



**COUNTY OF EL PASO**  
500 E. San Antonio, Suite PU500  
El Paso, Texas 79901  
(915) 546-2048 (915) 546-8180 Fax

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### **Notice to Interested Parties**

Sealed Request for Proposals (RFP) will be received at the County Purchasing Department, 500 E. San Antonio, Suite 500, El Paso, Texas 79901 before 2:00 p.m., **Wednesday, September 6, 2006** to be opened at the County Purchasing Office the same date for **Operation and Management of the El Paso County Sportspark**. A pre-bid conference will be held on Tuesday, August 22, 2006 at 10:00 a.m. in the Purchasing Conference Room located at 500 East San Antonio, Room 500, El Paso, Texas 79901.

**Proposals must be in a sealed envelope and marked:**

**"Proposals to be opened **September 6, 2006**  
**Operation and Management of the El Paso County Sportspark**  
**RFP Number 06-069"****

**Any questions or additional information required by interested vendors must be submitted in writing to the attention of the County Purchasing Agent before Friday, August 25, 2006, at 12:00 p.m. Questions can be faxed to (915)-546-8180.**

Award will be made based on a review of qualifications, scope of services and price. **COMMISSIONER'S COURT RESERVES THE RIGHT TO REJECT ANY AND ALL PROPOSALS AND WAIVE TECHNICALITIES.** Only proposals that conform to specifications will be considered. Successful Proposer shall not order items or services until a Purchasing Order is received from the County Purchasing Office. Payment will not be made on items delivered without an Agreement.

Vendor shall furnish a good and sufficient bid bond in the amount of \$1,000. **Bond shall be executed with a surety company authorized to do business in the State of Texas or a cashier's check made out to the County of El Paso. The bid bond must be included with the proposal at the time of the opening**

In order to remain active on the El Paso County Vendor list, each Vendor receiving this proposal must respond in some form. Vendors submitting a proposal must meet or exceed all specifications herein. Vendors submitting a no proposal must submit their reason in writing to the El Paso County Purchasing Department.

**PITI VASQUEZ**  
County Purchasing Agent

## PROPOSAL SCHEDULE

To: El Paso County, Texas

I or we agree to furnish the following described equipment, supplies, or services for the prices shown in accordance with specifications listed below or attached. By execution of this proposal, I hereby represent and warrant to El Paso County that I have read and understood the Proposal Documents and the Contract Documents and this proposal is made in accordance with the Proposal Documents.

Please quote prices and discounts on the following items:

<b>Description – RFP #06-069</b> <b>Operation and Management of the El Paso County Sportspark</b>
Vendor must meet or exceed specifications
Please do not include tax, as the County is tax-exempt. We will sign tax exemption certificates covering these items. <b>Please submit one (1) original and six (6) duplicates of your proposal.</b>

\_\_\_\_\_  
Company

\_\_\_\_\_  
Address

\_\_\_\_\_  
Federal Tax Identification No.

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
CIQ Confirmation Number

\_\_\_\_\_  
CIQ Sent Date

\_\_\_\_\_  
Representative Name & Title

\_\_\_\_\_  
Telephone & Fax Number

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**\*\*\*THIS MUST BE THE FIRST PAGE ON ALL BIDS\*\*\***

**COUNTY OF EL PASO, TEXAS**

**Check List**

**Operation and Management of the El Paso County Sportspark  
RFP #06-069**

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**THIS CHECKLIST IS PROVIDED FOR YOUR CONVENIENCE**

\_\_\_\_\_ Responses should be delivered to the County Purchasing Department by 2:00 p.m., Wednesday, September 6, 2006. Did you visit our website ([www.epcounty.com](http://www.epcounty.com)) for any addendums?

\_\_\_\_\_ Did you sign the Bidding Schedule?

\_\_\_\_\_ Did you sign the "Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements; Federal Debt Status, and Nondiscrimination Status And Implementing Regulations" document?

\_\_\_\_\_ Did you sign the "Consideration of Insurance Benefits" form?

\_\_\_\_\_ Did you file a copy of the completed Conflict of Interest Questionnaire (Form CIQ) with the El Paso County Clerk (in person or by mail to 500 E. San Antonio, Suite 106, El Paso, TX 79901 or by fax to 915-546-2012 attention Joann) and write the confirmation number given as proof of filing on your bidding schedule?

\_\_\_\_\_ Did you include a \$1,000 bid bond?

\_\_\_\_\_ Did you provide one original and six (6) copies of your response?

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I. INTRODUCTION

A. General Information

The County of El Paso, Texas, ("County") is requesting proposals for operation of the El Paso County Sportspark.

There is no expressed or implied obligation for the County to reimburse responding firms/entities for any expenses incurred in preparing proposals in response to this request.

To be considered, one (1) original and six (6) copies of your proposals must be received by the County Purchasing Department, **500 E. San Antonio, Room 500**, El Paso, TX 79901 before 2:00 p.m. on Wednesday, September 6, 2006. Proposals must be in a sealed envelope and marked as follows:

**"Proposals to be opened September 6, 2006  
Operation and Management of the El Paso County Sportspark  
RFP Number 06-069"**

Requests for changes or clarifications to this solicitation are welcomed by the Purchasing Department for its consideration, provided the requests are made, in writing, no later than August 25, 2006, at 12:00 p.m. Questions can be faxed to (915)-546-8180.

