



REQUEST FOR APPLICATIONS – FEDERAL FUNDS

The State of Nebraska, Department of Health and Human Services, Division of Public Health (“DHHS”) Nebraska Council on Developmental Disabilities (NCDD, or Council), is issuing this Request for Applications (“RFA”) for the purposes of entering into grant agreement(s) (“subaward” or “subawards”) and awarding federal funds to an eligible and qualified entity to increase knowledge on the Home and Community-Based Services (HCBS) Final Settings Rule for individuals with intellectual and developmental disabilities (I/DD) and family members.

Eligible entities include local governments, Indian tribes, institutions of higher education, and nonprofit organizations. Individuals may not apply for this subaward funding. Applicants must demonstrate a working knowledge of the issues that affect individuals with developmental disabilities and their families, experience working with and/or advocating on behalf of individuals with developmental disabilities, and a history of conducting education in the activity area identified in the application. NCDD strongly encourages applications from organizations that are located in rural or urban poverty areas, organizations that employ staff with disabilities, and/or organizations that represent linguistic and cultural minorities.

A more detailed description may be found in **Project Description, Section 2**.

RFA #	RELEASE DATE
6308	December 1, 2023
APPLICATION DUE DATE	POINT OF CONTACT
JANUARY 11, 2024	Office of Procurement and Grants

INITIAL PERIOD OF PERFORMANCE	TOTAL FUNDING AVAILABLE
APRIL 1, 2024 – MARCH 31, 2025	\$75,000.00

The resulting subaward from this RFA is subject to and shall follow federal regulation, as set forth herein. Subrecipients receiving subawards may only be paid up to the actual and allowable costs (as defined herein) of completing the **Project Description, Section 2**. No Subawards resulting from this RFA will be fee-for-service contracts, regardless of the method of payment, and no Subrecipient may keep a profit from its subaward. More detail about the terms of this funding is set forth in **Terms, Section 5**, below.

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Jim Pillen, Governor

A copy of this RFA may be found online at DHHS' website at <http://dhhs.ne.gov/Pages/Grants-and-Contract-Opportunities.aspx>. Until final Subawards are signed, all other information pertinent to this RFA, including but not limited to any amendments or addenda, will be posted on the DHHS website.

The Nebraska Council on Developmental Disabilities is supported by the Administration for Community Living (ACL), U.S. Department of Health and Human Services (HHS) as part of a financial assistance award totaling \$527,570 with 100% funding by ACL/HHS. Grantees undertaking projects with government sponsorship are encouraged to express freely their findings and conclusion. Points of view or opinions do not, therefore, necessarily represent official ACL policy and do not necessarily represent the official views of, nor an endorsement, by ACL/HHS, or the U.S. Government.

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1. RFA OVERVIEW

1.1. Funding Information

Federal Agency Name	Assistance Listing Program Name	Assistance Listing Number	Federal Award Date	Federal Award Identifier Number (FAIN)
Department of Health and Human Services; Administration for Community Living (ACL)	Developmental Disabilities Basic Support and Advocacy Grants	93.630	February 17, 2023	2301NESCCDD-01
Department of Health and Human Services; Administration for Community Living (ACL)	Developmental Disabilities Basic Support and Advocacy Grants	93.630	October 1, 2023	2401NESCCDD-00

The total anticipated available funds for Subaward(s) under this RFA is a single award of up to \$75,000 [seventy-five thousand and 00/100 dollars] total. A total award of this amount of funds is not guaranteed, but is subject to the applications received, to actual money awarded to DHHS from the Federal Awarding Agency, and to DHHS' discretion. DHHS may establish a cap on total amount of funds that any one applicant, or applicants acting jointly, may request.

1.2. Period of Performance

The Period of Performance is the time during which a successful applicant may incur costs to carry out the work authorized under this RFA and the resulting Subaward. See the definitions in 2 CFR § 200.77 or 45 CFR § 75.2. The initial Period of Performance for this RFA is from April 1, 2024, to March 31, 2025. This period may be extended by DHHS as allowable by the Federal Funding Agency.

For the initial Period of Performance, all costs must be liquidated (i.e., spent) and invoiced to DHHS by April 30, 2025. These dates are dependent on federal periods of allowability and DHHS' own ability to timely process payments. They may be subject to change; final dates will be included in the final Subaward between the parties. If an applicant believes it cannot meet these deadlines, it should not apply for funding under this RFA. Obligation and liquidation deadlines may be extended as allowed by the Federal Funding Agency, but no extensions are guaranteed. Future Periods of Performance, as allowed by DHHS, may have different obligation and liquidation deadlines.

The Period of Performance start may occur before a Subaward is finalized, agreed to, and executed by the parties. Because this is just the period during which costs are allowable, it does not reflect that any agreement between DHHS and any successful Applicant has gone into effect or is binding in any way. No binding agreement has been made between DHHS and any Applicant until a Subaward is fully executed by both parties.

1.3. Applicable Law

Because the funds to support the activities under this RFA involve federal funds, usage of these funds is subject to federal law, in addition to any applicable state law. The Uniform Grant Guidance, [2 CFR §§ 200 et seq.](#) ("UGG") applies to subawards funded from the United States Department of Agriculture (USDA), the Department of Housing and Urban Development (HUD), the Department of Labor (DOL), the Environmental Protection Agency (EPA) or other federal agencies. The United States Department of Health and Human Services (HHS) has adopted the UGG, but has implemented and re-codified it at [45 CFR §§](#)

[75 et seq.](#) (“HHS GG”); for awards funded by HHS, those regulations apply. Throughout this RFA, both the UGG and the HHS GG will be cited, although they are substantially similar.

The HHS GG shall apply to this RFA if it awards funds from block grants authorized by the Omnibus Budget Reconciliation Act of 1981, unless Nebraska statute or regulation has established provisions for the payment costs and services; in all other respects, as provided herein, those block grant subawards are governed by [45 CFR §§ 96 et seq.](#)

Additional federal and state statutes and regulations may apply to the funding contained herein. These may be included in **Additional Program Requirements, Section 5.7**, below, as well as in the Subaward itself.

Further information about allowable costs and activities may be set forth herein.

1.4. Award of Funding

DHHS will evaluate Applications in the manner set forth herein. An Intent to Subaward will be posted on the DHHS Website with selected Applicants by **February 7, 2024**. Funds will be awarded through a written agreement, termed a Subaward, which will incorporate this RFA by reference. No promise for funds is binding on DHHS, and no funds will be paid to any Applicant until a Subaward has been executed by both the Applicant and DHHS.

Project activities are to begin no sooner than April 1, 2024 and end no later than March 31, 2025. Subawards may be renewed for an additional one (1) year period, subject to DHHS’ discretion. Obligation and liquidation deadlines may be extended as allowed by the Federal Funding Agency, but no extensions are guaranteed. Future Periods of Performance, as allowed by DHHS, may have different obligation and liquidation deadlines.

2. PROJECT DESCRIPTION

2.1. Background and Purpose

DHHS, Division of Public Health, Nebraska Council on Developmental Disabilities (NCDD, or Council) is issuing this RFA for the purposes of educating, training, and empowering individuals with developmental disabilities and/or their family members, and/or waiver providers to be knowledgeable about the CMS (Centers for Medicare and Medicaid Services) Home and Community-Based Services (HCBS) Final Settings Rule and HCBS Public Comment Opportunities.

It is the Council's intention to award a single subaward of up to \$75,000 for the purpose of increasing knowledge on the HCBS Final Settings Rule for individuals with intellectual and developmental disabilities (I/DD) and family members.

Funds for this project are provided by the Council under DHHS through the federal Administration on Disability/Office of Intellectual and Developmental Disabilities. Projects will focus on Supporting Nebraskans with Intellectual and Developmental Disabilities and family members increase their knowledge on the HCBS Final Settings Rule. Applicants should justify how their project supports inclusion and self-direction, as well as how the project will be sustained beyond the one-year subaward period.

This project will address the following goal and the objective, taken from the Council's 2022-2026 Five-Year State Plan Goals and Objectives.

Goal 2: Informal and Formal Supports

By 2026, increase and strengthen the knowledge of individuals with intellectual and developmental disabilities (I/DD) and their families to promote and encourage informed decision making about their choices leading to improved quality of life, increased independence, productivity, and full inclusion in their communities.

Objective A. By 2026, individuals with I/DD, their families, and professionals will have increased information and knowledge about waiver, non-waiver, natural supports, and person-centered planning principles as well as the Assistive Technology (AT) needed to strengthen supports in employment, education, recreation, behavior, etc.

