



Request for Applications to administer the Comprehensive Energy Assistance Program and the Low Income Household Water Assistance Program in Brewster, Culberson, Hudspeth, Jeff Davis, and Presidio counties

The Texas Department of Housing and Community Affairs (the Department) is seeking interested organizations to submit applications in accordance with this Request for Applications (RFA) to administer the Comprehensive Energy Assistance Program (CEAP) of the Low-Income Home Energy Assistance Program (LIHEAP) and the Low Income Household Water Assistance Program (LIHWAP), funded by U.S. Department of Health and Human Services (USHHS), in Brewster, Culberson, Hudspeth, Jeff Davis, and Presidio counties.

The Department has initiated proceedings to remove the CEAP funds from the current provider¹ of the CEAP in these counties. That process is taking place simultaneously with the release of this RFA. The release of this RFA does not negate or limit the rights and opportunities of the existing provider to take steps to try to retain these programs. However, the RFA is being released at the same time so the Department can maintain continuity of coverage to clients while limiting gaps in assistance, in the event that the current provider is not funded.

An applicant can apply for one or more counties; however, if one or more of the counties is not requested by any respondents that currently administer CSBG or LIHEAP, one or more respondents that do administer CSBG or LIHEAP may be asked by the Department to accept one or more of the counties which was not applied for, as a condition of being awarded CEAP for the county for which they applied.

Interested applicants must meet the requirements set forth in this RFA and must submit a complete application through the established system described in the RFA Monday, March 13, 2023, 5:00 p.m. Austin local time. Questions pertaining to the content of this application packet or eligible activities are to be submitted as instructed in the RFA.

¹ The provider may also be referred to as an administrator or subrecipient in various federal and state statutes, rules, and regulations, impacting the CEAP funding.

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/community-affairs/nofas.htm>. The Department looks forward to receiving your completed application.

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I. Application Instructions

A. Application Deadline

All applications must be submitted before Monday, March 13, 2023, 5:00 p.m. Austin local time.

B. 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/comprehensive-energy-assistance-program-rfa/>

C. 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. Questions submitted after March 9, 2023, may go unanswered due to limited remaining time before the deadline.

II. Proposed Timeline for RFA

Date	Action
February 14, 2023	The application will be available through the TDHCA Website: http://www.tdhca.state.tx.us/community-affairs/nofas.htm
March 9, 2023	Questions regarding the RFA and application submitted after this date may not be answered.
March 13, 2023 5:00 p.m. (Austin local)	Deadline for Applicants to submit applications in response to this RFA
April 13, 2023	Anticipated date the Department will present funding recommendations to its Board of Directors*
April 13, 2023	Anticipated Contract Start Date*
*An applicant decision to appeal may delay these dates	

III. General Information

A. Background

The Comprehensive Energy Assistance Program (CEAP) and the Low Income Household Water Assistance Program (LIHWAP) are utility assistance programs. CEAP's primary purpose is to provide energy assistance to eligible client households assisting clients with the greatest need first (e.g., low-income households with high residential energy use, a high energy burden and/or the presence of a "vulnerable" individual in the household, such as a child age five and younger, person with disability, or an elderly individual). In crises, some households can qualify for repair of heating and cooling units or purchase of portable units. CEAP is administered through providers under contract with the Department.

LIHWAP's primary purpose is to 1) restore water/wastewater services to eligible households that have had water/wastewater services disconnected due to arrearages, 2) prevent the disconnection of water/wastewater for eligible households at risk of disconnection due to arrearages, and 3) assist eligible households with payment of current water/wastewater bills. LIHWAP is also administered through

providers under contract with the Department; however, it is a temporary program anticipated to end September 30, 2023, unless further action is taken by Congress.

The Department will give preference in awarding the funding to any local public or private nonprofit agency which is currently receiving LIHEAP and/or Community Services Block Grant (CSBG) funds. Applicants currently receiving LIHEAP or CSBG funds will be evaluated first, scored competitively against each other and evaluated for previous participation. Tex. Gov't Code §2306.097 requires energy services programs that serve low-income individuals, such as CEAP, to operate in conjunction with the CSBG. Only if no applicants apply that currently receive LIHEAP or CSBG funds, or if those that have applied are found ineligible by terms of this RFA, or are not approved for an award by the Department or are unable to meet conditions placed on the award by the Governing Board, will other applications from organizations that do not operate LIHEAP or CSBG be evaluated and scored.

