



# TEXAS

## Health and Human Services

**Cecile E. Young, Executive Commissioner**

**Request for Applications (RFA)  
For  
Pediatric Tele-Connectivity Resource Program for Rural Texas  
RFA No. HHS0009381**

**Date of Release: November 6, 2020  
Responses Due: November 23, 2020 by 10:30 a.m. Central Time**

**NIGP Class/Item Codes:  
948-87 Telemedical Professional Services  
948-48 Health Care Services (not otherwise classified)  
948-43 Health Information Services  
948-47 Healthcare Center Services**

**Table of Contents**

**Article I. Executive Summary, Definitions, and Authority**..... 4

    1.1 Executive Summary..... 4

    1.2 Definitions ..... 4

    1.3 Authority ..... 6

**Article II. Scope of Grant Award** ..... 7

    2.1 Program Background ..... 7

    2.2 Grant Award and Term ..... 7

        2.2.1 Available Funding..... 7

        2.2.2 Grant Term..... 8

    2.3 Eligible Applicants ..... 8

    2.4 Program Requirements..... 9

    2.5 Scope ..... 9

        2.5.1 Expenditure Proposal ..... 10

    2.6 Performance Measures ..... 10

    2.7 Prohibitions ..... 11

    2.8 Standards..... 11

    2.9 No Guarantee of Volume, Usage or Compensation ..... 12

**Article III. Administrative Information** ..... 13

    3.1 Schedule of Events ..... 13

    3.2 Changes, Amendment or Modification to Solicitation..... 13

    3.3 Irregularities ..... 13

    3.4 Inquiries ..... 13

        3.4.1 Sole Point of Contact ..... 13

        3.4.2 Prohibited Communications..... 14

        3.4.3 Questions..... 14

        3.4.4 Clarification Request Made by Respondent ..... 15

        3.4.5 Responses..... 15

    3.5 Solicitation Response Composition ..... 15

        3.5.1 Generally..... 15

    3.6 Solicitation Response Submission and Delivery ..... 15

        3.6.1 Deadline ..... 15

        3.6.2 Labeling ..... 16

        3.6.3 Delivery for Individual Submission Options ..... 16

        3.6.4 Alterations, Modifications, and Withdrawals ..... 17

**Article IV. Solicitation, Response, Evaluation, and Award Process** ..... 18

    4.1 Generally..... 18

    4.2 Eligibility Screening ..... 18

    4.3 Evaluation ..... 18

    4.4 Final Selection ..... 19

    4.5 Negotiation and Award ..... 20

    4.6 Questions or Requests for Clarification By the System Agency ..... 20

**Article V. Narrative Proposal** ..... 21

    5.1 Narrative Proposal ..... 21

        5.1.1 Executive Summary ..... 21

        5.1.2 Project Work Plan/Application ..... 21

<b>Article VI. Required Respondent Information .....</b>	<b>22</b>
6.1 Administrative Entity Information .....	22
6.2 Litigation and Contract History .....	22
6.3 Conflicts .....	22
6.4 Grant Application Disclosure .....	23
6.5 Affirmations and Certifications .....	23
6.6 HUB .....	23
6.7 Financial Capacity .....	23
6.7.1 Financial Statements and Financial Solvency .....	25
6.7.2 Alternate Report .....	25
<b>Article VII. Expenditure proposal.....</b>	<b>26</b>
7.1 Expenditure Proposal .....	26
<b>Article VIII. General Terms and Conditions .....</b>	<b>27</b>
8.1 General Conditions .....	27
8.1.1 Costs Incurred .....	27
8.1.2 Contract Responsibility.....	27
8.1.3 Public Information Act .....	27
8.1.4 News Releases .....	29
8.1.5 Additional Information .....	29
<b>Article IX. Submission Checklist.....</b>	<b>30</b>
<b>Article X. List of Exhibits and Forms .....</b>	<b>31</b>

## **ARTICLE I. EXECUTIVE SUMMARY, DEFINITIONS, AND AUTHORITY**

### **1.1 EXECUTIVE SUMMARY**

House Bill (H.B.) 1697, 85th Legislature, Regular Session 2017 (Government Code, Chapter 541) directed HHSC to establish and administer a pediatric telemedicine grant program to enable nonurban healthcare facilities to obtain pediatric telemedicine services. The grant program is to provide financial assistance to enable eligible, nonurban healthcare facilities to establish and/or support a program for providing telemedicine services, connect with pediatric specialists who provide telemedicine services, and to cover related expenses, including necessary equipment.