2.2. The Nebraska Council on Developmental Disabilities:

The Nebraska Council on Developmental Disabilities (NCDD, or Council) is an independent agency funded by the federal government to work with the State of Nebraska to better support individuals with developmental disabilities and their families. The Council engages in Advocacy, Capacity Building, and System Change activities that assure that individuals with developmental disabilities and their families participate in the design and have access to needed community services, individualized support, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life.

The Council's State Plan priorities concentrate on persons who experience a chronic disability that occurs before the age of twenty-two, including persons with physical disabilities, mental/behavioral health conditions, and developmental disabilities. Priorities identified in the five-year state plan focus on improving the system of supports for persons with disabilities and their families. Goals concentrate on persons who experience a chronic disability that occurs before the age of twenty-two, including persons with physical disabilities, mental/behavioral health conditions, and developmental disabilities. Support systems across the lifespan are examined.

NCDD is comprised of 25 volunteer members appointed by the governor and a small staff. Members include individuals with developmental disabilities and family members or guardians of individuals with developmental disabilities, professionals, advocates, and representatives of state and private agencies.

The Council awards subawards to various agencies, organizations, and other entities to address gaps and barriers in the system. Subaward activities demonstrate new ideas for enhancing people's lives through training activities, community education and support, making information available to policymakers, and eliminating barriers.

2.3. Centers for Medicare and Medicaid Services (CMS) HCBS Final Settings Rule and HCBS Public Comment Opportunities

In 2014, the U.S. Department of Health and Human Services, the Centers for Medicare and Medicaid Services (CMS) issued the HCBS Settings Rule to require that every state ensure that services delivered to seniors and people with disabilities living in the community – outside of institutions – meet minimum standards for integration, access to community life, choice, autonomy, and other important consumer protections. Among the requirements of the rule are definitions and expectations for services to be community-based and for service planning through a person-centered process be directed by the service recipient.

Source: ACLU: https://www.aclu.org/sites/default/files/field_document/aclu_faq_-_hubs_settings_rule-final-1-10-18.pdf

The HCBS Settings Rule maximizes the opportunities for HCBS program participants to have access to the benefits of community living and to receive services in the most integrated setting. March 17, 2023, marked the transition period deadline for full state compliance with the HCBS settings regulation. CMS initiated a process for States to seek time-limited corrective action plans (CAPs) to authorize additional time for states to achieve full compliance with settings criteria that are directly impacted by the Public Health Emergency (COVID-19) disruptions when states document the efforts to meet these requirements to the fullest extent

possible and are in compliance with all other settings criteria. Nebraska submitted a CAP on February 1, 2023.

The final rule amends the regulations for the 1915(c) HCBS waiver program, authorized under section 1915(c) of the Social Security Act (the Act), in several important ways designed to improve the quality of services for individuals receiving HCBS. Specifically, it establishes requirements for home and community-based settings in Medicaid HCBS programs operated under sections 1915(c), 1915(i), and 1915(k) of the Act, defines person-centered planning requirements, provides states with the option to combine multiple target populations into one waiver to facilitate streamlined administration of HCBS waivers, clarifies the timing of amendments and public input requirements when states propose modifications to HCBS waiver programs and service rates, and provides CMS with additional compliance options for HCBS programs. For more detail, please refer to the 1915(c) fact sheet at <https://www.medicaid.gov/medicaid/hcbs/downloads/1915c-fact-sheet.pdf>.

Source CMS: <https://www.cms.gov/newsroom/fact-sheets/home-and-community-based-services>

The CMS HCBS Final Rule establishes the following federal requirements for HCBS Settings:

- Federal Requirement #1: The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.
- Federal Requirement #2: The setting is selected by the individual from among setting options including non-disability specific settings. The settings options are identified and documented in the person-centered plan and are based on the individual's needs, preferences, and resources.
- Federal Requirement #3: The setting ensures an individual's rights of privacy, dignity, and respect, and freedom from coercion and restraint.
- Federal Requirement #4: The setting optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices including but not limited to daily activities, physical environment, and with whom to interact.
- Federal Requirement #5: The setting facilitates individual choice regarding services and supports, and who provides them.
- *Federal Requirement #6: The setting provides for a legally enforceable agreement between the provider and the consumer that allows the consumer to own, rent, or occupy, the residence and provides protection against eviction.
- *Federal Requirement #7: The setting provides for privacy in units including lockable doors, choice of roommates/housemates, and freedom to furnish and decorate the sleeping or living units within the lease or other agreement.
- *Federal Requirement #8: The setting provides options for individuals to control their own schedules including access to food at any time.
- *Federal Requirement #9: The setting provides individuals the freedom to have visitors at any time.
- *Federal Requirement #10: The setting is physically accessible.

**Applies only to residential settings*

The HCBS Settings Rule is all about Human and Legal Rights for people in need of Long-Term Services and Supports (LTSS). While HCBS Waivers allowed people in need of LTSS to live in their homes and communities, many advocates felt like in many instances these settings were 'mini-institutions' because those in need of LTSS didn't have many choices and they weren't integrated into their community. For

example, they still worked in settings that only employed people with disabilities, they frequently earned non-competitive wages for the work they were doing, and some agencies or those who provided support didn't allow independence or choice in one's residential home, including the choice and access to food, or the ability to hang pictures they want on their walls.

The following is taken from the State of Nebraska Corrective Action Plan request letter submitted to CMS on February 1, 2023 and approved June 26, 2023. More information available [here](#).

The State of Nebraska submitted a request for a Corrective Action Plan (CAP) to ask for an extension through March 17, 2024, to fully demonstrate compliance with the Final Rule for the applicable settings operating under the following federal Medicaid HCBS waiver authorities:

IMPACTED NEBRASKA HCBS WAIVERS Medicaid 1915(c) Waivers

- Aged and Disabled (AD) Waiver
- Comprehensive Developmental Disabilities (COD) Waiver
- Developmental Disabilities Adult Day (DDAD) Waiver
- Traumatic Brain Injury (TBI) Waiver

The requested CAP would allow the State time to resolve working through the adjudication process with CMS for Heightened Scrutiny settings and work through the completion of the STP milestones. The State of Nebraska is requesting additional time from CMS to ensure full provider compliance with the following HCBS Final Rule criteria:

- Access to the broader community;
- Opportunities for employment;
- Choice of non-disability specific setting; and
- Option for a private unit and/or choice of roommate.

The State has and continues to work diligently to educate HCBS providers and stakeholders about the requirements of the HCBS Settings Final Rule and has carried out extensive outreach efforts with the goal of all providers achieving full compliance. The State remains committed to bringing providers, policies, and procedures into compliance while navigating unforeseeable impacts as or if they occur.

~End of information taken from State of Nebraska February 1, 2023, CAP letter

It is the Council's intention that this project strengthens HCBS Final Rule educational outreach efforts so that individuals with I/DD and their family members will use the information gained to advocate for services and options that support their person-centered plans for life in the community.

For additional information about the HCBS Final Settings Rule and progress in Nebraska, view the DHHS website at <https://dhhs.ne.gov/Pages/HCBS-Statewide-Transition-Plan.aspx>.

2.4. Activities to be Addressed in Proposal

The Council welcomes the changes that have and will continue to be made in Nebraska's service provision systems to follow this federal rule and its intent. Medicaid is complex and not well understood by most people. The Council wants to ensure that people with intellectual and developmental disabilities and their family members know of this rule and fully understand how it relates to the services they need and receive. The HCBS Final Rule project proposal should include the following elements:

1. Individuals with I/DD and their family members will become knowledgeable about the HCBS Final Rule. Content should address:
 - a. Basic waiver information to give context about who benefits from waivers and how the new rule impacts them;
 - b. An overview of the rule and timeframes for implementation of components;
 - c. What waiver users and those who hope to use a waiver can expect with the new rule; users understand their rights; know what they can do if they feel they are not getting what they should;

- d. The provision that allows individual restrictions described and agreed upon in the Person-Centered Plan will be explained.
2. Individuals with I/DD and their family members will become knowledgeable about the State's HCBS opportunities for public comment when waivers are renewed or when waiver amendments are submitted to CMS for approval. Strengthened advocacy efforts will result in continued improvements to Nebraska's HCBS service system moving forward.
3. Proposals may include avenues to broaden outreach and educational efforts to Nebraska HCBS providers.
4. Proposals will detail how individuals with I/DD and their family members will be reached and connected to educational information. People will be included statewide and from the full range of disability. The methods used for disseminating information such as webinar, printed material, local meetings, conferences, etc. will be specifically described and shown in the milestones, including the number of each planned.

Proposals will describe how your project will conduct outreach to unserved and underserved populations. These populations include individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited English proficiency, and individuals from underserved geographic areas (rural or urban).