Additionally, the Department will give preference in awarding the funding to an applicant who applies for all five counties. Applications for all five counties will be reviewed first and the highest scoring applicant, if deemed by the Department to be able to effectively manage the CEAP and LIHWAP in the five county service area, will be recommended for funding. In this scenario, applications for less than five counties would not be reviewed by the Department. If no applications for the five county service area are received or such applications are deemed not viable, then and only then will applications for less than five counties be reviewed and scored. If applications for individual counties result in some of the counties not being applied for, the Department will request that the highest scoring applicant expand their service area to ensure full coverage of the five counties. For example, an application for one county could be amended to multiple counties, if necessary.

Capitalized words in this NOFA, unless otherwise defined herein, have the meaning outlined in Chapters 2105 and 2306 of the Texas Government Code or in Title 10 Texas Administrative Code (TAC), Chapters 1, 2, or Chapter 6.

B. Funds Available and Allocation Amounts

The applicant organization(s) chosen through this competitive process will be offered both a LIHWAP contract with any remaining LIHWAP funds not expended by the current service provider and a CEAP contract for the 2023 CEAP annual allocation, as well as CEAP funds allocated for each county for each year thereafter, as long as the entity remains in good standing, or until the Department determines to not utilize subrecipients to administer CEAP, or to procure all entities in the network. The allocations for LIHWAP and CEAP funding are indicated below by county. The estimated available funds are to be utilized to cover costs related to administration, direct program staff costs, and for the provision of direct client services and assistance.

The amounts represented in the table below reflect the remaining LIHWAP and 2023 CEAP funds allotted for those counties. If the LIHWAP and CEAP grant is removed from the current provider then the remainder of the funds that have not been expended by the current provider and future year allocations will be awarded to the successful applicant. Future allocation amounts will depend on funds received from USHHS.

County	LIHWAP	2023 CEAP
Brewster	\$11,947	\$200,245
Culberson	\$4,654	\$234,279
Hudspeth	\$7,078	\$243,650
Jeff Davis	\$2,384	\$154,450
Presidio	\$17,925	\$244,140
TOTAL	\$43,988	\$1,076,764

*The amounts in this table are only approximations and are based on reporting data from December 2022 and January 2023. These amounts will be recalculated at the time of contract issuance and are expected to change.

C. Eligible Applicant Organizations

Pursuant to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) and the LIHEAP statute, special consideration in awarding contract(s) will be given to local public or private nonprofit agencies that receive federal funds under any low income energy assistance program or weatherization program under the Economic Opportunity Act of 1964.

Organizations eligible to administer CEAP and LIHWAP include public or nonprofit entities that have:

- Experience in administering energy crisis programs under the Low-Income Energy Assistance Act of 1980 or under Public Law 97-35;
- Experience in assisting low income individuals in the area to be served;
- The capacity to undertake a timely and effective energy crisis intervention program; and
- The ability to carry out the program in local communities.

Applications from organizations currently receiving LIHEAP or CSBG funds will be evaluated first. Only if no organizations apply that currently receive LIHEAP or CSBG funds, or if those that have applied are found ineligible by terms of this RFA, are not approved for an award, or are unable to meet conditions placed on the award by the Governing Board, will other applications from organizations that do not operate LIHEAP or CSBG be evaluated and scored.

In order to be a qualified applicant, the applicant cannot owe the Department more than \$5,000. An applicant with funds owed less than \$5,000 must be in or agree to enter into an approved repayment plan with the Department. An applicant also cannot be delinquent in its submission of the Single Audit to the Federal Audit Clearinghouse (if required) at the time of application, or at the time of the award.

D. Ineligible Applicant Organizations

Organizations ineligible to apply for the CEAP and LIHWAP 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 with persons on the organization's governing body or employees who are debarred or suspended by the Department or another governmental agency;
- Organizations with persons on the organization's governing body or employees who are on the System for Award Management in accordance with 2 CFR Part 180 and 2 CFR Part 376; or
- Organizations that include 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.

E. Private Nonprofit Organizations

For Private Nonprofit organizations currently receiving Low-Income Home Energy Assistance Program or Community Services Block Grant funds from the Department, the Department is not requiring that the 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. Other applicants must submit a Certificate of Formation or proof of eligible status. Failure to have the appropriate status and governing documents reflected on the Secretary of State's Office will cause the application to be terminated without further review.

