

Legal Technical Assistance for Statewide Health Improvement Partnership Healthy Eating and Active Living Strategies

GRANT REQUEST FOR PROPOSAL (RFP)

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To obtain this information in a different format, call: 651-201-5000.

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RFP Part 1: Overview

1.1 General Information

- Announcement Title: Legal Technical Assistance for Statewide Health Improvement Partnership Healthy Eating and Active Living Strategies
- Minnesota Department of Health (MDH) Program Website:
 - o https://www.health.state.mn.us/communities/ship/index.html
- Application Deadline: Friday, Jan. 17, 2025 at 5 p.m. Central Time

1.2 Program Description

The Minnesota Department of Health (MDH) requests proposals to provide legal technical assistance (Legal TA) support to the Minnesota Statewide Health Improvement Partnership (SHIP) Program grantees and partners working on SHIP Healthy Eating and Active Living strategies and support community-driven solutions to improve access and opportunities for healthy eating and active living through policy, systems, and environmental change across the state.

MDH's Office of Statewide Health Improvement Initiatives (OSHII) administers SHIP with the goal to prevent chronic diseases by expanding opportunities for active living and healthy eating in Minnesota. MDH will provide funding to one organization as a policy, systems, and environment (PSE) legal TA grantee. The grantee will provide tailored policy and legal research, opinion, and reference documents in coordination with MDH staff and SHIP grantees. They will also provide one-on-one TA to SHIP grantees to support community-driven solutions for healthy eating and active living PSE changes in the SHIP priority settings (communities, schools, workplaces, early child care settings and health care).

1.3 Funding and Project Dates

Funding

Funding will be allocated through a competitive process. If selected, you may only incur eligible expenditures when the grant agreement is fully executed, and the grant has reached its effective date.

Funding	Estimate
Estimated Amount to Grant	\$272,540
Estimated Number of Awards	1
Estimated Award Maximum	\$272,540
Estimated Award Minimum	NA

Match Requirement

No match requirements.

Project Dates

The first project period will be March 1, 2025 – June 30, 2026. Annual funding, contingent on legislative funds available, may continue up to an additional four years.

1.4 Eligible Applicants

MDH seeks to fund an organization that has two or more years of experience in coordinating and providing PSE Legal TA on healthy eating and active living issues; working with local public health agencies, community-based organizations, schools, early child care settings, workplaces and health care; and working with diverse communities. Eligible applicants must be based in Minnesota.

Applicants must have a state or federal recognition as a formal organization or entity, such as a Federal Employer Identification Number (EIN) or Minnesota Tax ID. Applicants must be registered with the Minnesota's Office of the Secretary of State. No grant will be awarded to individuals or informal groups or individuals. Applicants may not apply with a fiscal agent.

Mandatory Requirements

- Responses must be received by the due date and time specified in this RFP.
- Responses must include all required forms and requested documents.
- Responders must have at least two years of experience providing Legal TA on healthy eating and active living issues.
- Responders must be located in Minnesota.

Preferred Skills and Qualifications

MDH prefers a responder who has five or more years' experience and demonstrated success in providing healthy eating and active living PSE Legal TA support to organizations. Knowledge of the Minnesota policy environment around these issues.

MDH prefers a responder who has demonstrated experience serving local public health and community organizations that:

- Are supporting traditionally under-served populations.
- Are supporting rural and suburban geographical areas.
- Are supporting healthy eating and active living issues in communities, schools, worksites, early child care and health care settings.

Grant funds are not transferrable to any other entity. Applicants that are aware of any upcoming mergers, acquisitions, or any other changes in their organization or legal standing, must disclose this information to MDH in their application, or as soon as they are aware of it.

Collaboration

Collaboration between organizations or entities are welcomed, but not required. A single application should be submitted on behalf of all collaborative organizations. Each application should identify one lead organization. The lead organization is defined as the primary entity leading and carrying out the project within the proposal.

