

FORM K - RFA STANDARD SOLICITATION INSTRUCTIONS

1 REQUEST FOR APPLICATION

- 1.1 **Invitation:** The City of Austin invites all Responsible Applicants to submit Applications to provide the social services described in this Solicitation.
- 1.2 **Documents:** This Request for Applications (“RFA” or “Solicitation”) is composed of all documents listed in the Attachments section of the Solicitation Offer Sheet.
- 1.3 **Process:** The process described in this RFA is the Request for Application process for Social Services. This process is exempt from most purchasing requirements and is a separate process specifically authorized for Austin Public Health competitions for Social Services.
- 1.4 **Changes:** The City may change or revise any of the contents of this Solicitation through the issuance of a written Addendum. Any Addenda issued will be added to the Attachments section of the Solicitation Cover Sheet. The Version number displayed in the Solicitation Cover Sheet will indicate the number of Addenda issued. Any explanation, clarification, interpretation or change to the Solicitation made in any other manner is not binding upon the City, and Applicants shall not rely upon such explanation, clarification, interpretation or change. Oral explanations or instructions given before the award of the Contract are not binding.
- 1.5 **Review of Documents:** Applicants shall review the entire Solicitation, as revised. Applicants shall notify the Authorized Contact Person(s) listed on the Solicitation Cover Sheet in writing of any omissions, ambiguities, inconsistencies or errors in the Solicitation prior to the Applicant Due Date and Time displayed in the Important Dates section of the Solicitation Cover Sheet. Applicants shall also notify the City of any Solicitation contents the Applicant believes may be unreasonably restrictive.
- 1.6 **Equal Employment Opportunity:** No Grantee, or Grantee’s agent, shall engage in any discriminatory employment practice as defined in Chapter 5-4 of the City Code. No Application submitted to the City shall be considered, nor any Purchase Order issued, or any Agreement awarded by the City unless the Applicant has executed and filed with the City Purchasing Office a current Non- Discrimination Certification. Non-compliance with Chapter 5-4 of the City Code may result in sanctions, including termination of the agreement and the Grantee’s suspension or debarment from participation on future City agreements/contracts until deemed compliant with Chapter 5-4.
- 1.7 **Americans with Disabilities Act (ADA) Compliance:** No Grantee, or Grantee’s agent, shall engage in any discriminatory practice against individuals with disabilities as defined in the ADA, including but not limited to: employment, accessibility to goods and services, reasonable accommodations, and effective communications.

2 PUBLICATION AND NOTICES

- 2.1 **Publication:** This Solicitation was published on the Austin Public Health’s competition website: [APH RFA Website](#) on the Published date displayed in the Solicitation Cover Sheet section.
- 2.2 **Email Notices:** On the Solicitation’s Published date, email notices regarding this Solicitation were issued to all vendors registered in Partnergrants and on the RFA email list managed by APH Competitions. Interested organizations can subscribe to that list by emailing APHCompetitions@AustinTexas.gov.

3 COMMUNICATIONS AND MEETINGS

- 3.1 **Authorized Contact Persons:** The names and contact information for the authorized contact persons for this Solicitation are displayed in the Solicitation Cover Sheet.
- 3.2 **Questions:** Applicants shall submit any questions concerning this Solicitation in writing via e-mail to the Authorized Contact Persons displayed on the Solicitation Cover Sheet. Please use the subject line: 'Ending the HIV Epidemic RFA Question.' The City will respond to all questions received by the Questions Due Date and Time displayed on the Solicitation Cover Sheet. The City will publish on the solicitation website one or more Addenda, displaying all timely received questions and the City's responses to each for any information not already contained in the solicitation.
- 3.3 **Pre-Application Conferences:** The City may hold one or more Pre-Application conferences to review the Solicitation and to receive verbal questions. The Solicitation Cover Sheet will display if a Pre-Application Conference is being held and if attendance at this meeting is mandatory. If a Pre-Application Conference is planned, the date, location, time and any other necessary information regarding this meeting will also be displayed in the Solicitation Cover Sheet. Attendance at any Pre-Application Conference will be recorded and will be included in an Addendum published following the meeting. As the Solicitation is subject to changes (See Solicitation Instruction, 1.4 Changes.) Applicants shall not rely on verbal exchanges that may occur at a Pre-Application Conference. Applicants shall continue to submit all questions in writing (See Solicitation Instructions, 3.2 Questions.)

