, the following was transacted:

ORDER AUTHORIZING HARRIS COUNTY PUBLIC HEALTH to apply for the grant award from Texas Health and Human Services Commission for the Title V Maternal and Child Health Fee-for-Service Program.

Commissioner _____ introduced an order and moved that Commissioners Court adopt the order. Commissioner _____ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

| | Yes | No | Abstain |
|---------------|------------|-----------|----------------|
| Judge Hidalgo | [] | [] | [] |
| Comm. Ellis | [] | [] | [] |
| Comm. Garcia | [] | [] | [] |
| Comm. Ramsey | [] | [] | [] |
| Comm. Briones | [] | [] | [] |

The meeting chair announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order adopted follows:

IT IS ORDERED that the County Judge is authorized to approve Harris County Public Health to apply for the Texas Health and Human Services Commission for the Title V Maternal and Child Health Fee-for-Service Program in the amount of \$661,200. The funding period begins September 01 , 2024 and ends August 31, 2025 with four potential annual renewals.

The documents are attached hereto and incorporated herein and incorporated as if set out in full word for word. Harris County is authorized to do any and all things necessary or convenient to accomplish the purpose of this Order.

| | | | | | | |
|-----------|-----------|-----------|-----------|-----------|-----------|-------------|
| Non-Labor | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total | \$661,200 | \$661,200 | \$661,200 | \$661,200 | \$661,200 | \$3,306,000 |

Overview:

1. Labor Expenditures: \$615,600 per year

- This portion of the budget will cover salaries, wages, and benefits for the staff involved in implementing the grant. This includes personnel who will provide:
 1. *Dental Clinics* – Free or low-cost dental services (basic diagnostic, preventative, restorative, and surgical) for children and adolescents are provided at the HCPH Humble and Southeast dental clinics. Free or low-cost dental services for adults are provided at the Baytown Dental Clinic.
 2. *Smile Savers Services* – Smile Saver Services is a two-part program: Smile Saver Container Program and Super Smile Savers Program. The Smile Saver Container Program promotes the importance of oral health through outreach and education. The Super Smile Savers Program delivers preventive dental services to children at schools and underserved communities throughout Harris County. Current initiatives are:
 - Oral Health Education
 - Smile Savers Container Program
 - Super Smile Savers Program
 3. *Community Dental Services* – The Dental Services program currently provides dental services throughout Harris County. The primary goal of the Community Dental Services program is to increase access to care by decreasing barriers such as geographic location or lack of transportation. This goal is accomplished by utilizing a variety of service delivery methods that focus on providing direct dental services into the communities we serve.



TEXAS

Health and Human Services

Cecile E. Young, Executive Commissioner

Request for Applications (RFA)

Grant for

Title V Maternal and Child Health Fee-for-Service Program

RFA No. HHS0013927

DEADLINE FOR SUBMISSION OF APPLICATIONS

March 4, 2024 by 10:30 a.m. Central Time

See [Section 7.1 for Schedule of Events](#)

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Article I. Executive Summary, Definitions, and Statutory Authority

1.1 EXECUTIVE SUMMARY

The Texas Health and Human Services Commission (HHSC), the System Agency, is accepting Applications for the Title V Maternal and Child Health (MCH) Fee-for-Service Program. The Title V Maternal and Dental Program is funded by State general revenue and the Child Health and Dental is federal funding with federal requirements that must be met.

The Title V Block Grant is administered in Texas by the Texas Department of State Health Services (DSHS). Title V funds are provided to HHSC for the administration of this program to improve pregnancy and postpartum birthing outcomes for pregnant women of all ages, as well as the general health and wellbeing of children from birth through their 21st year. The purpose of this program is to deliver prenatal medical services, child health services, and/or prenatal and/or child dental services to eligible Clients.

Applicants should reference **Article II, Scope of Grant Project**, for detailed information regarding the purpose, background, eligible Clients, eligible activities, and requirements. Applicants may apply for any or all of the service categories in the same Application under this RFA.

| | |
|---|---|
| Grant Name: | Title V Maternal and Child Health Fee-for-Service Program |
| RFA No.: | HHS0013927 |
| Deadline for Submission of Applications: | March 4, 2024 |
| Deadline for Submitting Questions or Requests for Clarifications: | February 9, 2024 |
| Estimated Total Available Funding: | \$31,173,020.00 |
| Estimate Total Number of Awards: | Multiple |
| Anticipated Project Start Date: | September 1, 2024 |
| Length of Project Period: | One (1) year with possible four (4), one-year renewals |
| Eligible Applicants: | See Section 3.2 for Applicant eligibility |

To be considered for screening, eligibility 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 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.

[“Accounting System”](#) means a computerized system that keeps track of expenses, income and other activities.

[“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.

[“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”](#).

[“Billing Strip”](#) means an itemized report that accounts for all services (Current Procedural Terminology codes) performed, listed by Client and date.

[“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 one of the target populations (pregnant women of all ages or child/adolescent from birth through the 21st year) to be served under a Grant Agreement as a result of this RFA.

[“Co-Pay Policy”](#) means a policy that outlines the organization’s procedures for collection of any co-pays or other fees.

[“Current Procedural Terminology](#) or [“CPT”](#) means codes that provide a uniform nomenclature for coding medical procedures and services.

“Eligibility Policy” means a policy that outlines the Applicant’s procedures for determining program eligibility and who is responsible for eligibility screening.

“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.

“Facility Certificates” means a certificate of registration from the Texas Department of State Health Services Radiation Control Program (for all clinic sites that provide X-rays) and Clinical Laboratory Improvement Amendment (CLIA) certificate for all clinic sites that provide laboratory testing.

“Financial Reconciliation Report” or “FRR” means the accounting process by which two different data sets are compared to verify that the information within them is accurate.

“General Ledger” means a set of numbered accounts a business uses to keep track of the financial transactions that may include assets, liabilities, equity, revenue and expenses.

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

“Grant Term” means the base 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 or “Contractor”.

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

“New Grantee” means a Grantee that has not participated in the Title V program in the last five years.

