Dr. Courtney N. Phillips, Executive Commissioner

Request for Applications (RFA)

For

Title X Family Planning Services
RFA No. HHS0003718

Date of Release: Friday, January 25, 2019

Responses Due: Wednesday, March 6, 2019 by 2:00 p.m.
Central Time

NIGP Class/Item Codes:
• 952-42 Family Planning;
• 948-74 Professional Medical Services: Physicians;
  Pharmacists, and all specialties; 948-72 Pharmaceutical
  Services; and
• 948-48 Healthcare Services
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ARTICLE I. EXECUTIVE SUMMARY, DEFINITIONS, AND AUTHORITY

1.1 EXECUTIVE SUMMARY

The Health and Human Services Commission (HHSC) or “System Agency” has applied for Federal Title X funding to expand upon and improve upon the success of the Texas Family Planning Program (FPP). In 2016, the FPP was redesigned to expand client eligibility and offer additional needed family planning and women's health services. The Title X funds will augment State General Revenue and leverage the State's current network of contracted service providers, as well as allow the opportunity to fund new contracted service providers, to expand service availability to help address Texas' family planning and related health needs.

In this RFA, the State of Texas, by and through HHSC, seeks qualified entities that will provide Title X Family Planning Services/programs for the State of Texas.

To be considered for award, Respondents must execute Exhibit A, Affirmations and Solicitation Acceptance, v.1.3, of this Solicitation and provide all other required information and documentation as set forth in this Solicitation.

1.2 DEFINITIONS

Refer to Exhibit B, HHSC Uniform Terms and Conditions – Grant, v.2.15, for additional definitions. Additionally, as used in this Solicitation, unless the context clearly indicates otherwise, the following terms and conditions have the meanings assigned below:

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

“Affiliate” means individual or entity that has a legal relationship with another entity, which relationship is created or governed by at least one written instrument that demonstrates a common ownership, management, or control, a franchise, or the granting or extension of a license or other agreement that authorizes the entity to use the other entity's brand name, trademark, service mark, or other registered identification mark.

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

“Budget” means a financial schedule documented in the contract that describes how funds will be used.

“Client” means a member of the target population to be served by the Respondent's organization. For the purposes of this grant, a Client is any person who receives Family Planning Services from the selected Respondent, including minors.
“Contract” means the agreement between the System Agency and a selected Applicant resulting from this Solicitation.

“Elective Abortion” means the intentional termination of a pregnancy by an attending physician who knows that the female is pregnant, using any means that is reasonably likely to cause the death of the fetus. The term does not include the use of any such means to terminate a pregnancy that resulted from an act of rape or incest; in a case in which a female suffers from a physical disorder, physical disability, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy, that would, as certified by a physician, place the female in danger of death or risk of substantial impairment of a major bodily function unless an abortion is performed; or in a case in which a fetus has a life-threatening physical condition that, in reasonable medical judgment, regardless of the provision of life-saving treatment, is incompatible with life outside the womb.

“ESBD” means the Electronic State Business Daily, the electronic marketplace where State of Texas contract opportunities over $25,000 are posted. The ESBD may currently be accessed at http://www.txsmartbuy.com/sp.

“Family Planning Services” means educational or medical activities that enable individuals to determine the number and spacing of their children and to select the means by which this may be achieved. These services include contraceptive services, pregnancy testing and counselling, health screenings, and sexually transmitted infection screening and services.

“Federal Poverty Level (FPL)” means the set minimum amount of income that a family needs for food, clothing, transportation, shelter, and other necessities. In the United States, this level is determined by the United States (U.S.) Department of Health and Human Services. FPL varies according to household size. Public assistance programs, such as Medicaid in the U.S., define eligibility income limits as some percentage of FPL.

“Health and Human Services Commission” or “HHSC” means the administrative agency established under Chapter 531, Texas Government Code or its designee and the state agency that has oversight responsibilities for designated health and human services agencies and administer certain health and human services programs, including the Texas Medicaid Program and Children’s Health Insurance Program (CHIP).

“Healthy Texas Women Program (HTW Program)” means a state-funded program administered by HHSC to provide eligible uninsured women with Women’s Health and Family Planning Services.

“Indirect Costs” means costs incurred for a common or joint purpose benefiting more than one project or cost objective of Applicant’s organization and not readily identified with a particular project or cost objective. Typical examples of Indirect Costs may include general administration and general expenses such as salaries and expenses of executive officers, personnel administration and accounting; depreciation or use allowances on buildings and equipment; and costs of operating and maintaining facilities. Refer to Budget Summary
Instructions of this document for greater detail. Indirect cost should not exceed 15% of the total personnel cost.

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

“Medicaid” means Title XIX of the Social Security Act; reimburses for health care services delivered to low-income clients who meet eligibility guidelines.

“Program Income” means monies collected directly by the contractor for services provided under the contract award. Program income includes Client co-pay fees and Client donations.

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

“Promote” means advancing, advocating, or popularizing Elective Abortions.

“Readiness” means a determination that Applicant has the specified attributes to support a given service, the ability to meet program and contractual requirements, and the capacity to achieve service levels based on services proposed to be provided with the funds awarded under a contract resulting from this procurement.

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

“Solicitation” means this Request for Applications including any Exhibits and Addenda, if any.

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

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

“System Agency” means the Texas Health and Human Services Commission, its officers, employees or authorized agents.

“Title X Family Planning Annual Report (FPAR)” means the annual report for family planning services delivery projects authorized and funded under the Population Research and Voluntary Family Planning Programs (Section 1001 of Title X of the Public Health Service Act, 42 United States Code [USC] 300; 42 CFR Part 59). Annual submission of the Family Planning Annual Report (FPAR) is required of all Title X family planning

“Title X Family Planning Program” means a federally-funded program administered by HHSC to provide Family Planning Services to eligible females and males. Title X is the only federal grant program dedicated solely to providing individuals with comprehensive family planning and related preventive health services.

“Unduplicated Client” means an HHSC Title X Family Planning Program Client who is counted only one time during a State Fiscal Year, regardless of the number of visits, encounters, or services he/she receives (e.g., one client seen four times during the Fiscal Year is counted as one Unduplicated Client).

“Women’s Health Services” means preventive health services that are beneficial to a woman’s reproductive health including, but not limited to, vaccines and immunizations, breast cancer screening, cervical cancer screening and treatment, and gynecological services including cancer screening or repair of abnormalities.

1.3 **AUTHORITY**

The System Agency is requesting applications under Title 10, Subchapter D of the Texas Government Code. The federal program authority is 42 USC §300--300a-8, with program rules at 42 CFR Chapter 59. Government Code Section 531.002 directs HHSC to maximize the use of federal funds in the delivery of state health and human services. Section 531.0025 further sets forth the prioritization requirements for awards for family planning services contractors. It is the intent of HHSC to award funds to eligible sub-recipients to provide Title X funded Family Planning Services under the federal requirements of Title X of the Public Services Act.
ARTICLE II. SCOPE OF GRANT AWARD

2.1 PROGRAM BACKGROUND

The Title X Family Planning Program ["Population Research and Voluntary Family Planning Programs" (Public Law 91-572)], was enacted in 1970 as Title X of the Public Health Service Act. Title X is the only federal grant program dedicated solely to providing individuals with comprehensive family planning and related preventive health services. The Title X program is designed to provide access to contraceptive services, supplies, and information to all who want and need them. By law, priority is given to persons from low-income families.