All requests shall be mailed or faxed to the County of El Paso, Purchasing Department, 500 E. San Antonio, RM 500, El Paso, TX 79901, fax (915) 546-8180.

**Offeror shall furnish a good and sufficient bid bond in the amount of \$1,000.** Bond shall be executed with a surety company authorized to do business in the State of Texas or a cashier's check made out to the County of El Paso. The bid bond must be included with the proposal at the time of the opening.

To protect the interests of the County and its residents, the selected corporation shall guard against any self-interest and divided loyalties of its members. Therefore, Board members or officers of the selected corporation shall not benefit, either personally or through a business relationship or interest, by any action taken by the selected corporation under its contractual relationship to the County. They shall not participate in decisions that could provide a beneficial interest to the board member or officer. The selected corporation shall not allow a person or organization to solicit or accept a contractual relationship, from

either the County or the selected corporation, on which a principal or officer of the organization serves as a member of the selected corporation.

Commissioners Court will evaluate proposals submitted.

During the evaluation process, the County reserves the right, where it may serve the County's best interest, to request additional information or clarifications from proposers, or to allow corrections of errors or omissions. At the discretion of the County, firms submitting proposals may be requested to make oral presentations as part of the evaluation process.

The County reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm/entity of the conditions contained in this request for proposals, unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the County and the firm/entity selected.

The contract startup time will be effective upon Commissioners Court approval.

B. Term of Contract

A Fifteen (15) year contract is contemplated with approval of Commissioners Court with two ten-year options required to be requested by the proposer and approved by Commissioners Court.

C. The Facility

The facility is an outdoor adult softball, children's baseball/T-ball complex located in East El Paso County at 1780 North Zaragoza Road. The facility comprises of 6 adult softball fields, 4 youth baseball/T-ball fields, a 2 level center concession area, which sits on approximately 50 .38 acres of land locate off of Loop 375.

II. NATURE OF SERVICES REQUIRED

A. Scope of Work to be Performed

(1) Contractor will operate, market, solicit, advertise and conduct public relations activities for leagues, sporting events, concerts, tournaments and other gatherings to maximize use of the Sportspark facilities.

(2) Contractor will develop and provide a marketing plan and budget.

(i) As used herein, "Fiscal Year" means the twelve-month period beginning October 1 and ending September 30. The proposer shall adopt said fiscal year as its fiscal year unless the County otherwise agrees.

(ii) An operating budget, including revenue sources for operation, staffing, maintenance, and supplies for the work for the year commencing upon the commencement date must be approved by the County. Subsequent budgets will be submitted to the County no later than June 15 of each year. The County shall have the right to approve the annual budget for the work, and any amendments, which the proposer proposes to such budget during any such Fiscal Year.

(iii) Marketing plan should include description of services and operations, including hours of operation and provisions for staffing. In addition the proposal should include as it pertains to the exact types of uses proposed (i.e., days and hours of operation, estimated average and peak number of persons that will be on site, plus days of the week and time of day these peaks will occur.)

(3) Supervision and inspection.

(i) The County shall have the right at all reasonable times to enter the premises to inspect said premises and all equipment and property there in to ascertain that the successful proposer is complying with the provisions of the operating agreement. The inspection will include, but will not be limited to the quality of service rendered and the prices charged to the public, the quality of food and beverages offered, the nature of the articles offered for sale to the public, neatness of the premises and employees, and non-discrimination policies with relation to the employees and service to the customers. The successful proposer and its employees will be required to adhere to all park rules and regulations of the County of El Paso, and to cooperate with the Parks Department and the County of El Paso in meeting the demands of the public.

(ii) Requests by the proposer to the County for funds, services or other items of value shall be directed to the Commissioners Court.

(iii) The proposer acknowledges that the County has adopted logos and trademarks, which may be used on proposer's stationery,

bulletins, displays, posters and media and press releases. The proposer is authorized to use any trade or service marks of the County in connection with its performance of the work; provided that the proposer shall first confirm with the County whether any particular mark is, in fact, a mark that the County is authorized to use. Promotional material may contain the logos and the proposer can use any additional logo adopted by the County.

(iv) Proposer shall maintain complete and accurate books and records of its activities and finances, which the County may audit at any time upon reasonable notice. Financial records shall be maintained on a regular basis in accordance with generally accepted accounting principles, subject to any variations there from as are required by State law or are agreed to by the County.

(v) The Proposer shall engage an independent firm of certified public accountants to audit its annual financial statements and shall deliver to the County Auditor a copy of its audited annual financial statements, consisting of a balance sheet, an income statement, a statement of cash flows, and notes to the financial statements, no later than 90 days after the end of each Fiscal Year. The engagement letter from the independent firm of certified public accountants shall contain a statement that the proposer shall receive a copy of all audit work papers produced either by the client or the firm during the annual audit of the financial statements. The notes to the audited annual financial statements shall contain a detailed breakdown of revenues by source and expenditures by category. In addition to the audited annual financial statements, the proposer shall keep on file a copy of all of the audit work papers that underlie the audited annual financial statements.