“Prescriptive Authority Agreement and Policy” or “PAA” means a policy that outlines the organization’s procedures for ensuring PAAs are properly executed and maintained. A PAA is an agreement between an advanced practice registered nurse (APRN) or a physician assistant (PA) and a supervising physician for the purpose of delegating the act of prescribing or ordering a drug or device as required by Texas Administrative Code Title 22, Part 9, Chapter 193.

“Professional Licensure/Certification” means a current and active license to practice in the State of Texas for all medical, nursing, and dental clinic staff in accordance with the statutes and rules of their respective licensure or certification board.

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

“Project Period” or “Grant Period” means the initial period of time set forth in the Grant Agreement during which Grantees may perform approved grant-funded activities 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.

“Readiness Review” means HHSC process of review, assessment, and determination of the Applicant’s ability, preparedness, and availability to fulfill its obligations under the Contract.

“RFA” means this Request for Applications, including all parts, exhibits, forms, attachments and Addenda posted on the HHS Grants RFA website.

“Standing Delegation Orders” or “SDO” means a policy that outlines the organization’s procedures for services provided by unlicensed and licensed personnel other than APRNs or PAs whose duties include actions or procedures for a population with specific diseases, disorders, health problems or sets of symptoms. SDOs are distinct from specific orders written for an individual. SDOs are instructions, orders, rules, regulations, or procedures that specify under what set of conditions and circumstances actions should be taken by unlicensed and licensed personnel, other than APRNs or PAs.

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

“Subgrantee” means a person who contracts with a prime Grantee to work, to supply commodities, or to contribute toward completing work.

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

“Title V Prenatal Medical Services” or “TVPM” means prenatal and postpartum medical program services for women under the Title V Maternal and Child Health Fee-for-Service Program.

“Title V Prenatal Dental Services” or “TVPD” means prenatal and postpartum dental program services for women under the Title V Maternal and Child Health Fee-for-Service Program.

“Title V Child Health Services” or “TVCH” means preventive and primary health program services for children and adolescents under the Title V Maternal and Child Health Fee-for-Service Program.

“Title V Child Dental Services” or “TVCD” means dental program services for children and adolescents under the Title V Maternal and Child Health Fee-for-Service Program.

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

1.3 STATUTORY AUTHORITY

The System Agency is requesting Applications under Chapter 32 of the Texas Health and Safety Code. State funds for this Grant Project are authorized under the Texas General Appropriations Act, Article II. All awards are subject to the availability of appropriated State funds and any modifications or additional requirements that may be imposed by law.

Federal funding for this Grant Project is authorized under Title V of the Social Security Act of 1935. All awards are subject to the availability of appropriated federal funds and any modifications or additional requirements that may be imposed by law. Federal funding awarded to the System Agency is through the program(s) listed below:

| | |
|--|--|
| Federal Grant Program: | Title V Maternal and Child Health Services Block Grant to States Program |
| Federal Awarding Agency: | Health Resources and Services Administration |
| Funding Opportunity No.: | 6 B04MC47448-01-02 |
| Assistance Listing Number and Program Title: | 93.994 Maternal and Child Health Services Block Grant to the States |

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

This RFA invites grant Applications requesting funding for the Title V Maternal and Child Health Fee-for-Service Program. The purpose of this program is to deliver prenatal medical services, child health services, and/or prenatal and/or child dental services to eligible Clients.

Prenatal medical services include direct health care services to pregnant women of all ages, including screening and eligibility determination, direct clinical services, laboratory services, case management, and appropriate referrals as necessary. For women who are in the process of applying for and enrolling to Children's Health Insurance Program (CHIP) prenatal program, Applicant may provide prenatal care and bill Title V. Applicants may provide prenatal care under the grant up to ninety (90) calendar days for prenatal care services for Clients that are determined to be presumptive eligible and/or have applied for [CHIP Perinatal Program](#). If Clients are deemed ineligible for the CHIP Perinatal Program or other social service programs providing the same services, the Client may remain on the Title V program for the duration of the pregnancy and up to three months postpartum, including pregnancy loss.

Prenatal dental services include dental services to pregnant women of all ages and up to three (3) months post-partum. A maximum of two (2) clinical prenatal care visits will be allowed for women who are in the process of applying for and enrolling in the CHIP Perinatal Program. Services include screening and eligibility determinations, dental services, and appropriate referrals as necessary.

Child health services include preventive and primary child health care for children and adolescents from birth through the 21st year. Health services may include, but are not limited to, screening and eligibility determinations, direct clinical services, laboratory services, case management, and appropriate referrals as necessary.

Child dental services include preventive and primary dental care for children and adolescents from birth through their 21st year. Services include screening and eligibility determinations, direct dental services, and appropriate referrals as necessary.

2.2 PROGRAM BACKGROUND

Through Title V of the Social Security Act of 1935, the federal government pledged to support State efforts to ensure the health of all mothers and children. In 1981, the Title V Maternal and Child Health Services Block Grant was created to further improve the health of mothers, women of childbearing age, infants, children, adolescents, and children with special health care needs (CSHCN).

2.3 ELIGIBLE POPULATION

The eligible populations to be served under this RFA consist of individuals who are:

- A. Pregnant women of any age and postpartum women up to three months after giving birth, including following pregnancy loss; or,
- B. Children and adolescents from birth through their 21st year (until their 22nd birthday).
- C. In order to be eligible to receive services under this RFA, an individual must:
 - 1. Have gross family income at or below 185% of the federal poverty level;
 - 2. Be a Texas resident; and
 - 3. Not be eligible for other health care programs, plans or benefits that provide the same services.

A Client receiving CHIP benefits may become eligible for Title V when CHIP benefits are exhausted.

2.4 ELIGIBLE SERVICE AREAS

The service areas eligible for Project funding under this RFA are statewide. Applicants must identify each Texas county it intends to serve using **Form D, Texas Counties Served by Region**.