The Title X Family Planning program is administered within the Office of the Assistant Secretary for Health by the Office of Population Affairs (OPA).

Since 1991, HHSC has overseen and coordinated the planning and delivery of health and human services programs in Texas. HHSC is established in accordance with Texas Government Code, Chapter 531, and is responsible for the oversight of all Texas Health and Human Service agencies.

Under the authority of Title X of the Public Services Act, the Office of Population Affairs within the United States Department of Health and Human Services issued a Notice of Federal Funding for Title X Family Planning Services. The funding notice was made available to all Title X Funding Grantees (States). HHSC currently has a Family Planning Services program that is funded with State General Revenue Funds. HHSC has applied for Title X Family Planning Services Funds to expand the network of contracted service providers across the State, to deliver Family Planning and related health services to a greater number of women and men. Expansion of these services will help to reduce the number of unintended pregnancies, improve future pregnancy and birth outcomes, and improve general health.

Core services to be provided by qualified, eligible Title X sub-recipients include, but is not limited to:

a) contraceptive methods (including long-acting reversible contraception (LARC));
b) counseling (inclusive of natural family planning abstinence);
c) pregnancy testing;
d) infertility services;
e) cervical cancer screenings;
f) clinical breast exams and mammograms; and

Core services to be provided by qualified, eligible Title X sub-recipients include, but is not limited to:

a) contraceptive methods (including long-acting reversible contraception (LARC));
b) counseling (inclusive of natural family planning abstinence);
c) pregnancy testing;
d) infertility services;
e) cervical cancer screenings;
f) clinical breast exams and mammograms; and

g) screenings for cholesterol, diabetes, and high blood pressure.
2.2 **GRANT AWARD AND TERM**

2.2.1 Available Funding

HHSC anticipates being awarded Title X Family Planning Services funds. As the Federal government will not make an announcement on the actual funds awarded to state grantees, HHSC makes no guarantee as to the maximum or minimum amount of funds available for award to sub-recipients. Texas' Title X Family Planning Services application was in the amount of $16,000,000.00. Applicants interested in responding to this Request for Applications must submit all required documentation referenced within, and may submit a budget within the parameters of the Applicant's ability to provide Title X funded Family Planning Services.

As the final award and determination on amount of funding for these grants is not secured at the time of the posting of this solicitation, sub-recipient contracts will contain Notice to Proceed provisions to ensure that no reimbursable activities are undertaken by the sub-recipients until the federal award has been secured, the award amount established, and sub-recipient funding amounts determined. The provisions are contained in Section 4.04 of the Special Terms and Conditions attached to this RFA as **Exhibit C**.

No Title X Family Planning Services Grant funds may be requested to reimburse Applicant's costs for the submission of an Application in response to this Request for Applications (RFA). Contracts awarded with Title X Family Planning Services funds will be based upon the evaluation of the Application, based upon the Evaluation Criteria outlined in this RFA and available funds.

It is HHSC's intention to make multiple awards. Requests for state funding may not be fully funded in order to ensure that funds are available for the broadest possible array of communities and programs in the state. Funding awards will be based upon the outcome of HHSC’s evaluation of the Respondent’s application. In accordance with federal law, funding awards will take into account the number of patients to be served, the extent to which family planning services are needed locally, the relative need of the applicant, and its capacity to make rapid and effective use of such assistance. Final funding decisions are at the sole discretion of the HHSC.

2.2.2 Matching Requirement.

There is not a matching requirement under this Grant.

2.2.3 Cost Reimbursement.

Grants awarded as a result of this RFA will be funded on a cost reimbursement basis. Under the cost reimbursement method of funding, grant sub-recipients are required to finance operations with their own working capital, with grant payments made by HHSC to reimburse the grant sub-recipients for actual cash disbursements to be supported by adequate documentation. Supporting Documentation will be required prior to payment.
Reimbursement will only be made for those allowable expenses that occur within the term of the grant. No pre-award spending will be allowed.

2.2.4 Initial/Advance Payment.

HHSC will make no initial/advance payment to Successful Respondents.

2.2.5 Grant Term

If HHSC’s application is successful in receiving Title X funding, HHSC anticipates a grant funding period for this grant will be three (3) years. It is anticipated that the grant funding period for this program will begin April 1, 2019 through March 31, 2020 with the option of two (2) one-year renewal terms.

2.3 ELIGIBLE APPLICANTS

In order to be awarded a contract as a result of this RFA, a Respondent must meet the following eligibility requirements outlined below in this Section:

2.3.1 Federal and State Debarment or Suspension

A. Respondents shall not currently be debarred, suspended, or otherwise excluded or ineligible for to receive or participate in federal or state contracts. The Texas Comptroller of Public Accounts (CPA) provided the list of vendors debarred from doing business with the State of Texas, effective from the date of debarment for the length of time indicated. Pursuant to Title 3, Chapter 20, Subchapter G, Rule 585, of the Texas Administrative Code (TAC), the vendor's successors in interest are also included.

B. Be free to participate in Federal awards, the Federal government maintains a database of all vendors eligible and ineligible to receive Federal award. This database is the System for Award Management (SAM).

NOTE: Effective June 2017, the SAM can no longer be accessed using Internet Explorer (IE) versions older than IE11. Applicants will need to upgrade to an IE version of IE11 or higher, or access SAM with another supported browser type (i.e. Chrome, Firefox, Safari, etc.). The HHSC will perform a check of federal and state debarment prior to evaluating applications and will conduct another check prior to contract award.

2.3.2 Federal DUNS Number

Applicants who wish to receive these federal Title X Family Planning funds must also have a DUNS Number, which is assigned through the System for Award Management website at https://www.sam.gov/SAM/.
2.3.3 Texas Comptroller of Public Accounts (CPA) Certificate of Account Status

Applicants for Title X Funding must have a status listed as "Active" "Certificate of Account" by the Texas CPA. The Certificate of Accounts was previously called "Certificate of Good Standing", and provides the status of an entity's right to transact business in Texas. Applicants must provide this proof by submission of documentation that shows "Active" status. This information can be found on the Texas CPA's website at: https://comptroller.texas.gov/taxes/franchise/coas-instructions.php.

2.3.4 Medical Director

Title X Family Planning Services grant sub-recipients shall have a Medical Director with special training or experience in Family Planning who has a valid and current medical license to practice in the State of Texas, and who will oversee the Applicant’s Title X Family Planning Program services.

Clinic sites shall provide Title X Family Planning Services under the purview of a Medical Director licensed in the state of Texas. The Medical license of the Medical Director shall be submitted as an Attachment to Form A-1, Application Narrative (See Section 3a of Form A-1).

2.3.5 Medical Provider Requirement Under Texas Administrative Code (TAC)

Applicants must be a medical provider in accordance with Title 1, Part 15, Chapter 352 of the TAC or must have on file with HHSC, an application for a Texas Medical Provider Enrollment Application.

NOTE: The Applicant must include the Texas Provider Identifier (TPI) Number and the National Provider Identifier (NPI) Number for each clinic site that will provide Title X Family Planning Program services. Applicants shall use Form H, to report this information. Applicants can learn more about the Texas Medicaid Provider Enrollment process by referring to the Texas Medicaid & Healthcare Partnership (TMHP) website at: http://www.tmhp.com/Pages/default.aspx.