To be considered for award, Respondents must execute, where applicable, **Exhibit A, Affirmations and Solicitation Acceptance, Exhibit B, HHSC Grantee Uniform Terms and Conditions, Exhibit D, Exceptions Form, Exhibit E, Assurances Non-Construction Programs, Exhibit F, Certification Regarding Lobbying, Exhibit G, Federal Funding Accountability and Transparency Act (FFATA), Exhibit H, VHN Technical Specifications and Requirements, Exhibit I, HHSC Grantee Special Conditions, Form A, Face Page, Form B, Project Work Plan, Form C, Executive Summary, Form D, Reporting Requirements, Form E, Equipment Purchase List, Form O, Expenditure Proposal Template**, 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 Grantee Uniform Terms and Conditions** and **Exhibit I, HHSC Grantee Special Conditions** 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.

"**Apparent Awardee**" means an organization that has been selected to receive a grant award through response to this RFA but, has not yet executed a grant agreement or contract. May also be referred to as "Apparent Grant Recipient" or "Apparent Grantee."

"**Applicant**" means the entity responding to this Solicitation. May also be referred to as "Respondent."

"**Contract**" means an executed Grant Agreement.

“Grant Administrator” means HHSC or its designee.

“Grant Agreement” means fully executed Contract under this RFA.

“Grant Recipient” means a Respondent or Applicant selected to receive a grant award, and that has executed a Grant Agreement/Contract.

“Health and Human Services Commission” or “HHSC” has the same meaning as the definition in **Exhibit B**.

“HUB” has the same meaning as the definition in **Exhibit B**.

“Nonurban healthcare facility” means a facility as defined by Section 541.001 of the Texas Government Code, as a hospital licensed under Chapter 241, Health and Safety Code, or other licensed healthcare facility in Texas located in a rural area as defined by Section 845.002 of the Texas Insurance Code.

“Pediatric specialist” means a physician who is certified in general pediatrics by the American Board of Pediatrics or American Osteopathic Board of Pediatrics.

“Pediatric subspecialist” means a physician who is certified in a pediatric subspecialty by a member board of the American Board of Medical Specialties or American Osteopathic Board of Pediatrics.

“Pediatric tele-specialty provider” means a pediatric healthcare facility in Texas that offers continuous access to telemedicine medical services provided by pediatric subspecialists.

“Physician” means a person licensed to practice medicine in Texas.

“Program” means the Pediatric Tele-Connectivity Resource Program for Rural Texas.

“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.

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

“Solicitation” means this RFA 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](#)” has the same meaning as the definition in **Exhibit B**.

“[Telemedicine medical services](#)” means healthcare services delivered to a patient: a) by a physician acting within the scope of the physician’s license or a health professional acting under the delegation and supervision of a physician and within the scope of the health professional’s license; b) from a physical location that is different from the patient’s location; and c) using synchronous audios-visual telecommunications or information technology.

### **1.3 AUTHORITY**

The System Agency is requesting applications under House Bill (H.B.) 1697, 85th Legislature, Regular Session, 2017 (Texas Government Code, Chapter 541) and Texas Government Code Chapter 531, as applicable.

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## ARTICLE II. SCOPE OF GRANT AWARD

### 2.1 PROGRAM BACKGROUND

House Bill (H.B.) 1697, 85th Legislature, Regular Session, 2017 (Government Code, Chapter 541), directed HHSC to establish a Pediatric Tele-Connectivity Resource Program for Rural Texas. While funding was not appropriated to implement the legislation's grant program, the Health and Human Services Commission (HHSC) utilized existing resources to explore the potential benefits of telemedicine to support rural pediatric healthcare needs. HHSC invited stakeholders to participate in a workgroup to explore aspects of the bill requirements. As a result, a workgroup of over 30 stakeholders met regularly throughout the interim period to provide input for the development of the program.

Rider 94, of the 2020-2021 General Appropriations Act (House Bill 1, 86<sup>th</sup> Legislature, Regular Session, 2019, Article II, Special Provisions) appropriated the funds needed by HHSC to implement Chapter 541.

### 2.2 GRANT AWARD AND TERM

#### 2.2.1 Available Funding

The total amount of state and federal funding available for the Pediatric Tele-Connectivity Resource Program of Rural Texas grant is **\$5,000,001.00**, of which \$2,500,001 is for fiscal year 2020 and \$2,500,000 is for fiscal year 2021. Any fiscal year 2020 funding not awarded prior to August 31, 2020 will be appropriated for fiscal year 2021 grants in accordance with HHSC Appropriations Rider 94. This RFA intends to establish an application process for awarding and distributing funds to eligible entities for the implementation and provision of pediatric telemedicine in nonurban healthcare facilities.

It is HHSC's intention to make multiple awards through this solicitation. Respondents' application packets will be evaluated and scored by a review panel of telemedicine subject matter experts appointed by HHSC using standard evaluation criteria listed in **Section 4.3.1**.