(vi) Within 30 days after the end of each quarter in the Fiscal Year, the Proposer shall deliver to the Commissioners Court a written report of its expenditures relating to the Work and unaudited financial statements for the quarter just ended, including at a minimum a balance sheet and an income statement

#### (4) Payments by the County.

On the Commencement Date, the County shall pay to the proposer a sum to pay for the cost of initiating work, or the start-up and for a portion of the work described below.



The County shall pay to the proposer monthly one twelfth (1/12) of the estimated annual cost. The initial payment shall be treated from month to month as an advance from the County to enable the proposer to pay payroll, rent, and other costs for services under this Proposal prior to reimbursement by the County for such expenditures. If the proposer submits a conforming invoice by the third business day of the month the County shall pay the invoiced amount on or before the 15th day of the month in which the invoice was submitted, or the next available meeting of Commissioners Court whichever is later.

If proposal submitted is at no operational cost to County and management contract is strictly revenue sharing then provide detail proposal for claims liability to vendor and revenue sharing proposal to County.

(5) Use of Space.

The County will authorize the proposer to use the office space currently being used by the El Paso County Sportspark including all furniture and equipment currently being used therein (the "Space") on an "AS IS" basis commencing on the Commencement Date and continuing through the earlier of the termination hereof, or 90 days after the County gives the proposer written notice of its intent to terminate. The proposer's rights under this Section constitute a revocable license to use the Space and not a lease. If such right is terminated, the proposer shall restore the Space to the same condition it was on the Commencement Date and leave in good order (normal wear and tear accepted) for the County and equipment provided by the County with the Space; provided that the proposer has the right to purchase or lease any furniture or equipment at the fair market value or rental thereof. The proposer is not obligated to use the Space, and may obtain such other space as it desires. A complete inventory shall be prepared by the County and validated by an appropriate proposer designee.

(6) Insurance.

Provide throughout the Term at its expense, from insurance companies authorized to do business in Texas, Workers' Compensation Insurance, General Liability Insurance and Liquor Liability Insurance in the amounts set forth below, and cause the County to be named as an additional insured where appropriate, and furnish to the County certificates of insurance, not cancelable except upon ten (10) day's advance written notice to the County, certifying the maintenance of the following minimum amounts of insurance:

- (a) Workers' Compensation as required by statutory limits per Texas law.
- (b) Commercial General Liability which includes Bodily Injury and Property Damage Liability with a combined single limit of \$300,000 per occurrence and \$1,000,000 per person.
- (c) Liquor Liability Insurance--\$300,000 per occurrence and \$1,000,000 per person.

(7) Transition - Initial Staffing.  
 The proposer shall consider offering employment to individuals currently performing these activities for the County. The proposer shall have the right to employ and terminate employment of such individuals, as it deems appropriate.

(8) Transition - Contracts, Accounts.  
 The County shall cooperate with the proposer to provide a smooth and effective transition.

(9) Contractor will perform all other related duties necessary to fulfill the terms and conditions of this contract.

### III. TIME REQUIREMENTS

#### A. Proposal Calendar

The following is a list of key dates up to and including the date proposals are due to be submitted:

Request for proposal issued	August 14, 2006
Questions and clarifications due	August 25, 2006
Due date for proposals	September 6, 2006

#### B. Tentative Notification and Contract Dates

Selected firm/entity notified	To be issued at a later date
Contract implementation time to start	To be issued at a later date

C. Date Contract May Commence

After Commissioners Court awards said proposal, the County and the successful proposer shall enter into an agreement within ninety (90) days or the County of El Paso shall have the right to negotiate with other respondents.

The County desires the firm/entity to begin the services as soon as possible after the contract start-up date. (not to exceed 90 days) Schedule to be provided by the firm/entity in the response to the RFP.

IV. PROPOSAL REQUIREMENTS

A. General Requirements

1. Inquiries

In order to meet the County's schedule for awarding this requirement, it is extremely important that requests for changes, clarifications, or additional information be submitted, in writing, no later than Friday, August 25, 2006.

All requests shall be mailed to the County of El Paso, Purchasing Department, 500 E. San Antonio RM 500 El Paso, TX 79901.

It is the proposer's responsibility for making all necessary investigations, examination of documents, and inspection of the facilities and any areas that will affect the full performance of the proposal. Submission of a proposal shall be considered conclusive evidence that the proposer has done so. Failure to do so shall not relieve a proposer from performing each and all of the terms, covenants, and conditions of any agreement granted to said proposer by the County of El Paso.

The County will assume no responsibility for any understanding or representations concerning conditions made by any of its officers or employees, unless they are included in the lease or management agreement.

2. Submission of Proposals

The following material is required to be received with the proposal response due Wednesday, September 6, 2006 for a proposing firm/entity to be considered:

A master copy (so marked) Proposal and three copies following:

- i. Title Page  
Title page showing the request for proposals subject; the firm/entity's name; the name, address and telephone number of the contact person; and the date of the proposal.
- ii. Table of Contents  
Total length of response not to exceed 25 pages.