2.3.6 Healthy Texas Women Provider

Applicants must be a certified “Healthy Texas Women” Provider. HHSC will use the TPI Number of the Applicant to verify this requirement. Applicants must provide the TPI Number on Form H.

The Applicant must be an entity or organization that has prior experience providing Family Planning, Medicaid, or Women's Health Services, directly or indirectly, for the State of Texas, within the preceding five (5) years, regardless of the duration of the provision of such services. This includes providing comprehensive primary and preventive health care
(i.e. prevention, screening, diagnostic treatment services, and appropriate referral). Applicants must indicate this information on Form F and further explain the services provided in the Application Narrative (Form A-1).

2.4 PROGRAM REQUIREMENTS

Title X Family Planning Services are preventive health, medical, counseling, and educational services that assist low-income Texans to manage their fertility and achieve optimal reproductive and general health. Title X Family Planning Program funding shall not be used to provide abortion services or pay Direct or Indirect Costs (including overhead, rent, phones, and utilities) of abortion providers.

The following sub-sections constitute the minimum program requirements for the Title X Family Planning Program. Applicants that meet the eligibility requirements contained in Section 2.3 of this RFA must also meet the requirements described below, prior to receiving a contract.

2.4.1 Title X Family Planning Program Certification

All Applicants, prior to the receipt of a contract resulting from this RFA, must submit a signed Title X Family Planning Program Certification, which is contained in Form J.

2.4.2 Required Core Title X Family Planning Services

All Applicants shall comply with the requirements regarding the provision of family planning services found in Title X of the Public Health Service Act, 42 U.S.C. § 300 et. seq. and the implementing regulations found in 42 CFR part 59, subpart A. Exhibit C contains a list of the required core Title X Family Planning Services that shall be provided under the terms of the contracts resulting from this RFA. Additionally, Recipients shall provide all Food and Drug Administration (FDA)-approved methods of contraception (with the exception of emergency contraceptive pills) either on-site or by referral to another provider of contraceptive services. Recipients shall also provide abstinence education, natural family planning methods, family planning services to adolescents and basic infertility services.

Basic infertility services include an initial infertility interview, related counseling and education, appropriate physical examination, and referral for further services as indicated.

To ensure that all Title X Family Planning Program services comply with the Title X statute and regulations, all Applicants, prior to the receipt of a contract resulting from this RFA, shall submit Form J, a signed Certification to attest that the Applicant:

A. does not provide or promote elective abortion procedures and is not affiliated with an entity that provides or promotes elective abortion procedures;
B. will follow all state laws requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, incest, intimate partner violence, and human trafficking; and
C. will encourage family participation in the decision of minors to seek family planning services, and provide counseling for minors on how to resist being coerced into engaging in sexual activities.

2.4.2.1 Pharmaceutical Services

Sub-recipients must be capable of providing limited pharmaceutical services (including contraceptive methods and related medications) to Clients at each of the clinics identified in the application in accordance with Title 22, Part 15, Chapter 291, Subchapter E, Rule 291.93 of the TAC. The Texas State Pharmacy Board indicates that a Class D pharmacy is a pharmacy with a limited formulary that has been developed to meet the objectives of client needs. Accordingly, for each clinic, sub-recipients will be required to have at least a Class D pharmacy on-site, have applied for a Class D pharmacy license through the Texas Pharmacy Licensing Board, or obtain approval for the Class D Pharmacy Exemption Request (Exhibit F) found in this solicitation. Applicants must address the provision of limited pharmaceutical services in Form A-1, Title X Family Planning Services Application Narrative (See Section 1c of Form A-1).

2.4.2.2 Optional Services

In addition to the required core Title X Family Planning Services, contraceptive services, and pharmacy services, Title X Family Planning Services sub-recipients may choose to provide optional services that may include (but are not limited to): breast and cervical cancer diagnostic services and immunizations. Optional services must be described in Form A-1, Title X Family Planning Services Application Narrative (See Section 1c of Form A-1).

2.4.3 Sterilization Services

Title X Family Planning Services grant sub-recipients that perform sterilization services shall do so in accordance with the regulations regarding sterilization of persons in federally-assisted family planning programs contained Chapter 42, CFR Part 50, Subpart B.

2.4.4 Co-pays Charged to Clients

Title X Family Planning Services grant sub-recipients may charge Clients whose family income is above 100% of the Federal Poverty Level (FPL) a co-pay in accordance with a schedule of discounts based on ability to pay. However, a sub-recipient shall not collect a co-pay from a Client, if the Client is unable to pay, if it creates a barrier to services/care for the Client, or if the Client has a family income of 100% FPL or below. Sub-recipients shall not deny a Client services because of a Client’s inability to pay current fees or any fees owed to the Recipient.
2.4.5 Eligible Client Population Determination

The eligible population for the Title X Family Planning Services Program consists of women and men who have income at or below 250% of the FPL, are age sixty-four (64) or younger, and reside in Texas. Title X Family Planning Services funds sub-recipients shall be required to serve all individuals who meet the eligible population requirements. Sub-recipients will be required to screen potentially eligible women and men for program eligibility in accordance with HHSC Title X Family Planning Services Program policy. This policy will be provided to the Awarded Applicant, after contract award.

2.4.6 Data Collection

Title X Family Planning Services sub-recipients shall be knowledgeable of the required Family Planning Annual Report (FPAR) data elements and shall sign Form M (Title X Family Planning Program Assurances of Compliance) which includes a statement that the Applicant has the required personnel, data collection systems, and capacity to collect and report the data in accordance with federal requirements. Annual submission of the FPAR is required of all Title X Family Planning Services sub-recipients for purposes of monitoring and reporting program performance. The FPAR instrument and instructions can be found on the OPA Web site at https://www.hhs.gov/opa/title-x-family-planning/fp-annual-report/index.html.

2.4.7 Administrative Requirements

A. Title X Family Planning Services sub-recipients shall ensure compliance with the Funding Request and Reimbursement Processes described in Section 2.5.2.

B. Title X Family Planning Services sub-recipients shall use internal Quality Assurance/Quality Improvement (QA/QI) management and processes to monitor Title X Family Planning Services. Recipient shall have a QA/QI Committee and the licensed Medical Director shall be a part of the Committee. Applicants shall address this requirement in Form A-1, Title X Family Planning Services Application Narrative.

C. Title X Family Planning Services sub-recipients shall ensure the provision of Title X Family Planning Program Services to existing Clients, throughout the entirety of the contract term.

D. Title X Family Planning Services sub-recipients shall develop and implement an Annual Plan for promotion of the Title X Family Planning Services Program to:
   a. inform the public of its purpose and services;
   b. enhance community understanding of its objectives;
   c. enhance community support, and
   d. elicit potential Clients.
E. Title X Family Planning Services sub-recipient staff shall participate in the four (4) required trainings, which include:
   a. State of Texas Child Abuse Reporting Requirements
   b. Assessment for Human Trafficking and Intimate Partner Violence;
   c. Title X Family Planning Services Program Client Eligibility and Billings, and
   d. Continuing Education Credits regarding Long-acting Reversible Contraception (LARC).

These trainings may include webinars, conference calls, and in-person trainings.

2.4.8 Clinic Site Readiness

Each of the Title X Family Planning Services sub-recipient’s clinics that will provide Title X Family Planning Services shall meet the Clinic Site Readiness Criteria identified on Form G in this RFA. Form G must be completed for each site that the Applicant plans to provide services funded with Title X Family Planning Services funds.

