

# HOUSTON REGIONAL HIV/AIDS RESOURCE GROUP, INC.

## POLICY AND PROCEDURE

### SUBCONTRACTOR SELECTION PROCESS

#### SUBCONTRACTOR SELECTION PROCESS (SSP-1701) (REVISED)

EFFECTIVE DATE:      APRIL 1, 2022

PURPOSE:

To establish the process by which The Resource Group (TRG) will select subcontractors under funding from the Texas Department of State Health Services (DSHS).

DEFINITIONS:

**Administrative Agency (AA)** can be a community-based organization, governmental entity, or other organization located within Texas and deemed eligible in the State's request for proposals (RFP). The AA disburses funds from DSHS through a subcontractor system to provide comprehensive services to HIV positive individuals and those affected within the service planning area.

**HIV Administrative Service Area (HASA)** is composed of the HSDAs served by the AA in its contract. The Eastern HASA is the 51-county services area designated by DSHS and administered by TRG. The Eastern HASA is composed of six (6) HSDAs.

**HIV Service Delivery Area (HSDA)** is the geographic service area set by the DSHS for the purposes of allocating federal and state funds for HIV medical and psychosocial support services.

**Subcontract** is the written and signed document that designates the services to be provided under specific funding at TRG, established an approval budget for those services and outlines the requirements that must be met in the delivery of service.

**Subcontractor** is an agency that has entered into a subcontract with The Resource Group to provide services.

POLICY:

DSHS, through formula allocation, designates funds for the six (6) HSDAs in The Resource Group's HASA to provide core medical and care-enabling services for people living with HIV/AIDS. The competitive cycle is completed every 5 years. As the AA, TRG may enter into agreements with subcontractors unless restricted or otherwise prohibited by contract language. Subcontracts must be written and signed (executed) and are subject to the requirements of the primary contract with the AA. TRG is responsible for the performance of subcontractors. To ensure an equitable and nondiscriminatory subcontractor selection process, TRG requires the multiple step procedure set forth below.

PROCEDURE:

## A. Subcontractor Solicitation

1. Solicitation of service providers must be in the form of written advertisements and published in at least one newspaper widely distributed within the county in which the majority of the infected persons reside. Notice of the Request for Proposal (RFP) may appear in more than publication.
2. Other suggested means of notice distribution may include public service announcements (PSA's) on radio and television, mail-outs, phone calls, facsimile transmission (FAX), bidders list, past applicants list, site solicitations, posters/fliers and client referrals. The contents of each notice will be determined by the administrative agency. Contents may include, but are not limited to, the following items: categorical and eligible services, required services, deadline dates, notice of applicant meeting dates, who/where to contact for the application/instructions and the source of funding.

## B. Subcontracting Solicitation Definitions

1. Sole source - a noncompetitive bid process performed within a fully justified and restricted qualification environment which so specifically creates a narrowly defined need that the item(s) or service(s) could only be procured from a single source (i.e. computer software). Justification must be documented and approved in advance by the planning body.
2. Single source - a competitive bid process in which only one source applied to provide the service for a particular funding category. The proposal is reviewed by the External Review Panel. The proposal is then presented to the Board of Directors for approval.
3. Competitive bid - an open competition in which anyone who meets the qualifications of the Request for Proposals (RFP) may bid. More than one source submits proposals requesting funding considerations for any particular category. The multiple proposals are then reviewed by the External Review Panel. The selected proposals are presented to the Board of Directors for approval.

## C. Request for Proposal (RFP) Content

1. Recruitment- AA will recruit potential providers and sub of subs; if necessary, by community networking outreach with traditional and non-traditional stakeholders, establish and sustain relationship development with non-funded and funded providers throughout the HASA and the AA will provide Ryan White 101 funding trainings on the competitive process (rural and urban HSDAs) and publish the RFP schedule via website and email distribution. RFPs must require the following information in the proposal to provide services: background of the agency, program objectives, experience delivering the services to the targeted populations, timeline and activity plan, budget, other funding awarded or pending, interagency collaboration, community outreach to target audience, project evaluation, quality management system description, assurances of licensure or certification if applicable, assurances of audit and other internal controls for funds, all other assurances required of the primary contract with DSHS, and letters of support and endorsement.
2. For fee-for-service providers (e.g. an individual doctor, dentist, therapist, nutritionist, or home health agency), service units are reimbursable at a predetermined rate per unit that includes all associated costs relevant to the delivery of that service. To encourage participation of fee-for-service providers, the AA must ask for a detailed resume to include valid state licensure (if applicable) and background experience. The RFP may

allow fee-for-service providers to submit a proposal that does not contain information that may be expected of an eight-category budget provider (i.e., community outreach, project evaluation, agency background, etc.).