3. Transmittal Letter

A signed letter of transmittal briefly stating the proposer is understanding of the work to be done, the commitment to perform the work within the time period, a statement why the proposer believes itself to be best qualified to perform the contract and a statement that this is a firm and irrevocable offer for 90 days. Note any joint venture or subcontractor relationships.

4. Detailed Proposal

- i. The detailed proposal should follow the order set forth in this request for proposals.
- ii. Name of firm, including full mailing address, telephone and facsimile numbers; type of firm (i.e., corporation, general partnership, sole proprietorship, etc.); name of project manager and team members, including the name of any sub consultants if any. Plus, the responsibility for each team member should be explained.
- iii. Client references for lead firm and any consultants utilized. References should list at least three (3) persons or businesses that have knowledge of the proposer's ability to successfully operate and maintain a high quality sports park type operation. At least one reference should be from a public entity such as a local government or municipality.
- iv. Corporate organizational and operational capacity to include: a description of the organization and qualifications of the organization's principals and other professionals who will comprise the development and on going operation teams and a description of how continued local management and operation

of the sports park will be provided if the proposer does not have a local representative or office.

v. Description of the organization's financial capacity to undertake a project of this magnitude at this time. The information that should be provide should be that similar to a lenders package:

- a. Financial statements of the organization
- b. Data on existing revenue sources
- c. A three year business plan with financial information showing how the venture will be supported and the facility maintained.
- d. Description of similar projects of this type undertaken, including size and cost, years in existence and current status.

vi. Executed copies of proposer Guarantees and proposer Warranties, attached to this request for proposal (Appendix A and Appendix B)

5. Budget

6. Start-up plan and budget

i. One (1) an original and six (6) copies of a dollar cost SECTION marked as follows:

**DOLLAR COST SECTION FOR  
PROPOSAL 06-069  
FOR  
County of El Paso, Texas  
FOR  
Operation & Management of the  
El Paso County Sportspark**

ii. Dollar cost section to include a first year budget to include start-up costs to perform the services.

iii. Dollar cost breakdown expenditures.

iv. Proposers should send the completed proposal in a sealed envelope to the following address:

Purchasing Agent

County of El Paso  
500 East San Antonio, RM 500  
El Paso, TX 79901  
RFP #06-069, Operation and Management of the El Paso  
County Sportspark  
Due: Wednesday, September 6, 2006

B. Start-up plan and Staff

Proposals should include the proposed solution, project description specific responses to new development, land use requirements, proposals for any alcohol licensing or necessary changes to zoning to accommodate the proposed use, conformance to noise and lighting standard, and any types of construction and structures proposed. If necessary, a schematic plan showing how the Sports park site will be utilized identifying code and land use requirements.

Proposal should also include a project timeline.

Project budget should include any estimated costs for improvements, revenue sources to fund improvements and the status of the funds (approved, in hand, application in process, etc.) The project budget must clearly identify the sources of funding to the construct the improvements (County sources, private sources, etc.). The ownership of the property and facilities will remain vested with the County of El Paso. Exceptions regarding liens, collateral and financing must be clearly stated.

An operating budget, including revenue sources for operation, staffing, maintenance, and supplies.

The successful proposer shall be responsible for hiring the necessary personnel to conduct the daily operation of the sports park. They will comply with all federal, state, and local laws relating to the minimum wage, social security, Civil rights Act of 1964, ADA, unemployment compensation and workers' compensation. Said vendor shall require employees to observe all applicable laws, rules and regulations and to exercise courtesy and consideration in their relations with the public. If required by the County, the employees that come in contact with the public shall wear a uniform and or badge to show they are employees of the successful proposer. Any person in the employment of the operations team found to be objectionable to the County shall be subject to dismissal.

The proposal should clearly state the proposed terms and conditions of the financial relationship between the County of El Paso and the proposer. Plus, a description of the requirements to be performed by the County of El Paso.

1. The firm/entity shall submit a copy of a proposed "start-up" plan for the contract including dates and staffing levels.

2. The proposal shall provide as much information as possible regarding the number, qualifications, experience and training, including relevant staff to be assigned to this contract and indicate how the quality of staff over the term of the agreement will be assured.

i. Dollar Cost Identification.

ii. Submit a detailed first (1<sup>st</sup>) year budget including breakdown of start up costs.

iii. Dollar cost breakdown of expenditures and party responsible for payment of those expenditures.

iv. Amount to be paid to the County of El Paso over a stated period of time including any percentages and minimum guarantees.

#### V. Evaluation Procedures

Commissioners Court will evaluate proposals, and may select some or all of the proposers to participate in oral interviews. The method, manner, and means of determining which proposal is most advantageous to the County shall be left to the sole discretion of the County. Any reasonable inquiry by the County to determine the responsibility of a proposer may be conducted; and the submission of a proposal shall constitute permission by the proposer for the County to verify all information contained therein.

If the County deems it necessary, additional information may be requested from the proposer. Failure to comply with any such request may disqualify a proposer from further consideration.