2.5 ELIGIBLE ACTIVITIES

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

The following activities are eligible to be funded under this RFA::

- A. Prenatal medical services for pregnant women and up to three (3) months after giving birth, including pregnancy loss. These services include:
 - 1. Complete medical history;
 - 2. Physical examination and clinical assessment;
 - 3. Family planning services;
 - 4. Counseling and education services;
 - 5. Referrals as indicated by medical history, physical exams, or clinical assessment;
 - 6. Routine prenatal laboratory and diagnostic testing; and
 - 7. Case management as needed.
- B. Prenatal dental services for pregnant women up to three (3) months after they have given birth, including pregnancy loss. These services include:
 - 1. Comprehensive and periodic oral evaluations;
 - 2. Radiographs;

3. Preventative and therapeutic; and
 4. Dental education and counseling.
- C. Preventative and primary health services for children and adolescents from birth to age twenty-one (21). These services include:
1. Well-child checkups, physical examinations and screenings;
 2. Immunizations;
 3. Limited sick care;
 4. Laboratory and diagnostic tests;
 5. Education and counseling; and
 6. Case management as needed.
- D. Child dental services for children and adolescents from birth to age twenty-one (21). These services include:
1. Comprehensive and periodic oral evaluations;
 2. Radiographs;
 3. Fluoride treatment;
 4. Restorative treatment;
 5. Sealant application; and
 6. Dental education and counseling.

Services are further defined in the [Title V Maternal and Child Health Policy Manual](#). Services are subject to change with advance notice from the System Agency.

Grantees may request permission of HHSC for any subcontracting; Subgrantees must be monitored for performance and quality of services by the Grantee and Grantee must ensure all applicable policies and procedures are followed in accordance with the Grantee's and HHSC's program policies.

2.6 PROGRAM REQUIREMENTS

Grantees will provide prenatal or child services to eligible Clients in the System Agency's approved counties, see **Form D. Texas Counties Served by Region**, in accordance with applicable laws, rules, policies, [Title V Maternal and Child Health Policy Manual](#). Services may include but are not limited to screening and eligibility determination, direct clinical and/or dental services, laboratory services, case management, and appropriate referrals, as necessary.

Grantees must:

- A. Ensure that Clients are provided services in a timely and nondiscriminatory manner.
- B. Have appropriate policies and procedures relevant to administrative activities, clinical procedures, Client records, and other components noted within the Title V Maternal and Child Health Policy Manual. The policy manual can be found online at <https://www.hhs.texas.gov/handbooks/title-v-maternal-child-health-fee-service-program-policy-manual>.
- C. Have appropriate clinical and administrative background to serve Title V populations.

- D. Have organizational and management structures, including facilities and staff, ready to serve Title V populations within sixty (60) calendar days of the Effective Date of Grant Agreement.
- E. Establish, annually review, and train staff on Title V program requirements and policies, including any updates to the program policy manual and required forms that occur during the Grant Term.
- F. Have at least one (1) representative, responsible for training staff, participate in two (2) mandatory training sessions per State Fiscal Year on Title V program, financial and policy requirements or a related subject, at the discretion of the System Agency.
- G. Have at least one (1) representative, responsible for disseminating information to awardee program administrative and clinic staff, sign and submit an extranet and data security agreement form for each staff person accessing the System Agency's web-based applications (SharePoint site) to access program or Contract information. All users of system administrator's web-based applications must have an Outlook or Microsoft 365 account.
- H. Have an organizational structure and related management systems that provide oversight and lines of authority appropriate for the size and scope of the Applicant organization.
- I. Have current job descriptions for positions that will be fully or partially funded by this grant, as well as key positions providing oversight to the administration and operations related to this grant.
- J. Participate in all HHSC scheduled meetings to discuss the Project.
- K. Grantee shall have an established referral relationship with a qualified provider for each approved service which it does not provide.
- L. At least one (1) provider in network has an active Texas State license with a minimum of five (5) years of medical or dental practice experience respective to the program services they intend to provide.
- M. Provide information on all personnel and locations that will serve Title V populations prior to the Effective Date of Grant Agreement using an HHSC-approved template.
- N. All personnel and technicians assigned to provide services outlined in this RFA must have all licenses and certifications required by applicable law. Assigned personnel and technicians, who may include department directors or equivalent positions, providing services that, by law, require a Professional Licensure/Certification, must hold a current, valid, and applicable Texas license and/or certification in good standing. Grantee is responsible for ensuring all staff and Subgrantees, if any, hold current, valid, and applicable licenses and/or certifications in good standing.
- O. Maintain all required licenses and certifications for the business during the term of the Grant. The Grantee or Grantee's personnel and Subgrantees, if any, must also maintain their individual required licenses and certifications during Grant Term.
- P. Have appropriate screening and non-discrimination policies that comply with:
 1. [Title VI of the Civil Rights Act of 1964](#).
 2. [Americans with Disabilities Act \(ADA\) of 1990](#).
 3. [Age Discrimination Act of 1975](#).
 4. [Section 504 of the Rehabilitation Act of 1973](#).
 5. [Title IX of the Education Amendments of 1972](#).

6. Accessible services to persons with limited English proficiency and speech or sensory impairments as noted in [Texas Administrative Code \(TAC\), Title 1, Part 15, Chapter 395, Subchapter B](#).
- Q. Have appropriate internal and external signage:
1. Applicable and current HHS [civil rights posters](#) displayed where Clients and the public can easily see them. These posters notify Clients of the civil rights, how to file a discrimination complaint, and how to request accommodation or language assistance.
 2. Appropriate exterior signage to identify funded entity as a healthcare facility.
- R. Have written policies and procedures in compliance with all State and federal guidelines to address screening and reporting related to:
1. Child abuse and neglect ([Texas Family Code, Chapter 261](#)).
 2. Abuse, neglect, and exploitation of the elderly or adults with disabilities ([Texas Human Resources Code, Chapter 48](#)).
 3. Domestic and intimate partner violence ([Centers for Disease Control and Prevention](#)).
 4. Human trafficking (Trafficking Victims Protection Act of 2000 [[22 USC Chapter 78, Trafficking Victims Protections](#)]).
 5. Space for clinical and administrative staff.
 6. Maintenance of medical records and related policies and procedures that are compliant with the [Health Insurance Portability and Accountability Act \(HIPAA\) of 1996](#).
 7. Locked storage for charts, records, medications, and medical supplies.
 8. Proper storage and disposal of hazardous materials.
 9. [Clinical Laboratory Improvement Amendments \(CLIA\)](#) certification for level of tests performed.
 10. Clinic sites that are geographically close to target population(s) and compliant with the appropriate [ADA Standards](#).
 11. Clean and well-maintained facilities where services can be delivered with exam rooms, space for Client intake, and a place for Clients to wait.
 12. Appropriate emergency policies/procedures and supplies, as applicable.
 13. Appropriate use of interpreter services and language translation based on client needs (including resources for both).
 14. Applicant must have written policies and procedures in compliance with State and federal guidelines to address financial management systems and secure data storage.
 15. Financial management systems, including secure data storage. Grantee must be able to provide a General Ledger from Grantee's computerized system that has accounts assigned to track financial transactions for the Grant Agreement that may include assets, liabilities, equity, revenue and expenses.