Funding will be awarded in two phases. Grant Recipients will receive 50% of the award upon full execution of a Contract. The remaining 50% of the grant amount will be awarded after receipt of an initial baseline report due at (6) six months from the date of Contract execution. Quarterly progress reports are due at 9 months and 12 months from the date of Contract execution, plus an End of Contract Survey (due within 45 days of end of Contract). Grant Recipients must report and demonstrate progress to receive the second phase funding. Grant Recipients must meet the requirements to receive advance payments under Section 21, Subpart C, of the Texas Uniform Grant Management Standards and must minimize the time between advance payments and disbursement of funds for eligible and allowable costs under this RFA.

A Grant Recipient is subject to audit and recovery of grant funds by the HHSC Office of the Inspector General, as provided in 1 TAC §371.11 (relating to Scope).

### **2.2.2 Grant Term**

The anticipated grant funding period for this Program will begin **February 1, 2021** through **August 31, 2021**. Respondent must identify in their application any proposed activities that may occur outside of the listed term. Costs and activities falling outside of the term may not be allowable if not approved by HHSC and included in the approved grant budget.

## **2.3 ELIGIBLE APPLICANTS**

In order to be awarded a Contract as a result of this RFA, a Respondent must meet the following criteria:

The Respondent must be a nonurban healthcare facility as defined by Section 541.001 of the Texas Government Code, which is a hospital licensed under Chapter 241, Health and Safety Code, or other licensed healthcare facility in Texas located in a rural area as defined by Section 845.002 of the Texas Insurance Code.

By submitting an application under this RFA, the Respondent certifies they have or identify as the following:

- 1) A quality assurance program that measures compliance of the facility's health care providers with the applicant facility's medical protocols;
- 2) On staff, at least: One full-time equivalent physician who is trained and experienced in pediatrics, and licensed to practice medicine in Texas, and, one person who is responsible for ongoing nursery and neonatal support and care;
- 3) A nonurban healthcare facility with a level of care designation for Neonatal Intensive Care Unit (NICU) (see below) or an Emergency Department ([25 Texas Administrative Code, Chapter 133](#))
  - a. Level 1 – Well Nursery
  - b. Level 2 – Special Care Nursery
  - c. Level 3 – Neonatal Intensive Care Unit (NICU)
  - d. Level 4 – Advanced Neonatal Intensive Care Unit;
- 4) A commitment to obtaining neonatal or pediatric education from a tertiary facility to expand the facility's depth and breadth of telemedicine medical service capabilities; and
- 5) The capability for maintaining records and producing reports that measure the effectiveness of a grant received by the facility under this resource program.

Technical Specifications and Requirements:



See **Exhibit H, VHN Technical Specifications and Requirements**

Additionally, Respondents must comply with all the requirements outlined in **Form B, Project Work Plan** of this solicitation.

## **2.4 PROGRAM REQUIREMENTS**

To meet the mission and objectives of Pediatric Tele-Connectivity Resource Program for Rural Texas, Grant Recipients must utilize the grant funding to implement a pediatric tele-connectivity program to connect with pediatric specialists and pediatric subspecialists who provide telemedicine medical services.

Grant Recipients must provide the same standard of care as in-person visits, including patient privacy and provider scope of practice.

Grant Recipients are required to report specific measures regarding encounters, services, and equipment, in detail, as specified by HHSC as **Form D, Reporting Requirements and Form E, Equipment Purchase List**.

Grant Recipient must meet specific technical requirements: Software, hardware, and internet connection capabilities, and encryption and submit as part of your Work Plan. For a complete listing of technical requirements, please see **Exhibit H, VHN Technical Specifications and Requirements**.

If requested by HHSC, Grant Recipients must review or participate in any educational telemedicine training or access training materials.

## **2.5 SCOPE**

The Grant Recipient must utilize the grant funding to implement a pediatric tele-connectivity program to connect with pediatric specialists and pediatric subspecialists who provide telemedicine medical services.

Grant funding for eligible costs under this RFA may be used to:

- a) purchase equipment necessary for implementing a telemedicine medical service/program;
- b) modernize the facility's information technology infrastructure and secure information technology support to ensure an uninterrupted two-way video signal that is compliant with the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191);
- c) pay a service fee to a pediatric tele-specialty provider under an annual contract with the provider; and

d) pay for other activities, services, supplies, facilities, resources, and equipment necessary for the facility to use a telemedicine medical service, subject to approval by HHSC.

HHSC will establish and promote an application process for awarding and distributing funds to eligible entities for the implementation and provision of pediatric telemedicine in nonurban hospitals. The HHSC program will establish a review panel to evaluate applications and make recommendations for award by a set deadline. Funding will be awarded in two phases to each recipient. Recipient must demonstrate progress in the baseline report, in order receive the last 50% of their contract funding.