4 APPLICATION PREPARATION

- 4.1 **Application Submittals:** Applicants intending to respond to this Solicitation shall download and complete each of the Submittal documents listed in the Solicitation Cover Sheet. Submittal documents will include additional Solicitation instructions specific to its contents. Applicants will complete each Submittal in accordance with the instructions in the submittal.
- 4.2 **Exceptions:** Applicants shall indicate if they take exception to any portions of the Solicitation in their Application. Any exceptions included in the Application may negatively impact the City's evaluation of the Application or may cause the City to reject the Application entirely.
- 4.3 **Proposal Acceptance Period:** All Applications are valid for a period of one hundred and eighty (180) calendar days subsequent to the RFA closing date unless a longer acceptance period is offered in the Application.
- 4.4 **Proprietary and Confidential Information:** All Applications received and opened by the City are subject to the Texas Government Code, Ch. 552, and will be made available to the public. Applicants seeking to keep any portions of their Application confidential shall mark each such portion as "Proprietary". The City will, to the extent allowed by law, endeavor to protect such information from disclosure. The City may request a review and determination from the Attorney General's Office of the State of Texas, of any Proposal contents marked as "Proprietary". A copyright notice or symbol is insufficient to identify proprietary or confidential information.
- 4.5 **Cost of Application Preparation and Participation:** Applicants are responsible for all costs related to the preparation of their Application and incurred while participating in this Solicitation process.
- 4.6 **Minority and Women Owned Business Enterprise (MBE/WBE) Procurement**

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- Program:** Social Services competitions are exempt from MBE/WBE procurement.
- 4.7 **Technical Assistance:** An Applicant may request Technical Assistance at any time prior to the Application due date and time by submitting a request to the APHHIVRESOURCESADMIN@austintexas.gov.
 - 4.8 The Designated Contact person for the solicitation will provide technical assistance via email, on the phone or may refer the Applicant to another City staff member.
 - 4.9 **Signature:** The Applicant must sign each document in the Solicitation requiring a signature. Any change made to the Application must be initialed by the Applicant.
 - 4.10 **Taxes:** Purchases of Goods or Services for City use are usually exempt from City, State, and most Federal Taxes. Applications should not include exempted taxes. The successful Applicant should request a Tax Exemption Certificate from the Purchasing Office. Under no circumstances shall the City be liable to pay exempt taxes under any Contract.

5 APPLICATION SUBMISSION

Applicants are required to hand deliver all application materials, as specified on the Offer Sheet of the Solicitation.

5.1 RFA Application due by 12 pm CDT on Friday, July 9, 2021.

5.2 Acceptance of Applications:

5.2.1 The Application must be hand delivered prior to the due dates and times outlined. The time stamp when the application is physically received is the official time of record. It is the sole responsibility of the Applicant to ensure timely submittal of the all parts of the Application. The City will not be responsible for failure of service on the part of internet service or any other form of delivery service chosen by the Applicant. Failure to submit an application on time will be grounds for rejection of the application.

5.3 **Due Date and Time for Applications:** Applications in response to this Solicitation shall be hand delivered as described in the Solicitation Offer Sheet and by the Solicitation Due Date and Time displayed in the Important Dates section of the Solicitation Offer Sheet. The time stamp, as applied when the application is physically received, shall be the official time of record for Applications.

5.4 **Withdrawing Applications:** Applications submitted in response to this Solicitation may be withdrawn with a request in writing, on organization letterhead, and signed by the Executive Director or Chief Executive Officer. The withdraw request may be submitted at any time prior to the posted Application Deadline Date and Time. Once an application is withdrawn prior to the posted application deadline, its entire application package - including any pre-application threshold checklist - is no longer considered responsive to the solicitation.

5.5 **Resubmitting a Withdrawn Application:** If an applicant wishes to replace a withdrawn application, a separate application package must be started anew. Any solicitation containing a pre-application threshold deadline still applies. If a pre-application deadline exists AND it has already elapsed, an Applicant may not replace a withdrawn application. If a pre-application deadline exists AND it has not already elapsed, an Applicant may replace the pre-application threshold checklist. If a pre-application deadline does not exist AND the application deadline has not already elapsed, an Applicant may replace a withdrawn application.