2.4.9 Federal Regulations, State Statutes, and Administrative Rules

Title X Family Planning Services grant sub-recipients shall comply with the requirements set out in the applicable Title X Family Planning statute and regulations, which are currently contained in Title X of the Public Health Service Act, 42 U.S.C. § 300, et seq., as currently enacted or as later modified. Additionally, Title X Family Planning Services funds sub-recipients shall follow all other applicable Texas Statutes, HHSC Rules, and HHSC program policies in the provision of all Family Planning services funded with Title X Family Planning Services funds.

2.5 APPLICATION DOCUMENTS IN SUPPORT OF PROGRAM REQUIREMENTS

In developing the Application in response to this RFA, Respondents are required to complete the attached Forms A through M in their entirety.

1. **Form B: Table of Contents and Checklist.** Applicant’s must mark the check box on this form for each Form and the RFA Exhibits that must be submitted with the Applicant’s Application. Marking each checkbox serves as an indication that the Applicant has submitted a full Application packet to satisfy the requirements of the RFA. Failure to submit any of the required forms may result in Applicant deemed non-responsive. HHSC will not assume any mistakes or oversight in the non-submission of the required forms.

2. **Form A: Face Page.** This form must be signed by an authorized representative of the Applicant entity.

3. **Form A-1: Title X Family Planning Services Grant Application Narrative.** The Applicant must use this form to describe the applicants ability to provide Title X Family Planning Services that are in compliance with the Requirements of this RFA.
and the Title X Family Planning statute and regulations, which are currently contained in Title X of the Public Health Service Act, 42 U.S.C. § 300, et seq., as currently enacted or as later modified; and all other applicable Texas Statutes, HHSC Rules, and HHSC program policies in the provision of all Family Planning services funded with Title X Family Planning Services funds. All information that is requested in this Form must be provided. Failure to address any of the information requested in this Form may result in the Applicant deemed non-responsive and not eligible for consideration of an award.

4. **Form C: Texas Counties and Regions.** Applicants must use this form to identify the counties in which it proposes to provide the Title X funded services.

5. **Form D: Title X Family Planning Program Contact Person Information.** Applicants will use this form to provide information on the appropriate contact in the Applicant’s organization.

6. **Form E: Title X Family Planning Funding Request and Proposed Number of Unduplicated Clients.** The Applicant is required to provide an appropriate estimate of the total number of unduplicated clients it proposes to serve with this contract. That proposed number will be utilized in two ways:
   i. To assess the service capacity of the applicants
   ii. To determine contract performance during the course of the contract period.

7. **Form F: Title X Family Planning Program Applicant Readiness.** This form is a checklist of (yes/no) questions to assess the Applicant’s Title X Family Planning Program readiness. Information in this Form will also be address further in narrative form in **Form A-1. NOTE:** Information reported in this form must not conflict with information described in the Applicant’s Program Narrative.

8. **Form G: Title X Family Planning Clinic Site Readiness.** This form must be completed for each clinic site that will provide services funded with Title X Family Planning Services Grant funds.

9. **Forms H: Title X Family Planning Program Clinic Sites Instructions and Sites.** Form H must be completed for each clinic site that will provide services funded with Title X Family Planning Services Grant funds.

10. **Form I: Services Profile Table.** This form must be completed for each clinic site that will provide services funded with Title X Family Planning Services Grant funds.

11. **Form J: Family Planning Certification.** This form must be completed by each Applicant and is a Certification of Affirmation Statements for receipt of Title X Family Planning Services Grant funds.
12. **Form K: Financial Management & Administration Questionnaire.** This Form serves to provide HHSC with information regarding the Applicant’s Financial and Administrative capabilities. Any information (reports, sample records) may be attached to supplement the information reported in this form. **All information must be provided. Failure to provide this information will automatically render the Applicant’s Application as non-responsive.**

13. **Form L – Budget Pages:** Applicant’s shall complete the *Form L-Budget Pages* to request Title X Funds, using the budget categories listed in Section 7.1.1. **Failure to provide this information will automatically render the Applicant’s Application as non-responsive.**

14. **Form M – Title X Family Planning Program Assurances of Compliance:** This Form is a list of assurances that the Applicant shall adhere to. **Failure to sign this form or any exceptions taken to any of the requirements outlined in this Form, shall automatically render the Applicant’s Application as non-responsive.**

### 2.5.1 Reporting Requirements.

Title X Family Planning Services funds sub-recipients shall adhere to the following Reporting Requirements to ensure contract obligations will be met. The various reports will assist HHSC with tracking progress towards Title X Family Planning Services Program objectives; evaluating and validating sub-recipient performance; ensuring sub-recipient adherence to agency policy; and ensuring client availability and access to services.

HHSC may require modifications to the Reporting Requirements at its discretion. The format will be determined by HHSC, prior to submission of the required report. HHSC will provide Title X Family Planning Services funds sub-recipients with Reporting templates post-award.

#### 2.5.1.1 Title X Family Planning Annual Report (FPAR).

Title X Family Planning Services funds sub-recipients shall report on program services provided to Clients by completing the FPAR. The FPAR contains a brief organizational profile and tables to report on family planning users, service use, and revenue reporting for the year. The FPAR instrument and instructions can be found on the OPA website at [https://www.hhs.gov/opa/title-x-family-planning/fp-annual-report/forms-and-instructions/index.html](https://www.hhs.gov/opa/title-x-family-planning/fp-annual-report/forms-and-instructions/index.html).

<table>
<thead>
<tr>
<th>Title X Family Planning Annual Report (FPAR)</th>
<th>Reporting Period</th>
<th>Report Due Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title X Family Planning Annual Report (FPAR)</td>
<td>Annually - April 1 to March 31</td>
<td>As determined by the federal government*</td>
</tr>
</tbody>
</table>
NOTE* If HHSC is awarded Title X Family Planning Funds, HHSC will provide the report due date information to those Successful Respondents after contract award.

### 2.5.1.2 Title X Family Planning Services Client-level Report.

Title X Family Planning Services funds sub-recipients shall report Client-level service data on a monthly basis. The information contained in these reports must include, at a minimum, Client-level service data by procedure code.

<table>
<thead>
<tr>
<th>Service Data</th>
<th>Reporting Period</th>
<th>Report Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Documentation of Client-Level Services provided</td>
<td>Monthly</td>
<td>By the last business day of the month following the month in which the services were provided*</td>
</tr>
</tbody>
</table>

**NOTE**: If the last business day of the month falls on a weekend or State Holiday, the Report is due on the first business day following the weekend or holiday.

### 2.5.1.3 Title X Family Planning Services Financial Status Report (FSR).

Title X Family Planning Services sub-recipients shall submit a quarterly Financial Status Report (FSR) to HHSC by the last business day of the month following the end of each quarter of the contract term for review and financial assessment. The Recipient shall submit the final FSR no later than forty-five (45) calendar days following the end of the contract term. Recipients will be provided with FSR reporting templates post-award. The FSR must be submitted to the Family and Social Services mailbox at whsfinance@hhsc.state.tx.us.

### 2.5.2 Funding Request and Reimbursement Processes for Family Planning Services Program

On **Form E**, Applicants must propose the number of Unduplicated Clients it will serve during the term of the contract resulting from this RFA. Applicants awarded Title X Family Planning Services grant funds shall provide Title X Family Planning Program Services during the entire term of the contract, to the number of proposed Unduplicated Clients to be served.