5. Education will be formatted to reach a diverse audience so that everyone is able to understand the information. Educational information and training will be fully accessible. Proposals will detail what formats are planned and how they will ensure meeting the learning style/needs of everyone. Include a description of the means by which you will know people have gained useful knowledge of how waivers, specifically waivers complying with the HCBS Rule, can work (or potentially work for them if not yet covered by a waiver) for them in their lives.
6. Proposers/trainers will have expert knowledge of waivers and the HCBS Rule and experience in effectively training individuals with developmental disabilities and their families. Describe how self-advocates will be included as trainers.
7. The proposer describes a process to identify, train and support a minimum of 10 self-advocates or family members from all parts of the state to strategize and frame a message to bring expectations under the HCBS Rule to others in their local sphere.
8. The project will follow up with those directly trained (i.e., have an email or other contact information) to ask the impact of what was learned, including: did they share the information with others, did they use the information somehow related to their own situation, and if so, did they encounter any obstacles and what were they. The information will be compiled in a format conducive to use as a basis for further action.

Considerable information about the HCBS Rule is available on the web, so projects are able to utilize informational documents and training (webinars and Power Points) to assist development of their project's training.

2.5. Project Specific Requirements

Projects will begin no sooner than April 1, 2024 and end no later than March 31, 2025. Application must include a description of the project activities, expected outputs, and expected outcomes.

Primary Project Activities:

Subrecipient will describe the project activities that will occur to meet the Council's goal. Examples include:

1. Collecting stories from individuals with I/DD and their families to discuss the specific and unique needs they face.
2. Recommending strategies to improve processes or systems changes.
3. Formulating plans to address a specific issue.
4. Collecting survey data from project participants as applicable.

Expected Outputs:

1. A written report of recommendations for process or systems changes.
2. A handbook that will be used by individuals with I/DD, families, service providers, medical staff, etc
3. Curriculum for training on a specific topic.
4. Provide at least four hard copies of project tangible outputs (i.e., publication(s), reports, training curriculum, etc.) to Council staff for the Nebraska Library Commission.

Expected Outcomes:

1. A specific number of individuals with disabilities and their families are included in a planning process.
2. A specific number of individuals are trained as a result of the project.
3. Improvements to processes or procedures were implemented.

Community Inclusion:

The Council is mandated by federal law with assuring that individuals with developmental disabilities and their families are integrated and included in all facets of community life. Community inclusion factors are taken into consideration when Council members review applications. The extent that a subaward application promotes full participation of the target population in the same activities of community life, recreation, employment, and education being utilized by other community members goes into the decision process. Inclusion of the larger community in the planning and implementation of the project proposal is important to enhance awareness and the expectation of success.

Project Sustainability:

Council subawards are awarded for one year. Subawards may be renewed for an additional one (1) year period, at the discretion of DHHS. Applicants must describe in detail their plan to sustain the project once Council funds end (i.e., who will maintain the project, etc.). Subaward applicants can increase the likelihood that projects will be sustained by including local community service groups, businesses, public education, and local government entities in their development. The plan should identify the activities, features, or practices that the applicant wants to sustain.

2.6. Use of Federal Funds:

The following is a list of items that may be allowable under an NCDD subaward. This list is not all-inclusive. Refer to 45 CFR 75.420 for a more detailed description of selected items.

Advertising and public relations; audit services; compensation for employees for the time and effort devoted specifically to the execution of the subaward project; publication and printing; rental costs such as for computer equipment used specifically for the subaward project and office space; supplies, telecommunications; travel associated with the project.

Council subaward funds **cannot** be used for the following:

Alcoholic beverages; bad debts; capital expenditures for buildings or land; contingency funds; entertainment, to include amusements, social activities, and related incidental costs; federal employee compensation or travel expenses; fines and penalties; fund raising; gift cards; trinkets; interest; lobbying; memberships; organization costs such as incorporation fees, brokers' fees, attorneys, accountants, or investment counselors in connection with the establishment or reorganization of an organization; construction or renovation costs; direct services for individuals with developmental disabilities (unless these

services are part of a model demonstration); ongoing organizational activities; to supplant existing private, state or federal funding sources; to duplicate or replace existing services provided to individuals with developmental disabilities and family members; to purchase equipment to support entrepreneurship or given to launch a small business.

NCDD subaward funds cannot be used for ongoing organizational activities; to supplant existing private, state or federal funding sources; to purchase equipment or furnishings; or to duplicate or replace existing services provided to individuals with developmental disabilities and family members.

2.7. Requirements of All NCDD Subrecipients:

The following terms and conditions apply to all organizations awarded NCDD subaward funds:

1. Subrecipients must agree to use NCDD's grants management system, currently DD Suite, for reporting to NCDD over the project period. Access to NCDD's grants management system is provided at no cost to the Subrecipient. Subrecipients must have or create a DD Suite user account and an organization account. Go to www.ddsuite.org/TA for detailed instructions on creating DD Suite user and organization accounts.
2. Organizations receiving NCDD subaward funds must provide project activity updates by submitting quarterly Program and Expenditure reports in DD Suite. Detailed instructions on completing these reports can be found at www.ddsuite.org/TA and in the Subaward User Manual.
3. Subrecipient shall administer and report survey results. See Subaward User Manual included as Attachment 1.
4. General Terms – Subawards
5. Verification of Taxpayer Reporting (W9) and ACH Form for electronic funds transfer payments. NOTE: Electronic fund transfer (EFT) is the required method of payment for all payees doing business with the State of Nebraska.
6. NCDD reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, any work developed under any subaward awarded by NCDD.
7. Final drafts of any training materials, publications, videos, websites, or other products shall be reviewed and approved by NCDD prior to dissemination to the general public. Products must acknowledge NCDD funding and reference the Stevens Amendment verbiage. See Subaward User Manual for specific wording that must be used.
8. All materials developed by subrecipients under this award shall be available and/or reproducible in accessible formats. Materials will be submitted to the Council office in electronic format. Provide at least four hard copies of project tangible outputs (i.e. publication(s), reports, training curriculum, etc.) to Council staff for the Nebraska Library Commission.
9. As a condition of subaward funding, Subrecipients will collect and provide data to NCDD for Key Performance Indicators (KPI) throughout the subaward period. Applicants are strongly encouraged to review the Key Performance Indicators in Attachment 2.
10. The following federal audit requirements are applicable to NCDD funds: Office of Management and Budget (OMB) Circular A-21, A-87, A-122, and A-133, as well as Title 48 Code of Federal Regulations (CFR) Part 31, as well as the Single Audit Act of 1984 (P.L. 98-502).
11. The following regulations from Title 45 Code of Federal Regulations (CFR) may be applicable to all subrecipients. 45 CFR Parts 16, 30, 76, 80, 81, 84, 85, 86, 87, 91, 92, 93, 97, 100, 1385, and 1386.

2.8. DD Act Program Specific Requirements:

Subrecipients agree to comply with the Developmental Disabilities Assistance and Bill of Rights Act that:

1. The individuals served under the proposal meet the federal definition of developmental disabilities. (Definition is below.)
2. Funds will be used to make a significant contribution toward enhancing the independence, productivity, and integration into the community of individuals with developmental disabilities.
3. Any services provided using subaward funds will be provided to individuals with developmental disabilities in an individualized manner consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of such individual.
4. The human rights of the individuals with developmental disabilities (especially individuals without familial protection) who are receiving services under programs assisted under this subtitle will be protected consistent with Section 109 of the Developmental Disabilities Act, relating to the rights of individuals with developmental disabilities.
5. Programs, projects, and activities funded and the buildings in which such programs, projects, and activities are operated, will meet standards prescribed in regulations and all applicable Federal and State accessibility standards, including accessibility requirements of the Americans with Disabilities Act of 1990, Section 508 of the Rehabilitation Act of 1973, and the Fair Housing Act.
6. All programs and facilities operated with subaward funds meet minimum standards, regulations, and guidelines as prescribed by federal, state, and local authority for the maintenance and operation of such programs and facilities.
7. In order to avoid discrimination against persons with limited English proficiency on grounds of national origin, adequate steps will be taken to ensure that such persons receive the language assistance necessary to afford them meaningful access to the programs, free of charge.
8. Create and conduct a satisfaction survey of project participants using a format and process approved by the Council Program Specialist.

2.9. Attachments

The following documents are incorporated as attachments to this RFA proposal.

1. Attachment 1: Subaward User Manual
2. Attachment 2: Key Performance Indicators
3. Attachment 3: Subaward Evaluation Criteria Score Sheet
4. Attachment 4: End User Manual

3. RFA PROCEDURE

This RFA seeks Applications to complete activities allowable under the funding source identified in **Section 1.1, Funding Information**, above. All Applications must conform to all instructions, conditions, and requirements included in this RFA. Applicants should carefully examine this RFA, as well as the requirements on the state or federal funds involved. Applications that DHHS determines do not conform to the requirements of this RFA, or Applications from ineligible entities, may be considered non-responsive and rejected without scoring.

