



Request for Applications to Administer the Bipartisan Infrastructure Law Weatherization Assistance Program to Multifamily Rental Households and Shelters in the State of Texas

The Texas Department of Housing and Community Affairs (the Department) is seeking one or more interested organizations to submit applications in accordance with this Request for Applications (RFA) to administer the Bipartisan Infrastructure Law Weatherization Assistance Program (BILWAP), funded with U.S. Department of Energy (DOE) funds, in the State of Texas, either statewide or regionally, to multifamily (MF) rental households and shelters.

The Department intends to make one or more awards that will best enable the Department to administer the BILWAP in Texas. Commitments, awards, and subsequent program administration by selected subgrantee(s) will be determined by the Department in its sole and reasonable judgment so as best to achieve the Department's objectives in administering BILWAP funds. Any and all submissions may be rejected at the sole discretion of the Department. The Department reserves the right to determine which applicant or applicants to award based on the needs of the program and the service area through a competitive selection process.

Interested applicants must meet the requirements set forth in this RFA and must submit a complete application through the established online system described in this RFA. Applications will be accepted for the regions listed in the RFA below during an initial application period. Thereafter, applications will be accepted for any regions where there are no qualified applicants until a qualified applicant has applied (i.e., Open until Filled), or until this RFA has been removed from the Department's website, but no later than June 30, 2026 (i.e., one year prior to the end of the expenditure deadline). Questions pertaining to the content of this application packet or eligible activities are to be submitted as instructed below.

The application forms contained in this packet and submission instructions are available on the Department's web site at <https://www.tdhca.texas.gov/community-affairs-notice-funding-availability-nofa>. The Department looks forward to receiving your completed application.

Application Deadline

Applications will initially be accepted up to 5:00 PM CST, April 19, 2024. Thereafter, for regions where there are no qualified applicants, applications will be accepted on an “Open until Filled” basis. Please email Gavin Reid at gavin.reid@tdhca.texas.gov to inquire if the particular region for which you are interested is still open and accepting applications.

During the initial acceptance period, all applications will receive an application acceptance date of April 19, 2024. After that, an applicant will receive an application acceptance date on the business date received. If an application is received on a date the Department is closed or after 5:00 PM CST, then the application acceptance date will be the next business day.

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: [BILWAP RFA](#)

Application Questions

Application questions may be submitted via electronic mail to gavin.reid@tdhca.tx.gov. Answers will be provided in the order in which they are received.

Timeline

From the time an Application is received, review and processing time is estimated to take approximately 45 days, after which a successful Application will then be recommended to the Department’s Board for approval. Contract start dates are estimated to be roughly 90 days from the date an Application is submitted, if all requests for clarifying information have been received.

The original term of the contract will be for 24 months, with an option to renew for no more than one year at a time in the Department’s sole discretion. Also, the Department may offer a shorter contract if there are approaching expenditure deadlines.

Program Overview and RFA Background

TDHCA is the lead agency that administers the Weatherization Assistance Program (WAP) in Texas. The WAP helps low income Texas residents reduce their energy bills and control energy costs through the installation of energy-saving weatherization measures. Normally, the WAP is funded with annual Department of Energy (DOE) and Low Income Home Energy Assistance Program (LIHEAP) funds. However, in addition to the annual funds, on November 15, 2021, President Biden signed the Bipartisan Infrastructure Law (BIL), which provides Texas approximately \$173 million in DOE BILWAP funding. DOE accepted the Department’s BILWAP Plan in March 2023, allowing the Department to proceed with activities.

For the purposes of this RFA, the selected applicant(s) will be funded with solely DOE BILWAP funds which are separate from, and cannot be leveraged or mixed with, the annual DOE or LIHEAP funding. WAP funding provides for the installation of weatherization measures to

increase energy efficiency of a home, including air-sealing and duct sealing measures to tighten the building envelope, adding ceiling, wall, and floor insulation, and repair or replacement of energy inefficient heating and cooling systems. There may be Health and Safety measures that are required to be addressed during the work proceedings on homes. There are currently 21 subgrantees within the State of Texas that receive the annual DOE and LIHEAP weatherization funding to perform these services in their respective service areas. These subgrantees use in-house crews and private contractors to perform the weatherization services. However, with the significant amount of funding which BIL allocated to Texas (\$173,162,598), a statewide or regional weatherization subgrantee(s) is/are also needed to ensure that assistance is made available to eligible Texas households as quickly as possible and to supplement the current network of subgrantees in the expenditure of these funds.