#### 2.5.2.1 Reimbursement for Services

All Title X Family Planning Services funds are required to be used to assist Clients in planning their families, whether it is to achieve, postpone, or prevent pregnancy. Applicants awarded a contract for Title X Family Planning Services funds will be reimbursed for eligible costs that are within the Title X Family Planning Services Grant...
Title X Family Planning Services will be reimbursed as follows:

- **Reimbursement Voucher.** Title X Family Planning Services sub-recipients may seek reimbursement for project costs by submitting HHSC prescribed monthly Reimbursement vouchers for expenses outlined in the categorical budget included in their contract for cost reimbursement of the Title X Family Planning Program. The monthly vouchers will be sent to the awarded sub-recipient upon contract execution.

Title X Family Planning Services sub-recipients shall request reimbursement by using a reimbursement voucher and providing supporting documentation. Documents must be submitted to the Family and Social Services mailbox at whsfinance@hhsc.state.tx.us. Sub-recipients shall submit Vouchers and supporting documentation monthly, by the last business day of the month following the month in which the costs were incurred. If the last business day of the month falls on a weekend or State holiday, the Voucher must be submitted upon the first business day following the weekend or State holiday.

- **Program Income.** Title X Family Planning Services sub-recipients shall expend Program Income received from the provision of Title X Family Planning Services before Title X Family Planning Services costs for reimbursement can be requested through the Reimbursement Voucher process. Sub-recipients shall track all Program Income earned from the provision of Title X Family Planning Services, as part of its Financial Management Internal Controls.

### 2.5.3 Service Delivery Area(s)

The geographic area to be served consists of HHSC Regions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11. A map of all HHSC Regions may be accessed at [https://hhs.texas.gov/sites/default/files/documents/about-hhs/hhs-regional-map.pdf](https://hhs.texas.gov/sites/default/files/documents/about-hhs/hhs-regional-map.pdf).

**NOTE:** This is an interactive map with radio buttons for the viewer to click on to display Regional offices, Cities and Rivers, HHS regions, HHS Region labels, county boundaries, and county names.

**NOTE:** Applicants should click on a specific Region to view a list of counties found within the Region. Applicants should check the Counties and Regions, on **Form C** in this RFA, where HHSC Title X Family Planning Services will be provided.

### 2.6 PERFORMANCE MEASURES

HHSC will monitor the performance of contracts awarded under this RFA. Monitoring will be conducted for fiscal, programmatic, and administrative components of the contract. All services and deliverables under the contract shall be provided at an acceptable quality level and in a manner consistent with HHSC contract and program requirements and **Exhibit B - HHS Uniform Terms and Conditions - Grant, v2.15.**
Acceptable quality level will be evaluated by either the standards provided in this Section 2.6, by Applicants accepted offer, or by the final negotiated standard; whichever is most advantageous to the client or HHSC. HHSC reserves the right to impose remedial measures including, but not limited to:

A. Written corrective action plans;
B. Additional reporting;
C. Withholding/offsetting payments; and
D. Termination or suspense of the contract.

Title X Family Planning sub-recipients must report on the following performance measures:

1. Number of Unduplicated Clients Served;
2. Number of Unduplicated Clients Served with incomes at or below 100% FPL; and
3. Monthly data reporting on supporting documentation submitted with the monthly voucher.

Applicants awarded Title X Family Planning Services funds shall serve the number of "Unduplicated Clients" proposed in the Awarded Respondent’s Application. HHSC will monitor the awarded sub-recipient’s performance in meeting the proposed target. Funding may be reduced during the year due to a sub-recipient's inability to achieve the proposed target of unduplicated Clients.

2.7 **Prohibitions**

Title X Family Planning Services Grant funds shall not be used to support the following services, activities, and costs:

A. Inherently religious activities such as prayer, worship, religious instruction, or proselytization;
B. Lobbying;
C. Any portion of the salary of, or any other compensation for, an elected or appointed government official;
D. Vehicles or equipment for government agencies that are for general agency use and/or do not have a clear nexus to terrorism prevention, interdiction, and disruption (i.e. mobile data terminals, body cameras, in-car video systems, or radar units, etc. for officers assigned to routine patrol);
E. Weapons, ammunition, tracked armored vehicles, weaponized vehicles or explosives (exceptions may be granted when explosives are used for bomb squad training);
F. Admission fees or tickets to any amusement park, recreational activity or sporting event;
G. Promotional gifts;
H. Food, meals, beverages, or other refreshments, except for eligible per diem associated with grant-related travel or where pre-approved for working events;
I. Membership dues for individuals;
J. Any expense or service that is readily available at no cost to the grant project;
K. Any use of grant funds to replace (supplant) funds that have been budgeted for the same purpose through non-grant sources;
L. Fundraising;
M. Abortion services or pay or Indirect Costs (including overhead, rent, phones, and utilities) of abortion providers.
N. Any other prohibition imposed by federal, state, or local law; and
O. The acquisition or construction of facilities.

2.8 STANDARDS

Grantees must comply with the requirements applicable to this funding source cited in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200); the Uniform Grant Management Standards (UGMS), and all statutes, requirements, and guidelines applicable to this funding.

Grantees are required to conduct Project activities in accordance with federal and state laws prohibiting discrimination. Guidance for adhering to non-discrimination requirements can be found on the HHSC Civil Rights Office website at: [http://www.hhs.state.tx.us/aboutHHS/CivilRights.shtml](http://www.hhs.state.tx.us/aboutHHS/CivilRights.shtml).

Upon request, a Grantee must provide the HHSC Civil Rights Office with copies of all the Grantee’s civil rights policies and procedures. Grantees must notify HHSC’s Civil Rights Office of any civil rights complaints received relating to performance under the contract no more than 10 calendar days after receipt of the complaint. Notice must be directed to:

HHSC Civil Rights Office  
701 W. 51st Street, Mail Code W206  
Austin, TX 78751  
Phone Toll Free (888) 388-6332  
Phone: (512) 438-4313  
TTY Toll Free (877) 432-7232  
Fax: (512) 438-5885

A Grantee must ensure that its policies do not have the effect of excluding or limiting the participation of persons in the Grantee’s programs, benefits or activities on the basis of national origin, and must take reasonable steps to provide services and information, both orally and in writing, in appropriate languages other than English, in order to ensure that persons with limited English proficiency are effectively informed and can have meaningful access to programs, benefits, and activities.

Grantees must comply with Executive Order 13279, and its implementing regulations at 45 CFR Part 87 or 7 CFR Part 16, which provide that any organization that participates in programs funded by direct financial assistance from the U.S. Dept. of Agriculture or U.S. Dept. of Health and Human Services must not, in providing services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.
2.9 **DATA USE AGREEMENT**

By entering into a Grant Agreement with the System Agency as a result of this Solicitation, Respondent agrees to be bound by the terms of the **Data Use Agreement** attached as **Exhibit G**. Applicants shall also be bound the terms of the **Texas HHS System – Data Use Agreement, Attachment 2 – Security and Privacy Inquiry (SPI)**, which is **Exhibit G-1**. **Exhibit G-1** must be signed and returned with the Applicant’s Application.