The Legal TA provider may subcontract as necessary to respond to specific requests by MDH OSHII staff. The Legal TA provider is responsible for managing any subcontracts and for ensuring their compliance with terms of the contract.

Applicants should clarify where they have in-house capacity and talent to accomplish proposed outcomes and where they will subcontract.

1.5 Questions and Answers

All questions regarding this RFP must be submitted via email to health.healthyeating@state.mn.us

Questions and answers will be posted by Jan. 10, 2025 and can be viewed at <u>Legal Technical</u>
<u>Assistance for Statewide Health Improvement Partnership Healthy Eating and Active Living</u>
<u>Strategies</u>

https://www.health.state.mn.us/communities/healthyeating/rfp/index.html

Please submit questions no later than 4:30 p.m. Central Standard Time (CST), on Friday, Jan. 3, 2025.

To ensure the proper and fair evaluation of all applications, other communications regarding this RFP including verbal, telephone, written or internet initiated by or on behalf of any applicant to any employee of the Department, other than questions submitted to as outlined above, are prohibited. Any violation of this prohibition may result in the disqualification of the applicant.

RFP Part 2: Program Details

2.1 Priorities

Health Equity Priorities

It is the policy of the State of Minnesota to ensure fairness, precision, equity, and consistency in competitive grant awards. This includes implementing diversity and inclusion in grant-making. The Policy on Rating Criteria for Competitive Grant Review (https://mn.gov/admin/assets/08-02%20Grants%20Policy%20Revision%20September%202017%20final tcm36-312046.pdf) establishes the expectation that grant programs intentionally identify how the grant serves diverse populations, especially populations experiencing inequities and/or disparities.

This grant will serve:

 SHIP grantees and local partners working with prioritized populations in rural, suburban, and urban Minnesota communities on healthy eating and active living PSE issues within the SHIP identified settings.

2.2 Project Scope of Work

The primary focus of this Legal TA is to provide guidance on SHIP active living and healthy eating policy issues to support policy, system, and environmental change within the SHIP settings of communities, schools, workplaces, early child care settings and health care. The grantee will provide guidance on broad policy issues impacting the SHIP setting areas through the creation of original policy documents, briefs, and reports as determined necessary in coordination with OSHII staff. Additionally, the grantee is expected to respond to individual local public health SHIP grantee requests related to active living and health eating and provide guidance within the parameters of the established workplan and budget.

The grantee will participate in regular monthly project management meetings, held virtually with OSHII leads to provide updates, plan, and coordinate work plan deliverables.

The grantee will be expected to present original deliverable documents as needed in coordination with OSHII staff at virtual SHIP TA meetings. The grantee is expected to present at one in-person State-wide SHIP conference with the presentation topic to be identified in coordination with OSHII staff.

Sample tasks:

- Direct one-on-one consultation in person, via email or by phone with SHIP grantee staff.
- Development of resource materials, research analysis documents and toolkits in coordination with OSHII staff.
- Participation in regular project management meetings with OSHII team leads.
- Participation in additional OSHII and SHIP learning and sharing opportunities as time and budget allows.

All activities under this funding opportunity must occur within the state of Minnesota. Eligible projects will clearly outline a plan and budget to meet the grant outcomes outlined above including:

- A. **Organizational Capacity (3 page maximum):** Responder should provide general background information for its organization that includes the number of years the responder has been in business, types of services provided (which must include legal TA on healthy eating and active living issues), number of employees in each of the organization's departments. Applicants should provide an outline of background and experience with examples of similar work completed and a list of personnel who will perform the activities, detailing their training, and work experience.
- B. **Workplan (4 page maximum):** Applicants should provide a description of the activities to be performed by the Applicant along with a detailed workplan that identifies the major activities to be accomplished. This document should NOT list the cost associated with each activity.
- C. **Budget and Budget Justification (4 page maximum):** Applicant must provide a budget spreadsheet with proposed project activities, deliverables, personnel titles, hours, and hour rates. Applicant must provide an accompanying detailed budget justification narrative describing the proposed work plan activities.
- D. **Diversity, Equity & Inclusion (2 page maximum):** Applicant should-describe an understanding of the populations experience health related disparities that are the focus of OSHII's healthy eating and active living work. Applicant should also describe how they will support and integrate social determinants of health into their PSE Legal TA approach.