Timing for successful performance is of the highest priority. The Department has set a deadline that the DOE BILWAP funds allocated to the successful organization(s) must be expended within two years of the start of the contract, with a possibility of extension. Therefore, a streamlined process or system (e.g., web based system through which to receive applications) and staff to provide customer service must be able to be deployed as rapidly as possible.

Applicant(s) must be familiar and have experience with federal and state requirements governing the DOE WAP and have staff that possess the required DOE weatherization certifications.

TDHCA is seeking one or more subgrantees to provide DOE BILWAP weatherization services, either regionally or statewide, to multifamily (MF) rental households and shelters with the potential, through a contract amendment, to transition to single family (SF) households, if there is a lack of demand for multifamily activities or if current subgrantees are unable to meet project deadlines. Subgrantee(s) must provide a streamlined process or system (e.g., web-based platform/portal) through which properties/landlords and shelter owners can indicate initial interest, and in which activities, obligations, case status, and disbursements, etc. are tracked through a dashboard. If the entity is to have an interest in possibly also providing services for single family households, the subgrantee(s) must also have a streamlined process or system (e.g., web-based platform/portal) to which households can apply directly for weatherization assistance, be provided reliable customer service (e.g., call center) through which applicant's questions can be answered, and provide home weatherization services according to Federal and State requirements.

Service Regions

Applicants may choose to submit an application for any of the weatherization service area options listed below. In addition to a statewide option, there are eight smaller designated regions comprised of specific counties and one remaining Balance of State region. Respondents may choose to submit for one or more of the eight designated regions, but must offer services in all of the counties included in the region. For the Balance of State region, respondents are not required to select all of the region, but must specify which counties they are proposing to serve. It should be noted that the Department's priority is for a statewide provider, or just a

few subgrantees covering larger geographic areas. Only one subgrantee can serve a county so if two or more applicants apply for the same region or county, only one (the highest scoring) will be selected.

Existing subgrantees that wish to apply must serve an area larger than their existing subgrantee service area. A separate applicant waitlist must be maintained for services under this contract.

1. Statewide Subgrantee, except for El Paso and Hudspeth Counties
2. Regional Subgrantee: Chamber, Harris, and Galveston Counties
3. Regional Subgrantee: Tarrant and Dallas Counties
4. Regional Subgrantee: Travis, Comal, Guadalupe, Hays, and Bexar Counties
5. Regional Subgrantee: Midland and Ector Counties
6. Regional Subgrantee: Potter, Randall, and Lubbock Counties
7. Regional Subgrantee: Jefferson and Orange Counties
8. Regional Subgrantee: Collin and Denton Counties
9. Regional Subgrantee: Cameron, Willacy, and Hidalgo Counties
10. Balance of State Subgrantee: Select any county(ies) outside those Regions listed above in 2-9, and El Paso and Hudspeth Counties.

Funds Available and Allocation Amounts

The amount of BILWAP funds allocated to Texas is \$173,162,598. Initially, no more than 20% of the total BILWAP funds not already allocated to prior awardees (i.e., \$26,083,967) will be allocated to the selected applicant(s) of this RFA. Based off this 20% amount, the selected applicant(s) will be offered BILWAP funding in an amount that is proportional to the service area for which they applied and are awarded (i.e., statewide, regional, or by county) according to the formula in 10 TAC §6.404. If after six months from the date of this RFA release, the Department has not received applications for certain regions, the Department may offer a contract increase to other prior awarded applicants not to exceed 100% of that applicant's original award without further Board approval, but an updated previous participation review may have to be completed. If regional provider(s) are selected, they will receive smaller amounts determined by the formula in 10 TAC §6.404. The minimum award amount is \$1 million even if the formula at 10 TAC §6.404 would result in a lower amount.

Beyond the initial award described above, up to an additional 20% of the total DOE BILWAP funds (\$30,183,967) is available and may be awarded to successful applicant(s) as well. This will be contingent upon the selected applicant(s) performance, their rate of utilization of funds and the quality of the weatherization work, as well as the performance and utilization rates by the state's existing subgrantees. Based on the select applicant's performance and if utilization of funds by the existing subgrantee network is lagging, the selected applicant for a particular region could receive additional funding from the 20% unobligated BILWAP funds. Conversely, if the local existing subgrantee (the network provider) is utilizing funds well and to a sufficient quality level, they would be the entity to receive some portion of the additional 20%.

