



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

Notice to Interested Parties

Sealed Request for Qualifications will be received at the County Purchasing Department, 500 E. San Antonio, Suite PU500, El Paso, Texas 79901 before 2:00 p.m., **Thursday, April 10, 2008**. Responses will be opened at the County Purchasing Office the same date for **(RFQ) Design Build for the Construction of an Additional Jail Pod at the Jail Annex**. A pre-bid conference will be held on Thursday, March 27, 2008 at 10:00 a.m. in the Purchasing Conference Room located at 500 East San Antonio, Room 500, El Paso, Texas 79901.

Qualifications must be in a sealed envelope and marked:

**"Qualifications to be opened April 10, 2008
(RFQ) Design Build for the Construction of an Additional Jail Pod at the Jail Annex
RFQ Number 08-040"**

Any questions or additional information required by interested vendors must be submitted in writing to the attention of the County Purchasing Agent before Thursday, April 3, 2008, at 12:00 p.m. Questions can be faxed to (915)-546-8180.

Said contract shall be let to the best qualified, and the **COMMISSIONER'S COURT RESERVES THE RIGHT TO REJECT ANY AND ALL RESPONSES AND WAIVE TECHNICALITIES**. Only responses that conform to specifications will be considered. Faxed responses will not be accepted.

In order to remain active on the El Paso County Vendor list, each vendor receiving this request for qualifications must respond in some form. Vendors submitting qualifications must meet or exceed all requirements herein. Vendors not responding to the request must submit their reason in writing to the El Paso County Purchasing Department.

PITI VASQUEZ
County Purchasing Agent

SIGNATURE PAGE

Description – RFQ # 08-040
(RFQ) Design Build for the Construction of an Additional Jail Pod at the Jail Annex

Vendor must meet or exceed specifications

Please submit one (1) original copy and two (4) duplicate copies of your statements of qualifications.

Company

Address

Federal Tax Identification No.

City, State, Zip Code

CIQ Document Number

CIQ Sent Date

Representative Name & Title

Telephone

Fax Number

E-mail

Signature

Date

**** THIS MUST BE THE FIRST PAGE ON RFQ RESPONSE ****

**(RFQ) Design Build for the
Construction of an Additional Jail
Pod at the Jail Annex**

RFQ #08-040



**Opening Date
Thursday, April 10, 2008**

County of El Paso

Request for Qualifications

For

Design/Build Services

Jail Annex Expansion and Administration Building Renovation

RFQ # 08-040

Notice to Interested Parties

Sealed Request for Qualifications will be received at the County Purchasing Department, 500 E. San Antonio, Suite PU-500, El Paso, Texas 79901 before 2:00 PM, April 10, 2008 to be opened at the County Purchasing Office the same date for RFQ for Design/Build Services for the Jail Annex Expansion and Sheriff's Administration Building Renovation.

Qualifications must be in a sealed envelope and marked:

"Qualifications to be opened April 10, 2008.

RFQ for Design/Build Services for the Jail Annex Expansion and Sheriff's Administration Building Renovation

RFQ # 08-040"

Any additional information required by interested vendors must be submitted in writing to the attention of the County Purchasing Agent before April 3, 2008 at 12:00 p.m.

Award will be made based on a review of qualifications. **COMMISSIONER COURT RESERVES THE RIGHT TO REJECT ANY AND ALL SUBMITTALS AND WAIVE TECHNICALITIES.** Only responses that conform to specifications will be considered. Faxed responses will not be accepted.

PITI VASQUEZ
County Purchasing Agent

RFQ #08-040, RFQ for Design/Build Services for the Jail Annex Expansion and Sheriff's Administration Building Renovation.

Visit us at: www.co.el-paso.tx.us

Administrative Information

Owner Contacts

For additional information on purchasing, technical and schedule questions required by interested offerors must be submitted in writing five (5) working days prior to the opening date, please contact:

Name: Piti Vasquez
Organization: County Purchasing Agent, County of El Paso
Phone: 915-546-2048
Fax: 915-546-8180

Attachments

- County Wage Rates for Building Construction Trades
- County Insurance Requirements
- Prevailing Wage Rate and Apprenticeship Program
- Copy of footprint drawing of current Jail Annex pods and Sheriff's Administration Building.

Proposals must be submitted by {April 10, 2008}, no later than **2:00 PM** (local time). See "Instructions" in the Submission Requirements section of this document for details.