MDH Policy and Guidance on Indirect Costs

MDH recognizes that grantees incur certain costs of doing business that are not easily identified with a particular grant or activity. These costs are often referred to as indirect and administrative costs.

In order to comply with Minnesota Statutes 16B.98, Subd. 1, MDH is responsible for negotiating appropriate limits to these costs so that the state derives the optimum benefit for grant funding. MDH requires that grantees formally agree to minimize indirect costs. MDH allows grantees with a federally negotiated indirect cost rate to bill the agency for indirect costs in an amount up to but not exceeding that rate, as applied to the grant's total direct costs.

Grantees without a current federally negotiated indirect cost rate are allowed to bill the agency for indirect costs in an amount up to but not exceeding a rate of 10%, as applied to the grant's total direct costs.

Additionally, MDH requires that:

1. Administrative costs directly attributable to the grant program must be included as part of the appropriate budget line item and not included as part of an organization's indirect costs; and

2. Costs must be consistently categorized as either indirect or direct costs throughout the entire grant period.

Grantees without a federally negotiated indirect cost rate must submit a list of expenses that will be covered by the indirect portion of the budget so that MDH can ensure the expenses are not also listed in other directly billed budget line-item categories.

Grantees with a federally negotiated indirect cost rate must submit proof of their approved rate to MDH grant programs, and proof shall be retained by both MDH and the grantee in their grant files. When a new federally negotiated indirect cost rate is issued, MDH will honor the new rate beginning the date that MDH receives notification from the grantee.

Ineligible Expenses

Ineligible expenses include but are not limited to:

- Solicitating donations
- Taxes, except sales tax on goods and services
- Lobbyists, political contributions
- Bad debts, late payment fees, finance charges, or contingency funds

2.3 Grant Management Responsibilities

Grant Agreement

The grantee must formally enter into a grant agreement. The grant agreement will address the conditions of the award, including implementation for the project. The grantee is expected to read the grant agreement, sign, and comply with all conditions of the grant agreement. Grantee should provide a copy of the grant agreement to all grantee staff working on the grant.

No work on grant activities can begin until a fully executed grant agreement is in place.

A sample grant agreement can also be viewed at:

https://www.health.state.mn.us/about/grants/resources.html.

Applicants should be aware of the terms and conditions of the standard grant agreement in preparing their applications. Much of the language reflected in the sample agreement is required by statute. If an applicant takes exception to any of the terms, conditions or language in the sample grant agreement, the applicant must indicate those exceptions, in writing, in their application in response to this RFP. Certain exceptions may result in an application being disqualified from further review and evaluation. Only those exceptions indicated in an application will be available for discussion or negotiation.

The funded applicant will be legally responsible for assuring implementation of the work plan and compliance with all applicable state requirements including worker's compensation insurance, nondiscrimination, data privacy, budget compliance, and reporting.

Accountability and Reporting Requirements

It is the policy of the State of Minnesota to monitor progress on state grants by requiring grantees to submit written progress reports at least annually until all grant funds have been expended and all of the terms in the grant agreement have been met. For this funding opportunity, the reporting schedule will be:

- Progress reports submitted monthly as part of regular check-ins with OSHII staff.
- Monthly log of one-on-one TA requests and TA delivered to SHIP grantees by the Responder.
- All materials created as part of the grant to be shared with MDH as they are created, or by 30 days after the grant end date.

Grant Monitoring

Minn. Stat. §16B.97 (https://www.revisor.mn.gov/statutes/cite/16B.97) and Grants Policy (https://mn.gov/admin/assets/grants policy 08-10 tcm36-207117.pdf) require the following:

- One monitoring visit during the grant period on all state grants over \$50,000.
- Annual monitoring visits during the grant period on all grants over \$250,000.
- Conducting a financial reconciliation of grantee's expenditures at least once during the grant period on grants over \$50,000.