After an Applicant is determined eligible, their application will be evaluated pursuant to the criteria identified in **ARTICLE IV. SOLICITATION RESPONSE EVALUATION AND AWARD PROCESS.**

### **2.5.1 Expenditure Proposal**

In attached **Form Q, Expenditure Proposal**, Respondents must:

1. Demonstrate project costs outlined in the Expenditure Proposal are reasonable, allowable, allocable, and developed in accordance with applicable state and federal grant requirements.
2. Identify costs to be requested from HHSC.
3. Utilize the HHSC template provided as **Form Q, Expenditure Proposal**.

## **2.6 PERFORMANCE MEASURES**

HHSC will monitor the performance of Contracts awarded under this RFA. All services and deliverables under the Contract must be provided at an acceptable quality level and in a manner consistent with acceptable industry standard, custom, and practice. Grant Recipient must ensure all program requirements are met and Grant Recipient reporting demonstrates successful implementation of an active pediatric telemedicine services program. For reporting requirements please see **Form D, Reporting Requirements** for Pediatric Tele-Connectivity Resource Program for Rural Texas.

### **Reporting Requirements**

Grant recipients participating in the Pediatric Tele-Connectivity Grants Program for Rural Texas will be required to report specific information about their telemedicine program/service encounters. The measures to be collected are identified in the above-referenced document.

## 2.7 PROHIBITIONS

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

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

## 2.8 STANDARDS

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

Grantees are required to conduct Project activities in accordance with federal and state laws prohibiting discrimination. Guidance for adhering to non-discrimination requirements can be found on the Health and Human Services Commission (HHSC) Civil Rights Office website at: <https://hhs.texas.gov/about-hhs/your-rights/civil-rights-office>.

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.

Grantees will comply with all applicable federal and state privacy, security, and breach notification laws and regulations.

## **2.9 NO GUARANTEE OF VOLUME, USAGE OR COMPENSATION**

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

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

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

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## ARTICLE III. ADMINISTRATIVE INFORMATION

### 3.1 SCHEDULE OF EVENTS

<b>EVENT</b>	<b>DATE/TIME</b>
Solicitation Release Date	November 6, 2020
Deadline for Submitting Questions	November 13, 2020 at 2:00 p.m. Central Time
Tentative Date Answers to Questions Posted	November 18, 2020 at 5:00 p.m. Central Time
<b>Deadline for submission of Solicitation Responses [NOTE: Responses must be RECEIVED by HHSC by the deadline.]</b>	November 23, 2020 at <b>10:30 a.m.</b> Central Time
Anticipated Notice of Award	January 20, 2020
Anticipated Contract Start Date	February 1, 2020

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

### 3.2 CHANGES, AMENDMENT OR MODIFICATION TO SOLICITATION

The System Agency reserves the right to change, amend, or modify any provision of this Solicitation, or to withdraw this Solicitation, at any time prior to award if it is in the best interest of the System Agency and will post on the [HHS Grants website](#). It is the responsibility of Respondent to periodically check the [HHS Grants website](#) to ensure full compliance with the requirements of this Solicitation.

### 3.3 IRREGULARITIES

Any irregularities or lack of clarity in this Solicitation should be brought to the attention of the Sole Point of Contact listed in **Section 3.4.1** as soon as possible so corrective Addenda may be furnished to prospective Respondents.

### 3.4 INQUIRIES

#### 3.4.1 Sole Point of Contact

All requests, questions, or other communication about this Solicitation shall be made in writing to the System Agency's Point of Contact addressed to the person listed below (Sole Point of Contact). All communications between 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: Ross Hoffpauir, CTCD, CTCM  
Title: Grants Specialist  
Address: 1100 W. 49<sup>th</sup> Street, Building S (Services Building)  
Phone: (512) 406-2479  
Email: ross.hoffpauir01@hhs.texas.gov

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

### **3.4.2 Prohibited Communications**

All communications between Respondents and other System Agency staff members concerning the Solicitation are prohibited and may not be relied upon, Respondents should send all questions or other communications to the Sole Point of Contact. This restriction does not preclude discussions between affected parties for the purposes of conducting business unrelated to this Solicitation. **Failure to comply with these requirements may result in disqualification of 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 Sole Point of Contact listed in **Section 3.4.1** above. Respondents' names will be removed from questions in any responses released. Questions shall be submitted in the following format. Submissions that deviate from this format may not be accepted:

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

**Note: Questions or other written requests for clarification must be received by the Sole Point of Contact by the deadline set forth in Section 3.1, Schedule of Events above. However, the System Agency, at its sole discretion, may respond to questions or other written requests received after the deadline. Please provide entity name, address, phone number, fax number, email 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 same manner and by the same deadline for submitting questions (See **3.4.3 Questions**).