3.1. RFA Point of Contact (“POC”)

Nebraska Department of Health and Human Services (DHHS)
Division of Operations
Office of Procurement and Grants
PO Box 94926
Lincoln, NE 68508
DHHS.Grants@nebraska.gov

From the date the RFA is issued until the Intent to Subaward is issued, communication from the Applicant or prospective Applicant is limited to the POC listed above (but see exceptions, below). After the Intent to Subaward is issued, the Applicant may communicate with individuals DHHS has designated as responsible for negotiating the Subaward on behalf of DHHS. No member of the state government, employee of the state, or member of the Evaluation Committee is empowered to make binding statements regarding this RFA. The POC will issue any clarifications or opinions regarding this RFA in writing. Only the POC has the authority modify the RFA, answer questions, or render opinions on behalf of DHHS. Applicants shall not have any communication with or attempt to communicate or influence any Evaluator.

The following exceptions to these restrictions are permitted:

1. The electronic submission of the Application to the address designated in **Submission of Applications, Section 3.5;**
2. Contact made pursuant to pre-existing contracts, subawards, or obligations;
3. Contact required by the schedule of events or an event scheduled later by the RFA POC; and
4. Contact required for negotiation and execution of the final subaward.

DHHS reserves the right to reject an Applicant’s application, withdraw an Intent to Subaward, or terminate a Subaward if DHHS determines there has been a violation of these procedures.

3.2. Schedule of Events

ACTIVITY	DATE/TIME
Release RFA	December 1, 2023
Pre-Applicant Information Session Recording available here: http://dhhs.ne.gov/Pages/Grants-and-Contract-Opportunities.aspx	Recording Available
Last day to submit written questions	December 13, 2023
State responds to written questions through RFA “Addendum” and/or “Amendment” to be posted to the Internet at: http://dhhs.ne.gov/Pages/Grants-and-Contract-Opportunities.aspx	December 20, 2023
Application Review Period Begins (Application due date)	Physical Copy Due: January 11, 2024 at 5:00 PM, CST Electronic Copy Due: January 11, 2024 at 11:59 PM, CST
Evaluation Period	Jan. 12, 2024-Feb. 2, 2024
Post “Intent to Subaward” to Internet at: http://dhhs.ne.gov/Pages/Grants-and-Contract-Opportunities.aspx	February 7, 2024
Period of Performance Start*	April 1, 2024

**The Period of Performance start may occur before a Subaward is finalized, agreed to, and executed by the parties. Because this is just the period during which costs are allowable, it does not reflect that any agreement between DHHS and any successful Applicant has gone into effect or is binding in any way. No binding agreement has been made between DHHS and any Applicant until a Subaward is fully executed by both parties.*

3.3. Pre-Applicant Information Session

DHHS has posted a Pre-Applicant information session available to view at the link above. Entities that are interested in applying for this RFA may review the information presented at any time.

3.4. Written Questions and Answers

Questions regarding information needed for an application, as well as the meaning or interpretation of any RFA provision, must be submitted in writing to POC via email and clearly marked "RFA Number (6308); Questions." The POC is not obligated to respond to questions that are received late, as set forth in the Schedule of Events.

Applicants should present, as questions, any assumptions upon which the Application is or might be developed. Applications will be evaluated without consideration of any known or unknown assumptions of an Applicant. The Subaward will not incorporate any known or unknown assumptions of an Applicant.

Questions must be sent via e-mail to **DHHS.Grants@nebraska.gov**. DHHS recommends that Applicants submit questions using the following format:

RFA Section Reference	RFA Page Number	Question

Written answers will be posted at the DHHS Website per the Schedule of Events. Written answers will become part of this RFA.

3.5. Submission of Applications

DHHS is accepting either electronically submitted responses or hard copy, paper responses for this funding opportunity. There is a limit of one application per agency. Applicants must submit a complete Application, including all the parts required herein, in one of two ways:

1. Electronic Response:

Applicants submitting electronically can upload the response via ShareFile here:

[ShareFile link](#)

<https://nebraska.sharefile.com/i/i913173b8fdb45b1b>

Applicants should reference Attachment 4: *End User Guidance: Shared File Link* for more information regarding ShareFile.

The submission shall include the Application as a single Portable Document Format (PDF) or multiple PDFs. Failure to provide the Application in the correct format may result in DHHS being unable to read or open the Application and thus rejecting it without Evaluation.

The applicant should clearly identify the uploaded response files. To assist in identification please use the following naming convention:

RFA6308 ABC Company

If multiple files are submitted for one funding opportunity, add number of files to file names:

RFA6308 ABC Company File 1 of 2

If multiple responses are received, DHHS will retain only the most recently submitted response. It is the applicant's responsibility to submit the response by the date and time indicated in the Schedule of Events.

Electronic responses must be received by DHHS by the date and time of the due date per the Schedule of Events. No late responses will be accepted.

2. Physical Mailing Response:

Option 1. Submission directly to the POC via United States Postal Service mail. The Application shall be sent to the POC's address listed above in Point of Contact, Section 3.1. The Application itself shall remain sealed and shall not be opened until the beginning of the Application Review Period.

Option 2. Hand delivered responses or responses delivered by FedEx or UPS should be delivered to:

ATTN: Office of Procurement and Grants
DHHS - 3rd Floor Reception Desk
301 Centennial Mall South
Lincoln, NE 68509

The Application itself shall remain sealed and shall not be opened until the beginning of the Application Review Period.

Regardless of submission method, Applicants must use the forms supplied by DHHS in this RFA unless specifically otherwise indicated herein. All Applications must be received by the beginning of the Application Review Period, as stated in the **Schedule of Events, Section 3.2.**

3.6. Evaluation Committee

Applications are evaluated by members of an Evaluation Committee(s). The Evaluation Committee(s) will consist of individuals selected at the discretion of DHHS. All members of the Evaluation Committee will disclose to DHHS any potential conflicts of interest before evaluation. Members with a conflict will be removed from the Evaluation Committee before scoring.

Any contact, attempted contact, or attempt to influence an evaluator that is involved with this RFA may result in the rejection of this Application and further administrative actions.

3.7. Evaluation of Applications

All complete Applications that are responsive to the RFA will be evaluated. DHHS reserves the right to evaluate Applicants and award funds in a manner utilizing criteria selected at DHHS' discretion and in the best interest of meeting the objectives of the funding involved. The Evaluation will be conducted by the following method:

DHHS will initially evaluate all Applications to determine whether the Applicant is an eligible entity; whether the Application meets the minimum requirements of this RFA; and whether the Applicant poses risk of noncompliance with federal statutes, regulations, and the terms and conditions of the Subaward, such that DHHS should not award funding.

The NCDD Subaward Evaluation Criteria Score Sheet is attached to this RFA (Attachment 3). Evaluators will conduct a fair, impartial, and comprehensive evaluation of all Applications in accordance with the predetermined criteria based on the Application. Evaluators exercise sole discretion as to whether the Application adequately addresses the evaluation criteria.

The NCDD Grant Review Committee evaluators will score applications and recommend awards to the top scoring Applicant or Applicants to the NCDD. The NCDD reserves the right to reject, add contingencies, or adjust funding request as funding allows. The Applicant's responses to the Forms will be scored through a point method set forth below. Evaluators will score on the following categories with a maximum point potential for each:

1. **Application Requirements:** Applications that do not meet the minimum application requirements will not be considered for review. This includes applications where the target population is not persons with developmental disabilities, projects that do not address one of the four goals in the Council's 2022-2026 5-year State Plan, and Applicants who have been disbarred by the US Federal government.
2. **Project Summary:** Applicants will receive higher scores Summary clearly states the project's goal, activities to be undertaken to meet the project goal, and the projected impact on people with developmental disabilities and their families/guardians or others. **(5 points)**
3. **Qualifications:** Applicants will receive higher scores if they have a defined and clear organizational structure; organizational experience in federal grants; qualified and capable personnel with experience in federal grants or equivalent credentials or experience; or can otherwise demonstrate that they will be a reliable subrecipient who will use all awarded funds in a manner consistent with law and the requirements of this RFA.