2.10 **NO GUARANTEE OF VOLUME, USAGE OR COMPENSATION**

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

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

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

2.11 **SUBCONTRACTED SERVICES**

Applicants who intend to subcontract any part of the services to be provided with Title X Family Planning Grant funds, shall pass on all requirements outlined in this RFA to the subcontractor(s). HHSC shall hold the Awarded Applicants fully responsible for any areas of noncompliance on the part of subcontractor(s).

Applicants must report all prospective subcontractors under the Budget Category of “Contractual” shall Form L – Budget Pages. The Contract intended for subcontractors shall be submitted with the Applicant’s Budget Forms, as an ‘Exhibit” to the **Form L-Budget Pages**.

HHSC shall have the right to reject an Applicant’s choice of intended subcontractor(s) and reserves the right to request any additional information regarding a subcontractor.
ARTICLE III. ADMINISTRATIVE INFORMATION

3.1 SCHEDULE OF EVENTS

<table>
<thead>
<tr>
<th>EVENT</th>
<th>DATE/TIME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solicitation Release Date</td>
<td>Friday, January 25, 2019</td>
</tr>
<tr>
<td>Respondent Conference (optional)</td>
<td>Friday, February 8, 2019</td>
</tr>
<tr>
<td>Deadline for Submitting Questions</td>
<td>Monday, February 11, 2019</td>
</tr>
<tr>
<td>Answers to Questions Posted</td>
<td>Friday, February 15, 2019</td>
</tr>
<tr>
<td><strong>Deadline for submission of Solicitation</strong></td>
<td><strong>Wednesday, March 6, 2019</strong></td>
</tr>
<tr>
<td>Responses [NOTE: Responses must be RECEIVED by HHSC by the deadline.]</td>
<td></td>
</tr>
<tr>
<td>Anticipated Notice of Award</td>
<td>Monday, March 25, 2019</td>
</tr>
<tr>
<td>Anticipated Contract Start Date</td>
<td>Monday, April 1, 2019</td>
</tr>
</tbody>
</table>

*Note:* These dates are a tentative schedule of events. The System Agency reserves the right to modify these dates at any time upon notice posted to the HHS Grants website, and the Electronic State Business Daily (ESBD). Any dates listed after the Solicitation Response deadline will occur at the discretion of the System Agency and may occur earlier or later than scheduled without notification, on the HHS Grants website and the ESBD.

3.2 CHANGES, AMENDMENT OR MODIFICATION TO SOLICITATION

The System Agency reserves the right to change, amend or modify any provision of this Solicitation, or to withdraw this Solicitation, at any time prior to award, if it is in the best interest of the System Agency and will post such on the HHS Grants website and the ESBD. The eGrants site may contain a link to the HHS Grants website. It is the responsibility of Respondent to periodically check the HHS Grants website and the ESBD, for Addendums released relating to this RFA, to ensure full compliance with the requirements of this Solicitation.

3.3 IRREGULARITIES

Any irregularities or lack of clarity in this Solicitation should be brought to the attention of the Point of Contact listed in Section 3.5.1 as soon as possible so corrective addenda may be furnished to prospective Respondents.

3.4 INQUIRIES

3.4.1 Point of Contact

All requests, questions or other communication about this Solicitation shall be made in writing to the System Agency's Point of Contact addressed to the person listed below. All communications between Respondents and other System Agency staff members
concerning the Solicitation are strictly prohibited, unless noted elsewhere in this RFA. Failure to comply with these requirements may result in disqualification of Respondent's Solicitation Response.

Name: Colette Norman, CTCD, CTCM
Title: Procurement Manager
Address: 1100 W. 49th Street, Austin, TX. 78752 Mail Code 2020
Phone: 512.406.2543
Email: Denise.Bunton@hhsc.state.tx.us

3.4.2 Prohibited Communications

All communications between Respondents and other System Agency staff members concerning the Solicitation may not be relied upon and responded should send all questions or other communications to the point-of contact. This restriction does not preclude discussions between affected parties for the purposes of conducting business unrelated to this Solicitation. Failure to comply with these requirements may result in disqualification of Respondent's Solicitation Response.

3.4.3 Questions

The System Agency will allow written questions and requests for clarification of this Solicitation. Questions must be submitted in writing and sent by U.S. First class mail or email to the Point of Contact listed in Section 3.4.1 above. Respondent’s names will be removed from questions in any responses released. Questions shall be submitted in the following format. Submissions that deviate from this format may not be accepted:

A. Identifying Solicitation number
B. Section Number
C. Paragraph Number
D. Page Number
E. Text of passage being questioned
F. Question

NOTE: Questions or other written requests for clarification must be received by the Point of Contact by the deadline set forth in Section 3.1 above. Please provide entity name, address, phone number; fax number, e-mail address, and name of contact person when submitting questions.

3.4.4 Clarification Request Made by Respondent

Respondents must notify the Point of Contact of any ambiguity, conflict, discrepancy, exclusionary specifications, omission or other error in the Solicitation in the manner and by the deadline for submitting questions.
3.4.5 Responses

Responses to questions or other written requests for clarification will be posted on the HHS Grants website and the ESBD, through an Addendum. The System Agency reserves the right to amend answers prior to the deadline of Solicitation Responses. Amended answers will be posted on the HHS Grants website and the ESBD, through an Addendum. It is Respondent's responsibility to check the HHS Grants website and the ESBD for Addenda that may be posted. The System Agency also reserves the right to provide a single consolidated response of similar questions at the System Agencies sole discretion.

3.5 Solicitation Response Composition

3.5.1 Generally

All Applications must be:

- Clearly legible; typed, and not handwritten;
- Sequentially page-numbered and include the respondent’s legal name at the top of each page;
- Organized in the sequence outlined in Article IX - Submission Checklist;
- In Verdana font, size 11.
- Blank forms provided in the Attachments must be used (electronic reproduction of the forms is acceptable; however, all forms must be identical to the original form(s) provided); do not change the font used on forms provided;
- Correctly identified with the RFA number and submittal deadline;
- Responsive to all RFA requirements;
- Signed by an authorized official in each place a signature is needed (copies must be signed but need not bear an original signature);
- No faxes are allowed;
- No emailed Applications are allowed, and
- No late Applications will be accepted under any circumstances.

3.5.2 Application Submission Order

1. All Forms that make up the “Application”, in alphabetical order and
2. Applicable RFA Exhibits (only those that must be returned).

Paper documents (i.e. the original and all hard copies) must be separated by parts. Electronic submissions must be separated by electronic medium used for submission (i.e. flash drive).

The entire Solicitation Response – all separated paper documents and electronic copies – must then be submitted in one package to HHSC at the address listed in Section 3.6.3. The number of copies and directions for submitting an "Original" and "Copies" are outlined in Article IX.
3.6 Solicitation Response Submission and Delivery

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

3.6.2 Labeling
Solicitation Responses shall be placed in a sealed box and clearly labeled as follows:

SOLICITATION NO.: HHS0003718
SOLICITATION NAME: Title X Family Planning Services Request for Applications (RFA)
SOLICITATION RESPONSE DEADLINE: Wednesday, March 6, 2019. 2:00 PM Central Time
FOR: Colette Norman

The System Agency will not be held responsible for any Solicitation Response that is mishandled prior to receipt by the System Agency. It is Respondent’s responsibility to mark appropriately and deliver the Solicitation Response to the System Agency by the specified date and time.