### **3.4.5 Responses**

Responses to questions or other written requests for clarification will be posted on the [HHS Grants website](#). The System Agency reserves the right to amend answers prior to the deadline of Solicitation Responses. Amended answers will be posted on the [HHS Grants website](#). It is Respondent's responsibility to check the [HHS Grants website](#) or contact the Sole Point of Contact for updated responses. The System Agency also reserves the right to decline to answer any question or questions or to provide a single consolidated response of all questions they choose to answer in any manner at the System Agencies sole discretion.

## **3.5 SOLICITATION RESPONSE COMPOSITION**

### **3.5.1 Generally**

All Applications must be:

- Clearly legible;
- Sequentially page-numbered and include the respondents name at the top of each page;
- Organized in the sequence outlined in **Article IX** - Submission Checklist;
- In Arial or Times New Roman font, size 12 or larger for normal text, no less than size 10 for tables, graphs, and appendices;
- 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; and
- Signed by an authorized official in each place a signature is needed (copies must be signed but need not bear an original signature).

## **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.:	RFA HHS0009381
SOLICITATION NAME:	Pediatric Tele-Connectivity Resource Program of Rural Texas
SOLICITATION RESPONSE DEADLINE:	November 23, 2020 at 10:30 AM CST
PURCHASER NAME:	Ross Hoffpauir, CTCM, CTCD
RESPONDENT'S NAME:	_____

The System Agency will not be held responsible for any Solicitation Response that is mishandled prior to receipt by the System Agency. It is Respondent's responsibility to mark appropriately and deliver the Solicitation Response to the System Agency by the specified date and time. The System Agency will not be responsible for any technical issues that result in late delivery, inappropriately identified documents, or other submission error that may lead to disqualification (including substantive or administrative) or nonreceipt of the Respondent's application.

### **3.6.3 Delivery for Individual Submission Options**

Respondent must correctly deliver Solicitation Responses by one of the methods below. Solicitation Responses submitted by any other method (e.g. facsimile, telephone - email is only allowed under limited circumstances) will NOT be considered.

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

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

- a. One file named "Original Proposal" that contains the Respondent's entire proposal in searchable portable document format (PDF).
- b. In accordance with Section 8.1.3, one file named "Public Information Copy" that contains the Respondent's entire proposal in searchable PDF, if applicable.

**Submission Option #2:** Respondent shall submit responsive applications via USB on two USB drives – One (1) labeled "Original" and One (1) labeled "Copy"- to the correct mailing address that is dependent upon mailing method identified in this section (see below):



- a. Each USB must contain one file named “Original Proposal” that contains the Respondent’s entire proposal in searchable portable document format (PDF).
- b. In accordance with **Section 8.1.3**, if applicable, one additional file named “Public Information Copy” that contains the Respondent’s entire proposal in searchable PDF.

<b>U.S. Postal Service</b>	<b>Overnight/Express Mail or Hand Delivery</b>
HHSC Procurement and Contracting Services (PCS) Bid Room Attn: Ross Hoffpauir P.O. Box 149166 Austin, TX 78714-9166	HHSC Procurement and Contracting Services (PCS) Bid Room Attn: Ross Hoffpauir 1100 West 49 <sup>th</sup> Street; Mail Code 2020 Building S Austin, TX 78756

**NOTE:** All Solicitation Applications become the property of HHSC after submission and will not be returned to Applicant. It is the Applicant’s responsibility to appropriately mark and deliver the Solicitation Application to HHSC by the specified date. A U.S. Postal Service (USPS) postmark; a mail receipt with the date of mailing, stamped by the USPS; a dated shipping label, invoice of receipt from a commercial carrier; or, any other documentation in lieu of the on-site time stamp by submission deadline may not be considered an eligible application under this Solicitation.

**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 Sole 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.

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## **ARTICLE IV. SOLICITATION, RESPONSE, EVALUATION, AND AWARD PROCESS**

### **4.1 GENERALLY**

HHSC will establish and promote an application process for awarding and distributing funds to eligible entities for the implementation and provision of pediatric telemedicine in nonurban hospitals. The HHSC program will establish a review panel to evaluate applications and make recommendations for award by a set deadline.

A three-step selection process will be used:

- A. Eligibility screening;
- B. Evaluation based upon selection criteria; and
- C. Final selection based upon State priorities and other relevant factors.

### **4.2 ELIGIBILITY SCREENING**

All Applications received by the deadline will be screened to determine initial eligibility. Applications will be reviewed for minimum qualifications and completeness. Applications with significant errors, omissions, or eligibility issues may not continue to the Evaluation stage at HHSC's sole discretion. Any application allowed to continue to the Evaluation stage will be evaluated as received unless otherwise notified by HHSC staff.