The monitoring schedule for this funding opportunity will be:

- Annual monitoring visits during the grant period.
- Conducting a financial reconciliation of grantee's expenditures at least once during the grant period.

Grant Payments

Per State Policy on Grant Payments (https://mn.gov/admin/assets/08-08%20Policy%20on%20Grant%20Payments%20FY21%20 tcm36-438962.pdf) reimbursement is the method for making grant payments. All grantee requests for reimbursement must correspond to the approved grant budget. The State shall review each request for reimbursement against the approved grant budget, grant expenditures to-date and the latest grant progress report before approving payment. Grant payments shall not be made on grants with past due progress reports unless MDH has given the grantee a written extension.

The invoicing and payment schedule will be:

MDH will promptly pay Grantee after Grantee presents an itemized invoice for the activities actually performed and MDH's Authorized Representative accepts the invoiced activities. Invoices must be submitted at least quarterly or according to a schedule agreed upon by the Parties. The final invoice is due 30 calendar days after the expiration date of the grant agreement. A standard invoice template will be provided to grantee.

2.4 Grant Provisions

Affirmative Action and Non-Discrimination Requirements for all Grantees

The grantee agrees to comply with applicable state and federal laws prohibiting discrimination.

Minnesota's nondiscrimination law is the Minnesota Human Rights Act (MHRA) (Minn. Stat. § 363A; See e.g. Minn. Stat. § 363A.02 (https://www.revisor.mn.gov/statutes/cite/363A.02)). The MHRA is enforced by the Minnesota Department of Human Rights (https://mn.gov/mdhr/). Some, but not all, MHRA requirements are reflected below. All grantees are responsible for knowing and complying with nondiscrimination and other applicable laws.

The grantee agrees not to discriminate against any employee or applicant for employment because of race, color, creed, religion, national origin, sex, marital status, status in regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age in regard to any position for which the employee or applicant for employment is qualified.

The grantee agrees not to discriminate in public accommodations because of race, color, creed, religion, national origin, sex, gender identity, sexual orientation, and disability.

The grantee agrees not to discriminate in public services because of race, color, creed, religion, national origin, sex, gender identity, marital status, disability, sexual orientation, and status with regard to public assistance.

The grantee agrees to take affirmative steps to employ, advance in employment, upgrade, train, and recruit minority persons, women, and persons with disabilities.

The grantee must not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The grantee agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled persons without discrimination based upon their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. Minn. Rules, part 5000.3550 (www.revisor.mn.gov/rules/5000.3550/).

Audits

Per Minn. Stat. § 16B.98 (www.revisor.mn.gov/statutes/cite/16B.98), subd. 8, the grantee's books, records, documents, and accounting procedures and practices of the grantee or other party that are relevant to the grant or transaction are subject to examination by the granting agency and either the legislative auditor or the state auditor, as appropriate. This requirement will last for a minimum of six years from the grant agreement end date, receipt, and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later.

Conflicts of Interest

MDH will take steps to prevent individual and organizational conflicts of interest, both in reference to applicants and reviewers per Minn. Stat.§ 16B.98 and the Office of Grants Management's Policy 08-01, "Conflict of Interest Policy for State Grant-Making."

Applicants must complete the Applicant Conflict of Disclosure form (Attachment C) and submit it as part of the completed application. Failure to complete and submit this form will result in disqualification from the review process.

Organizational conflicts of interest occur when:

- A grantee or applicant is unable or potentially unable to render impartial assistance or advice.
- A grantee's or applicant's objectivity in performing the grant work is or might be otherwise impaired.
- A grantee or applicant has an unfair competitive advantage.

Individual conflicts of interest occur when:

- An applicant, or any of its employees, uses their position to obtain special advantage, benefit, or access to MDH's time, services, facilities, equipment, supplies, prestige, or influence.
- An applicant, or any of its employees, receives or accepts money, or anything else of value, from another state grantee or grant applicant with respect to the specific project covered by this RFP/project.
- An applicant, or any of its employees, has equity or a financial interest in, or partial or whole ownership of, a competing grant applicant organization.
- An applicant, or any of its employees, is an employee of MDH or is a relative of an employee of MDH.