Applicants will receive higher scores if the Application narratives describe and include agency qualifications, mission, programs, and services, experience advocating on behalf of people with developmental disabilities and their families/guardians- including individuals from culturally diverse backgrounds. Applicants will receive higher scores if the Application narratives describe and include past accomplishments in conducting activities similar to those proposed, and qualifications and experience of persons who will be responsible for the project. Applicants will receive higher scores if Applicant/agency has previous experience with federal grant funds and describes/demonstrates knowledge of Uniform Grant Guidance/HHS Grants Guidance. **(5 points)**

4. **Coordination & Collaboration:** Applicants will receive higher scores if a list of current agency subawards and contracts is included, a list of agency membership on community focus groups, teams, coalitions, or other local organizations is included, evidence of working relationships and community partnering with shared goals and activities is documented, and letter(s) of collaboration from community partners are included. Applicants will receive higher scores if letters from agencies that are part of the sustainability plan are included with description of what they will do to support the project beyond subaward funds. **(15 points)**
5. **Detailed Narrative:** Applicants will receive higher scores if goal and objective from the Council's State Plan that is being addressed are clearly identified, a description of the systems change that is being targeted is stated, if applicable, and a detailed description of what the applicant is proposing to do is clearly explained. **(30 points)**
6. **Accomplishments:** Applicants will receive higher scores if expected accomplishments of the project are clearly stated, output and outcomes to be achieved are clearly stated, an explanation of how successful completion of the project will contribute to the State Plan Goal identified, and an explanation of short and long-term benefits of the project for individuals with developmental disabilities and their families/guardians and others is included. **(15 points)**
7. **Work Plan:** Applicants will receive higher scores if the proposed work plan includes time-referenced and measurable activities to meet the project goal, including one that addresses project sustainability, expected outcomes including projected numbers are stated, and a realistic timeline is identified which includes the goals, objectives, and activities that are described in the work plan. **(30 points)**
8. **Project Sustainability:** Applicants will receive higher scores if the activities, features, or practices that the applicant wants to sustain once Council funds end are clearly identified, a description of whether their agency or other agencies or collaborators will assume responsibility for maintaining these activities, features, or practices is detailed, and the work plan includes a goal and objectives related to sustainability of the project and/or its outcomes. **(20 points)**

9. **Budget Justification:** Applicants will receive higher scores if the budget is tailored to the work plan and utilizes allowable direct and indirect costs. Total request for funding itself will not determine score; rather, Applicants will be scored based on whether budget accurately reflects allowable costs of completing the work set forth in the work plan. A brief explanation of how the funds requested will support the project goals and activities is provided.

Applicants will receive higher scores if detail of how the applicant arrived at the budget figures is included, costs to be charged to federal funds and those charged to matching funds are identified, an explanation of how phone, rent, or copying will be charged between federal funds and applicant's agency funds, and if Personnel expenses are requested, employee name, position, and percentage of time they will be working on the project is noted. **(15 points)**

10. **Budget:** Applicants will receive higher scores if Budget expenses are appropriate and related to the project work plan, Budget does not include equipment, ongoing operating expenses, construction or renovation costs, or direct services for people with developmental disabilities unless these are part of a model demonstration, the Budget includes a 25% match of the subaward, and the source of matching funds is clearly identified. **(15 points)**

There are 150 total points available for Applications under this RFA.

Applicants selected for funding may receive a contingency notice requesting clarification or additional information prior to the official award. Upon receipt and approval by Council staff of any contingencies, a formal subaward document will be emailed to the applicant for electronic signature. If there are no contingencies, the formal subaward document will be emailed to the applicant for electronic signature. All subaward signatures will be obtained using DocuSign. No work shall begin on the project prior to April 1, 2024. Work begun on the project prior to all required signatures being obtained may not be approved for reimbursement.

3.8. Late Applications

Applications received after the time and date of the Application due date will be considered late Applications. Late Applications will be rejected. All Applications must be electronically or physically received by the date and time of the Application Opening. The State is not responsible for Applications that are late or lost regardless of cause or fault. It is the Applicant's responsibility to ensure Applications are received timely.

3.9. Corrections

An Applicant may correct a mistake in an Application prior to the time of opening by giving written notice to the POC of intent to withdraw the Application for modification, or to withdraw the Application completely. Changes in an Application after the Evaluation Period has begun are acceptable only if the change is made to correct a minor error. Whether an error is minor shall be determined by DHHS.

3.10. Grievance and Protest Procedures

All grievances must follow the DHHS Subaward Grievance/Protests Procedures, available on the DHHS Grants Website. Grievances must be filed timely.

3.11. Competition/Joint Efforts

Applicants may cooperate or submit Applications jointly, but all such Applications must clearly identify the Applicants involved, the roles each will have administering the subaward, and that they are eligible for the subaward, as set forth herein. Applicants may create a legal entity, or describe a plan for the creation of a legal entity, as a cooperative or joint venture if the entity itself is eligible for the subaward and all Applicants are also eligible. DHHS shall determine the proper method for any resulting subaward, should the joint Applicants be selected for funding.

3.12. DHHS Reservations of Authority During Application and Evaluation Process

After Evaluation of the Applications, or at any point in the RFA process, DHHS may take one or more of the following actions:

1. Amend the RFA;
2. Extend the time of or establish a new Application opening time (i.e., allowing additional time to submit Applications);
3. Waive deviations or errors in the RFA process and in Applications that are not material, do not compromise the RFA process or an Application, and do not improve an Applicant's position;
4. Accept or reject a portion of or all of an Application;
5. Accept or reject all Applications;
6. Withdraw the RFA; or
7. Elect to reissue the RFA.

DHHS reserves the right to adjust the Applicant's budget with successful Applicants after the Intent to Subaward is issued. DHHS also reserves the right to adjust the Work Plan with Applicant to meet the requirements of the grant, Federal Funding Agency, law, or to meet DHHS programmatic needs. DHHS also reserve the right to apply additional conditions based on the successful Application and the result of a pre-award risk assessment. If a scoring method is used to rank applications to determine funding amounts, all adjustments shall have no bearing on rank.

If DHHS rejects all Applications, it may enter either reissue an RFA with the same or different specifications and terms, or it may negotiate a single or multiple Subawards with individual Applicants or non-Applicants.

4. APPLICATION INSTRUCTIONS

4.1. Application Contents

A complete, responsive Application must contain the following completed documents:

1. Form 1 – Application Form and Cover Sheet;
2. Form 2 – Organization Overview
3. Form 3 – Applicant's Work Plan;
4. Form 4 – Applicant Budget; and
5. Form 5 – Letters of Support or Commitment (Optional)

Applications that do not contain all of the required sections will be rejected. An editable Microsoft Word-formatted document of the Forms will be posted on the DHHS Website, which Applicants may fill in and submit.

All electronic documents must be submitted in Portable Document Format (PDF).

4.2. Applicant's Organizational Overview

The Applicant's Organization Overview section shall contain the following information about the Applicant. If the Application is a cooperative or joint venture between two or more entities, all information required in this section shall be provided for all entities, even if a new legal entity has been created or is planned to be created for the purposes of the Subaward.

1. **Organization Information.** Applicant's full legal name, including any other "doing business as" names, or any previous names the organization used. A UEI number shall be provided. A parent UEI number shall also be provided, if applicable.
2. **Summary of Federal Grants Experience.** A description of Applicant's previous experience with receiving federal funds. This shall include, but not be limited to, experience receiving federal funds

as a recipient or a subrecipient. Applicant should describe and demonstrate knowledge of the Uniform Grant Guidance / HHS Grants Guidance (as applicable), as well as any specific experience with the particular federal program and funding source that funds this RFA.

3. **Summary of Programmatic Experience.** A description of Applicant's experience with the type of programming or work contained in the Project Description, or other relevant work.
4. **Personnel and Management.** Applicant should identify individuals employed by Applicant, on its board of directors, or otherwise affiliated with Applicant, who have a demonstrated knowledge or experience with federal grants, the Uniform Grant Guidance or the HHS Grants Guidance, programmatic experience, or other relevant experience.
5. **Agreements Terminated or Costs Disallowed.** Applicant must provide a summary of any agreements executed within the last five (5) years with federal awarding agencies or pass-through entities (either as grant agreements, cooperative agreements, subawards, or contracts) that:
 - Were terminated for cause; or
 - Where Specific Conditions were placed on Applicant (see 2 CFR § 200.208 or 45 CFR § 75.207).

If an Applicant has been disbarred by the United States Federal government, it is not eligible to receive funding under this RFA.

4.3. Applicant's Work Plan (Form 3)

The Work Plan must respond in detail to the Project Description. It must contain a description of the work activities Applicant is proposing to complete under the RFA. It should contain an understanding of the requirements for the project under the applicable federal or state funding sources (or both), and, as applicable, descriptions of timelines, outcome/process measures, and program evaluation activities.

Instructions:

Applicants must provide the following elements as part of the budget submission:

1. Work Plan (*work plan template provided*)
2. Work Plan Narrative

The Work Plan must respond in detail to the Project Description. It must contain a description of the work activities Applicant is proposing to complete under the RFA. It should contain an understanding of the requirements for the project under the applicable federal or state funding sources (or both), and, as applicable, descriptions of timelines, outcome/process measures, and program evaluation activities.