If any future appropriations of weatherization funding with similar terms to the DOE BILWAP funds are allocated to TDHCA from sources yet unknown, it is possible selected applicant(s) could receive additional weatherization funding, up to 100% of the applicant's original award without further Board approval as long as the select applicant(s) remain in good standing with the Department and a need for weatherization services in their region is demonstrated. For a subgrantee to be considered to be in good standing, they must be current on submission of their Single Audit Report to the Federal Audit Clearinghouse, none of their key staff or board members or organization are on the federal GSA debarment list, and they do not owe the Department more than \$5,000 funds and are current on any repayment plan or agree to enter into a repayment plan. Accordingly, if the Department determines there is insufficient further funding to justify the need for a statewide or regional weatherization provider, the Department reserves the right to terminate the contract.

The selected applicant(s) are to utilize the available funds to cover costs related to administration, direct program staff costs (i.e., Program Support), and for the provision of Materials/Program Support/Labor in the form of weatherization assistance. These costs are described below. General administrative and coordination costs shall not exceed the amount allocated to the select applicant(s) by TDHCA. These costs include indirect (overhead) costs such as salaries, fringe benefits, non-training travel, equipment, supplies, audit and office space. The applicant(s) should establish their budget for the services to be performed only from Administrative and Program Support funds as further described below. The funds for Program Support must be directed to payments for weatherization clients.

Materials/Program Support/Labor (M/PS/L) will be initially set to 70.08% of the contract, with the possibility of an increase up to 95% dependent on whether expenses in other categories are exhausted. M/L includes justified materials installed and the labor costs on eligible dwellings. Program Support includes all direct client services including client needs, education, intake, assessment, audit modeling, energy audit/priority list determination, work order, quality control of work, final inspection through Building Weatherization Report (BWR) for payment, etc. Program Support is limited to the Average Cost per Unit, which includes M/L/PS.

Administration expenditures include funds intended for local administration, liability insurance coverage (if exceeding the liability insurance cost category below), and local fiscal audit. Selected applicant(s) will receive an administrative allowance of at least 8.61%. Administrative expenditures can include salaries & fringe benefits for non-program staff, general program meetings and program planning related to outreach/marketing, processes, budgeting, establishing staff goals and objectives; administrative costs related to personnel management of program staff; updating/maintaining subcontractor contracts; financial and performance reporting; accounting processes; general program correspondence with Department; non-training travel; general administrative equipment and supplies for non-program staff (if equipment/supplies are shared across multiple activities, costs should be shared proportionally); and office space for non-program staff (limited to percentage of the contract expenditures).

Health & Safety (H&S) expenditures include those expenditures necessary to maintain the physical well-being of both the occupants and/or weatherization workers where costs are reasonable as determined by DOE in accordance with the Department’s approved BILWAP State Plan. Health and safety issues are to be identified during the initial assessment. Weatherization crews will perform the health and safety tasks identified in the initial assessment. Selected applicant(s) will budget Health & Safety as a separate category thereby excluding such costs from the Average Cost per Unit (ACPU) limitation. The Health and Safety expenditure limit is 12.37% of material/labor/program support budget.

Liability insurance includes costs associated with providing protection in case of personal injury or property damage resulting from weatherization services. Liability insurance can be charged to the liability category in the budget, which was created to ensure that such costs would not have to be charged to the administrative cost category. All weatherization work must be covered by general liability insurance for an amount not less than the combined total of M/PS/L and H&S. Selected applicant(s) must ensure that any subcontractors performing weatherization activities maintain adequate insurance coverage for all units weatherized.

The Department also strongly recommends Pollution Occurrence Insurance to be part of or an addendum to the general liability insurance coverage.

Training & Technical Assistance (T&TA) includes expenditures utilized to address specific T&TA needs including, but not limited to, obtaining and maintaining required certifications, comprehensive training (e.g., occupation specific) and specific training (e.g., single issue training, skill/knowledge gaps, conference attendance). The T&TA costs shall not exceed the allocated amount in the contract. If the allocated T&TA dollars are not needed or used in full, it is an option to move unused T&TA funds into M/L/PS category to weatherize more units.

