



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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October 31, 2023

Writer's direct dial: 512-475-3296
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Mr. Miguel Chacon
Executive Director
Adults and Youth United Development Association, Inc. (AYUDA)
1325 Beverly Ann Drive
San Elizario, TX 79849
Email: mchacon@ayudaelpaso.org

RE: APPEAL TO EXECUTIVE DIRECTOR ON LETTER OF NON-RECOMMENDATION OF AWARD TO
ADMINISTER THE BIPARTISAN INFRASTRUCTURE LAW DEPARTMENT OF ENERGY
WEATHERIZATION ASSISTANCE PROGRAM

Dear Mr. Chacon:

On October 26, 2023, the Texas Department of Housing and Community Affairs (the Department) received AYUDA's appeal to the Executive Director regarding Department staff's decision to not recommend AYUDA for a Bipartisan Infrastructure Law (BIL) Department of Energy (DOE) Weatherization Assistance Program (WAP) award in response to a Request for Applications (RFA). The decision to not recommend was based on the application's failure to demonstrate the following:

- 1) An ability to demonstrate staff and organizational capacity to deliver the proposed services; and
- 2) An ability to demonstrate positive past performance with DOE WAP.

While the information you provided in your appeal does show that AYUDA and its staff possess certifications and experience in a variety of weatherization programs, nowhere does it show that AYUDA or its staff possess experience with DOE weatherization specifically. As an example, the information provided does not show that an actively certified Energy Auditor (EA) or Quality Control Inspector (QCI) is presently on staff, which is required by DOE to ensure completion of DOE weatherization work meets all applicable program rules and standards. EA/QCI certifications and a sufficient amount of experience and/or training can take months or even years to become proficient according to DOE standards. In fact,



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without a QCI to conduct a final inspection to ensure program compliance, units cannot be reported complete with DOE funds, regardless of other weatherization experience. The RFA requested DOE specific experience rather than broad weatherization experience because DOE program requirements are quite specific, in particular relating to the qualifications of subgrantee staff members performing weatherization assessments, work, and inspections; these rigorous requirements compound the difficulty in administering BIL DOE WAP versus other weatherization programs.

Additionally, you noted in your appeal letter that another provider in your area, El Paso Community Action Program (Project Bravo), had not pursued DOE BIL funds. I would like to clarify that Project Bravo has in fact already accepted BIL DOE WAP funding as an existing subgrantee with the necessary DOE experience, but chose not to apply for any additional funds through this RFA.

Therefore, after careful consideration of your appeal, I am upholding staff's decision to not recommend AYUDA for a BIL DOE WAP award. The Department provides an avenue for applicants who would like to appeal my decision to the Department's Governing Board. The rules governing the Department's Appeals Process are located in 10 TAC §1.7 Appeals Process and can be found on the Secretary of State's website at: [https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=10&pt=1&ch=1&rl=7](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=10&pt=1&ch=1&rl=7). If you choose to appeal to the Board, you must file your appeal with the Department no later than 5:00 p.m., **seven (7) days** from the date of this notice.

Thank you for your interest in administering the BIL DOE WAP in El Paso, Hudspeth and Presidio counties. If you have any questions, please feel free to contact Gavin Reid at 512-936-7828 or gavin.reid@tdhca.state.tx.us.

Sincerely,

A handwritten signature in blue ink that reads "Bobby Wilkinson" with a stylized flourish at the end.

Bobby Wilkinson
Executive Director