3.6.3 Delivery
Respondent must deliver Solicitation Responses by one of the methods below to the address noted. Solicitation Responses submitted by any other method (e.g. facsimile, telephone, email) will NOT be considered.

To be delivered by U.S. Postal Service, overnight or express mail, or hand delivery to:

HHSC Procurement and Contracting Services (PCS)
Bid Room
Attn: Mrs. Colette Norman, CTCD, CTCM
1100 W. 49th Street, MC 2020
Service Building (Building S)
Austin, Texas 78756

Note: All Solicitation Responses become the property of HHSC after submission and will not be returned to Respondent.

3.6.4 Alterations, Modifications, and Withdrawals
Prior to the Solicitation submission deadline, a Respondent may:

1) withdraw its Solicitation Response by submitting a written request to the Point of Contact identified in Section 3.4.1; or
2) modify its Solicitation Response by submitting a written amendment to the Point of Contact identified in Section 3.4.1. The System Agency may request Solicitation Response Modifications at any time.
ARTICLE IV. SOLICITATION RESPONSE EVALUATION AND AWARD PROCESS

4.1 **Generally**

Title X Family Planning Services Grant sub-recipients will be selected based upon the evaluation of Applications, based upon the Evaluation Criteria outlined in this RFA. A three-step selection process will be used:

A. Eligibility screening;
B. Evaluation based upon specific selection criteria;
C. Final Selection based upon State priorities.

4.2 **Eligibility Screening**

Applications will be reviewed for minimum qualifications and completeness. All complete Applications meeting the minimum qualifications will move to the Evaluation stage.

4.3 **Evaluation**

Grant applications shall be evaluated based upon the Evaluation Criteria described in the Evaluation Criteria Table below:

4.3.1 **Evaluation Criteria**

<table>
<thead>
<tr>
<th>Evaluation Criteria Table 4.3.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category No.</td>
</tr>
<tr>
<td>1</td>
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<td>4</td>
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<tr>
<td>5</td>
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<td></td>
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</tbody>
</table>
4.3.2 Specific Criteria

Solicitation Responses shall be evaluated and scored in accordance with the criteria outlined in the Evaluation Criteria Table 4.3.1 above. HHSC reserves the right to add, delete, or modify criterion categories and sub-criteria listed in this Table 4.3.1 and Exhibit J (Evaluation Tool). However, however, the overall criteria category and maximum points allowed listed in the Criteria Categories 1 (45), 2 (20, 3 (15), 4 (15), and 5 (5) will not change.

4.4 Final Selection

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

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

Appendix A contains the Evaluation Tool (Exhibit J) that will be used to Evaluate Responses.

4.5 Negotiation and Award

The specific dollar amount awarded to each successful Applicant will depend upon the merit and scope of the Application, the recommendation of the Selection Committee, and the decision of the Executive Commissioner. Not all Applicants who are deemed eligible to receive funds are assured of receiving an award.

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

1. An in-depth discussion of the submitted Application and Budget; and
2. Requests from HHSC for clarification or additional detail regarding submitted Application.

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

HHSC may announce tentative or apparent grant sub-recipients once the Executive Commissioner has given approval to initiate negotiation and execute contracts.
Any exceptions to the requirements, terms, conditions, or certifications in the RFA or Attachments, Addendums, or revisions to the RFA or General Provisions, sought by the Applicant must be specifically detailed in writing by the Applicant on Exhibit D - Exception Form, in this RFA and submitted to HHSC for consideration. HHSC will accept or reject each proposed exception. HHSC will not consider exceptions submitted separately from the Applicant’s Application or at a later date.

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

4.6 QUESTIONS OR REQUESTS FOR CLARIFICATION BY THE SYSTEM AGENCY

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

ARTICLE V. NARRATIVE PROPOSAL

5.1 NARRATIVE PROPOSAL

5.1.1 Executive Summary

Respondents must provide a high-level overview of the Respondent's approach to meeting the RFA's requirements. The summary must demonstrate an understanding of the goals and objectives of the grant Respondents shall provide an Executive Summary in addressing the first category of Form A-1.

5.1.2 Project Work Plan (Application Narrative)

Utilizing Form A-1 (Application Narrative), Respondents must address the elements outlined in the five (5) categories outlined, and encompass the Scope of Work of Grant Award in Article II. Respondents must also include all documents requested as part of addressing the categories outlined in Form A-1, to demonstrate fulfilling Article II requirements.

Applicants shall submit the required applicable Forms and any required documents, which make up the "Application" and attached to this RFA. Failure to submit any of the forms attached to this RFA or to submit any of supporting documentation to prove Applicant eligibility, shall render the Applicant's Application as non-responsive and not eligible for further consideration of an award.
ARTICLE VI. REQUIRED RESPONDENT INFORMATION

6.1 **ADMINISTRATIVE ENTITY INFORMATION**

As a part of the Solicitation Response requested in Article II, Respondent must provide the Administrative Entity information on Form A (Face Page).

6.2 **LITIGATION AND CONTRACT HISTORY**

Respondent must include in its Solicitation Response a complete disclosure of any alleged or significant contractual failures. **Failure to submit this information will automatically render the Respondent’s Application as non-responsive.**

In addition, Respondent must disclose any civil or criminal litigation or investigation pending over the last five (5) years that involves Respondent or in which Respondent has been judged guilty or liable. Failure to comply with the terms of this provision may disqualify Respondent. Submit this information as **“Exhibit 6.2-Litigation and Contract History”**.

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

6.3 **CONFLICTS**

Respondent must certify that it does not have any personal or business interests that present a conflict of interest with respect to the RFA and any resulting contract. Additionally, if applicable, the respondent must disclose all potential conflicts of interest. The respondent must describe the measures it will take to ensure that there will be no actual conflict of interest and that its fairness, independence and objectivity will be maintained. The System Agency will determine to what extent, if any, a potential conflict of interest can be mitigated and managed during the term of the contract. Failure to identify actual and potential conflicts of interest may result in disqualification of a Solicitation Response or termination of a contract.

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

Additionally, pursuant to Section 2252.908 of the Texas Government Code, a successful respondent awarded a contract greater than $1 million dollars, or that requires an action or vote of the governing body, must submit a disclosure of interested parties to the state agency at the time the business entity submits the signed contract. Rules and filing instructions may be found on the Texas Ethics Commissions public website and additional instructions will be given by HHSC to successful respondents.
6.4 **AFFIRMATIONS AND CERTIFICATIONS**

Respondent must complete and return **Exhibits A, D, E, F, G-1, and H**, found in **Appendix A (Document Library)**, and also listed on the **Submission Checklist** in **Article IX**.

Failure to sign or take exception to any of the Exhibits, shall automatically render the Applicant’s Application as Non-Responsive.

Applicants must return **Exhibit D** (Exceptions), even if there are no Exceptions taken.

**ARTICLE VII. EXPENDITURE PROPOSAL**

7.1 **EXPENDITURE PROPOSAL**

The attached **Form L – Budget Pages**, includes the template for submitting the Title X Family Planning Services Budget (Expenditure Proposal).

Respondents must base their Budget on the Scope of Work described in **Article II**, and as supported by the Budget Narrative.

Respondents must demonstrate that project costs outlined in the Expenditure Proposal are reasonable, allowable, allocable, necessary, and developed in accordance with applicable state and federal grant requirements.