2.7 READINESS REVIEW

Readiness Reviews conducted by the System Agency are required for any New Grantee who has not been awarded a Grant Agreement for Title V Maternal and Child Health Fee-for-Service within the past five (5) years, or for any Grantee who has had a previous Title V contract that was either suspended or terminated within the past five (5) years. Readiness Reviews will occur within the first sixty (60) calendar days of the Grant Period. The System Agency will contact the Grantee to schedule Readiness Reviews. The System Agency may elect to provide technical assistance to a New Grantee, or Grantees suspended or terminated within the past five (5) years, to correct deficiencies discovered during the Readiness Review. The System Agency retains the right to terminate the Grant Agreement if a Readiness Review determines the Grantee is not compliant with the requirements stated below.

HHSC may also require Grantee to submit detailed policies and procedures that document day-to-day business activities related to Grant Agreement requirements for HHSC review and approval.

During the review, the following will be assessed:

- A. Accounting System – Grantee’s system must be able to produce a list of all program income including co-pays. Co-pays must match the amount listed on the monthly vouchers submitted for the requested period.
- B. Billing Strip – Grantee must be able to provide a Billing Strip. The Billing Strip must include a list of CPT codes billed per day by Client for the requested period. The Billing Strip must match the actual services reimbursed on the monthly vouchers submitted for the requested period.
- C. General Ledger – Grantee must be able to provide a General Ledger. Grantee’s General Ledger must ensure the co-pays collected are returned to the Title V Maternal and Child Health Fee-for-Service Program.
- D. Eligibility Policy – Grantee’s Eligibility Policy must outline the Grantee’s procedures for determining eligibility and who is responsible for eligibility screening. The policy must include documentation of household and family composition, date of birth, residency, income, presumptive eligibility, calculation of the Grantee’s federal poverty level percentage, and correct eligibility forms.
- E. Co-Pay Policy – This policy must outline the Grantee’s procedures for the collection of any co-pays or other fees for Title V MCH Clients or provide documentation that confirms the organization does not charge Title V MCH Clients copays.
- F. Client Record Management Policy – This policy must outline the Grantee’s procedures to ensure medical records are kept confidential, secure, and include how records are retained, including record retention.
- G. Facility Certificates – All clinic sites providing x-rays must have an active certificate of registration from the Texas Department of State Health Services Radiation Control Program. All clinic sites providing laboratory testing must have an active Clinical Laboratory Improvement Amendment (CLIA) certificate.

- H. Prescriptive Authority Agreement and Policy – This policy must outline the Grantee’s procedures for ensuring properly executed PAAs are in place for each advanced practice registered nurse (APRN) or physician assistant (PA). The PAA must meet all the requirements delineated in the [Texas Occupations Code, Chapter 157](#), including, but not limited to the following minimum criteria:
1. Be in writing and signed and dated by the parties to the agreement;
 2. Be reviewed at least annually (including amendments);
 3. Kept on-site where the APRN or PA provides care;
 4. Include the name, address, and all professional license numbers of all parties to the agreement;
 5. State the nature of the practice, practice locations or practice settings;
 6. Identify the types or categories of drugs or devices that may be prescribed, or the types or categories of drugs or devices that may not be prescribed;
 7. Provide a general plan for addressing consultation and referral;
 8. Provide a plan for addressing patient emergencies;
 9. Describe the general process for communication and sharing of information between the physician and the APRN or PA to whom the physician has delegated prescriptive authority related to the care and treatment of individuals;
 10. If alternate physician supervision will be used, appoint one or more alternate physicians who may:
 - a. Provide appropriate temporary supervision following the requirements established by the PAA and the requirements of this section; and
 - b. Participate in the prescriptive authority quality assurance and improvement plan meetings required under this section.
 11. Describe a prescriptive authority quality assurance and improvement plan and specify methods for documenting the implementation of the plan that includes:
 - a. Chart review, with the number of charts to be reviewed determined by the physician and APRN or PA; and
 - b. Periodic face-to-face meetings between the APRN or PA and the physician at a location determined by the physician, APRN or PA.
- I. Professional Licensure/Certification – Grantee must provide copies of all medical, nursing, and dental clinic staff licensure and certification.
- J. Standing Delegation Order and Policy – This policy must outline the Grantee’s procedures for developing, annually reviewing, properly storing and training staff on SDOs for unlicensed and licensed personnel (not APRN or PA) to include the following:

1. SDOs must include actions or procedures for a population with specific diseases, disorders, health problems or sets of symptoms;
2. Delineate under what circumstances an RN, LVN or non-licensed health care provider (NLHP) may initiate actions or tasks in the clinical setting; and
3. Provide authority for use with a patient:
 - a. When a physician or advanced practice provider is not on the premises; and/or
 - b. Before a patient is examined or evaluated by a physician or advanced practice provider.

2.8 REQUIRED REPORTS

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

| REPORT | DUE DATE |
|---------------------------------------|---|
| Monthly Reporting Packet | No later than thirty (30) calendar days after the end of the preceding month |
| Financial Reconciliation Report (FRR) | No later than sixty (60) calendar days after the end of the Grant Period and any renewal periods. |

Complete a Monthly Reporting Packet for reimbursement for services provided that includes:

- a. The unduplicated number of Clients served by the Grantee during the applicable reporting period;
- b. The average cost per Client for each proposed service during the applicable reporting period; and
- c. Additional related measures as determined by the System Agency.