Project Overview

The El Paso County Jail Annex currently has a capacity of 1440 beds, which comprises of three modules each consisting of four pods. Two modules are multi-occupancy, and the third is single occupancy. The multi-occupancy pods house 144 inmates with 24 per cell block; the single occupancy pods house 12 inmates per cell block, and each pod consists of 6 cell blocks. The Sheriff's Department is looking to expand the facility to include one module consisting of two single cell pods and two multi-occupancy pods. In addition, the Sheriff's Administration Building must be renovated to accommodate the increased population to include: additional office space for required support staff; expansion of medical clinic; and expansion of property room area.

The site for construction is recommended to be the southerly portion of the Jail Annex property wherever will best accommodate the jail pod expansion, located at 12501 East Montana Avenue, El Paso, Texas. There is an existing retention pond in this location. A drainage study of the capacity of the storm water for the site and how to accommodate the additional capacity that might not be accounted for by the storm water control system on the remainder of the site is needed.

Building design must follow TCJIS and ACA standard; designed for maximum security; additional office space for required support staff; expansion of medical clinic; and expansion of property room area.

The project will be approached in two phases—the Sheriff's Administration Building Renovation and the Jail Annex expansion. One successful Design/Build firm will be hired to

perform both phases of construction. The Sheriff's Administration Building Renovation funding level is allocated by Commissioners Court at set at a maximum budget of **two million four hundred thousand dollars (\$2,400,000.00)** the work shall be accomplished in accordance with the RFQ. The estimated projected budget for phase II of construction of the Jail Annex expansion is seventeen million dollars (\$17,000,000.00) the work accomplished in accordance with the RFQ.

In addition, if funding is available, the Sheriff's department is looking to build a separate Ominimum-security detention building within the property located at 12501 East Montana Avenue, El Paso, Texas.

The project is located at 12501 East Montana Avenue, El Paso, Texas.

Existing plans for current pod design will be provided but redesign will be required in order to conform to space available.

The Design/Build firm is also expected to provide pre-construction services to include constructability reviews, cost estimating, value engineering, scheduling and construction phasing/sequencing inclusive of Owner move coordination and commissioning.

Existing improvements at the site will be demolished under this contract.

Scope of Work

Project Definition

D/B Firm will review the County's requirements, current floor plan, existing conditions, existing jail pod floorplans, and other information available on the Project. D/B Firm will provide an initial evaluation of the Project's feasibility based on an evaluation of this information.

Initial Schedule

D/B Firm will prepare an initial schedule showing the activities of the County, D/B Firm, and others during the design and construction process. D/B Firm will update the schedule as appropriate and recommend corrective action as necessary.

Initial Cost Report

When sufficient Project information is available, D/B Firm will prepare an initial Cost Report for County approval. D/B Firm will update the Cost Report as appropriate and recommend Project revisions if the Cost Report indicates that the Cost of the Work will exceed the budget.

Project Definition Documents

The Project definition documents shall consist of: Initial evaluation of project design feasibility, Initial Schedule, and Initial Cost Report produced by D/B Firm. Upon approval by the County,

these documents shall become the basis for the Design Services provided during the Design and Documentation Phase of the Project.

Design and Documentation Phase

Program Review

The Design Builder shall provide a preliminary evaluation of the County's project program and budget and shall review alternative designs with the County. The D/B Firm shall consult with the County on the selection of building systems, equipment, and installation, materials construction feasibility, project cost and schedule requirements. Based on that review and other criteria, the D/B Firm shall prepare, for County's approval, conceptual design documents consisting of drawings, specifications, and other documents illustrating the esthetics, scale and relationship of Project components. Based on County's approval of and adjustments made to the design concepts, D/B Firm will prepare for County's approval, Design Documents.

Design Documents

The Drawings, Specifications, schedules, and preliminary Cost Report produced by D/B Firm for the County shall contain the D/B Firm's understanding of design intent for the Project. Qualified architects, engineers and other design and cost-estimating professionals, shall perform the design and budgeting services provided under this portion of the work. Design Documents shall include, but not necessarily be limited to, descriptions of the location of the building on the site, size and character of the Project as to arrangement of spaces within the building, architectural, structural, mechanical and electrical systems, building materials and systems, and such other elements as may be appropriate based on the information available in this RFQ. The D/B Firm shall submit to the County a proposal, including the complete Preliminary Design Documents, a statement of the proposed contract sum and a proposed schedule of completion for the project. Preliminary Design Documents shall consist of preliminary design drawings, outline specifications or other documents sufficient to establish the size, quality and character of the project, its architectural, structural, mechanical and electrical systems, and the materials and other such elements as may be appropriate. Upon approval by the County, these documents become the sole basis for the production of Construction Documents.