3. The Administrative Agency will conduct at least one bidders' conference to provide technical assistance to potential applicants. Workshops should be announced and scheduled in advance of the proposal submission deadline. All announcements regarding the workshop and other pertinent RFP information should be sufficiently broadcasted to ensure all potential applicants receive the notice. Sample and examples of all information requested in the RFP should be provided. Any and ALL requests for technical assistance from potential applicants after the RFP has been officially released must be submitted to the Deputy Director of the AA in writing at the following physical and e-mail addressed:
  - e-mail: [ygarvin@hivtrg.org](mailto:ygarvin@hivtrg.org)
  - physical: 500 Lovett Blvd., Suite 100; Houston, TX 77006  
Attn: Executive Director
4. All technical assistance questions must be received in writing. Those received by 12 Noon on each Thursday of the RFP period will be posted, with answers, on The Resource Group website ([www.HIVTRG.org](http://www.HIVTRG.org)) by 12 Noon of the following Friday. However, NO technical assistance questions will be answered which are received by the Grantee after 5:00 P.M. CST seven days prior to the due date of applications.

#### D. External Review Panel

1. Purpose. The external review panel makes recommendations to the Board of Directors of the AA as to which applicant agencies will receive funding based on the categorical funding allocation formula developed by the planning body and included in the RFP. The Board of Directors is responsible for ensuring the external review process meets the standards set forth in this section.
2. Membership. The AA appoints the maximum members of the external review panel prior to soliciting members. The total panel membership must consist of no less than three and no more than nine. The Administrative Agency must constitute the external review panel in a manner that provides balance of service expertise and those affected by the disease, in order to achieve this balance, the membership must meet the following requirements:
  - a. A minimum of ONE member must be a person living with HIV,
  - b. At least one panel member will have expertise in HIV service delivery, and
  - c. The balance must be selected from traditionally under-represented populations, including but not limited to, persons living with HIV, people of color, WICY populations, rural persons, and substance abuse populations.
3. Process. Each application must be reviewed using a uniform scoring tool that has been reviewed and approved by the TDH. The tool must not discriminate against any class of providers. Applicants must be scored fairly and consistently. Deviations from this process in any category will make that category's award invalid and will result in a new review of all applications in the category. Appropriation of funds may go to multiple providers within the same category.
4. Conflict of Interest. Members of the Request for Proposal External Review Panel (RFPERP) may not serve as AA staff, subrecipient staff, director, trustee, salaried employee or otherwise materially benefit from association with any agency which may seek funds from an application. Violation will render funding for that category null and

void and the entire process must be repeated without conflict of interest. Members of the RFPERP may not serve on the Request for Proposal Internal Panel (RFPIRP) in the same funding cycle. The AA staff may have a Request for Proposal Internal Review Panel (RFPIRP) that verifies basic application eligibility (ex. meeting deadlines or submitting all required materials), but no staff of the AA or current or potential subrecipients may perform a scored review that affects the result.

5. Grievances/Review of the Subcontractor Selection Process
  - a. Please refer to SSP-1702 Subcontractor Selection Grievance Process and SSP-001 Subcontractor Selection Grievance Form.

E. Supporting Documentation

1. Grantees must maintain all documentation supporting the selections process as described above for two years. The documentation must be kept on file with the administrative agency and be available for inspection by the DSHS staff upon verbal request.
2. The required supporting documents are the following:
  - a. Announcements published in area newspapers or other media,
  - b. Copies of Request for Proposals, formats for competitive bidding and documentation for sole source bids and awards,
  - c. Documentation of the procedure used to review applications of subcontractors,
  - d. Copies of scoring sheets, summary of meetings in which determination of funding allocations and decisions were discussed, and resulting scores,
  - e. Lists of the external review panel memberships. The list must include a brief description of each member and their expertise which justified their participation, and signed conflict of interest forms for each reviewer in relation to each application reviewed, and
  - f. Any waivers submitted during the process.

<i>Policy Approval:</i>	
<i>Executive Director</i>	<i>Board Chair</i>
<i>Date</i>	<i>Date</i>