F. Registration Requirements

Prior to contract execution, the successful applicant must provide the Department with the organization's Unique Entity ID. If the organization is not registered, go to <https://www.sam.gov> to renew, update, or create a new registration.

IV. Federal and State Requirements

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

A. Service Area Coverage

Organizations that submit an application can apply for and must be willing to administer CEAP and LIHWAP in one or more of these counties: Brewster, Culberson, Hudspeth, Jeff Davis, and Presidio counties. If one or more of the counties is not requested by any respondents that currently administer CSBG or LIHEAP, one or more respondents that do administer CSBG or LIHEAP may be asked by the Department to accept one or more of the counties which was not applied for, as a condition of being awarded CEAP for the county for which they applied. The Department will offer the county for which no applicants applied first to the highest scoring applicant.

EXAMPLE: If the Department does not receive any applications for Hudspeth County or if the Department determines to not fund one of the applicants that applied for Hudspeth County, the Department will require as a condition of award for one of the funded applicants for the other four counties to serve Hudspeth County and accept the funds for that county. The Department will offer Hudspeth County first to the highest scoring applicant.

Per the requirements of the LIHEAP statute, a CEAP *Subrecipient must be able to accept applications for energy crisis benefits at sites that are geographically accessible to all households in the service area.* Furthermore, the Subrecipient shall provide to low-income individuals who are physically infirm, the

means to submit applications without leaving their residences; or the means to travel to the geographically accessible sites at which such applications are accepted by the Subrecipient.

B. Client Eligibility

Clients to be served with the support of CEAP and LIHWAP must have an annualized income not to exceed 150% of the poverty income guidelines as provided by USHHS.

Subrecipient must document U.S. Citizen, U.S. National, and Qualified Alien status using the Department approved form. Qualified Alien status (legal status) must also be verified and documented using the Systematic Alien Verification for Entitlements (SAVE). See 10 TAC §1.410 and §6.307 for additional information.

C. Program Administration

Awardees must operate its CEAP program in accordance with the Low Income Home Energy Assistance Act of 1981; the Coats Human Services Reauthorization Act of 1998 (P.L. 105-285); the Texas Administrative Code regulations in Title 10, Part 1, Chapters 1 and 2; Title 10, Part 1, Chapter 6, Subchapters A and C; the LIHEAP State Plan and Contract in effect for the program year; and in accordance with the Texas Grant Management Standards (TxGMS), except where preempted by 2 CFR Part 200.

Awardees must operate its LIHWAP program in accordance with Texas Administrative Code regulations in Title 10, Part 1, Chapters 1 and 2; Title 10, Part 1, Chapter 6, Subchapters A and D; the LIHWAP State Plan and Contract; 2 CFR Part 200; and if awardee is a political subdivision in accordance with the Texas Grant Management Standards (TxGMS), except where preempted by 2 CFR Part 200.

Applicants should review each of these documents to fully understand all requirements for program administration.

D. Ineligible Use of Funds

CEAP and LIHWAP funds may not be used to purchase or improve land, or for the purchase, construction, or permanent improvement of any building or other facility.

Any organization that receives funds from this proposal and assumes responsibility for planning, developing, and coordinating CEAP and LIHWAP activities shall be deemed a State or local agency for certain purposes. Any other uses or activities deemed ineligible by state or federal rule will also be ineligible.

E. Reporting Requirements

1. Monthly Reporting

Subrecipient must submit a monthly performance and expenditure report for each contract. CEAP monthly reports are due the 15th of the month following the month being reported. LIHWAP monthly reports are due the 20th of the month following the month being reported. These are monthly reports submitted electronically to the Department and contains fiscal expenditures and programmatic performance information.

2. CEAP Service Delivery Plan

A CEAP Subrecipients is required to submit on an annual basis a Department-formatted Service Delivery Plan (SDP), compliant with 10 TAC §6.306 which includes information on how they plan to implement

CEAP in the service area. The SDP serves to inform the Department of temperature measures that will trigger an Extreme Weather Crisis and an updated priority population worksheet including households with high-energy consumption and high-energy burdens, as well as the elderly, disabled individuals, and households with children aged five years and younger. If a current CEAP Subrecipient is awarded these funds, they must amend their most recent SDP to include the counties awarded related to this RFA.

