

Notice of Funding Availability (NOFA) for Federal Fiscal Year (FFY) 2019 Community Services Block Grant (CSBG) Discretionary Funds for Services to Native American and Migrant Seasonal Farm Worker Populations

The Texas Department of Housing and Community Affairs (the Department) is pleased to announce a NOFA for FFY 2019 CSBG Discretionary Funds for services to Native American and migrant seasonal farm worker populations. The Department is seeking organizations interested in administering projects focused on employment and education in Native American and migrant seasonal farm worker populations.

Interested applicants must meet the requirements set forth in the application and must submit a complete application through the established system described in the NOFA by **Friday, February 15, 2019, 5:00 p.m. Austin local time**.

The application forms contained in this packet and submission instructions are available on the Department’s web site at <http://www.tdhca.state.tx.us/nofa.htm>. The Department looks forward to receiving your completed application. Should you have any related questions, please contact Rita Gonzales-Garza at (512) 475-3905 or rita.garza@tdhca.state.tx.us.

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# Application Instructions

## Application Deadline:

All applications must be submitted before **Friday, February 15, 2019, 5:00 p.m. Austin local time.**

## Electronic Submission:

All applications must be submitted electronically to be considered eligible applications. Applications are to be submitted through the Wufoo system using the following link:

<https://tdhca.wufoo.com/forms/native-americansmigrant-seasonal-farm-worker-nofa/>

## Application Questions

Application questions may be submitted via electronic mail to rita.garza@tdhca.state.tx.us. Answers will be provided in the order in which they are received. Please do not submit the same question twice as you await a response.

**The deadline to submit questions related to the content of the NOFA and Application is Thursday February 14, 2019, by 11:00 a.m. CST (Austin local time)**. Questions related to the content of the NOFA submitted after this deadline may not be answered.

# Proposed Timeline for NOFA and Application

| **Date** | **Action** |
| --- | --- |
| January 17, 2019 | The application will be available through the TDHCA Website: <http://www.tdhca.state.tx.us/nofa.htm> |
| February 14, 201911:00 a.m. (Austin local) | Deadline to submit questions regarding the NOFA and application prior to application submission |
| February 15, 20195:00 p.m. (Austin local) | Deadline for Applicants to submit applications in response to this NOFA |
| April 25, 2019 | Department may present funding recommendations to Board of Directors |
| May 1, 2019 | Anticipated Contract Start Date |
| April 30, 2020 | Anticipated Contract End Date |

# General Information

## Background

The Department has been designated as the state agency to administer the CSBG Program. On an annual basis, the Department receives CSBG funds from the U.S. Department of Health and Human Services (HHS) to ameliorate the causes of poverty within communities.

The Department is permitted to reserve up to 5% of CSBG funds for state discretionary use for which the Department’s Board has determined specific uses. This NOFA for services to Native American and migrant seasonal farm worker (MSFW) populations releases the portion of these FFY 2019 CSBG State Discretionary (CSBG-D) funds aimed at services for Native Americans and MSFWs.

Capitalized words in this NOFA, unless otherwise defined herein, have the meaning outlined in Chapter 2306 of the Texas Government Code or in Title 10 Texas Administrative Code (TAC), Chapter 1 or Chapter 6.

## CSBG-D Subrecipient Performance Requirements:

This NOFA is for services to Native American and MSFW populations. The NOFA will provide funding to organizations to provide new or existing projects that provide education and/or employment assistance and services focusing on the direct needs of individuals and families within the MSFW population or the Native American population. The successful applicant must ensure that participants receive case management along with employment and/or education assistance and services.

This activity must be completed throughout the 12-month contract period. The contract period is anticipated to be May 1, 2019, through April 30, 2020.

Subrecipient must complete activities that have the following results:

For employment projects, an increase in employment skills or increase in persons assisted in obtaining jobs; and/or

* For education projects, an increase in education and or skills that are expected to lead to an increase in income.

Persons eligible for direct assistance must have an annual income at or below 125% of the federal poverty income guidelines issued annually by HHS.

## Funds Available and Award Amounts

In this NOFA, the Department makes available $300,000 of FFY 2019 non-formula CSBG funds to be utilized for the following discretionary projects:

| Category 1: Migrant and Seasonal Farm Worker Employment Assistance and Services Projects | $200,000 |
| --- | --- |
| Category 2: Native American Education Employment Assistance and Services Projects | $100,000 |

An applicant must apply for $100,000 per application.