- 5.6 Revising and Resubmitting a Previously Submitted Application:** If an Applicant wishes to revise and resubmit a previously submitted Application, the Applicant must contact the designated contact person at least one full City of Austin business day prior to the posted Application Deadline Date and Time. This is necessary in order to have the Application released for editing by the designated contact person, and to also provide enough time for such editing to occur and be resubmitted by the Applicant.
- 5.7 Late Applications:** The City will not allow Applications to be submitted past the Solicitation's Due Date and Time.
- 5.8 Rejection of Application:** The City reserves the right to reject any or all Applications and to waive any minor informality in any Application or solicitation procedure (a minor informality is one that does not affect the competitiveness of the Application).
- 5.9 For any questions regarding the Submission or Withdrawal of an Application, contact the RFA Authorized Contact:**
Anjelica Barrientos, Research Analyst
E-Mail: APHHIVRESOURCESADMIN@austintexas.gov
Please use the email subject line: 'Ending the HIV Epidemic RFA Question.'

6 APPLICATION EVALUATION

- 6.1 Basis of Competition:** The City may compare Applications based on groups or categories and will choose the basis of competition that best meets the City's needs for the resulting contracts. The basis of competition for each RFA will be described in section 9, Evaluation below.
- 6.2 Minimum Responsiveness:** Applications are Minimally Responsive when they include all of the Submittals listed in this Solicitation, completed and with sufficient detail in each to evaluate the Application in accordance with the Solicitation's Instructions. Applications that are not Minimally Responsive may be deemed non-responsive and rejected.
- 6.3 Responsibility:** An Applicant is responsible if they have the financial and practical ability, resources, expertise, past performance and positive compliance history with all City requirements and ordinances. An Application may be rejected if an Applicant is determined to not be responsible.
- 6.4 Clarifications:** Any time after the opening of Applications, the City may contact Applicants to ask questions about their Application's contents in order to better understand these contents as written. Responses to clarification questions, whether done verbally or submitted in writing, do not change the Application's contents. Clarifications are not to be confused with Discussions as described herein.
- 6.5 Evaluation:** Applications that are Minimally Responsive will be evaluated based on the Evaluation Factors listed in Section 9 below on the RFA Scoring Rubric. The City's evaluation may be made without Clarifications or Discussions with Applicants. Applications should, therefore, include the Applicant's most favorable terms.
- 6.6 Discussions and Proposal Revisions:** After completing initial evaluations, the City may enter into Discussions (communications which may include negotiations and feedback about the Application submitted) with one or more Applicants submitting the highest rated Application(s). Following the completion of Discussions, the City may request Application revisions from these Applicants. The City may seek multiple rounds of Discussions and Application revisions as deemed necessary by the City. The City may revise its initial evaluations depending on the contents of any Application revisions received following these Discussions.

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6.7 Interviews/Presentations: The City may require that one or more Applicant submitting the highest rated Applications participate in interviews and/or presentations.

7 CONTRACT AWARD AND EXECUTION

7.1 Award Determination: City staff will recommend Contract award to the Applicant(s) submitting the highest rated Application(s) based on the Evaluation Factors Scoring Rubric set forth in this Solicitation. The Award Determination will be published to the solicitation website and notice will be sent to all Applicants.

7.2 Multiple Awards: If the City determines that multiple contracts are needed for a service category, the City will award one or more additional contracts to the Applicant(s) submitting the next highest rated Application(s) based on the scoring rubric.

7.3 Contract Execution: Contracts within the City Manager's authority will be awarded and executed simultaneously. Contracts above the City Manager's authority will be executed following their authorization by the Austin City Council.

8 ADMINISTRATIVE MATTERS

8.1 Solicitation File: All documents included in this Solicitation, and all timely received Applications in response to this Solicitation, except for Application contents deemed by Applicants to be proprietary and confidential, will be available for public inspections upon the execution of the contract in accordance with the Public Information Request process.

8.2 Debriefings: Applicants may request a debriefing meeting to ask any questions concerning the Solicitation's contents, process or the evaluation of their Application. Debriefing meetings are informal exchanges and may be requested anytime following the earlier of (i) after the contract resulting from this Solicitation is executed, or in the case of multiple awards, the last contract is executed; (ii) the date the Solicitation is cancelled. Debriefings are not publicly called meetings in accordance with the Texas Open Meetings Act and are usually limited to a single Applicant and any of their representatives. Only information regarding the Solicitation documents and the Applicant's Application (including City's evaluation of the Application) in response to the Solicitation will be discussed.