### **4.3 EVALUATION**

Applications will be evaluated using **Exhibit K, Evaluation Tool** and scored per the criteria stated in this RFA.

#### **4.3.1 Specific Selection Criteria**

##### Evaluation Criteria

Application evaluations are based on demonstrated ability to successfully and cost-effectively implement and execute a telemedicine program based on the guidance provided by HHSC. Respondent must clearly and thoroughly demonstrate their plan to address the following:

- Applicant's demonstrated ability to implement and execute a telemedicine program (30%)  
Respondent must include:
  - Listing of staff and titles of those qualified for participating in implementing and executing the program;
  - Existing and/or potential partnerships (telemedicine providers/groups); and
  - Compliance with the following (be clear and specific):
    - 1) A quality assurance program that measures compliance of the facility's healthcare providers with the applicant facility's medical protocols;

- 2) On staff, at least:
      - One full-time equivalent physician who is trained and experienced in pediatrics; and
      - one person who is responsible for ongoing nursery and neonatal support and care;
    - 3) A designated neonatal intensive care unit (NICU) or an Emergency Department;
    - 4) A commitment to obtaining neonatal or pediatric education from a tertiary facility to expand the facility's depth and breadth of telemedicine medical service capabilities; and
    - 5) The capability for maintaining records and producing reports that measure the effectiveness of a grant received by the facility under this resource program.
- Telemedicine Program Design [(program components and plans) (25%)]
  - Respondent must include breakdown of each program component or phase.
  - Respondent must demonstrate support for the PT-CRPRT's goals and objectives.
  - Respondent must include a detailed plan for necessary equipment and infrastructure purchases.
  - Respondent must demonstrate compliance with or ability to comply with **Exhibit H, VHN Technical Specifications and Requirements.**
- Telemedicine Program Implementation Plan and Timeline (20%)
  - Respondent must include implementation steps/breakdowns, with start and due dates.
- Telemedicine Program Plan Costs (25%)
  - Detailed breakdown of anticipated overall costs, including contracting with telemedicine providers.
  - Must demonstrate spending funds as permitted in section 2.5 of this RFA.
  - Must include any associated fees (i.e. credentialing, subcontracting, etc.).

#### 4.4 FINAL SELECTION

HHSC intends on making multiple awards. After screening for eligibility, application completeness, and scoring of the elements listed above in **Section 4.3**, the review panel will determine which proposals should be awarded. Program team will make recommendations for awards 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.

## 4.5 NEGOTIATION AND AWARD

The specific dollar amount awarded to each successful Applicant will depend upon the merit and scope, including disclosures, of the Application, the recommendation of the Review Panel, 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 Respondent and HHSC representatives via phone and/or email. During negotiations, successful Applicants may expect:

- a. An in-depth discussion of the submitted proposal and budget; and
- b. Requests from HHSC for clarification or additional detail regarding submitted Application.

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

HHSC may announce tentative or apparent Grant 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 proposal and submitted to HHSC for consideration. HHSC will accept or reject each proposed exception. HHSC will not consider exceptions submitted separately from the Applicant's proposal or at a later date.**

HHSC will post to the [HHS Grants website](#) and may publicly announce a list of Applicants whose Applications are selected for final award. This posting does not constitute HHSC's agreement with all the terms of any Applicant's proposal and does not bind HHSC to enter into a 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.

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## ARTICLE V. NARRATIVE PROPOSAL

### 5.1 NARRATIVE PROPOSAL

#### 5.1.1 Executive Summary

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 and submit as **Form C, Executive Summary**

#### 5.1.2 Project Work Plan/Application

Utilizing the **Form B, Project Work Plan** attached to this RFA, Respondents will describe the proposed services, processes, and methodologies for meeting all components described in **ARTICLE II**, including the Respondent's approach to meeting the timeline and associated milestones. Respondent should identify all tasks to be performed, including all Project activities, to take place during the grant funding period. Respondent will also include all documents requested as part of completing Forms to demonstrate fulfilling **ARTICLE II** requirements.

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## **ARTICLE VI. REQUIRED RESPONDENT INFORMATION**

### **6.1 ADMINISTRATIVE ENTITY INFORMATION**

Respondent must provide satisfactory evidence of its ability to manage and coordinate the types of activities described in this Solicitation. As a part of the Solicitation response requested in **ARTICLE III**, Respondent must provide the following information:

### **6.2 LITIGATION AND CONTRACT HISTORY**

Respondent must include in its Solicitation Response a complete disclosure of any alleged or significant contractual failures (e.g. early termination due to failure to perform).

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

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, if applicable.