If sufficient eligible applications are received that meet threshold criteria it is anticipated that three awards of $100,000 each will be made by the Department’s Board of Directors (Board). The Department intends to fund the two highest scoring applications for assistance to the MSFW population, and the one highest scoring application for assistance to the Native American population. However, if sufficient eligible applications are not received to accomplish that, then the next highest scoring application in either category will be recommended. An organization may submit an application for one or both categories, but may only submit one application for each category, and a separate application per category is required. In the event that the Department does not receive sufficient eligible applications in response to this NOFA to exhaust available funding, the Department will present a plan to the Board for reprogramming of the funds.

The availability of FFY 2019 CSBG discretionary funds to Subrecipient organizations is dependent on the Department’s receipt and availability of funds from HHS. Access to funds may be limited to the amount of 2019 CSBG discretionary funds available to the Department from HHS, and is subject to Board decisions regarding its use.

## Eligible Applicant Organizations

Organizations eligible to apply for CSBG-D NOFA funds are: Private Nonprofit Organizations with 501(c) status, Public Housing Authorities, Local Mental Health Authorities, Units of General Local Government, and Regional Councils of Governments who are proposing an educational and/or employment project targeted to either MSFW populations or Native Americans.

## Ineligible Applicant Organizations

Organizations ineligible to apply for the competitive FFY 2019 CSBG State Discretionary Funds are:

* Private Nonprofit Organizations that do not have a Certificate of Formation (or Articles of Incorporation);
* Private Nonprofit Organizations that the Texas Secretary of State’s Office website states are not authorized to do business in Texas;
* Organizations for which no persons on the organization’s governing body or employees are debarred or suspended by the Department or another governmental agency;
* Organizations for which no persons on the organization’s governing body or employees are on the System for Award Management in accordance with 2 CFR Part 180;
* Organizations that includes proposed financial participation by a person who, during the five year period preceding the date of the application, has been convicted of violating a federal law in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005; or assessed a penalty in a federal, civil or administrative enforcement action in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005.

## Private Nonprofit Organizations.

The Department is not requiring that an organization submit a Certificate of Formation or proof of eligible status. However, it is the applicant’s responsibility to ensure that its information including its Certificate of Formation (formally known as Articles of Incorporation) with the Texas Secretary of State’s Office is correct and complete at the time of application. The Department will confirm proof of active status directly with the Texas Secretary of State. No administrative deficiencies will be issued for failure to have the appropriate status and governing documents reflected on the Secretary of State’s Office when confirmed by the Department. Failure to have this information will cause the application to be terminated without further review as further described in Section VI, A of the NOFA.

## Registration Requirements

Prior to contract execution, the successful applicant must provide the Department with the organization’s Data Universal Numbering System (DUNS) and proof of registration with the Central Contractor Registration (CCR). If the organization is not registered, go to <https://www.sam.gov>to renew, update, or create a new registration.

# State and Federal Requirements

Subrecipient shall comply with all provisions of the Federal and State laws and regulations including but not limited to:

Public Law 105-285, Title II - Community Services Block Grant Program, Subtitle B Community Services Block Grant Program of the Community Services Block Grant Act, Chapter 106 of the Community Services Block Grant Act (42 U.S.C. §9901 *et seq.*), as amended by the "Community Services Block Grant Amendments of 1994" (P.L. 103-252) and the Coats Human Services Reauthorization Act of 1998 (P.L. 105-285);

Chapter 2306 of the Texas Government Code:

1. Title 10 Texas Administrative Code, Part 1, Chapters 1 and 2;
2. Title 10 Texas Administrative Code, Part 1, Chapter 6, Subchapters A and B;
3. 2 CFR Part 200, as applicable; and
4. Texas Uniform Grant Management Standards.

Subrecipient shall also comply with the Drug-Free Workplace Act of 1988, the Pro-Children Act of 1994, Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794), the Americans with Disabilities Act of 1990 (ADA), as amended (42 U.S.C. 12101 et seq.) and Executive Order 13166 of August 11, 2000 related to Limited English Proficiency.

Subrecipient shall practice non-discrimination and provide equal opportunity in compliance with federal law in keeping with the President’s Executive Order 11246 of September 24, 1965, and ensure that a person shall not be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in the administration of or in connection with any program or activity funded in whole or in part with funds made available under this contract, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief.