Grantee shall provide all reports in the format specified by the System Agency in an accurate, complete, and timely manner and shall maintain appropriate supporting backup documentation. Grantee shall submit a FRR no later than sixty (60) calendar days after the end of the Grant Period. This report must be signed and marked “Final” and shall be emailed to email address(es) listed on the FRR. Due to the federal component of the funding, the Monthly Reporting Packet request for the month of September must be submitted by December 1st or it will not be processed. Required reports that do not meet the above requirements will not be processed. Failure to comply with submission deadlines

for required reports, FRRs or other requested information may result in the System Agency, in its sole discretion, placing the Grantee on financial hold without first requiring a corrective action plan in addition to pursuing any other corrective or remedial actions under the Grant Agreement.

2.9 PERFORMANCE MEASURES AND MONITORING

Grantee is responsible 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.

Grants awarded as a result of this RFA are subject to the System Agency's performance monitoring activities throughout the duration of the Grant Term. Performance monitoring may include a reassessment of activities and services to determine whether they continue to be effective throughout the Grant Term.

Grantee must regularly collect and maintain data that measures the performance and effectiveness of activities under a Grant Agreement resulting from this RFA. Data must be collected and maintained in the manner and within the timeframes specified in this RFA and resulting Grant Agreement, or as otherwise specified by the System Agency. Grantee must submit the necessary information and documentation regarding all requirements, including reports and other related measures and Deliverables required by State or federal law, or as determined by the System Agency.

If requested by the System Agency, Grantee shall report on the progress towards completion of the Grant Project and other relevant information as determined by the System Agency during the Grant Term. To remain eligible for renewal funding, if any, 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 FINAL MONTHLY REPORTING PACKET SUBMISSION

Unless otherwise directed by the System Agency, Grantee shall submit a Monthly Reporting Packet as a final close-out invoice not later than forty-five (45) calendar days following the end of the term of the Grant Term. Reimbursement or payment requests received after the deadline will not be paid.

2.11 DATA USE AGREEMENT

By submitting an Application in response to this RFA, Applicant agrees to be bound by the terms of the applicable **Exhibit C, Data Use Agreement – Standard Version 8.5 or Exhibit C-1, Data Use Agreement - Governmental Entity Version 8.5**, including but not limited to the terms and conditions regarding **Exhibit C-2, Texas HHS System Data**

Use Agreement - Attachment 2, Security and Privacy Inquiry (SPI) , attached to this RFA.

2.12 LIMITATIONS ON GRANTS TO UNITS OF LOCAL GOVERNMENT

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

(a) In each Grant Agreement with a unit of local government, grant funds appropriated under the General Appropriations Act will be expended subject to limitations and reporting requirements similar to those provided by:

- (1) Parts 2, 3, and 5 of Article IX of the General Appropriations Act (except there is no requirement for increased salaries for local government employees);
- (2) §§556.004, 556.005, and 556.006, 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, Texas 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).

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Article III. Applicant Eligibility Requirements

3.1 LEGAL AUTHORITY TO APPLY

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

Each Applicant may only submit one (1) grant Application. Applicants may apply for any or all service categories in the same Application.

3.2 APPLICATION SCREENING REQUIREMENTS

In order to be considered eligible for a grant, Applicant must meet and maintain the following minimum requirements through the Grant Term:

- A. Applicant must be a governmental entity (health department, hospital district, university medical center, and other State or local agency), a federally qualified health center, or a nonprofit entity.
- B. Applicant must be a Texas Medicaid provider or provide evidence with its Application that a Medicaid application has been submitted to obtain a Texas Provider Identifier ("TPI") number, see **Form A, Applicant Information**. The Medicaid number provided must be for the organization itself, and not for individual providers associated with the organization.
- C. Applicant must have a Texas address. A post office box may be used when the RFA is submitted, but the Applicant must conduct business at a physical location in Texas prior to the start of the Grant Period.

An Applicant that does not meet these minimum requirements will be disqualified and not considered for a grant. HHSC expressly reserves the right to review and analyze the documentation submitted, request additional documentation, and/or determine the Applicant's eligibility to compete for the Grant Agreement award.

3.3 GRANT AWARD ELIGIBILITY

By submitting an Application, Applicant certifies that:

- A. 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;

- B. 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;
- C. 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;
- D. Applicant is currently in good standing with all licensing, permitting, or regulatory bodies that regulate any or all aspects of Applicant's operations; and
- E. Applicant is not delinquent in taxes owed to any taxing authority of the State of Texas as of the Effective Date of Grant Agreement.

3.4 MINIMUM EXPERIENCE AND REQUIREMENTS

Applicant must meet the following minimum experience and requirements prior to the Effective Date of the Grant Agreement if selected for an award.

- A. At least one provider in its network who has an active Texas State license and has a minimum of 5 years of medical and/or dental practice experience respective to the program services they intend to provide.
- B. All personnel and technicians assigned to provide the selected program services TVPM, TVPD, TVCH, TVCD must have all licenses and/or certifications required by applicable law. Applicable licenses and/or certifications must be current, valid and in good standing.

3.5 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 an Application, Applicant certifies that it is not ineligible for a Grant Agreement pursuant to this prohibition.

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Article IV. Project Period and Grant Term

4.1 PROJECT PERIOD

The Project Period is **September 1, 2024** through **August 31, 2025**, which is State Fiscal Year 2025.

Extension of Project Period: HHSC may, at its sole discretion, extend the Project Period for up to one (1) year to allow for the full expenditure of awarded funding. No additional grant funds will be awarded during the grant extension period.

4.2 GRANT TERM

The System Agency may, at its sole discretion, extend the Grant Term for any period(s) of time through Grant Agreement extensions or renewals provided that the Grant Term does not exceed five years. The initial term starts September 1, 2024, through August 31, 2025, with the possibility for four (4) one (1) year renewals.

4.3 PROJECT CLOSEOUT

The Grantee must submit all required financial, performance, and other reports as required in the Grant Agreement by Project close-out. The Project close-out date is ninety (90) calendar days after the Grant Agreement end date, unless otherwise noted in the original or amended Grant Agreement. Funds not obligated by Grantee by the end of the Grant Agreement term and not expended by the Project close-out date will revert to the System Agency. The System Agency reserves the right to programmatically and financially close the grant award and end the Grant Agreement when the System Agency determines Grantee has completed all applicable actions and work in accordance with Grant Agreement requirements.