## 6.4 GRANT APPLICATION DISCLOSURE

In an effort to maximize state resources and reduce duplication of effort, HHSC, at its discretion, may require the Respondent to disclose information regarding the application for or award of state, federal, and/or local grant funding by the Respondent or partner organization within the past two years to provide HHSC information identifying if grant award will fund a new program to be implemented, used to purchase equipment improvements or contracting with pediatric tele-specialty provider for an established program, or simply continue funding other aspects of an already established program. Respondent should provide enough detail to help administrator clearly visualize Respondent's program plan and use of grant funding.

## 6.5 AFFIRMATIONS AND CERTIFICATIONS

Respondent must be sure to complete and return all of the following listed forms and/or exhibits (note: not an all-inclusive list):

- A. Exhibit A, Respondent Affirmations and Solicitation Acceptance;
- B. Exhibit D, Exceptions (if applicable);
- C. Exhibit E, Assurances Non – Construction Program; and
- D. Exhibit F, Certification Regarding Lobbying.

A complete list of exhibits and forms is included as **Article X**.

## 6.6 HUB

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

## 6.7 FINANCIAL CAPACITY

All Respondents must supply evidence of financial capacity sufficient to demonstrate reasonable stability and solvency appropriate to the requirements of this RFA.

### 6.7.1 Financial Statements and Financial Solvency

- a. Respondent must submit electronically in a word searchable .PDF format an annual report, which must include:
  - 1. Last three (3) years of Audited Financial Statements, including all supplements, management discussion and analysis, and actuarial opinions.
  - 2. If applicable, last three (3) years of consolidated statements for any holding companies or affiliates.
  - 3. A full disclosure of any events, liabilities, or contingent liabilities that could affect Respondent's financial ability to perform this Contract.

At a minimum, such financial statements must include:

- i. Balance sheet,
  - ii. Income Statement,
  - iii. Statement of Changes in Financial Position,
  - iv. Statement of Cash Flows, and
  - v. Capital Expenditures.
- b. If the Respondent is a corporation that is required to report to the Securities and Exchange Commission (SEC), Respondent must submit its three (3) most recent SEC Form 10K, Annual Reports, pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934. Financial materials must be submitted electronically in a word searchable .PDF format.
  - c. If Audited Financial Statements are not available, Respondent must submit unaudited financial information and any other information the Respondent believes meets the requirements of this section. See Section 6.6.3 (Alternate Report). If the submitted documents do not provide adequate assurance of financial stability or solvency, HHSC reserves the right to request additional information or to disqualify the Respondent.
  - d. Substantial Ownership or Wholly Owned by another Corporate Entity. If the Respondent is either substantially or wholly owned by another corporate (or legal) entity, the Respondent must include the information required in this Section 6.6.2 for each such entity, including the most recent detailed financial report for each such entity.
  - e. If HHSC determines that an entity does not have sufficient financial resources to guarantee the Respondent's performance, HHSC may require the Respondent to obtain another acceptable financial instrument or resource from such entity, or to obtain an acceptable guarantee from another entity with sufficient financial resources to guarantee performance.



## 6.7.2 Alternate Report

If Respondent(s) is unable to provide the annual report specified above, Respondent(s) may, at the discretion of the System Agency, provide the following alternate report:

- a. Last three (3) years un-audited financial statements, including all supplements, management discussion and analysis, and actuarial opinions.;
- b. An un-audited financial statement of the most recent quarter of operation; and
- c. A full disclosure of any events, liabilities, or contingent liabilities that could affect Respondent's financial ability to perform this Contract.

At a minimum, such financial statements must include:

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

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## ARTICLE VII. EXPENDITURE PROPOSAL

### 7.1 EXPENDITURE PROPOSAL

Attached **Form Q, Expenditure Proposal Template** of this RFA includes the template for submitting the Expenditure Proposal. Respondents must complete this form and place it in a separate, sealed package, clearly marked with the respondent's name, the RFA number, and the RFA submission date.

Respondents must base their Expenditure Proposal on the Scope described in **ARTICLE II**. This section should include any business, economic, legal, programmatic, or practical assumptions that underlie the Expenditure Proposal. HHSC reserves the right to accept or reject any assumptions. All assumptions not expressly identified and incorporated into the Contract resulting from this RFA are deemed rejected by HHSC.

Respondents must demonstrate that project costs outlined in the Expenditure Proposal are reasonable, allowable, allocable, 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, and necessary for the successful performance of the project.

Costs will be reviewed for compliance with [TxGMS](#) and federal grant guidance found in 2 CFR Part 200, as modified by [TxGMS](#), with effect given to whichever provision imposes the more stringent requirement in the event of a conflict.

Costs included in the Expenditure Proposal will be entered into budget tables and supported by narrative descriptions describing the need for the requested cost and a calculation demonstrating how the cost was arrived at.