Subrecipient shall comply with political activity prohibitions and shall not utilize CSBG funds to influence the outcome of any election, or the passage or defeat of any legislative measure or to directly or indirectly hire employees or in any other way fund or support candidates for the legislative, executive, or judicial branches of government of subrecipients, the State of Texas, or the government of the United States. Subrecipient shall comply with 45 CFR. §87.2 and ensure that CSBG funds are not to be used for sectarian or inherently religious activities such as worship, religious instruction or proselytization, and must be for the benefit of persons regardless of religious affiliation.

Subrecipient shall comply with Chapter 2264 of the Texas Government Code and will not knowingly employ an undocumented worker, where “undocumented worker” means an individual who, at the time of employment, is not lawfully admitted for permanent residence to the United States or authorized under law to be employed in that manner in the United States.

Subrecipient is not permitted to award any funds provided by this contract to any party that is debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549. The Subrecipient will be required to agree that prior to entering into any agreement with a potential subcontractor that the verification process to comply with this requirement will be accomplished by checking <https://www.sam.gov/SAM/pages/public/searchRecords/search.jsf>

# Application Content

Attachments A-H are Threshold Documents. Each page of the application, excluding the Single Audit, must be numbered. Each Application must contain the items listed below in the following order:

* Table of Contents – must include page numbers.
* Attachment A – Applicant Information Form – Form must be placed on the top of the application.
* Attachment B – Application Questions – Complete the NOFA Application Questions document. Applications that do not include a completed document with responses to NOFA questions will be deemed ineligible. Please use the following format to provide any information which is requested in response to questions:
* Minimum 11 font
* Standard 8½ “ x 11” paper with 1” margins
* Provide brief descriptions of requested information.
* Attachment C – Financial Information – All applications must include the following documents relating to fiscal accountability, even if this information has been previously submitted to the Department.
1. An application must include a completed Audit Certification Form, found on the Department’s website at <http://www.tdhca.state.tx.us/pmcomp/forms.htm>.
2. An organization that is subject to the Federal Single Audit Act requirements must certify that the Single Audit for the latest fiscal year is available at the Federal Audit Clearinghouse. An Organization that is subject only to the State Single Audit Act must submit one copy of the organization’s most recent Single Audit report.
3. An organization not subject to either the Federal or the State Single Audit requirements must submit one copy of a third-party audit of financial statements prepared by a Certified Public Accountant, including any notes to the audit.
* Attachment D – Uniform Previous Participation Form for Single Family and Community Affairs.
* Attachment E – Certifications Regarding Legal Actions, Debarment & Compliance with Laws.
1. Attachment F – Private Nonprofit Organization’s Tax-Exempt Status Documentation Existing Internal Revenue Service (IRS) ruling – All private nonprofit organizations must provide documentation of their status as a tax-exempt entity under Section 501(c) of the Internal Revenue Code. The ruling should be on IRS letterhead which is legible and signed by the IRS District Director. Expired advanced rulings from the IRS are not acceptable.
2. If an organization is a subsidiary of a parent organization, documentation of the parent organization’s IRS ruling and a copy of the page listing the affiliate organization in the documents filed with the IRS by the parent organization.
* Attachment G – Applicant Certifications

The certification must be signed by the organization’s Executive Director. If such cannot be attested, then attach a document explaining why.

* Attachment H – CSBG Budget Worksheets
1. The proposed budget for CSBG is to be submitted utilizing the Attachment H form. There are several tabs within the spreadsheet to complete. Complete the budget based on the estimated funds available noted in Section III. C.
2. The Department strongly encourages applicants to budget no more than **20%** of the CSBG funds for **administrative costs** (overhead and staff costs related to administrative staff not involved in the direct delivery of services).
3. This NOFA does not have limitations on the amount of funds utilized for the provision of direct services or for the costs of staff assigned to provide the direct services, as long as the costs meet federal and state requirements.

# Application Review Process

## Eligibility Prescreening Review

The Department will review applications to determine if they meet the following eligibility prescreening criteria. If the Department determines that any of these criteria have not been satisfied, the application will not be reviewed and the applicant will be sent a notice of the elimination of their application from consideration, and notified of their opportunity to appeal. The prescreening criteria are:

* All application threshold documents A through H must be submitted by the application deadline.
* Application documents must be submitted electronically to be considered eligible applications. Applications are to be submitted through the Wufoo using the following link: <https://tdhca.wufoo.com/forms/native-americansmigrant-seasonal-farm-worker-nofa/>
* An Applicant must meet all requirements as set forth in III. General Information, E. Eligible Applicant Organizations; and
* An Applicant must not be an ineligible applicant organization as set forth in III. General Information, F. Ineligible Applicant Organizations.