Applicant must demonstrate a working knowledge of the issues that affect individuals with developmental disabilities and their families, experience working with and/or advocating on behalf of individuals with developmental disabilities, and a history of conducting education in the activity area identified in the application.

1. **Project Summary.** Provide a brief, one paragraph statement that clearly states the project goal, the major activities to be undertaken, and the projected impact on people with developmental disabilities and/or family members.
2. **Agency Qualifications.** Describe and document the applicant's capacity to carry out the programmatic intent of funds and proposed activities. Information in this section should include agency mission, programs, and services. The names, titles, qualifications, and experience of persons who will be responsible for and assisting with the project must be included.
3. **Coordination and Collaboration.** Describe your community involvement and document the strength of relationships with other agencies to achieve common goals. Information included would be a list of current agency subawards or contracts, evidence of working relationships and community partnering, and a list of agency memberships on community focus groups, teams, coalitions, or other local organizations. If applicable, identify other individuals or organizations collaborating on the project, and provide a brief description of their contribution and qualifications. Attach letters of commitment/support from these partners.

4. Detailed Narrative. Identify the selected State Plan Goal and Objective for this project. Describe in detail the need for the proposed project and how your project will address the stated need. Responding to the requirements detailed in the Project Specific Requirements section, describe the activities that you will engage in, why these activities are necessary, and what these Primary Project Activities will achieve. Explain why this approach will be successful in achieving the project's goal, and the Expected Project Outputs (what will be created or achieved by the end of the project) and Expected Project Outcomes (the level of achievement or success that occurred because of the project activities). See Section 4 for examples of Expected Outputs and Expected Outcomes. Include a description of any products and deliverables that will be developed.

5. Accomplishments. Summarize the expected accomplishments of the project. Identify the output and outcomes to be achieved (see Output and Outcome under the DD Suite Help button). Explain how successful completion of the project will contribute to achieving the State Plan Goal identified for this project. Explain what the projected short-term and long-term (post-project) benefits of the project will be for people with developmental disabilities and their family members.

6. Work Plan. Create a Work Plan of activities to complete the objectives using the Work Plan template. The Work Plan must include the following: start and end dates for each Activity (these dates cannot simply reflect the start and end dates of the project, each activity will have a specific start and end date); the person responsible for the activity; and the estimated number of individuals who will benefit from the project. Work Plan MUST include a goal and activities related to sustainability of the project and/or its outcomes.

7. Project Sustainability. Applicants must describe in detail their plan to sustain the project once Council funds end. The plan should identify the activities, features, or practices that the applicant wants to sustain. A description of whether their agency or other agencies or collaborators will assume responsibility for maintaining the project.

4.4. Applicant's Budget (Form 4)

Instructions:

Applicants must provide the following elements as part of the budget submission:

1. Budget (budget template provided)
2. Budget Narrative

A budget template is provided, but is not exhaustive: your budget might have additional items not listed here. Applicants may edit the template to reflect planned expenditures. All electronic documents must be submitted in Portable Document Format (PDF).

Each budget should contain only costs that are allowable under the applicable federal statutes, regulations, terms and conditions of this RFA. Applicants will not be allowed to change their budgets once submitted to DHHS, unless the RFA POC specifically requests, in writing, budget changes. Budgets may be modified as required by DHHS or in agreement between DHHS and the Applicant after the Intent to Subaward is announced. Applicants should not rely on budget changes or modifications in submitting their proposed budget, but should be able to perform the program activities consistent with their budget.

If an Applicant has or has prepared a cost allocation plan for this subaward, it may be submitted along with the Application.

If an Applicant plans to charge indirect costs other than through a cost allocation plan, Applicant thus must provide one of the following along with their budget: 1) A current federally-approved indirect cost rate agreement; 2) A currently approved indirect cost rate agreement with DHHS; or 3) A calculation of *de minimis* indirect costs consistent with federal rules. DHHS may provide a calculator to aid programs in calculating *de minimis* indirect costs, upon request.

Indirect costs and cost allocation plans may also be negotiated after the Intent to Subaward. As consistent with law, Applicant may voluntarily opt to take a lower indirect rate than their approved agreement, or indirect cost calculation, allows.

1. **Budget.** Create a Budget using the Budget template. The amount of DHHS grant funds requested in the Applicant's budget must not exceed \$75,000.
2. **Budget Justification.** Include a brief budget justification narrative to explain expenses listed and how you arrived at the requested amounts. Provide explanations as to why each item is necessary for the success of the project. Identify costs for which federal funds are requested and those that will be provided by match (non-federal cash funds or in-kind).

When calculating Personnel costs, provide the name of the employee or the position and the percentage of time they will be working on the project. Be prepared to provide documentation of the hourly rate/annual salary of each individual and calculations on how benefits for individuals were determined for the time they will be working on the project.

For Matching Funds, show how the amounts were determined and how they will be documented.

For Office Expenses, Communications, and other/Miscellaneous costs that can only partially be allocated to the project (e.g., rent or phone), explain how the amount was determined. For example, if personnel is 20% then rent, phone, etc. would be 20% of the annual costs.

For Other Costs, identify each dollar amount and describe how it will be used both for subaward and matching funds.

Indirect costs: Applicants that have included indirect costs in their budgets must include a copy of the current indirect cost rate agreement approved by a Federal agency or the Nebraska Department of Health and Human Services. This is optional for applicants that have not included indirect costs in their budgets.

Program Income: As appropriate, include the estimated amount of income, if any, you expect to be generated from this project.

4.5. Additional Information (Form 5) - Optional

Letters of Support

Letters from agencies that are part of the sustainability plan should be included describing what part they will play in supporting the project beyond project funds. Applicants may include relevant letters of support from key personnel, collaborators, significant contributors, and/or organizations that do not have an active role in the project but believe the project will have a positive outcome. Applicants should also provide letters of commitment documenting contributions to the project. Letters must explain the organization's role in the project including tasks and/or items to be provided. Applicable cash and/or in-kind contributions should appear as match on the Budget.

Examples:

Cash Commitments: "[Partner name] will provide \$500 to pay for facility rental fees;" or

In-kind Commitments: "[Partner name] will waive facility rental fee (\$250);"

5. TERMS

Applicants must be aware of the following terms when submitting their Applications. These terms will be included in the resulting Subaward between the parties, as well.

5.1. Addenda

The following Addenda will be incorporated into any Subaward with a selected Applicant. They are available online at the DHHS Website:

1. Addendum A - DHHS Standard Terms – Subawards

DHHS reserves the right to amend these terms at any time during the RFA; to negotiate the terms with selected Applicants; to amend or change these terms for any subsequent Subaward signed and executed by the parties; or any combination of the above. Terms required by federal or state law will not be negotiated, and if an Applicant cannot agree to these terms, DHHS may withdraw or modify the Intent to Subaward and take any of the actions set forth herein.

5.2. Budget Changes

The final Subaward may contain terms to allow a Subrecipient to modify a budget, with or without approval from DHHS. Applicants should not, however, rely on this when submitting budgets.

5.3. Direct Costs

Under this Subaward, DHHS shall only pay for actual and allowable costs (as defined in this section) incurred during the Period of Performance.

To be allowable, all costs must be:

1. Necessary for the performance of the Subaward activities;
2. Reasonable, as provided in 2 CFR § 200.404 or 45 CFR § 75.404;
3. Allocable to the federal award, as provided in 2 CFR § 200.405 or 45 CFR § 75.405;
4. Consistent with all other requirements of the Cost Principles in 2 CFR § 200 Subpart E or 45 CFR § 75 Subpart E; and
5. Consistent with all other law, regulation, policy, or other requirements applicable to the state or federal funds involved.

To be actual, all costs must be finalized and spent by the appropriate dates set forth in the Subaward.

Particular Federal Funding Agencies may have additional requirements and stipulations regarding allowable costs under that particular funding.

Applicants should be aware that direct personnel costs must be consistent with 45 CFR § 75.430 or 2 CFR § 200.430, as applicable. These costs must be able to be backed by sufficient documentation or must be shown to be allocable to the award via an alternative, allowable method, such as a random moment time study.

5.4. Indirect Costs

Federal law defines indirect costs as “costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved.” 2 CFR § 200.1 and 45 CFR § 75.2. All indirect costs may only be paid if they are consistent with the UGG or HHS GG, as applicable.

As provided in 2 CFR § 200.414 and 45 CFR § 75.414, indirect costs may only be paid from a federal grant if paid through a federally approved rate or a rate negotiated between DHHS and the Applicant. If the Applicant has never had a federally approved indirect rate, it may charge indirect costs as consistent with the federal rules for *de minimis* indirect costs.

Cost Allocation plans may set forth a direct allocation of all costs under a subaward or may allocate only a portion of those costs along with an indirect rate. Subrecipients may not, however, charge items as direct costs and also as indirect costs.