Based on the proposals submitted, the County of El Paso will evaluate and may create a short list of companies to continue in the selection process. The County reserves the right to seek supplementary information from any proposer at any time between the deadline for proposal submission and the proposal award. Any proposer may be subject to a personal interview and inspection of their business premises prior to the award of the management agreement.

#### Evaluation Criteria

Proposals will be evaluated on two sets of criteria. Firms meeting the qualifications criteria will have their proposals evaluated for price and startup plan. The following represents the selection criteria, which will be considered during the evaluation process, but is not limited to the following qualification elements.

1. Qualification Elements

- i. The Firm/Entity is licensed to do business in Texas (or will be licensed within 12 months)
- ii. The Firm/Entity has no conflict of interest with regard to any other work performed within the County of El Paso, Texas
- iii. Professional and business experience in planning, design, and business operations of similar facilities.
- iv. Proposer's financial capability and responsibility related to business operations.
- v. References for planning, design, and business operations.
- vi. Proposer's scope of services for planning, design, and business operations.
- vii. The Firm/ Entity has presented a staffing table to perform the contract.

2. Scoring of proposals.

- |                   |     |
|-------------------|-----|
| i. Pricing        | 50% |
| ii. Start-up plan | 50% |

C. Final Selection

The El Paso County Commissioners Court will award the contract.

D. Right to reject proposals.

Submission of a proposal indicates acceptance by the firm/entity of the conditions contained in this request for proposal unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the County and the firm/entity selected.



The County reserves the right without prejudice to reject any or all proposals.

## COUNTY OF EL PASO, TEXAS

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### **CERTIFICATIONS REGARDING LOBBYING, DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; DRUG-FREE WORKPLACE REQUIREMENTS; FEDERAL DEBT STATUS, AND NONDISCRIMINATION STATUS AND IMPLEMENTING REGULATIONS\***

Instructions for the certifications:

#### General Requirements

The County of El Paso, Texas is required to obtain from all applicants of federal funds or pass-through certifications regarding federal debt status, debarment and suspension, and a drug free workplace. Institutional applicants are required to certify that they will comply with the nondiscrimination statutes and implementing regulations.

Applicants should refer to the regulations cited below to determine the certifications to which they are required to attest. Signature of the form provides for compliance with certification requirements under 21 CFR part 1405, "New Restrictions on Lobbying," 21 CFR part 1414, Government wide Debarment and Suspension (Non procurement), Certification Regarding Federal Debt Status (OMB Circular A-129), and Certification Regarding the Nondiscrimination Statutes and Implementing Regulations. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the County of El Paso determines to award the covered cooperative agreement

#### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented in 21 CFR part 1405, for persons entering into a cooperative agreement over \$100,000, as defined at 21 CFR Part 1405, the applicant certifies that;

(a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement,

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal Grant or cooperative agreement, the undersigned shall complete and submit Standard Form -LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award document for all sub-awards at all tiers (including sub-grants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

## 1. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension and implemented at 21 CFR Part 1404, for prospective participants in primary covered transactions

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or and a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State, or local) transaction or contract under a public transaction violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to the application.

## 2. DRUG-FREE WORKPLACE

As required by the Drug Free Workplace Act of 1988, and implemented at 21 CFR Part 1404 Subpart F.

A. The applicant certifies that it will or will continue to provide a drug free workplace by:

(a). Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the applicant's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

(b) Establishing an on-going drug free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The applicant's policy of maintaining a drug free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violation occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a)

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee must

- (1) Abide by the terms of the statement; and
- (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such convictions. Employers of convicted employees must provide notice including position title, to: The County of El Paso, Texas, 500 East San Antonio Street, Suite 406, El Paso, Texas 79901. Notice shall include the identification number of each affected grant

(f) Taking one of the following actions within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal State, or local health, law enforcement, or other appropriate agency

(g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

### 3. CERTIFICATION REGARDING FEDERAL DEBT STATUS (OMB Circular A-129)

The Applicant certifies to the best of its knowledge and belief, that it is not delinquent in the repayment of any federal debt.

### 4. CERTIFICATION REGARDING THE NONDISCRIMINATION STATUTES AND IMPLEMENTING REGULATIONS

The applicant certifies that it will comply with the following nondiscrimination statutes and their implementing regulations: (a) title VI of the Civil right Act of 1964 (42 U.S.C. 2000D et seq.) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity for which the applicant received federal financial assistance; (b) Section 504 of the rehabilitation Act of 1973, as amended (29

U.S.C. 794), which prohibits discrimination on the basis of handicap in programs and activities receiving federal financial assistance; (c) title IX of the Education Amendments of 1972m as amended (20 U.S.C. 1981 et seq.) which prohibits discrimination on the basis of sex in education programs and activities receiving federal financial assistance; and (d) the Age Discrimination Act of 1975, and amended (42 U.S.C. 6101 ec seq.) which prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance, except that actions which reasonably take age into account as a factor necessary for the normal operation or achievement of any statutory objective of the project or activity shall not violate this statute.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

\_\_\_\_\_  
Business Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Authorized Representative

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
\*All four (4) pages of this document must be included in all responses.