F. Auditing Requirements

The Department requires that each Subrecipient organization that expends \$750,000 or greater in total federal financial assistance during the organization's fiscal year arrange for the performance of an annual audit conducted in accordance with the State and Federal Single Audit Act provisions, as applicable. Applicant organizations expending less than \$750,000 in state/federal financial assistance shall arrange for a third-party audit of financial statements prepared by a Certified Public Accountant. Auditors must be procured and audits submitted in accordance with 10 TAC §1.403.

G. Policies and Procedures

Each Subrecipient organization shall establish and maintain bylaws and policies and procedures on personnel, travel, financial/accounting, and procurement consistent with 10 TAC, Chapter 1, Subchapter D. The personnel policies and procedures document should include nondiscrimination assurances, grievance procedures, conflict of interest/nepotism provision, and time and leave policies. The organization's procurement procedures should include information for all purchasing activity, such as activities relating to equipment, supplies, services, facility rent, leases, etc. Fiscal accountability documentation, including current fidelity bond coverage and a complete copy of the last full fiscal audit for fiscal period indicated must also be maintained.

Each Subrecipient organization shall also establish, maintain, and utilize systems and procedures to prevent, detect, and correct waste, fraud, and abuse in activities. The systems and procedures shall address possible waste, fraud, and abuse by the subrecipient organization, its employees, clients, vendors, subcontractors and administering agencies. The subrecipient organization's internal control systems and all transactions and other significant events are to be clearly documented and available for review by monitoring entities.

If the federal or state regulations change, the successful applicant agrees to adhere to the newest applicable regulations, and to amend its contract(s), if requested, to reflect these new mandatory requirements.

H. Miscellaneous

- Subrecipient shall 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 CEAP 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 CEAP 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://sam.gov/content/home>

V. Application Content

The RFA and Attachments (Excel document) are posted on the TDHCA website at <http://www.tdhca.state.tx.us/community-affairs/nofas.htm>. Ensure all application documents are submitted.

All documents, including attachments, should clearly identify which application question to which the document pertains. If the response to an application question has an attachment, ensure that the separate document clearly identifies the question number. If the Department is unable to clearly determine which question the response belongs to, the applicant may not receive the correct number of points.

- Attachment A: Applicant Information Form: Form must be placed on the top of the application.
- Attachment B: Application Questions and Scoring: Complete the RFA Application Questions and Scoring document. Applications that do not include a completed document with responses to all RFA questions will be deemed ineligible. A separate Attachment B Part 4 question 4.1, 4.2, and 4.3 must be submitted for each county. Please use the following format to provide any information which is requested in response to application questions which allow for a separate document to provide the response:
 - ✓ 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.
 - ✓ 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>.
 - ✓ 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.

- ✓ 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.
- ✓ A Private Nonprofit Organization not subject to either the Federal or State Single Audit requirements and who have received LIHEAP or CSBG funds in the last fiscal year from the Department are not required to submit a separate audit. For these organizations, the previous participation review will suffice as the measure to determine organizational financial health
- Attachment D: Fidelity Bond Coverage. Complete the cover page and submit it along with proof of fidelity bond coverage. All applicants that are Private Nonprofit Organizations must provide evidence of fidelity bond coverage as required by 10 TAC, Ch. 1, Subchapter D, §1.406.
- Attachment E: Uniform Previous Participation Form for Single Family and Community Affairs.
- Attachment F: Certifications Regarding Legal Actions, Debarment & Compliance with Laws.
- Attachment G: 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.
 - ✓ If an organization is a subsidiary of a parent organization, the organization must provide 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 H: Applicant Certifications
 - ✓ The certification must be signed by the organization's Executive Director. If such cannot be attested, then attach a document explaining why.

VI. Application Review Process

A. 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:
 - Attachments A through H must be received by the application deadline. If the Department identifies an Attachment to be missing or deficiencies within the Attachments it will issue a deficiency notice to request the deficiency(ies) be resolved within three business days from the date the deficiency notice was issued. Deficiency notices will be e-mailed to the applicant's chief executive and the person specified as the "person to contact with application questions" in the applicant information form (i.e., Attachment A). If the applicant does not provide the requested information within three business days from the date the deficiency notice was issued, the applicant will be sent a notice indicating termination of the application.
 - Application documents must be submitted electronically by the deadline in Section II to be considered eligible applications. Applications are to be submitted through the Wufoo

using the following link: <https://tdhca.wufoo.com/forms/comprehensive-energy-assistance-program-rfa/>

- An Applicant must meet all requirements as set forth in Section III. General Information, C. Eligible Applicant Organizations.
- An Applicant must not be an ineligible applicant organization as set forth in Section III. General Information, D. Ineligible Applicant Organizations.
- Any applicant not meeting these criteria may 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, Appeals Process.

