

S.B. 1, Section 50 Special Provisions, Article II
79th Legislative Session
Draft Request for Proposals (RFP)
Summary of Comments and Changes to the RFP

Pursuant to the requirements of Section 50 Special Provisions Article II, S.B. 1 (The General Appropriations Act), 79th Legislative Session, the Texas Health and Human Services Commission (HHSC) is soliciting proposals from qualified vendors to implement a statewide program for women seeking alternatives to abortion focused on pregnancy support services that promote childbirth. To accomplish this, HHSC issued a draft proposal on September 7, 2005, and comments were received through September 23, 2005. HHSC received comments from 900 individuals on the draft RFP. Of the total, approximately 850 letters were identical in substance.

Comments were received in relation to several topics including: program design and scope of services, eligibility for services, statewide program definition and evaluation criteria, program implementation date, vendor qualifications and subcontractor relationship, and payment methodology. These comments and HHSC's responses are summarized below.

Program Design and Scope of Services

Comment(s):

In relation to the scope of services, comments were received requesting that the RFP be more specific.

HHSC Response:

The RFP more clearly lays out the anticipated program design. The vendor is responsible developing and providing three broad types of services. The vendor is responsible for statewide program administration and support; educational, informational, outreach and referral services that are best conducted on a statewide or centralized basis; and services directly to clients in communities around the state. The RFP states a presumption that, although other models may be proposed, the vendor would directly provide the statewide administration and centralized education, information and outreach services, while developing and contracting with a network of providers for the direct services to clients in communities.

The community level client services in the RFP are further defined to require that the vendor provide a program of services that actively support childbirth with emphasis on decision support services, material (non-medical) goods and services to address short-term needs, and comprehensive, integrated and timely referrals to government assistance programs and community support networks.

Decision support services that actively promote childbirth may include: information regarding general health and health care, pregnancy, adoption services or programs, peer support programs, childbirth, and childcare. Material (non-medical) goods and services include: food, clothing, transportation, shelter, diapers, formula, temporary child care as needed for the expectant mother's other children, and family group decision-making efforts that promote childbirth.

The requirement that the program have the capacity to make integrated and timely client referrals to government assistance programs and community support networks now references referrals to Medicaid, CHIP, Temporary Assistance to Needy Families (TANF), food stamps, Infant and Children (WIC) program, child support agencies, community groups offering legal assistance, community groups offering support in meeting supplementary longer-term needs, and other services available to support pregnant females and childbirth, including neonatal health care services, that will promote the child's safety and well-being.

Eligibility for Services

Comment(s):

Comments were received requesting that services not be limited to low-income persons. Additionally, providers commented that their programs served women and/or their spouses/mates or other family members when appropriate. Providers requested that eligibility for services extend to the family of the woman needing services.

HHSC Response:

The RFP specifies that expectant mothers of all income levels are eligible as potential clients and family members may be served when appropriate.

Statewide Program Definition and Evaluation Criteria

Comment(s):

Comments were received related to the requirement that the vendor be evaluated on its ability to expand statewide and develop and maintain a network of qualified service providers. Clarification was also sought regarding the meaning of a statewide program.

HHSC Response:

In the RFP, the evaluation criteria will be based on a number of factors including: the strength of the vendor's overall design for a program that will promote childbirth; establishing, maintaining and overseeing a network of providers that will provide services to clients in communities; and the ability to link clients to other state or local services. Demonstration of commitments by participating subcontractors, submitted in conjunction with the RFP response, though not required, would be viewed positively. The concept of a statewide program was clarified to indicate that services should be provided in each of HHSC's service regions. Language was also added requiring respondents to demonstrate how they would make services available to the state's diverse regions and populations. It should also be noted that the evaluation section was substantially changed and several criteria were added to reflect changes in the RFP or refinements to the evaluation criteria.

Program Implementation Date

Comment(s):

Comments were received expressing concern about fully implementing a program by March 1, 2006.

HHSC Response:

The date for the program being fully implemented was extended to June 30, 2006.

Vendor Qualifications and Subcontractor Relationship

Comment(s):

Comments were received in relation to vendor qualifications regarding the requirement that “the respondent demonstrate that it is physically and financially completely separate from any entity that promotes, advocates, counsels for, refers for, or provides abortion.”

HHSC Response:

The RFP was modified to require that a respondent must demonstrate that active promotion of childbirth for pregnant females, who may be undecided about whether or not to have the child, is a fundamental aspect of its, and its subcontracted providers' missions. A statement of intent was added that providing abortions, or providing information about or referrals to abortion services, is inconsistent with the aims of this program. The respondent must demonstrate, and will be evaluated on, the extent to which it and its subcontractors are physically and financially separate from any entity that promotes, advocates, counsels for, or provides abortion.

Comment(s):

Comments were received objecting to the requirement that the vendor be a nonprofit organization. In addition, further clarification of the roles and relationship between the vendor and its subcontractors was requested.

HHSC Response(s):

The RFP removes the requirement that the vendor be a non-profit organization. The vendor must provide evidence to demonstrate: the ability of its key staff to develop and maintain the proposed program and to comply with the requirements and conditions as described by the RFP; viability, sustainability, and effectiveness of the organization to effectively and efficiently achieve the goals of the proposed program, and ability of service providers to effectively deliver the services requested in the RFP. Language was also added indicating that a particular concern is conflict of interest that may arise when the statewide program administrator is also a direct provider of client services at the community level. This was not prohibited however.

Allowable Faith-related Activities

Comment(s):

Questions were raised about the applicability of faith-based rules and clear details regarding acceptable activities were requested.

HHSC Response:

The RFP requires that providers and subcontractors must demonstrate their approach for complying with Charitable Choice Provisions Applicable to the Temporary Assistance for Needy Family Program (45 CFR Part 260, RIN 0970-AC12 of the Department of Health and Human Services Administration for Children and Families).

Payment Methodology

Comment(s):

Comments were received indicating that potential respondents were concerned about their ability, in relation to cash flow, to sustain program development and operations in advance of initial payments from the state.

HHSC Response:

The RFP allows for the reasonable frontloading of payments to occur for cash flow purposes in relation to program development and operational costs.