# COUNTY OF EL PASO PURCHASING DEPARTMENT

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COUNTY COURTHOUSE, 500 EAST SAN ANTONIO,  
ROOM PU500, EL PASO, TEXAS 79901  
(915) 546-2048, FAX: (915) 546-8180

PITI VASQUEZ, PURCHASING AGENT  
JOSE LOPEZ, JR. ASST. PURCHASING AGENT  
CLAUDIA SEPULVEDA, BID CLERK/BUYER

## BIDDING CONDITIONS

This is the only approved instruction for use on your invitation to bid. Items below apply to and become a part of the terms and conditions of the bid.

1. BY SUBMITTING A BID, EACH BIDDER AGREES TO WAIVE ANY AND ALL CLAIMS IT HAS OR MAY HAVE AGAINST THE COUNTY OF EL PASO, AND ITS OFFICERS, AGENTS AND EMPLOYEES, ARISING OUT OF OR IN CONNECTION WITH: THE DOCUMENTS, PROCEDURES, ADMINISTRATION, EVALUATION, OR RECOMMENDATION OF ANY BID; THE WAIVER BY EL PASO COUNTY OF ANY REQUIREMENTS UNDER THE BID DOCUMENTS OR THE CONTRACT DOCUMENTS; THE ACCEPTANCE OR REJECTION OF ANY BIDS; AND THE AWARD OF THE CONTRACT.
2. Bids must be in the Purchasing Department **BEFORE** the hour and date specified. Faxed bids will not be accepted.
3. Late bids properly identified will be returned to bidder unopened. Late bids will not be considered under any circumstances.
4. All bids are for new equipment or merchandise unless otherwise specified.
5. Quotes F.O.B. destination. If otherwise, show exact cost to deliver.
6. Bid unit price on quantity specified-extend and show total. In case of error in extension, unit prices shall govern. Bids subject to unlimited price increases will not be considered.
7. Bids must give full firm name and address of bidder. Failure to manually sign bid will disqualify it. Person signing should show title or authority to bind his firm in a contract.
8. No substitutions or cancellations permitted without written approval of County Purchasing Agent.
9. The County reserves the right to accept or reject all or any part of any bid, waive minor technicalities and award the bid to the lowest responsible bidder. The County of El Paso reserves the right to award by item or by total bid. Prices should be itemized.
10. Bids \$100,000.00 and over, the bidder shall furnish a certified cashiers check made payable to the County of El Paso or a good and sufficient bid bond in the amount of 5% of the total contract prices and execute with a surety company authorized to do business in the State of Texas. The bid bond must be included with the bid at the time of the opening.
11. This is a quotation inquiry only and implies no obligation of the part of the County of El Paso.
12. The County of El Paso reserves the right to reject any proposal due to failure of performance on deliveries. The County Purchasing Agent will justify this.

13. Brand names are for descriptive purposes only, not restrictive.
14. The County of El Paso is an Equal Opportunity Employer.
15. Any proposal sent via express mail or overnight delivery service must have the proposal number and title clearly marked on the outside of the express mail or overnight delivery service envelope or package. Failure to clearly identify your proposal may be cause for disqualification.
16. PURSUANT TO TEXAS GOVERNMENT CODE SECTION 2253.021, A PRIME CONTRACTOR WHO IS AWARDED A PUBLIC WORKS CONSTRUCTION CONTRACT SHALL, PRIOR TO BEGINNING THE WORK, EXECUTE TO THE COUNTY:
  - 1) A PERFORMANCE BOND, IN THE FULL AMOUNT OF THE CONTRACT, IF THE CONTRACT IS IN EXCESS OF \$100,000; AND
  - 2) A PAYMENT BOND, IN THE FULL AMOUNT OF THE CONTRACT, IF THE CONTRACT IS IN EXCESS OF \$25,000.
17. PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 262.032(b), ANY SUCCESSFUL BIDDER WHO IS AWARDED ANY CONTRACT IN EXCESS OF \$50,000 MAY BE REQUIRED TO EXECUTE A PERFORMANCE BOND TO THE COUNTY. SAID BOND SHALL BE IN THE FULL AMOUNT OF THE CONTRACT AND MUST BE FURNISHED WITHIN 30 DAYS AFTER THE DATE A PURCHASE ORDER IS ISSUED OR THE CONTRACT IS SIGNED AND PRIOR TO COMMENCEMENT OF THE ACTUAL WORK. ANY PERFORMANCE BOND REQUIRED PURSUANT TO THIS SECTION SHALL BE NOTED IN THE ATTACHED DETAILED BID SPECIFICATIONS OR SCOPE OF WORK. THIS SECTION DOES NOT APPLY TO A PERFORMANCE BOND REQUIRED BY CHAPTER 2253, TEXAS GOVERNMENT CODE.
18. "Beginning January 1, 2006, in order to implement HB 914 (adding new Local Government Code Chapter 176), ALL VENDORS MUST SUBMIT A CONFLICT OF INTEREST QUESTIONNAIRE (Form CIQ) disclosing its affiliations and business relationships with the County's Officers (County Judge and Commissioners Court) as well as the County employees and contractors who make recommendations for the expenditure of County funds. The names of the County Officers and of the County employees and contractors making recommendations to the County Officers on this contract are listed in the Specifications.