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## 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

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

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

- a. Mark Original Proposal:
  1. Mark the Original Proposal, on the top of the front page, the words “CONTAINS CONFIDENTIAL INFORMATION” in large, bold, capitalized letters (the size of, or equivalent to, 12-point Times New Roman font or larger); and
  2. Identify, adjacent to each portion of the Solicitation Response that Respondent claims is exempt from public disclosure, the claimed exemption from disclosure (NOTE: no redactions are to be made in the Original Proposal);
- b. Certify in Original Proposal - Affirmations and Solicitation Acceptance (attached as **Exhibit A** to this Solicitation):

Certify, in the designated section of the Affirmations and Solicitation Acceptance, Respondent's confidential information assertion and the filing of its Public Information Act Copy; and

c. Submit Public Information Act Copy of Proposal:

Submit a separate "Public Information Act Copy" of the Original Proposal (in addition to the original and all copies otherwise required under the provisions of this Solicitation). The Public Information Act Copy must meet the following requirements:

1. The copy must be clearly marked as "Public Information Act Copy" on the front page in large, bold, capitalized letters (the size of, or equivalent to, 12-point Times New Roman font or larger);
2. Each portion Respondent claims is exempt from public disclosure must be redacted (blacked out); and
3. Respondent must identify, adjacent to each redaction, the claimed exemption from disclosure. Each identification provided as required in Subsection (c) of this section must be identical to those set forth in the Original Proposal as required in Subsection (a)(2), above. The only difference in required markings and information between the Original Proposal and the "Public Information Act Copy" of the proposal will be redactions - which can only be included in the "Public Information Act Copy." There must be no redactions in the Original Proposal.

**By submitting a response to this Solicitation, Respondent agrees that, if Respondent does not mark the Original Proposal, provide the required certification in the Affirmations and Solicitation Acceptance, and submit the Public Information Act Copy, Respondent's proposal will be considered to be public information that may be released to the public in any manner including, but not limited to, in accordance with the Public Information Act, posted on the System Agency's public website, and posted on the Legislative Budget Board's public website.**

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

Respondent should not submit a Public Information Act Copy indicating that the entire proposal is exempt from disclosure. Merely making a blanket claim that the entire proposal is protected from disclosure because it contains any amount of confidential, proprietary, trade secret, or privileged information is not acceptable, and may make the entire proposal subject to release under the PIA.

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

The System Agency will strictly adhere to the requirements of the PIA regarding the disclosure of public information. As a result, by participating in this solicitation process, Respondent acknowledges that all information, documentation, and other materials submitted in the proposal in response to this Solicitation may be subject to public disclosure under the PIA. The System Agency does not have authority to agree that any information submitted will not be subject to disclosure. Disclosure is governed by the PIA and by rulings of the Office of the Texas Attorney General. Respondents 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 Respondents.

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

#### **8.1.4 News Releases**

Prior to final award 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.

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**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.

**Original Solicitation Response Package**

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

- 1. Administrative Information (Forms A and B)**
  - a. Form A: Face Page
  - b. Form B: Project Work Plan
  
- 2. Narrative Proposal Forms (Forms C through E) (Section 2.4 and Article I)**
  - a. Form C: Executive Summary \_\_\_\_\_
  - b. Form D: Reporting Requirements \_\_\_\_\_
  - c. Form E: Equipment Purchase List \_\_\_\_\_
  
- 3. Expenditure Proposal (template included) (Section 2.5.1)**
  - a. Form Q: Expenditure Proposal Template \_\_\_\_\_
  
- 4. Applicable Exhibits (to be included in Solicitation Package) (Article I)**
  - a. Exhibit A: Respondent Affirmations and Acceptance \_\_\_\_\_
  - b. Exhibit B: HHSC Grantee Uniform Terms and Conditions \_\_\_\_\_
  - c. Exhibit D: Exceptions Form \_\_\_\_\_
  - d. Exhibit E: Assurances Non – Construction Programs \_\_\_\_\_
  - e. Exhibit F: Certification Regarding Lobbying \_\_\_\_\_
  - f. Exhibit G: Federal Funding Accountability and Transparency Act (FFATA) Certification \_\_\_\_\_
  - g. Exhibit H: VHN Technical Specifications and Requirements \_\_\_\_\_
  - h. Exhibit I: HHSC Grantee: Special Conditions \_\_\_\_\_
  - i. Exhibit J: HHSC Online Bid Room \_\_\_\_\_

**Files to be provided**

\_\_\_ Two USBs – One Labeled “Copy” and One Labeled “Original” with all of the files below.

\_\_\_ One file named “Original Proposal” that contains the Respondent’s entire proposal in searchable portable document format (PDF).

\_\_\_ One file named “Public Information Copy” that contains the Respondent’s entire proposal in searchable PDF, if applicable.

**ARTICLE X. LIST OF EXHIBITS AND FORMS**