WAP Budget Categories

Component	WAP Estimated (%)
Materials/Program Support/Labor	70.08
Administration	8.61
Health & Safety	12.37
Liability Insurance	1.34
Audit	0.15
Training & Technical Assistance	7.46
TOTAL	100

Eligible Applicant Organizations

Organizations eligible to apply for BILWAP funds are: Private Nonprofit Organizations with 501(c) status, Units of General Local Government and Regional Councils of Governments who have current or past (not prospective) DOE weatherization experience and current staff (or the ability to immediately contract with organizations or individuals) who currently possess the required DOE certifications to conduct DOE weatherization work (i.e., Energy Auditor and Quality Control Inspector).

Ineligible Applicant Organizations

Organizations ineligible to apply for the competitive BILWAP funds are:

1. Organizations with no experience in providing DOE WAP services;
2. Organizations that do not have current staff (or the ability to contract immediately with organizations or individuals) that currently possess the required DOE weatherization certifications (i.e., Quality Control Inspector, Energy Auditor).
3. Any organization ineligible under 10 TAC §1.21;
4. An organization 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;
5. For profit Organizations;
6. Private Nonprofit Organizations that do not have a Certificate of Formation (or Articles of Incorporation);
7. Private Nonprofit Organizations that the Texas Secretary of State's Office website does not list as authorized to do business in Texas;
8. Organizations with persons on the organization's governing body or employees who are debarred or suspended by the Department or another governmental agency; or
9. 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.

For Private Nonprofit Organizations currently receiving DOE WAP, LIHEAP, or eligible entity CSBG 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. All 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.

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

Federal and State Requirements

BILWAP awardees must operate the programs in accordance with all Federal and State requirements to include the Texas Administrative Code regulations in Title 10, Part 1, Chapters 1 and 2; Title 10, Part 1, Chapter 6, Subchapters A and D; U.S. Department of Energy - Weatherization Assistance Program for Low-Income Persons – Title 10 Code of Federal Regulations (CFR), Parts 440 and 600; Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards as applicable at Title 2 CFR Part 200; and for units of government in accordance with the Texas Grant Management Standards, except where preempted by 2 CFR Part 200. Applicants should review each of the documents listed at the links provided below to fully understand all requirements for BILWAP program administration.

Texas Administrative Code - 10 TAC Chapters 1, 2, and 6, available at [http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=3&ti=10&pt=1](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=3&ti=10&pt=1)

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

Department of Energy Weatherization Assistance Program for Low-Income Persons Part 440 available at <http://www.ecfr.gov/cgi-bin/text-idx?SID=aca78107e07bc905e852c15fedcc3b89&mc=true&node=pt10.3.440&rgn=div5>

Department of Energy Weatherization Assistance Program for Low-Income Persons Part 600 available at http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title10/10cfr600_main_02.tpl

DOE BILWAP State Plan available at <https://www.tdhca.texas.gov/ca/wap>

Davis-Bacon Act at <https://www.dol.gov/agencies/whd/government-contracts/construction>

Household Status Verification (SAVE) at

<https://www.tdhca.texas.gov/household-status-verification-information>

NREL Standard Work Specifications (SWS) at

<https://sws.nrel.gov/>

All Active DOE Weatherization Program Notices and Memorandums at

<https://www.energy.gov/eere/wap/weatherization-program-notices-and-memorandums>

Texas Grant Management Standards available at

<https://txregionalcouncil.org/wp-content/uploads/2022/02/TxGMS-Review.pdf>

Build America, Buy America Requirement at

<https://www.energy.gov/scep/wap/articles/weatherization-memorandum-104-weatherization-assistance-program-build-america-buy>

Reporting Subaward and Executive Compensation Information at Information to comply with the Federal Funding and Transparency Act of 2006 (FFATA). Additional information regarding FFATA is found at

<https://www.fsr.gov>

TDHCA's Weatherization Assistance Program Web Page at

<https://www.tdhca.texas.gov/ca/wap>

BILWAP funds may not be used to purchase or improve land, or for the purchase, construction, or permanent improvement (other than low-cost weatherization or other energy-related home repairs) of any building or other facility.

Any organization that receives BILWAP funds and assumes responsibility for planning, developing, and coordinating WAP activities shall be deemed a state or local agency for certain purposes. The funds shall not be used in the provision of services or the employment or assignment of personnel to support the following activities: any partisan or non-partisan political activity or any political activity in an election for public or party office; any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or any voter registration activity. Any other uses or activities deemed ineligible by state or federal rule will also be ineligible.