THE CONFLICT OF INTEREST QUESTIONNAIRE MUST BE FILED WITH THE COUNTY CLERK AND A COPY OR PROOF OF FILING MUST BE ATTACHED TO THE BIDDER'S RESPONSE SUBMITTED TO THE PURCHASING DEPARTMENT.

Bidders should be aware that this bidding condition is not intended to cover or to advise you about all situations in which Local Government Code Chapter 176 would require you to file a Form CIQ. You should consult your private attorney with regard to the application of this law and your compliance requirements. Failure to comply is punishable as a Class C misdemeanor.

**NOTICE:**

ALL COMMUNICATIONS BY A VENDOR TO THE COUNTY, ITS OFFICIALS, AND DEPARTMENT HEADS REGARDING THIS PROCUREMENT SHALL BE DONE THROUGH THE EL PASO COUNTY PURCHASING DEPARTMENT. **THE EL PASO COUNTY CODE OF ETHICS PROHIBITS ALL PRIVATE COMMUNICATION BETWEEN VENDORS AND CERTAIN COUNTY OFFICIALS AND EMPLOYEES AS DESCRIBED BELOW:**

No vendor, its representative, agent, or employee shall engage in private communication with a member of the El Paso County Commissioners Court or county department heads regarding any procurement of goods or services by the County from the date that the bid, RFP, or RFQ is released. No private communication regarding the purchase shall be permitted until the procurement process is complete and a purchase order is granted or a contract is entered into. Members of the commissioners court are required to make a reasonable effort to inform themselves regarding potential procurements and have a duty to inquire of vendors, their representatives or employees, the nature of any private communication being sought prior to engaging in any communication. "Private Communication" means communication with any vendor outside of a posted meeting of the governing body, a regular meeting of a standing or appointed committee, or a negotiation with a vendor which has been specifically authorized by the governing body.



# Health Insurance Benefits Provided By Bidder

## Consideration of Health Insurance Benefits\*

1. Do you or your subcontractor(s) currently offer health insurance benefits to your employees?

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If so, please describe those health insurance benefits that you or your subcontractor(s) currently provide/offer to your employees.

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2. What percentage, if any, of your of your subcontractor's employees are currently enrolled in the health insurance benefits program?

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**El Paso County may consider provision of health insurance benefits as part of the overall "best value" determination.** Failure to provide health insurance benefits will not disqualify you from participating in this bid selection process.

\_\_\_\_\_  
Business Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Authorized Representative

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
\* This page must be included in all responses.



**COUNTY OF EL PASO**  
County Purchasing Department  
500 East San Antonio, Suite PU500  
El Paso, Texas 79901  
(915) 546-2048  
(915) 546-8180 Fax

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RE: RFP# 06-069, Operation and Management of the El Paso County Sportspark

Dear Vendor:

As of January 1, 2006, the Texas Local Government Code Chapter 176 requires all vendors and potential vendors who contract or seek to contract for the sale or purchase of property, goods, or services with any local government entity to complete and submit a Conflicts of Interest Questionnaire. A copy of the requirements regarding vendors is attached. Also attached is a copy of the Questionnaire which needs to be filed and was prepared and approved for statewide use by the Texas Ethics Commission.

In filing out the Questionnaire, the following are the County Officers that will award the bid and the employees which will make a recommendation to the Commissioners Court:

County Officers: County Judge Dolores Briones  
Commissioner Larry Medina  
Commissioner Betti Flores  
Commissioner Miguel Teran  
Commissioner Dan Haggerty

County Employees: Piti Vasquez, Purchasing Agent  
Jose Lopez, Jr., Assistant Purchasing Agent  
Claudia Sepulveda, Bid Clerk/Buyer  
Edward Dion, County Auditor  
Wallace Hardgrove, Budget and Financial Manager  
Rosemary Neill, Director  
Ray Chavez, Sportspark

Please note that the state law requires that the Questionnaire be filed with the **COUNTY CLERK** no later than **the 7<sup>th</sup> business day after submitting an application, response to an RFP, RFO or bid** or any other writing related to a potential agreement with the County. Failure to file the questionnaire within the time provided by the statute is a Class C misdemeanor

**Tex. Local Gov't Code § 176.006 (2005)**

§ 176.006. Disclosure Requirements for Vendors and Other Persons; Questionnaire

(a) A person described by Section 176.002(a) shall file a completed conflict of interest questionnaire with the appropriate records administrator not later than the seventh business day after the date that the person:

(1) begins contract discussions or negotiations with the local governmental entity; or

(2) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential agreement with the local governmental entity.

(b) The commission shall adopt a conflict of interest questionnaire for use under this section that requires disclosure of a person's affiliations or business relationships that might cause a conflict of interest with a local governmental entity.