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Article V. Grant Funding and Reimbursement Information

5.1 GRANT FUNDING SOURCE AND AVAILABLE FUNDING

The total amount of State and federal funding available for the Title V Maternal Child and Child Health Fee-for-Service Program is **\$31,173,020.00** for the entire Grant Term. The total amount of federal funding is \$24,167,230.00 and State funding is \$7,005,790.00. System Agency may make multiple awards to Applicants that successfully demonstrate the ability to deliver prenatal medical services, prenatal dental services, child health services, and/or child dental services to eligible Clients. Applicants may apply for any combination of the services listed above.

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 Applicants may not be funded to the full extent of Applicant's requested funding in order to ensure grant funds are available for the broadest possible array of communities and programs.

Reimbursement will only be made for actual, allowable, and allocable expenses that occur within the Project Period. No spending or costs incurred prior to the Effective Date of the Grant Agreement will be eligible for reimbursement. No pre-award costs will be eligible for reimbursement.

5.2 NO GUARANTEE OF REIMBURSEMENT AMOUNTS

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

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

5.3 GRANT FUNDING PROHIBITIONS

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

- A. Any use of grant funds to replace (supplant) funds that have been budgeted for the same purpose through non-grant sources;
- B. Inherently religious activities such as prayer, worship, religious instruction, or proselytization;
- C. 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;

- D. Any portion of the salary of, or any other compensation for, an elected or appointed government official;
- E. Vehicles for general agency use; to be allowable, vehicles must have a specific use related to Project objectives or activities;
- F. Entertainment, amusement, or social activities and any associated costs including but not limited to admission fees or tickets to any amusement park, recreational activity or sporting event unless such costs are incurred for components of a program approved by the grantor agency and are directly related to the program's purpose;
- G. Costs of promotional items, and memorabilia, including models, gifts, and souvenirs;
- H. Food, meals, beverages, or other refreshments, except for eligible per diem associated with grant-related travel, where pre-approved for working events, or where such costs are incurred for components of a program approved by the grantor agency and are directly related to the program's purpose;
- I. Membership dues for individuals;
- J. Any expense or service that is readily available at no cost to the Grant Project;
- K. Any activities related to fundraising;
- L. Equipment and other 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;
- M. Any other prohibition imposed by federal, State, or local law; and
- N. 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 PAYMENT METHOD

Grant Agreement awarded under this RFA will be paid on a fee-for-service basis. The fee-for-service payment method is based on the approved service code used with acceptable submission of all required documentation, forms, and/or reports. Grantees will be reimbursed using the fee-for-service method by submitting claims for actual and eligible services provided to Clients, which will be reviewed and paid by the System Agency. Service codes can be found in **Exhibit J, Reimbursable Service Codes**. Reimbursable service codes are subject to change throughout the Grant Term, based on program needs, administrative changes, cost-effectiveness, and other relevant factors.

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Article VI. Application Forms and Exhibits for Submission

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

6.1 PROPOSAL

Using **Form C, Applicant Background and Readiness**, **Form D, Texas Counties Served by Region**, **Form F, Performance Measures and Funding Ceiling Request**, and **Form G, Subgrantee Information** listed in **Article XIII, Submission Checklist** and attached to this RFA, Applicants shall describe their proposed activities, processes, and methodologies to satisfy all objectives described in **Article II, Scope of Grant Project**, including the Applicant's background, job descriptions, readiness, Texas counties served, performance measures, and Subgrantee information, if appropriate. Applicants should identify all proposed tasks to be performed, including all Project activities, during the Grant Project Period. Applicants must complete and submit all required forms and exhibits.

6.2 REQUESTED FUNDING

Attached **Form F, Performance Measures and Funding Ceiling Request**, of this RFA is the template for submitting the requested funding and number of Clients that can be served.

If selected for a grant award under this RFA, only the System Agency-approved services will be considered eligible for reimbursement.

6.3 ADMINISTRATIVE APPLICANT INFORMATION

Using **Form A, Applicant Information**, **Form B, Administrative Entity Information**, **Exhibit D, Contract Monitoring Questionnaire**, and, as applicable, either **Form B-1, Governmental Entity – Authorized Officials**, or **Form B-2, Non-Profit or For-Profit Entity – Board of Directors and Principal Officers** 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. Applicants that fail to submit a requested form as set forth in this RFA with their Application will be disqualified.

A. Litigation and Contract History

Applicant must include in its Application, using **Form B, Administrative Entity Information**, a complete disclosure of any alleged or significant contractual or grant failures.

In addition, Applicant must disclose any civil or criminal litigation, administrative hearing, or investigation pending over the last five (5) years that involves Applicant or in which Applicant has been found guilty, liable, or fined. Failure to comply with the terms of this provision may disqualify Applicant. See **Exhibit A, HHS Solicitation**

Affirmations v. 2.4. 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. Contract Monitoring Questionnaire

Applicant must complete **Exhibit D, Contract Monitoring Questionnaire**, and submit it with the Application.

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Article VII. RFA Administrative Information and Inquiries

7.1 SCHEDULE OF EVENTS

| EVENT | DATE/TIME |
|---|---|
| Funding Announcement Posting Date Posted to HHS Grants RFA and Texas eGrants websites | February 2, 2024 |
| Deadline for Submitting Questions or Requests for Clarification | February 9, 2024 at 5:00 p.m. Central Time |
| Date Answers to Questions or Requests for Clarification Posted | Tentative Date February 23, 2024 |
| Deadline for Submission of Applications NOTE: Applications must be <u>RECEIVED</u> by HHSC by this deadline unless the deadline is changed by subsequent Addenda. Applications must be complete and received by HHSC by this deadline to be considered eligible. | March 4, 2024 by 10:30 a.m. Central Time |
| Anticipated Notice of Award | July 2024 |
| Anticipated Project Start Date | September 1, 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:

| | |
|----------------|---|
| Name | John Norton |
| Title | Grant Specialist, HHSC Procurement and Contracting Services |
| Address | Procurement and Contracting Services Building 1100 W 49th St. MC: 2020 Austin, TX 78756 |
| Phone | (512) 776-6140 |
| Email | John.Norton2@hhs.texas.gov |

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

However, if expressly directed in writing by the Sole Point of Contact, Applicant may communicate with another designated 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:

- A. RFA number;
- B. Section or paragraph number from this Application;
- C. Page number of this Application;
- D. Exhibit or other attachment and section or paragraph number from the exhibit or other attachment;
- E. Page number of the exhibit;
- F. Language, topic, section heading being questioned; and
- G. Question.