Monthly Reporting

Subgrantee must submit a monthly performance and expenditure report for each contract. BILWAP monthly reports are due the 15th of the month following the month being reported. This report is submitted electronically to the Department and contains fiscal expenditures and programmatic performance information. Additionally, a production schedule will need to be submitted on the 20th of the month detailing progress. Reports are due even if there is no new activity to report during the month.

Benchmarks and Deobligation

The Department requires that subgrantees achieve the following benchmarks:

- 10% units weatherized @ 25% contract term.
- 25% units weatherized @ 40% contract term.
- 50% units weatherized @ 60% contract term.
- 80% units weatherized @ 80% contract term.

Units weatherized means a unit having completed construction, having completed any rework, and having passed a final QCI inspection. TDHCA reserves the right to modify these benchmarks at its discretion.

Allocations are based on the subgrantee demonstrating progress in meeting these benchmarks. If not met as listed above, the Department reserves the right to place a hold on current balances and withhold funding until goals and targets are met, or to deobligate funds from the contract.

Audit Requirements

The Department requires that each subgrantee 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. However, applicants that are Private Nonprofit Organizations that have expended less than \$750,000 in Federal or State funds (respectively) and who have received DOE, LIHEAP, or CSBG funds from the Department in the last fiscal year are not required to submit a separate audit with this RFA. For these organizations, the previous participation review conducted by Department staff will suffice as the measure to determine organizational financial health.

Other Requirements

Subgrantee shall comply with the Drug-Free Workplace Act of 1988, , 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.), Executive Order 13166 of August 11, 2000, related to Limited English Proficiency, and other requirements as listed in 10 CFR Part 1040.

Subgrantee 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.

Subgrantee shall comply with political activity prohibitions and shall not utilize WAP 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 subgrantees, the State of Texas, or the government of the United States.

Subgrantee 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, per 2 CFR Part 180 and 2 CFR Part 901. The subgrantee 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/search>

Scope of Work and Deliverables

1. System/Process for Services. Subgrantee must provide a well-organized process or system for all phases of administering BILWAP. Preference is given to organizations having a public-facing web-based platform/portal through which properties/landlords can indicate interest. The system must also reflect active activities, obligations, case status, and disbursements, etc. through a dashboard. If the applicant is interested in possibly being able to serve single family homes, a system must exist to which clients can apply directly to the subgrantee for assistance and through which clients can upload required documentation; however, a method by which applicants can apply if they are unable to access the web-based platform/portal must also be provided.
2. Outreach/Marketing. Subgrantee will be required to conduct targeted outreach and marketing in their service area to acquire multifamily unit buildings and shelters (and/or single family if later added to the contract) on which to perform weatherization. Subgrantee will send BILWAP notifications to eligible USDA and HUD properties in the organization's service area as well as to TDHCA's eligible affordable housing portfolio; however, these properties do not necessarily have priority over other property types.
3. Customer Service/Call Center. Through the duration of the contract, TDHCA expects that there will be questions and concerns received, both written and verbal, from properties and from households relating to the program covering a variety of topics (e.g., eligibility, complaints, appeals). To assist and support properties and households seeking BILWAP information, staffing, training, and management by the successful applicant must be provided. Successful applicant(s) must have access to a language translation service in order to be able to provide support in multiple languages. The successful applicant's staff must be able to assist applicants who have questions about the application process and know how to handle complaints about the application process or quality of weatherization services. They must also handle inquiries about the status of applications from properties. For those clients unable to apply via phone or computer themselves,

customer service agents will be expected to assist with filling out applications on a household's behalf.

Additionally, subgrantee shall establish a written procedure to address complaints of customer dissatisfaction. This written procedure shall include, at minimum:

- (1) An investigation, completed within 10 days of complaint receipt, by at least one individual not originally associated with the complaint; and
- (2) If the customer is not satisfied with the investigation, a process wherein the Supervisor/Manager/Director makes a final decision on whether to concur or disagree with the outcome of the investigation into the complaint.

These steps must be undertaken and resolved by the subgrantee before an appeal of the subgrantee's decision is handled by TDHCA.

4. Application Review and Approval. Application prioritization, review and processing, including review of submitted documentation, must be conducted using TDHCA rules and approved processes and checklists. Applications will be reviewed for completeness, and the subgrantee will follow-up with property management and associated households, if needed, to obtain missing documents and information. Review activities will include review of documents related to citizenship and legal status, income documentation, client certifications and attestations, review and determination of household income eligibility, and verification that the home has not been previously weatherized (in the last 15 years since date of application).