8.3 Reservations: The City reserves the right to: (i) specify approximate quantities in the Solicitation; (ii) extend the Solicitation due date and time; (iii) add additional terms or modify existing terms in the Solicitation; (iv) reject an Application containing exceptions, additions, qualifications or conditions not called for in the Solicitation; (v) reject an Application received from an Applicant who is currently debarred or suspended by the City, State, or Federal Government; (vi) reject an Application that contains fraudulent information; (vii) reject an Application that has material omissions; (viii) reject any or all Applications; (ix) procure any goods or services included in this Solicitation by other means; (x) reject an Application if cost per client in the Application are unbalanced (some costs are significantly high and other costs are significantly low) and/or (xi) waive any minor informality in any Application or procedure so long as the deviation does not affect the competitiveness of the Solicitation process.

8.4 Protests: The APH Director has the authority to settle or resolve any claim of an alleged deficiency or protest. The procedures for notifying the City of Austin of an alleged deficiency or filing a protest are listed below. If the Applicant fails to comply with any of these requirements, the Director may dismiss the complaint or protest.

- 8.4.1** Protest regarding the Solicitation (Pre-Submittal Protest). Any protest regarding the Solicitation by the City shall be filed no later than five (5) days prior to the due date and time for Applications. Any protest filed after that date which raises issues regarding the Solicitation will not be considered.
- 8.4.2** Protests regarding the evaluation of Applications. Any protest regarding the evaluation of Applications by the City shall be filed with the City no later than five (5) days after the notification of award recommendation is posted on Austin Finance Online, or notification that the protestor's status as an Applicant has changed, such as notification that an Application has been found to be non-responsive or an Applicant has been found to be non-responsive. Any protest filed after such date which raises issues regarding the evaluation will not be considered. Applicants may only protest the evaluation of their Proposal.
- 8.4.3** Protest Regarding Award of Contract (Post-Award Protest). Any protest regarding the award of the contract shall be filed no later than ten (10) days after the date of award. Any protest regarding the award of the contract filed after such date will not be considered.
- 8.4.4** You shall submit your protest via email to the authorized RFA contact and it shall include the following information: (i) your name, address, telephone, and email address; (ii) the Solicitation number; (iii) the specific facts and/or law upon which the protest of the Solicitation or the award is based, including all pertinent documents and evidence thereto; and (iv) the form of relief requested.
- 8.4.5** Your protest shall be concise and presented logically and factually to help with the City's review.
- 8.4.6** When the City receives a timely written protest, the Purchasing Officer will determine whether the grounds for your protest are sufficient. If the Purchasing Officer decides that the grounds are sufficient, the Purchasing Office will schedule a protest hearing, usually within five (5) working days. If the Purchasing Officer determines that your grounds are insufficient, the City will notify you of that decision in writing.
- 8.4.7** The protest hearing is informal and is not subject to the Open Meetings Act. The purpose of the hearing is to give you a chance to present your case, it is not an adversarial proceeding. Those who may attend from the City are: representatives from the department that requested the purchase, the Department of Law, the Purchasing Office, and other appropriate City staff. You may bring a representative or anyone else that will present information to support the factual grounds for your protest with you to the hearing.
- 8.4.8** A decision will usually be made within fifteen (15) calendar days after the hearing.
- 8.4.9** The City will send you a copy of the hearing decision after the appropriate City staff has reviewed the decision.
- 8.4.10** When a protest is filed, the City usually will not make an award until a decision on the protest is made. However, the City will not delay an award if the City Manager or the APH Director determines that the City urgently requires the supplies or Services to be purchased, or failure to make an award promptly will unduly delay delivery or performance. In those instances, the City will notify you and make every effort to resolve your protest before the award.

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8.5 Interested Parties Disclosure: As a condition to entering the Contract, the Business Entity constituting the Applicant must provide the following disclosure of Interested Parties to the City prior to the award of a contract with the City on Form 1295 "Certificate of Interested Parties" as prescribed by the Texas Ethics Commission for any contract award requiring council authorization. The Certificate of Interested Parties Form must be completed on the Texas Ethics Commission website, printed, and signed by the authorized agent of the Business Entity with acknowledgment that disclosure is made under oath and under penalty of perjury. The City will submit the "Certificate of Interested Parties" to the Texas Ethics Commission within 30 days of receipt from the successful Applicant. The Applicant is reminded that the provisions of Local Government Code 176, regarding conflicts of interest between the bidders and local officials remains in place. Link to [Texas Ethics Commission Form 1295 process and procedures: https://www.ethics.state.tx.us/File/](https://www.ethics.state.tx.us/File/Form%201295%20process%20and%20procedures)

9 Evaluation of Applications

9.1 Competitive Selection: This procurement will comply with applicable City of Austin Policy. The successful Applicant(s) will be selected by the City on a rational basis. Evaluation factors outlined in Form F of the Solicitation shall be applied to all eligible, responsive Applicants in comparing applications and selecting the successful Applicant. Award of an agreement may be made without discussion with Applicants after applications are received. Applications should, therefore, be submitted on the most favorable terms.