In cases where a conflict of interest is perceived, disclosed, or discovered, the applicants or grantees will be notified and actions may be pursued, including but not limited to disqualification from eligibility for the grant award or termination of the grant agreement.

Non-Transferability

Grant funds are not transferrable to any other entity. Applicants that are aware of any upcoming mergers, acquisitions, or any other changes in their organization or legal standing, must disclose this information to MDH in their application, or as soon as they are aware of it.

Public Data and Trade Secret Materials

All applications submitted in response to this RFP will become property of the State. In accordance with Minn. Stat. § 13.599 (www.revisor.mn.gov/statutes/cite/13.599), all applications and their contents are private or nonpublic until the applications are opened.

Once the applications are opened, the name and address of each applicant and the amount requested is public. All other data in an application is private or nonpublic data until completion of the evaluation process, which is defined by statute as when MDH has completed negotiating the grant agreement with the selected applicant.

After MDH has completed the evaluation process, all remaining data in the applications is public with the exception of trade secret data as defined and classified in Minn. Stat. § 13.37 (www.revisor.mn.gov/statutes/cite/13.37), subd. 1(b). A statement by an applicant that the application is copyrighted or otherwise protected does not prevent public access to the application or its contents. (Minn. Stat. § 13.599 (www.revisor.mn.gov/statutes/cite/13.599), subd. 3(a)).

If an applicant submits any information in an application that it believes to be trade secret information, as defined by Minn. Stat. § 13.37 (www.revisor.mn.gov/statutes/cite/13.37) the applicant must:

- Clearly mark all trade secret materials in its application at the time it is submitted,
- Include a statement attached to its application justifying the trade secret designation for each item, and
- Defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless MDH and the State of Minnesota, its agents and employees, from any judgments or damages awarded against the State in favor of the party requesting the materials, and any and all costs connected with that defense.
- This indemnification survives MDH's award of a grant agreement. In submitting an application in response to this RFP, the applicant agrees that this indemnification survives as long as the trade secret materials are in possession of MDH. The State will not consider the prices submitted by the responder to be proprietary or trade secret materials.

MDH reserves the right to reject a claim that any particular information in an application is trade secret information if it determines the applicant has not met the burden of establishing that the information constitutes a trade secret. MDH will not consider the budgets submitted by applicants to be proprietary or trade secret materials. Use of generic trade secret language encompassing substantial portions of the application or simple assertions of trade secret without substantial explanation of the basis for that designation will be insufficient to warrant a trade secret designation.

If a grant is awarded to an applicant, MDH may use or disclose the trade secret data to the extent provided by law. Any decision by the State to disclose information determined to be trade secret information will be made consistent with the Minnesota Government Data Practices Act (Ch. 13 MN Statutes (www.revisor.mn.gov/statutes/cite/13/full)) and other relevant laws and regulations.

If certain information is found to constitute trade secret information, the remainder of the application will become public; in the event a data request is received for application information, only the trade secret data will be removed and remain nonpublic.

2.5 Review and Selection Process

Review Process

Funding will be allocated through a competitive process with review by a committee representing OSHII staff and leadership working on active living and healthy eating activities. The review committee will evaluate all eligible and complete applications received by the deadline.

MDH will review all committee recommendations and is responsible for award decisions. **The award decisions of MDH are final and not subject to appeal.** Additionally:

- MDH reserves the right to withhold the distribution of funds in cases where proposals submitted do not meet the necessary criteria.
- The RFP does not obligate MDH to award a grant agreement or complete the project, and MDH reserves the right to cancel this RFP if it is considered to be in its best interest.
- MDH reserves the right to waive minor irregularities or request additional information to further clarify or validate information submitted in the application, provided the application, as submitted, substantially complies with the requirements of this RFP. There is, however, no guarantee MDH will look for information or clarification outside of the submitted written application. Therefore, it is important that all applicants ensure that all sections of their application are complete to avoid the possibility of failing an evaluation phase or having their score reduced for lack of information.