Other responsibilities include:

- ✓ Providing trained and knowledgeable staff who have the expertise to verify household eligibility by certifying citizenship or legal status of all household members, household income, determine priority applications, and reviewing supporting documentation for program compliance;
- ✓ Review of documentation such as SAVE, citizenship and identity documentation (Multifamily building (more than one rental unit) and shelter weatherization is exempt from SAVE and Citizenship requirements);
- ✓ Reviewing and certifying household income in accordance with program requirements;
- ✓ Identifying missing documentation from application documentation and requesting from properties and/or households;
- ✓ Generating and reviewing reports to test for duplication of benefits with other subgrantees, confirming that they have not already assessed or weatherized a home in the past 15 years or are in the process of assessing or weatherizing a home;
- ✓ Communicating with landlords and applicants to confirm willingness of both to accept weatherization services on behalf of the tenant and collecting appropriate documentation for the file; and

- ✓ Remaining the household's primary point of contact throughout the application process, weatherization assistance period and the one year warranty period.

5. Installation of Weatherization Measures. Upon approval of application, subgrantee will perform a whole-house assessment of the home/property to determine if the home qualifies for weatherization or to defer the home if it does not. If qualified, subgrantee will perform the appropriate justification method, DOE priority list or energy audit modeling technique (NEAT, TREAT, MHEA, etc.), to determine which weatherization measures are to be installed. After installation, a final inspection must be conducted by a QCI certified staff member to ensure weatherization measures were installed correctly and to standard. Thorough documentation of all steps and decisions is required.

Other responsibilities include:

- ✓ Providing Energy Auditor(EA)/Quality Control Inspector (QCI) and ASHRAE trained staff who have the technical expertise to assess and inspect MF (and possibly SF) homes or shelters and conduct the work necessary to weatherize a unit/home according to DOE and industry standards;
- ✓ Providing OSHA 30 certified staff as leads and OSHA 10 trained staff for front line workers;
- ✓ Provide staff who are able to perform energy audit modeling using NEAT or MHEA (as applicable);
- ✓ Provide staff who are able to properly implement the appropriate DOE-approved Priority List for low rise Multifamily (as applicable);
- ✓ Verifying that weatherization services and measures are allowable and installed as directed in the most current NREL SWS, IRC regulations, and applicable local jurisdictions;
- ✓ Appointing a Labor Standards Officer for rental developments that trigger Davis-Bacon and related acts; and
- ✓ Ensuring WAP assistance does not exceed program limits.

6. Warranty Coverage. Subgrantee must provide a one-year warranty on their work for parts and labor regardless of contract or program termination. The period for the warranty coverage shall begin at the completion of the unit. If a subgrantee's contract is terminated prior to the end of contract term, any weatherization work completed within 12 months of the date of termination of the program must be covered by general liability insurance or contractor warranty.

7. Reporting. Subgrantee must prepare and provide all reports required, including those listed below using the reporting layout and guides at <https://www.tdhca.texas.gov/weatherization-assistance-program-wap-program-guidance>:

- ✓ All reporting required by DOE;

- ✓ Previously Weatherized Database reporting into the Community Affairs Contract System;
- ✓ Monthly expenditure and performance reporting into the Community Affairs Contract System;
- ✓ Monthly uploads of unit level data into the Community Affairs Performance Measures Database, and
- ✓ Other ad hoc reporting as requested by TDHCA.

Application Content

The RFA and Attachments (Excel document) are posted on the TDHCA website at <https://www.tdhca.texas.gov/community-affairs-notice-funding-availability-nofa>. Ensure all Attachments are properly filled out and submitted.

Attachment A: Applicant Information Form

Attachment B: Financial Audit 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 under “Single Audit” at <https://www.tdhca.texas.gov/compliance-forms>.
- ✓ 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 Organizations not subject to either the Federal or State Single Audit requirements and who have received DOE, 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 C: 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 D: Uniform Previous Participation Form for Single Family and Community Affairs.

Attachment E: Certifications Regarding Legal Actions, Debarment & Compliance with Laws.

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.