B. Scoring of Applications

As described in Section III, applications from organizations currently receiving LIHEAP or CSBG funds will be evaluated first. Applications from other applicants will only be evaluated and scored if no organizations apply that currently receive LIHEAP or CSBG funds, or if those that have applied are found ineligible by terms of this RFA, are not approved for an award, or are unable to meet conditions placed on the award by the Governing Board.

Additionally, also stated in Section III, the Department will give preference in awarding the funding to an applicant who applies for all five counties. Applications for all five counties will be reviewed first and the highest scoring applicant, if deemed by the Department to be able to effectively manage the CEAP and LIHWAP in the five county service area, will be recommended for funding. In this scenario, applications for less than five counties would not be reviewed by the Department. If no applications for the five county service area are received or such applications are deemed not viable, then and only then will applications for less than five counties be reviewed and scored. If applications for individual counties result in some of the counties not being applied for, the Department will request that the highest scoring applicant expand their service area to ensure full coverage of the five counties. For example, an application for one county could be appended to multiple counties if necessary.

The Department will not consider any unsolicited information.

Applications received from eligible organizations that have satisfied the Eligibility Prescreening Review will be evaluated 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. Upon completion of scoring each application, applicants will be provided a scoring notice with an opportunity to appeal.

Applications will be scored for each county (i.e., Brewster, Culberson, Hudspeth, Jeff Davis, and Presidio). For instance, if an applicant applies for two counties, the application will be reviewed and scored separately for each county. The scores will be calculated by totaling the points for Part 1 Experience, Part 2 Prior Performance, Part 3 Governance, and Part 4 Proposed Service Plan for the county for which the applicant has applied (Part 4 will be scored separately for each county). There are five worksheets for Attachment B Part 4, one for each of the available counties. All applicants are to complete Attachment B Part 1, 2, and 3 and the Part 4 worksheet for the county(ies) for which they are applying. In determining the final score, the Department will total the cumulative score for Parts 1 thru 4 per county. The score will be determined for each application submitted, and the highest ranking application per county will be recommended for funding.

Applications will be scored based on the response to the Application Questions in Attachment B and submission of requested documents. The Application Questions are designed to evaluate the applicant's capacity in the following areas:

Attachment B:

- Part 1: Experience
- Part 2: Prior Performance
- Part 3: Governance
- Part 4: Proposed Service Plan

The Self-Score column on Attachment B Parts 1-4 are to be completed by the Applicant; however, the Department may determine that the Applicant's self-score is not accurate and assign a different score.

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:

- Eligibility Requirements set forth in Section III of this RFA;
- Compliance with RFA Instructions;
- Submission of requested information;
- 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 CEAP and LIHWAP reports, results of the last fiscal audit, CEAP and LIHWAP expenditure rates, and other information deemed relevant to performance.

C. Awards

Applicants recommended for funding will be reviewed by the Department's Executive Award Review Advisory Committee (EARAC) in accordance with 10 TAC Chapter 1, Subchapter C and subsequently brought to the Department's Governing Board for consideration of an award.

EARAC may recommend an award, recommend with conditions, or recommend denial of an award.

D. 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$ext.ViewTAC?tac_view=5&ti=10&pt=1&ch=1&sch=A&rl=Y).

VII. Links

Pertinent Federal and State requirements can be found at the following links:

Low Income Home Energy Assistance Program Statute, available at <http://www.tdhca.state.tx.us/community-affairs/ceap/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$ext.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$ext.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$ext.ViewTAC?tac_view=5&ti=10&pt=1&ch=6&sch=A&rl=Y)

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

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

VIII. List of Attachments

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

- Attachment A: Applicant Information Form
- Attachment B: Application Questions and Scoring Parts 1-4
- Attachment C: Financial Audit Information
- Attachment D: Fidelity Bond Coverage
- Attachment E: Uniform Previous Participation Information
- Attachment F: Certifications Regarding Legal Actions, Debarment & Compliance with Laws
- Attachment G: Private Nonprofit Organization's Tax-Exempt Status Documentation
- Attachment H: Applicant Certifications