Selection Criteria and Weight

The review committee will be reviewing each applicant on an overall scale of 100 points. A standardized scoring system will be used to determine the extent to which the applicant meets the selection criteria.

The scoring factors and weight that applications will be judged are based on organizational capacity, work plan / project narrative, budget and budget justification and diversity in grantmaking. The scoring rubric can be seen in Attachment A – Score Sheet.

Grantee Past Performance and Due Diligence Review Process

- It is the policy of the State of Minnesota to consider a grant applicant's past performance before awarding subsequent grants to them.
- State policy requires states to conduct a pre-award risk assessment prior to a grant award.
 Additional information may be required for proposed budgets of \$50,000 and higher to a
 potential applicant in order to comply with <u>Policy on Pre-Award Risk Assessment for Potential Grantees.</u>

Notification

MDH anticipates notifying all applicants (successful and non-successful) via the email provided on their application of funding decisions by Feb. 10, 2025.

RFP Part 3: Application and Submission Instructions

All applications must be received by email to MDH no later than 4:30 p.m. Central Time, on Friday, Jan. 17, 2025 at 5:00pm central time,

Late applications will not be accepted. It is the applicant's sole responsibility to allow sufficient time to address all potential delays caused by any reason whatsoever. MDH will not be responsible for delays caused by mail, delivery, computer, or technology problems.

Acknowledgement of application receipt. MDH will "reply all" to the email address that submitted the application to acknowledge receipt of your application within one business day of the receipt of an application. If you do not receive an acknowledgment email within that time frame from when you submitted the application, it means MDH did not receive your application/documents. Please email health.health.healthyeating@state.mn.us after that time frame for further instructions.

3.1 Application Submission Instructions

Applications must be submitted by email to: health.healthyeating@state.mn.us.

3.2 Application Instructions

You must submit the following in order for the application to be considered complete:

For items A – D see the Grant Application Score Sheet Guide for further details on how these sections will be scored.

- A. Organizational Capacity (3 page maximum)
- B. Workplan (4 pages maximum)
- C. Budget Narrative (4 page maximum)
- D. Diversity, Equity & Inclusion (2 page maximum)

Items E – H are required but will not count toward the scoring of the application.

- E. Approved Federally Negotiated Indirect Cost Rate Agreement (If applicable)
- F. Budget spreadsheet Do not include the costs for additional tasks beyond the scope requested on the budget spreadsheet (Excel format form provided Attachment B)
- G. Applicant Conflict of Interest Disclosure (Form provided Attachment C
- H. Due Diligence Review Form (Form provided Attachment D)

Incomplete applications will be rejected and not evaluated.

Applications must include all required application materials, including attachments. Do not provide any materials that are not requested in this RFP, as such materials will not be considered nor evaluated. **MDH reserves the right to reject any application that does not meet these requirements.**

By submitting an application, each applicant warrants that the information provided is true, correct, and reliable for purposes of evaluation for potential grant award. The submission of inaccurate or misleading information may be grounds for disqualification from the award, as well as subject the applicant to suspension or debarment proceedings and other remedies available by law.

All costs incurred in responding to this RFP will be borne by the applicant.

RFP Part 4: Attachments

Supplemental materials can be found on the https://www.health.state.mn.us/communities/healthyeating/rfp/index.html)

- Attachment A: Score Sheet
- Attachment B: Budget Form (Excel Document)
- Attachment C: <u>Applicant Conflict of Interest Disclosure Form</u> (<u>health.state.mn.us/about/grants/coiapplicant.pdf</u>)
- Attachment D: <u>Due Diligence Review Form</u>
 (health.state.mn.us/about/grants/duediligence.pdf)
- Attachment E: Grant Agreement (health.state.mn.us/about/grants/grantagreement.pdf)

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