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 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: Information Security and Privacy Agreement (ISPA)

The selected applicant(s) must confirm their willingness to enter into an ISPA, if not already done so, with TDHCA. All subgrantees are required to execute an ISPA with TDHCA. For more information and the executable form, please visit <https://www.tdhca.texas.gov/tdhca-information-security-and-privacy-agreement>

Attachment I: Application Questions

Complete the 24 Application Questions in Attachment I. Applications that do not include a complete response to all Application Questions may lose critical points. Note that some questions contain questions within questions that must be answered. Please use the following format to provide any information which is requested in response to the Application Questions:

- ✓ Use the attached separate Word Doc form to answer Questions 1-24
- ✓ 12 Font, Calibri, Times New Roman, or Arial
- ✓ Standard 8½" x 11" paper with 1" margins
- ✓ Provide thoroughness and detail to sufficiently answer each question as responses will be compared and scored against other applicant responses

Application Review

Application documents must be submitted electronically to be considered eligible applications. Applications are to be submitted through the Wufoo using the following link: [BILWAP RFA](#). Application materials submitted outside the Wufoo link will not be reviewed.

After receipt of an application, the Department will prescreen it to determine if Attachments A through I, including responses to each of the 24 Application Questions, have been submitted. If the Department identifies an Attachment to be missing, it will issue a deficiency notice to request the deficiency(ies) be resolved within seven 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 seven business days from the date the deficiency notice was issued, the applicant will be sent a notice indicating termination of the application.

An Applicant must not be an ineligible applicant organization as described in the section "Ineligible Applicant Organizations" otherwise the application will be terminated.

Staff decisions to terminate applications may be appealed. An appeal of a staff determination must be submitted in writing and in accordance with the Texas Administrative Code Title 10, Part 1, Chapter 1, Subchapter A, §1.7 which can be found at the Secretary of State's website at:

Order of Review

Applications will be reviewed in the order they are received. If multiple applications are under review at the same time based on the same application acceptance date, applications submitted to provide statewide weatherization services are highly favored and will be evaluated and scored first. Then other applications from applicants that applied regionally (including Balance of State applicants) will be evaluated and scored. If after a period of time, the utilization rate and/or quality of program delivery of a selected statewide provider is determined inadequate, TDHCA may elect to review the regional applicants (or Balance of State applicants) in order to increase production across the entire state to an acceptable level. This may include anywhere from one to all of the regional applicants (or Balance of State applicants) receiving an award at the discretion of TDHCA.

Among Balance of State respondents, consideration will be given to respondents who are able to assist more counties within the Balance of State. The Department reserves the right (at its own discretion) to award or not award multiple regional providers in areas where population based allocations merit multiple providers.

Scoring of Applications

Applications received from eligible organizations that have satisfied the prescreening review will be referred to an Evaluation Committee of TDHCA staff for separate evaluation and ensuring the Application satisfies all requirements of this RFA. Criteria involved in determining minimum threshold include:

- 1) a capacity to effectively administer BIL DOE WAP funds and to ensure compliance with regulations;
- 2) an ability to demonstrate current (not prospective) staff and organizational capacity to deliver the proposed services; and
- 3) an ability to demonstrate positive past performance with DOE WAP.

Evaluation will be based on the applicant's response to the application questions in Attachment I. Each Committee Member will submit their determination of satisfaction of threshold requirements for an application per service area category to the Evaluation Committee Chair for final consideration. If more than one application in a service area category is under review at the same time, the applications will be evaluated in comparison to one another and ranked. The Committee Chair's final evaluation will determine which Application will be offered the BIL DOE WAP award for that particular service area.

Upon completion of evaluation of an application, applicants will be provided a notice letting them know if they have achieved the minimum requirements and whether they will or will not be recommended for an award. If an applicant is determined not to meet the minimum

requirements or will not be recommended for an award, they will have an opportunity to appeal.

It is TDHCA's goal to select applicants who demonstrate, through their responses to the Application Questions, a capacity and an ability to successfully administer the BIL DOE WAP grant.

Awards

If selected, the Department will consider and evaluate prior monitoring and/or audit issues during its Previous Participation Review (Attachment D). Applicants recommended for funding will be reviewed in accordance with the Previous Participation Review Approval Process and subsequently brought to the Department's Governing Board for consideration of an award.

Attachments

Attachment A: Applicant Information Form

Attachment B: Application Questions and Scoring Parts 1-4

Attachment C: Financial 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: Information Security and Privacy Agreement

Attachment I: Application Questions, Questions 1-24