Any applicant not meeting these threshold criteria will be terminated. A notice of termination will be sent, and an applicant will have an opportunity to appeal the decision in accordance with 10 TAC §1.7, Staff Appeals Process.

## Deficiency Notices

After the application receipt deadline, the Department will not consider any unsolicited information that an applicant may want to provide. If the Department identifies deficiencies within the Attachments it will issue a deficiency notice to request the deficiency be resolved. Applicants will have three (3) days from the date of issuance of the deficiency notice to provide the requested information. Deficiency notices will be e-mailed to the applicant’s chief executive and the person specified as the “person to contact with CSBG application questions” in the applicant information form. If the applicant does not provide the requested information within the 3-day time period, the applicant will be sent a notice indicating termination of the application.

 Scoring of Applications

Applications received from eligible organizations with no threshold deficiencies will be reviewed and scored by the Department. The Department will utilize a standard scoring instrument to evaluate, score, and rank each application. The scoring instrument will award points based on the applicant’s response to the requested information in Attachment B. **Applications with a score below 50% of the maximum eligible points available will not be considered for funding except as described in the next paragraph.**

If all applicants score below the minimum point threshold, the Department reserves the right to review the top overall scoring entity and if, in the Department’s judgment, they can appropriately administer the CSBG-D funds, may recommend an award to its Governing Board. Upon completion of scoring each application, applicants will be provided a scoring notice with an opportunity to appeal.

The Department will consider and evaluate prior monitoring and/or audit issues during its application scoring. Additionally, other factors to be considered in the scoring of each application will include, but not be limited to:

* Capacity to effectively administer federal funds and to ensure compliance with regulations;
* Ability to demonstrate staff and organizational capacity to deliver the proposed services; and,
* Ability to demonstrate positive past performance with Department or other federally funded programs, including the results of Department monitoring reviews, timeliness of submission of reports, results of the last fiscal audit, and other information deemed relevant to performance.

## Awards

Applicants whose applications score competitively will be reviewed by the Department’s Executive Award Review Advisory Committee in accordance with 10 TAC Chapter 1, Subchapter C and subsequently brought to the Department’s Governing Board for consideration of an award.

## Appeals Process

An appeal of a staff determination must be submitted in writing and in accordance with the Texas Administrative Rule Title 10, Part 1, Chapter 1, Subchapter A, §1.7 which can be found at the Secretary of State’s website at:

[http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac\_view=5&ti=10&pt=1&ch=1&sch=A&rl=Y](http://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac_view=5&ti=10&pt=1&ch=1&sch=A&rl=Y).

# Appendices

**Federal and State Resources:**

CSBG Act Coats Human Services Reauthorization Act of 1998, available at <http://www.tdhca.state.tx.us/community-affairs/csbg/guidance.htm>

Texas Administrative Code - 10 TAC Chapter 1, Administration, available at [http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac\_view=4&ti=10&pt=1&ch=1](http://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac_view=4&ti=10&pt=1&ch=1)

Texas Administrative Code - 10 TAC Chapter 2, Enforcement, available at [http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac\_view=4&ti=10&pt=1&ch=2](http://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac_view=4&ti=10&pt=1&ch=2)

Texas Administrative Code - 10 TAC Chapter 6, Subchapter A, General Provisions, available at [http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac\_view=5&ti=10&pt=1&ch=6&sch=A&rl=Y](http://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac_view=5&ti=10&pt=1&ch=6&sch=A&rl=Y)

Texas Administrative Code - 10 TAC Chapter 6, Subchapter B, CSBG, available at [http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac\_view=5&ti=10&pt=1&ch=6&sch=B&rl=Y](http://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac_view=5&ti=10&pt=1&ch=6&sch=B&rl=Y)

# List of Attachments

Attachments are posted separately on the TDHCA website as fillable MS Excel documents at <http://www.tdhca.state.tx.us/nofa.htm>

* Attachment A-G:
	+ Attachment A: Applicant Information Form
	+ Attachment B: Application Questions Parts 1-4
	+ Attachment C: Audit Information
	+ Attachment D: Uniform Previous Participation Information
	+ Attachment E: Certifications Regarding Legal Actions, Debarment & Compliance with Laws
	+ Attachment F: Private Nonprofit Organization’s Tax-Exempt Status Documentation
	+ Attachment G: Applicant Certifications
* Attachment H: CSBG Budget Worksheets