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

- A. Name of individual submitting question or request for clarification;
- B. Organization name;
- C. Phone number; and
- D. 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 timely notify the Sole Point of Contact of any ambiguity, conflict, discrepancy, exclusionary specification, omission or other error in the RFA, Applicant, whether awarded a Grant Agreement or not:

- A. Shall have waived any claim of error or ambiguity in the RFA and any resulting Grant Agreement;
- B. Shall not contest the interpretation by the HHSC of such provision(s); and
- C. 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 AND ASSUMPTIONS

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

If an Applicant includes exceptions in its Application, Applicant is required to use the **Exceptions Form** included as **Form E** to this RFA and provide all information requested on the form. Any exception that does not provide all required information in the format set forth in **Form E** may be rejected without consideration.

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

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 will 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 binds the Applicant under any Grant Agreement that may result from the submission of an Application.

8.3 REQUIRED SUBMISSION METHOD

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

B. Submission Option #1

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

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

2. 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.

C. Submission Option #2

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

1. One (1) USB drive with the complete Application file marked as “Original Application” in a searchable Portable Document Format (“.pdf”) file. Include the USB in a separate envelope within the sealed Application package and mark the USB and envelope with “Original Application.”
2. One (1) USB drive with a copy of the complete Application file marked as “Public Information Act Copy,” if applicable and in accordance with **Section 12.1, Texas Public Information Act – Application Disclosure Requirements**. The copy must be in a searchable Portable Document Format (“.pdf”) file. Include the USB in a separate envelope within the sealed package and mark the USB and envelope with “Public Information Act Copy” or “PIA Copy.”

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

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

Sealed packages must be clearly labeled with the following:

| | |
|--|---|
| RFA No: | HHS0013927 |
| RFA TITLE | Title V Maternal and Child Health – Fee-for-Service |
| DEADLINE FOR SUBMISSION OF APPLICATIONS | March 4, 2024, by 10:30 a.m. Central Time |
| SOLE POINT OF CONTACT’S NAME: | John Norton |
| APPLICANT’S NAME: | [Applicant/Entity’s legal name] |

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

8.4 COSTS INCURRED FOR APPLICATION

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

8.5 APPLICATION COMPOSITION

All Applications must:

- A. Be responsive to all RFA requirements;
- B. Be clearly legible;
- C. 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;
- D. Include page numbering for each section of the Application; and
- E. 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," "Proposal," and "Exhibits and Forms to be Submitted with Application").
 - 1. 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 one of the approved methods 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 latest 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.

The remainder of this page is left blank intentionally.

Article IX. Application Screening and Eligibility Review

9.1 OVERVIEW

A four-step selection process will be used:

- A. Application screening to determine whether the Application is complete and whether the Applicant meets the minimum requirements of this RFA;
- B. Eligibility review to determine if Applicant will be considered for award;
- C. Scoring and review of qualifications; and
- D. 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 are complete, meet all the minimum requirements of this RFA, and are deemed responsive and qualified for further consideration. See **Section 3.2, Application Screening Requirements**.

At the sole discretion of the System Agency, Applications with errors, omissions, or compliance issues may be considered non-responsive and may not be considered for award. The remaining Applications will continue to the eligibility review 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 sole 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 v. 2.4**).

The System Agency, 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

The System Agency reserves the right to ask questions or request clarification or revised documents for a submitted Application from any Applicant at any time prior to award. The System Agency reserves the right to select qualified Applications received in response to this RFA without discussion of the Applications with Applicants.

9.4 ELIGIBILITY REVIEW

System Agency will review the responses provided on **Form C, Applicant Background and Readiness** of the RFA related to the Applicant's experience and ability to provide Title V services. Applicants will then be scored as stated in this section and in accordance with **Exhibit F, Applicant Eligibility Review Tool**.

Part I of **Form C** is an eligibility screening question related to financial management systems and data storage. Any Applicant that answers 'NO' to that question does not meet the minimum qualifications to receive a grant under this RFA, will be disqualified, and the System Agency will cease evaluating that Applicant. No points are awarded for the financial management systems and data storage question in Part I of **Form C**.

Part II of **Form C** includes additional questions related to Applicant's qualifications. All questions in Part II of **Form C** will be reviewed and scored as follows:

A "YES" response on questions 2.1 – 2.4 **Form C** is worth five (5) points; and

A "NO" response on questions 2.1 – 2.4 **Form C** is worth zero (0) points.

Please note that the maximum points available on question 2.1 will be achieved by marking any subsection of 2.1 as "YES". The System Agency will review Applicant's responses to Part II of **Form C** and enter the corresponding scores using **Exhibit F**. The maximum number of points available to any Applicant is 20 (5 points per question on Part II of **Form C**).

An Applicant must score at least fifteen (15) points to move to the final selection review set out in **Section 10.1, Final Selection**. An Applicant who selects "NO" on any question in Part II of **Form C** must provide information describing how the item will be resolved prior to the start of the Grant Period. Any such information may be considered as other relevant information under **Section 10.1** and will be addressed during negotiations as stated in **Section 10.2**.

If an Applicant scores between fifteen (15) and twenty (20) points (with zero or one "NO" responses), they will move to the negotiation phase. If an Applicant's score is ten or below (two or more "NO" responses), they are disqualified from the selection process.

9.5 PAST PERFORMANCE

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

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

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

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

- A. Notices of termination;
- B. Cure notices;
- C. Assessments of liquidated damages;
- D. Litigation;
- E. Audit reports; and
- F. Non-renewals of grants or Grant Agreements based on Applicant's unsatisfactory performance.

Applicants also may be rejected as a result of unsatisfactory past performance under any grant(s) or Grant Agreement(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.