5.5. Program Income

Any revenue generated by the Subaward is Program Income (see definition in 2 CFR § 200.1 or 45 CFR § 75.2). Program Income requires an accounting of its use and must be handled in accordance with 2 CFR § 200.307 or 45 CFR § 75.307. As per the Notice of Award for the federal funds involved in this RFA or from

other regulation, all program income generated by the Subawards awarded as a result of this RFA must be handled under the matching method. Please see the regulations cited above for more detail.

5.6. Matching Requirements

Subawards resulting from this RFA require the successful Applicant to match the funds awarded at a rate of 25% of total program costs. See 2 CFR § 200.306 or 45 CFR § 75.306. Match must be based on the total costs, not the percentage of the federal funds alone. Federal funds from another source may not be used as match.

Subaward Funds and Match

Council funds provide for up to 75% of the project costs. Subrecipients must provide the remaining 25% of the project costs through cash or in-kind match. To determine the minimum matching funds required, divide the amount of Council funds requested by 3 (\$75,000 divided by 3 = \$25,000) minimum match required for the subaward). Applicant may provide additional non-federal matching funds to the project. The source of non-federal matching funds can include a direct financial contribution, revenue from other organizations, and in-kind contributions from the applicant or a third party such as volunteer time, supplies, and meeting space.

NOTE: Federal funds cannot be used as match. Funds used to match a NCDD subaward may not be used as match for another federal grant or subaward, and NCDD funds cannot be used as match for other federal grants or subawards.

Cash match includes the use of the subrecipient organization's own funds for things they would have to pay for (i.e., part of someone's salary, rental space, communications, or postage) and cash donations from third parties on project-related costs to support a project by an agency. In-kind match includes, but is not limited to, the valuation of donated goods and services. "In-kind" is the value of something received or provided by an outside source that does not have a direct cost associated with it. Examples include the value of non-paid volunteers working on project-related activities. Their hours are tracked using a timesheet similar to the way hours are tracked for project personnel. A calculation of the value of the hours will be included in the Budget/Budget Justification.

Subawards resulting from this RFA are subject to and shall follow federal regulation, as set forth herein. Subrecipients receiving subaward funds may only be paid up to the actual and allowable costs (as defined herein) of completing the Project Description. No Subawards resulting from this RFA will be fee-for-service contracts, regardless of the method of payment, and no Subrecipient may keep a profit from its subaward. Program income must be noted as Match.

5.7. Additional Program Requirements

This RFA and any resulting Subaward will be subject to the HHS Grants Policy Statement. A copy of it is available here: <https://www.hhs.gov/sites/default/files/grants/grants/policies-regulations/hhsgps107.pdf>

6. GLOSSARY OF TERMS

All terms shall have the meaning as set forth in 2 CFR §§ 200 et seq. or 45 CFR §§ 75 et seq. unless otherwise specifically set forth herein.

Agent/Representative: A person authorized to act on behalf of another.

Amend: To alter or change by adding, subtracting, or substituting.

Amendment: A written correction or alteration to a document.

Applicant: Non-Federal Entity that has applied for funding under this RFA.

Application: The written proposal submitted by the Applicant applying for funding under this RFA, which is composed of Forms 1 through 5.

Application Due Date: The date and time the RFA must be submitted to DHHS, and if not submitted by that date and time, rejected.

Benefits Planning and Assistance: An on-going process that includes review of and assistance with state and federal benefits and their associated work incentives to support people who wish to pursue employment.

Community Inclusion: Community Inclusion refers to areas such as where an individual lives, works, or goes to school; relationships; pursuit of personal interests; meeting spiritual needs; learning and personal growth; physical and emotional health; self-direction; and exercising rights, roles and responsibilities as a citizen.

Developmental Disability: (federal definition) - The term "developmental disability" means a severe, chronic disability of an individual that:

1. Is attributable to a mental or physical impairment or combination of mental and physical impairments.
2. Is manifested before the individual attains age twenty-two.
3. Is likely to continue indefinitely.
4. Results in substantial functional limitations in three or more of the following areas of major life activity: (a) self-care; (b) receptive and expressive language; (c) learning; (d) mobility; (e) self-direction; (f) capacity for independent living; and (g) economic self-sufficiency.
5. Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.
6. Is an individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting three or more functional limitations in major life activities, if the individual, without services and supports, has a high probability of meeting those criteria later in life.

DHHS Grants Website: <http://dhhs.ne.gov/Pages/Grants-and-Contract-Opportunities.aspx>

DHHS Website: www.dhhs.ne.gov

Diverse Identities: Diverse Identities refers to people of various races, cultural and ethnic heritages, genders, gender identities, gender expressions, sexual orientations, ages, and religions from diverse socio-economic and geographic backgrounds.

Evaluation: The process of examining an Applicant after opening to determine the Applicant's responsibility, responsiveness to requirements, and to ascertain other characteristics of the Application that relate to determination of the successful award.

Evaluation Committee(s): Committee(s) appointed by DHHS that advises and assists DHHS in the evaluation of Applications.

Evaluator: An individual on the Evaluation Committee(s) who advises and assists in the evaluation of Applications.

HHS Grants Guidance ("HHSGG"): The regulations codified at 45 CFR §§ 75 et seq., a re-codified version of the UGG, which provide the general administrative requirements for grant funding flowing down from the federal Department of Health and Human Services. See also Uniform Grant Guidance.

Intent to Subaward: A document noting the results of the RFA evaluation process and identified any identified Applicant(s) with whom DHHS intends to award federal funds, but not a binding agreement with any promise to award.

Mandatory/Must: Required, compulsory, or obligatory.

May: Discretionary, permitted; used to express possibility.

Must: See Mandatory/Must and Shall/Will/Must.

Non-Responsive: When an Application does not meet the minimum requirements of this RFA.

Point of Contact ("POC"): The person designated to receive communications and to communicate.

Request for Applications ("RFA"): Written solicitation of competitive applications for federal grant funding.

Shall/Will/Must: An order/command; mandatory.

Should: Expected; suggested, but not necessarily mandatory.

Subaward: In addition to the definition in 2 CFR § 200.92 and 45 CFR § 75.2, Subaward means the Grant Agreement executed, pursuant to the terms of the RFA, with the Non-Federal Entity.

Subrecipient: In addition to the definition in 2 CFR § 200.93 and 45 CFR § 75.2, Subrecipient means the Non-Federal Entity that has executed a Subaward with DHHS.

Uniform Grants Guidance ("UGG"): The regulations codified at 2 CFR §§ 200 et seq., which provide the general administrative requirements for grant funding flowing down from the federal government. See also HHS Grants Guidance.

Will: See Shall/Will/Must.

FORM 1 – APPLICATION COVER SHEET

Instructions: This form must be signed and returned, along with the application materials, before the Application Due Date, to the POC or designated email address, as applicable.

RFA #	RELEASE DATE
6308	December 1, 2023
APPLICATION DUE DATE	POINT OF CONTACT
JANUARY 11, 2024	Office of Procurement and Grants

CERTIFICATION AND GUARANTEE OF COMPLIANCE
<p>By signing this Application Cover Sheet, the Applicant guarantees compliance with the provisions stated in this Request for Application and certifies that all information contained in this Application is accurate. This Application is submitted pursuant to the terms of the RFA, and if the Applicant is awarded funding, it will be incorporated into the Subaward between the parties. I understand that if anything in this Application conflicts with the RFA or with the subsequent Subaward, the Subaward and RFA shall govern as set forth in the Subaward.</p> <p>ORGANIZATION*: _____</p> <p>ORGANIZATION UEI NUMBER: _____ PARENT UEI (IF APPLICABLE): _____</p> <p>COMPLETE ADDRESS: _____</p> <p>_____</p> <p>CONGRESSIONAL DISTRICT: _____</p> <p>TELEPHONE NUMBER: _____ EMAIL ADDRESS: _____</p> <p>____ I CERTIFY THAT THIS ORGANIZATION IS AN "ELIGIBLE ORGANIZATION" AS DEFINED BY THIS RFA.</p> <p>____ I CERTIFY THAT THIS ORGANIZATION IS NOT PRESENTLY DEBARRED OR SUSPENDED.</p> <p>SIGNATURE: _____</p> <p>TYPED NAME & TITLE OF SIGNER: _____</p>

**Name must match UEI Number.*

FORM 2 – APPLICANT’S ORGANIZATION OVERVIEW

The Applicant’s Organization Overview section shall contain the following information about the Applicant. If the Application is a cooperative or joint venture between two or more entities, all information required in this section shall be provided for all entities, even if a new legal entity has been created or is planned to be created for the purposes of the Subaward.