(c) The questionnaire adopted under Subsection (b) must require, for the local governmental entity with respect to which the questionnaire is filed, that the person filing the questionnaire:

(1) describe each affiliation or business relationship the person has with each local government officer of the local governmental entity;

(2) identify each affiliation or business relationship described by Subdivision (1) with respect to which the local government officer receives, or is likely to receive, taxable income from the person filing the questionnaire;

(3) identify each affiliation or business relationship described by Subdivision (1) with respect to which the person filing the questionnaire receives, or is likely to receive, taxable income that:

(A) is received from, or at the direction of, a local government officer of the local governmental entity; and

(B) is not received from the local governmental entity;

(4) describe each affiliation or business relationship with a corporation or other business entity with respect to which a local government officer of the local governmental entity:

(A) serves as an officer or director; or

(B) holds an ownership interest of 10 percent or more;

(5) describe each affiliation or business relationship with an employee or contractor of the local governmental entity who makes recommendations to a local government officer of the local governmental entity with respect to the expenditure of money;

(6) describe each affiliation or business relationship with a person who:

(A) is a local government officer; and

(B) appoints or employs a local government officer of the local governmental entity that is the subject of the questionnaire; and

(7) describe any other affiliation or business relationship that might cause a conflict of interest.

(d) A person described by Subsection (a) shall file an updated completed questionnaire with the appropriate records administrator not later than:

(1) September 1 of each year in which an activity described by Subsection (a) is pending; and

(2) the seventh business day after the date of an event that would make a statement in the questionnaire incomplete or inaccurate.

(e) A person is not required to file an updated completed questionnaire under Subsection (d)(1) in a year if the person has filed a questionnaire under Subsection (c) or (d)(2) on or after June 1, but before September 1, of that year.

(f) A person commits an offense if the person violates this section. An offense under this subsection is a Class C misdemeanor.

(g) It is a defense to prosecution under Subsection (f) that the person filed the required questionnaire not later than the seventh business day after the date the person received notice of the violation.

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**Tex. Local Gov't Code § 176.001 (2005)**

§ 176.001. Definitions

In this chapter:

(1) "Commission" means the Texas Ethics Commission.

(2) "Family member" means a person related to another person within the first degree by consanguinity or affinity, as described by Subchapter B, Chapter 573, Government Code.

(3) "Local governmental entity" means a county, municipality, school district, junior college district, or other political subdivision of this state or a local government corporation, board, commission, district, or authority to which a member is appointed by the commissioners court of a county, the mayor of a municipality, or the governing body of a municipality. The term does not include an association, corporation, or organization of governmental entities organized to provide to its members education, assistance, products, or services or to represent its members before the legislative, administrative, or judicial branches of the state or federal government.

(4) "Local government officer" means:

(A) a member of the governing body of a local governmental entity; or

(B) a director, superintendent, administrator, president, or other person designated as the executive officer of the local governmental entity.

(5) "Records administrator" means the director, county clerk, municipal secretary, superintendent, or other person responsible for maintaining the records of the local governmental entity.

# CONFLICT OF INTEREST QUESTIONNAIRE

## FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire is being filed in accordance with chapter 176 of the Local Government Code by a person doing business with the governmental entity.

By law this questionnaire must be filed with the records administrator of the local government not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

A person commits an offense if the person violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

### OFFICE USE ONLY

Date Received

**1** Name of person doing business with local governmental entity.

**2**

Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than September 1 of the year for which an activity described in Section 176.006(a), Local Government Code, is pending and not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

**3**

Name each employee or contractor of the local governmental entity who makes recommendations to a local government officer of the governmental entity with respect to expenditures of money AND describe the affiliation or business relationship.

**4**

Name each local government officer who appoints or employs local government officers of the governmental entity for which this questionnaire is filed AND describe the affiliation or business relationship.

# CONFLICT OF INTEREST QUESTIONNAIRE

For vendor or other person doing business with local governmental entity

FORM CIQ

Page 2

5

**Name of local government officer with whom filer has affiliation or business relationship. (Complete this section only if the answer to A, B, or C is YES.**

This section, item 5 including subparts A, B, C & D, must be completed for each officer with whom the filer has affiliation or other relationship. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income from the filer of the questionnaire?

Yes

No

B. Is the filer of the questionnaire receiving or likely to receive taxable income from or at the direction of the local government officer named in this section AND the taxable income is not from the local governmental entity?

Yes

No

C. Is the filer of this questionnaire affiliated with a corporation or other business entity that the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

Yes

No

D. Describe each affiliation or business relationship.

6

\_\_\_\_\_  
Signature of person doing business with the governmental entity

\_\_\_\_\_  
Date

# Vendors Receiving Specifications

## RFP # 06-069 , Operation and Management of the El Paso County Sportspark

<b>Company</b>	<b>Contact</b>	<b>Address</b>	<b>City</b>	<b>Stat</b>	<b>Zipcode</b>
El Paso Sports Commission		4100 Paisano Street	El Paso	TX	79905
Kemper Sports Management		500 Skokie Blvd., Ste. 444	Northbrook	IL	60062
Prism Sports & Entertainment, LLC	John McDoald	#118 439 Westwood Shopping Center	Fayetteville	NC	28314
Texas Building & Grounds	David Hyde	P.O. Box 907	Seabrook	TX	77586
The Haddad Mortgage Group	Leo Gus Haddad	5845 Onix Drive Suite 200	El Paso	TX	79912
The Sports Management Group		918 Parker St. Ste. A-13	Berkeley	CA	94710