Respondent must utilize the HHSC template provided, and identify costs to be requested from HHSC. Costs must be broken out to a degree that is sufficient to determine if costs are reasonable, allowable, allocable, and necessary for the successful performance of the project.

Costs will be reviewed for compliance with UGMS and federal grant guidance found in 2 CFR Part 200 at [https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl) as modified by UGMS, with effect given to whichever provision imposes the more stringent requirement in the event of a conflict.

Costs included in the Budget (Expenditure Proposal) must be supported by a Budget Narrative, describing the need for the requested cost and a calculation demonstrating how the cost was arrived at.

7.1.1 **Budget Requirements**

In accordance with the requirements contained in **Form L – Budget Pages**, Applicants must develop a categorical budget, where costs may be allocated to any of the following categories the Applicant identifies during its budget development process:
i. Personnel  
ii. Fringe Benefits  
iii. Travel  
iv. Equipment  
v. Supplies  
vi. Contractual  
vii. Other  
viii. Indirect Costs

NOTE: Indirect Costs are costs incurred for a common or joint purpose benefiting more than one project or cost objective of Applicant’s organization and not readily identified with a particular project or cost objective. Typical examples of Indirect Costs may include general administration and general expenses such as salaries and expenses of executive officers, personnel administration and accounting; depreciation or use allowances on buildings and equipment; and costs of operating and maintaining facilities.

Applicants shall base their budget and funding request on the Budget Requirements contained in this Section.

Applicants must separately identify value-added benefits, cost-savings and cost-avoidance methods and measures, and the effect of such methods on the budget, requested funding, and program requirements.

ARTICLE VIII. GENERAL TERMS AND CONDITIONS

8.1 General Conditions

8.1.1 Costs Incurred

Respondents understand that issuance of this Solicitation in no way constitutes a commitment by any System Agency to award a contract or to pay any costs incurred by a Respondent in the preparation of a response to this Solicitation. The System Agency is not liable for any costs incurred by a Respondent prior to issuance of or entering into a formal agreement, contract, or purchase order. Costs of developing Solicitation Responses, preparing for or participating in oral presentations and site visits, or any other similar expenses incurred by a Respondent are entirely the responsibility of the Respondent, and will not be reimbursed in any manner by the State of Texas.

8.1.2 Contract Responsibility

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

Information, documentation, and other material in connection with this Solicitation or any resulting contract may be subject to public disclosure pursuant to Chapter 552 of the Texas Government Code (the “Public Information Act”). In accordance with Section 2252.907 of the Texas Government Code, Respondent is required to make any information created or exchanged with the State pursuant to the contract, and not otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the State.

8.1.4 News Releases

Prior to final award a respondent may not issue a press release or provide any information for public consumption regarding its participation in the procurement. Requests should be directed to the HHSC Point of Contact Identified in Article III.

8.1.5 Additional Information

By submitting a proposal, the Respondent grants HHSC the right to obtain information from any lawful source regarding the respondent’s and its directors’, officers’, and employees’:

(1) past business history, practices, and conduct;
(2) ability to supply the goods and services; and
(3) ability to comply with contract requirements.

By submitting a proposal, a respondent generally releases from liability and waives all claims against any party providing HHSC information about the respondent. HHSC may take such information into consideration in evaluating proposals.
ARTICLE IX. SUBMISSION CHECKLIST

This checklist is provided for Respondent's convenience only and identifies documents that must be submitted with this Solicitation in order to be considered responsive. Any Solicitation Response received without these requisite documents may be deemed nonresponsive and may not be considered for contract award.

Solicitation Response Package Contents and Order

1. Administrative Information (Forms A, B and D)
   i. Form A: Face Page
   ii. Form B: Table of Contents and Checklist
   iii. Form D: Title X Family Planning Program Contact Person Information

2. Application Narrative Forms (Forms C, E through M)
   i. Form A-1: Title X Family Planning Services Grant Application Narrative
   ii. Form C: Texas Counties and Regions
   iii. Form E: Title X Family Planning Funding Request and Proposed Number of Unduplicated Clients
   iv. Form F: Title X Family Planning Program Applicant Readiness
   v. Form G: Title X Family Planning Clinic Site Readiness
   vi. Form H: Title X Family Planning Program Clinic Site Instructions and Sites
   vii. Form I: Service Profile Table
   viii. Form J: Family Planning Certification
   ix. Form K: Financial Management & Administration Questionnaire
   x. Form L: Form L-Budget Pages
   xi. Form M: Title X Family Planning Program Assurance of Compliance

3. RFA Exhibits
   i. Exhibit A – Affirmations and Acceptance - HHSC, v1.3
   ii. Exhibit D – RFA Exceptions – HHS0003718
   iii. Exhibit E – Federal Lobbying Certification
   iv. Exhibit F – Class D Pharmacy Exemption Request
   v. Exhibit G-1 – Tx HHS System – Data Use Agreement Attachment 2 – Security and Privacy Inquiry (SPI), v2-1
   vi. Exhibit H – Federal Assurances – Non Construction

4. Respondent Attachments and Respondent Exhibits
   i. Organization Chart for the Applicant Organization (See Form A-1(1a))
   ii. Organization Chart for Proposed Clinic Sites (See Form A-1(1a))
   iii. Sample Reports (See Form A-1(2b))
iv. Respondent Exhibit 6.2 – Litigation and Contract History (See Section 6.2)

Copies of Solicitation Response Package

The Solicitation Package must include the "Original" Solicitation Response in **hard-copy** consisting of all of the Forms and Exhibits listed in the **Submission Checklist**. Respondents must also submit **three (3) hard-copies** marked “Copy”.

Respondent must provide the following number of **electronic** copies (all clearly labeled as "copy") in addition to the hard-copy "Original" Solicitation Response. Electronic copies must be submitted on a USB Drive and separated by folders.

- **1** Electronic copy of the **Application Response** (which includes Forms A through L), and **any** Attachments submitted to support the responses to the five (5) categories listed in Form A-1), including “**Respondent Exhibit 6.2 – Litigation and Contract History**”

- **1** Electronic copy of all **RFA Exhibits (A, D, E, F, G-1, and H)** that must be signed and returned

The electronic copies shall be submitted on a USB Flash drive that is not encrypted. If the Respondent feels the need to encrypt the Flash Drive, **printed** Instructions for de-encryption shall accompany the Flash Drive,
APPENDIX A - Document Library

This Appendix A represents the “Document Library” for the applicable Forms and Exhibits referenced in this RFA. Respondents must sign and return Exhibits A, D, E, F, G-1, and H and Forms A through M, to be considered responsive to this RFA. Failure to return any required Exhibit or Form will be automatic grounds for disqualification from further consideration for award. Exhibit F, must be submitted, if applicable.

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<tr>
<th>Letter</th>
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<tr>
<td>A</td>
<td>Affirmations and Solicitation Acceptance – HHSC, v1.3</td>
<td>Exhibit A - Affirmations and Solicitation Acceptance</td>
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<td>B</td>
<td>HHSC Uniform Terms and Conditions – Grant v2.15</td>
<td>Exhibit B - HHSC Uniform Terms and Conditions</td>
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<td>Title X Family Planning Required Core Services</td>
<td>Exhibit C - Title X Family Planning Requirements</td>
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<td>RFA Exceptions – HHS0003718</td>
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<td>F</td>
<td>Class D Pharmacy Exception Request</td>
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