In addition to the reasons stated in **Sections 9.2** and **9.4**, an Applicant may be denied a Grant Agreement at any point after Application submission include, due to the following:

- 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/>; or
- B. Applicant is currently under a corrective action plan through HHSC or DSHS; or
- C. Applicant has had repeated, negative vendor performance reports for the same reason; or
- D. Applicant has a record of repeated non-responsiveness to vendor performance issues; or
- E. Applicant has Grant Agreements or purchase orders that have been cancelled in the previous twelve (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 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 sole discretion, Applicant 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 contract participation at the federal level. This verification is conducted through SAM, the official website of the U.S. Government which may be accessed at:

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

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

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 completion compliance checks as set out in **Article IX (Application Screening and Eligibility Review)**, System Agency will make final funding decisions based on Applicant eligibility, Applicants' ranking based on their scores from **Exhibit E**, the funding methodology above, geographic distribution across the State, program priorities, reasonableness, availability of funding, cost-effectiveness, and other relevant factors.

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

- A. An in-depth discussion of the submitted Application; and
- B. Requests from the System Agency for revised documents, clarification, or additional detail regarding the Applicant's submitted Application. These clarifications and additional details, as required, must be submitted in writing by Applicant as finalized during the negotiation. HHSC will conduct Grant Agreement negotiations with all eligible Applicants. During negotiations the **Form C** additional information provided to clarify "NO" responses on questions other than the financial management systems and data storage question will be reviewed and addressed to ensure that Applicants will meet the requirements listed on **Form C** prior to the start of the Grant Period.

10.3 DISCLOSURE OF INTERESTED PARTIES

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

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

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

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

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

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

10.4 EXECUTION AND ANNOUNCEMENT OF GRANT AGREEMENT(S)

The System Agency intends to award one 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, the System Agency reserves the right to cancel this RFA, make partial award, or decline to award any Grant Agreement(s) as a result of this RFA.

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

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), HHSC will post a notification of all grants awarded to the [HHS Grants RFA](#) website and Readiness Reviews will be conducted in accordance with **Section 2.7** of the RFA.

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Article XI. General Terms and Conditions

11.1 GRANT APPLICATION DISCLOSURE

In an effort to maximize State resources and reduce duplication of effort, the System Agency, at its discretion, may require the Applicant to disclose information regarding the Application for or award of State, federal, and/or local grant funding to the Applicant or Subgrantee or subcontractor (i.e. organization who will participate, in part, in the operation of the Project) within the past two years to provide preventative and primary health care and dental 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, the System Agency encourages Applicant to use HUBs to provide goods and services.

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

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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 the System Agency to post grants and Applications on its public website and to provide such information to the Legislative Budget Board for posting on its public website.

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

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 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 v. 2.4, 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 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 v. 2.4, and submit the Public Information Act Copy, the Application will be considered to be public information that may be released to the public in any manner including, but not limited to, in accordance with the Public Information Act, posted on the System Agency’s public website, and posted on the Legislative Budget Board’s public website.

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

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

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

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

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

12.2 APPLICANT WAIVER – INTELLECTUAL PROPERTY

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

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Article XIII. Submission Checklist

HHSC, in 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 v. 2.4 (completed and signed) will be disqualified. See Section 9.2, Initial Compliance Screening of Applications, for further detail.

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

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

A. Administrative Information

- 1. Form A, Applicant Information _____
- 2. Form B, Administrative Entity Information _____
- 3. Form B-1, Governmental Entity – Authorized Officials (if applicable) _____
- 4. Form B-2, Non-Profit or For-Profit Entity – Board of Directors and Principal Officers (if applicable) _____
- 5. Exhibit D, Contract Monitoring Questionnaire _____

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

- 1. Form C, Applicant Background and Readiness _____
- 2. Form D, Texas Counties Served by Region _____
- 3. Form E, Exceptions (if applicable) _____
- 4. Form F, Performance Measures and Funding Ceiling Request _____
- 5. Form G, Subgrantee Information _____

C. Exhibits and Addenda to be Completed, Signed, and Submitted with Application

- 1. Exhibit A, HHS Solicitation Affirmations v. 2.4 _____
- 2. Exhibit C, Data Use Agreement – Standard Version 8.5 (if applicable) _____
- 3. Exhibit C-1, Data Use Agreement – Governmental Entity Version 8.5 (if applicable) _____
- 4. Exhibit C-2, Texas HHS System - Data Use Agreement - Attachment 2, Security and Privacy Inquiry (SPI) _____
- 5. Exhibit G, Assurances - Non-Construction Programs (for Child Health and Dental only) _____

6. Exhibit H, Certification Regarding Lobbying (for Child Health and Dental only) _____
7. Exhibit I, Federal Funding Accountability and Transparency Act (FFATA) Certification Form (for Child Health and Dental only) _____
8. Signed Addenda, if any, must be signed and submitted with the Application. _____

Exhibit A, HHS Solicitation Affirmations v. 2.4 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.

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Article XIV. List of Exhibits and Forms

Exhibits

Exhibit A, HHS Solicitation Affirmations v. 2.4

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

Exhibit C, Data Use Agreement – Standard Version 8.5

Exhibit C-1, Data Use Agreement – Governmental Entity Version 8.5

Exhibit C-2, Texas HHS System - Data Use Agreement - Attachment 2, Security and Privacy Inquiry (SPI)

Exhibit D, Contract Monitoring Questionnaire

Exhibit E, Online Bid Room

Exhibit F, Applicant Eligibility Review Tool

Exhibit G, Assurances – Non-Construction Programs

Exhibit H, Certification Regarding Lobbying

Exhibit I, Federal Funding Accountability and Transparency Act (FFATA) Certification Form

Exhibit J, Reimbursable Services Codes

Forms

Form A, Applicant Information

Form B, Administrative Entity Information

Form B-1, Governmental Entity - Authorized Officials

Form B-2, Non-Profit or For-Profit Entity - Board of Directors and Principal Officers

Form C, Applicant Background and Readiness

Form D, Texas Counties Served by Region

Form E, Exceptions

Form F, Performance Measures and Funding Ceiling Request

Form G, Subgrantee Information