9.2 Reservations: The City expressly reserves the right to:

- A. specify approximate quantities in the Solicitation;
- B. extend the Solicitation closing date and time;
- C. waive as an informality, minor deviations from specifications provided they do not affect competition or result in functionally unacceptable Goods or Services;
- D. waive any minor informality in any Application or Solicitation procedure (a minor informality is one that does not affect the competitiveness of the Applicant);
- E. add additional terms or modify existing terms in the Solicitation;
- F. reject an Application containing exceptions, additions, qualifications or conditions not called for in the solicitation;
- G. reject an Application received from an Applicant who is currently debarred or suspended by the City or State;
- H. reject an Application received from an Applicant who is currently debarred or suspended by the Federal Government (Applicable if project receives Federal funding);
- I. reject an Application that contains fraudulent information;
- J. reject an Application that has material omissions;
- K. reject or cancel any or all Applications;
- L. cancel a Solicitation
- M. reissue a Solicitation;
- N. procure any item by other means;
- O. consider and accept alternate Applications, if specified in the Solicitation, when most advantageous to the City; and/or
- P. reject an Application because of unbalanced unit prices;

9.3 Negotiations of Applications: The City reserves the right to negotiate all elements

which comprise the Applicant’s submission(s) to ensure that the best possible consideration be afforded to all concerned.

9.4 Evaluation Factors

A total of 100 points may be awarded to the application with an additional ten (10) bonus points available for a potential of 110 total evaluation points. All applications will be evaluated as to how the proposed program aligns with the goals of this RFA and whether each question has been adequately addressed.

RFA #001-Ending the HIV Epidemic-2021 Evaluation		
Form A: Offer Sheet Required	Applicants must print, sign, scan and upload signed forms.	No points, but Applicant must submit Offer Sheet
Form F: RFA Application		
Section 1: Fiscal and Administrative Capacity	Questions 1-11	No points awarded, but Applicant must pass threshold defined in Applicant Minimum Qualifications below
Section 2: Experience and Cultural Competence	Questions 12-20	15 points
Section 3: Partnerships & Collaborations	Questions 21-23	10 points
Section 4: Program Design	Questions 24-26	50 points
Section 5: Data Collection & Quality Assurance	Questions 27-33	20 points
Section 6: Budget Proposal & Narrative	Questions 34-40	5 points
		Total: 100 Points
Part III: BONUS Healthy Service Delivery	Questions A-D	10 points

9.5 Interviews and/or presentations, Optional: The City will score Applications on the basis of the criteria listed above. The City may select a “short list” of Proposers based on those scores. “Short-listed” Proposers may be invited for presentations, demonstrations, or discussions with the City. The City reserves the right to re-score “short-listed” Applications as a result, and to make award recommendations on that basis.

10. POST APPLICATION DOCUMENTS REQUIRED FROM SUCCESSFUL APPLICANT:

10.1 Certificates of Insurance: The Applicant shall provide Certificates of Insurance in the amounts and for the coverages required to Austin Public Health in conjunction with the Terms and Conditions of the Agreement and within the first month of the Agreement.

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10.2 Bonds: When Bonds are required, the Applicant must provide the bonds prior to the execution of the Contract. The Applicant shall provide the Bonds, in the amounts and on the conditions required, within 14 calendar days after notification of award, or as otherwise required by the Solicitation.

10.3 Chapter 176 Conflict of Interest Disclosure: In accordance with Chapter 176 of the Texas Local Government Code, Applicant must file a Conflict of Interest Questionnaire with the Office of the City Clerk no later than 5:00 P.M. on the seventh (7th) business day after the commencement of contract discussions or negotiations with the City or the submission of an Application, or other writing related to a potential Contract with the City. The questionnaire is available on line at the [website for the City Clerk](#). There are statutory penalties for failure to comply with Chapter 176.