1. **Organization Information.** Applicant’s full legal name, including any other “doing business as” names, or any previous names the organization used. A UEI number shall be provided. A parent UEI number shall also be provided, if applicable.
2. **Summary of Federal Grants Experience.** A description of Applicant’s previous experience with receiving federal funds. This shall include, but not be limited to, experience receiving federal funds as a recipient or a subrecipient. Applicant should describe and demonstrate knowledge of the Uniform Grant Guidance / HHS Grants Guidance (as applicable), as well as any specific experience with the particular federal program and funding source that funds this RFA.
3. **Summary of Programmatic Experience.** A description of Applicant’s experience with the type of programming or work contained in the Project Description, or other relevant work.
4. **Personnel and Management.** Applicant should identify individuals employed by Applicant, on its board of directors, or otherwise affiliated with Applicant, who have a demonstrated knowledge or experience with federal grants, the Uniform Grant Guidance or the HHS Grants Guidance, programmatic experience, or other relevant experience.
5. **Agreements Terminated or Costs Disallowed.** Applicant must provide a summary of any agreements executed within the last five (5) years with federal awarding agencies or pass-through entities (either as grant agreements, cooperative agreements, subawards, or contracts) that:
 - Were terminated for cause; or
 - Where Specific Conditions were placed on Applicant (see 2 CFR § 200.208 or 45 CFR § 75.207).

If an Applicant has been disbarred by the United States Federal government, it is not eligible to receive funding under this RFA.

FORM 3 – APPLICANT’S WORK PLAN

Instructions:

Applicants must provide the following elements as part of the budget submission:

1. Work Plan (*work plan template provided*)
2. Work Plan Narrative

The Work Plan must respond in detail to the Project Description. It must contain a description of the work activities Applicant is proposing to complete under the RFA. It should contain an understanding of the requirements for the project under the applicable federal or state funding sources (or both), and, as applicable, descriptions of timelines, outcome/process measures, and program evaluation activities.

Applicant must demonstrate a working knowledge of the issues that affect individuals with developmental disabilities and their families, experience working with and/or advocating on behalf of individuals with developmental disabilities, and a history of conducting education in the activity area identified in the application.

1. **Project Summary.** Provide a brief, one paragraph statement that clearly states the project goal, the major activities to be undertaken, and the projected impact on people with developmental disabilities and/or family members.
2. **Agency Qualifications.** Describe and document the applicant’s capacity to carry out the programmatic intent of funds and proposed activities. Information in this section should include agency mission, programs, and services. The names, titles, qualifications, and experience of persons who will be responsible for and assisting with the project must be included.
3. **Coordination and Collaboration.** Describe your community involvement and document the strength of relationships with other agencies to achieve common goals. Information included would be a list of current agency subawards or contracts, evidence of working relationships and community partnering, and a list of agency memberships on community focus groups, teams, coalitions, or other local organizations. If applicable, identify other individuals or organizations collaborating on the project, and provide a brief description of their contribution and qualifications. Attach letters of commitment/support from these partners.
4. **Detailed Narrative.** Identify the selected State Plan Goal and Objective for this project. Describe in detail the need for the proposed project and how your project will address the stated need. Responding to the requirements detailed in the Project Specific Requirements section, describe the activities that you will engage in, why these activities are necessary, and what these Primary Project Activities will achieve. Explain why this approach will be successful in achieving the project’s goal, and the Expected Project Outputs (what will be created or achieved by the end of the project) and Expected Project Outcomes (the level of achievement or success that occurred because of the project activities). See Section 4 for examples of Expected Outputs and Expected Outcomes. Include a description of any products and deliverables that will be developed.
5. **Accomplishments.** Summarize the expected accomplishments of the project. Identify the output and outcomes to be achieved (see Output and Outcome under the DD Suite Help button). Explain how successful completion of the project will contribute to achieving the State Plan Goal identified for this project. Explain what the projected short-term and long-term (post-project) benefits of the project will be for people with developmental disabilities and their family members.
6. **Work Plan.** Create a Work Plan of activities to complete the objectives using the Work Plan template. The Work Plan must include the following: start and end dates for each Activity (these dates cannot simply reflect the start and end dates of the project; each activity will have a specific start and end date); the person responsible for the activity; and the estimated number of individuals who will benefit from the project. Work Plan MUST include a goal and activities related to sustainability of the project and/or its outcomes.
7. **Project Sustainability.** Applicants must describe in detail their plan to sustain the project once Council funds end. The plan should identify the activities, features, or practices that the applicant wants to sustain.

WORK PLAN
Organization Name
Project Title
Project Duration

Goal:					
Objective:					
#	Activity	List What Your Measure of Success Will Be.	Responsible Staff/Party	Start Date	End Date
Goal:					
Objective:					
#	Activity	List What Your Measure of Success Will Be.	Responsible Staff/Party	Start Date	End Date

FORM 4 – APPLICANT’S BUDGET

Instructions:

Applicants must provide the following elements as part of the budget submission:

1. Budget (budget template provided)
2. Budget Narrative

A budget template is provided but is not exhaustive: your budget might have additional items not listed here. Applicants may edit the template to reflect planned expenditures. All electronic documents must be submitted in Portable Document Format (PDF).

Each budget should contain only costs that are allowable under the applicable federal statutes, regulations, terms, and conditions of this RFA. Applicants will not be allowed to change their budgets once submitted to DHHS, unless the RFA POC specifically requests, in writing, budget changes. Budgets may be modified as required by DHHS or in agreement between DHHS and the Applicant after the Intent to Subaward is announced. Applicants should not rely on budget changes or modifications in submitting their proposed budget but should be able to perform the program activities consistent with their budget.

If an Applicant has or has prepared a cost allocation plan for this subaward, it may be submitted along with the Application.

If an Applicant plans to charge indirect costs other than through a cost allocation plan, Applicant thus must provide one of the following along with their budget: 1) A current federally approved indirect cost rate agreement; 2) A currently approved indirect cost rate agreement with DHHS; or 3) A calculation of *de minimis* indirect costs consistent with federal rules. DHHS may provide a calculator to aid programs in calculating *de minimis* indirect costs, upon request.

Indirect costs and cost allocation plans may also be negotiated after the Intent to Subaward. As consistent with law, Applicant may voluntarily opt to take a lower indirect rate than their approved agreement, or indirect cost calculation, allows.

1. **Budget.** Create a Budget using the Budget template. The amount of DHHS grant funds requested in the Applicant’s budget must not exceed \$50,000.
2. **Budget Justification.** Include a brief budget justification narrative to explain expenses listed and how you arrived at the requested amounts. Provide explanations as to why each item is necessary for the success of the project. Identify costs for which federal funds are requested and those that will be provided by match (non-federal cash funds or in-kind).

When calculating Personnel costs, provide the name of the employee or the position and the percentage of time they will be working on the project. Be prepared to provide documentation of the hourly rate/annual salary of each individual and calculations on how benefits for individuals were determined for the time they will be working on the project.

For Matching Funds, show how the amounts were determined and how they will be documented.

For Office Expenses, Communications, and other/Miscellaneous costs that can only partially be allocated to the project (e.g., rent or phone), explain how the amount was determined. For example, if personnel is 20% then rent, phone, etc. would be 20% of the annual costs.

For Other Costs, identify each dollar amount and describe how it will be used both for subaward and matching funds.

SUMMARY BUDGET

Organization Name

Project Title

Project Duration

	Requested Funds	Matching Funds	Total Project Budget
A Personnel	\$ -	\$ -	\$ -
B Fringe Benefits	\$ -	\$ -	\$ -
C Travel	\$ -	\$ -	\$ -
D Equipment	\$ -	\$ -	\$ -
E Supplies	\$ -	\$ -	\$ -
F Consultants/Contracts	\$ -	\$ -	\$ -
G Other Direct Costs	\$ -	\$ -	\$ -
H Total Direct Costs	\$ -	\$ -	\$ -
I Total Indirect Costs	\$ -	\$ -	\$ -
J Total (Sum H+I)	0.00	0.00	0.00

FORM 5 – ADDITIONAL INFORMATION (Optional)

Letters of Support or Commitment

Letters from agencies that are part of the sustainability plan should be included describing what part they will play in supporting the project beyond project funds. Applicants may include relevant letters of support from key personnel, collaborators, significant contributors, and/or organizations that do not have an active role in the project but believe the project will have a positive outcome. Applicants should also provide letters of commitment documenting contributions to the project. Letters must explain the organization's role in the project including tasks and/or items to be provided. Applicable cash and/or in-kind contributions should appear as match on the Budget.

Examples:

Cash Commitments: “[Partner name] will provide \$500 to pay for facility rental fees;” or

In-kind Commitments: “[Partner name] will waive facility rental fee (\$250);”