Construction Documentation Phase

Based on Client's approval of the Design Documents, D/B Firm will prepare Construction Documents. These documents will be based on such applicable codes and laws as are written, interpreted and enforced at the time the documents are prepared and shall attain the approval of the regulatory entities noted in the Project Overview, above. Work not expressly included in the Construction Documents, but necessary for completion of the Project or reasonably implied from the Contract Documents or the Design Documents shall be deemed to be included in the Construction Documents. Construction Documents may not be complete prior to construction but their completion shall not delay the progress or completion of the project.

Construction Documents

Drawings, Specifications, construction schedules, and a final Cost Report produced by D/B Firm and its consultants shall set forth in detail the requirements for the Work of the Project described in the Contract, the Project Definition, and Design Documents. Construction Documents may include drawings and specifications produced during the Construction Phase. The County shall own and retain all rights to the use of all documents created during the design and construction document phases.

Guaranteed Maximum Price (GMP)

When the drawings and specifications are sufficiently complete, in the opinion of the D/B Firm, to establish the Cost of the Work, and upon the request of the County, D/B Firm will propose a Guaranteed Maximum Price for County's review and approval. The GMP shall be the sum of the Cost of the Work, Design Fee, and Construction Fee. The GMP shall then be incorporated into this Agreement by Contract Modification and may not be changed except by Change Order approved by Commissioners Court.

Construction Phase

Commencement

The Construction Phase will commence upon the issuance by the County of a written Notice to Proceed with construction. In order to complete the Work, D/B Firm shall provide a Project Superintendent all necessary construction supervision, inspection, construction equipment, labor, materials, tools, and subcontracted items.

Schedule

D/B Firm shall prepare and submit a Schedule of Work for the County's written approval. This schedule shall indicate the dates for the start and completion of the various stages of the construction including the dates when information and approvals are required from the County. It shall be revised as required by the conditions of the Work.

Bond Requirements

D/B Firm shall provide County with Payment and Performance Bond for all work. A payment or performance bond is not required for, and may not provide coverage for, the portion of a design-build contract under this section that includes design services only. If a fixed contract amount or guaranteed maximum price has not been determined at the time a design-build contract is awarded, the penal sums of the performance and payment bonds delivered to the governmental entity must each be in an amount equal to the project budget, as specified in the design criteria package. The design-build firm shall deliver the bonds not later than the 10th day after the date the design-build firm executes the contract.

Permits

D/B Firm shall submit all typical information required for the acquisition of County, State and Federal permits and shall assist the County in securing the same. County building permits necessary for the construction of the Project shall be issued on a no-fee basis but the work of the Project shall be subject to all local, state, and federal building inspections and requirements.

Subcontractors

Subcontractors shall perform Work not performed by D/B Firm with its own forces.

D/B Firm shall not retain any Subcontractor to whom the County has a reasonable and timely objection. D/B Firm shall not be required to contract with or retain any Subcontractor to whom D/B Firm has a reasonable objection.

D/B Firm shall be responsible for the management of the Subcontractors in the performance of their work.

D/B Firm shall conform to the construction requirements of the apprenticeship program of the County of El Paso.

Architectural Review

During the Construction Phase, the Project Architect shall make periodic visits to the construction site, shall review construction submittals as required, and shall be available for consultation with the Project Superintendent on matters pertaining to design and the quality of construction. The Project Architect shall endeavor to secure construction of the Work in accordance with Construction Documents.

Safety

D/B Firm shall take necessary precautions for the safety of its employees on the Project, and shall comply with applicable provisions of federal, state and municipal safety laws to prevent accidents or injury to persons on, about or adjacent to the Project site. D/B Firm, directly or through its Subcontractors, shall erect and properly maintain at all times, as required by the conditions and progress of the Work, necessary safeguards for the protection of workers and the public. D/B Firm, however, shall not be responsible for the elimination or abatement of safety hazards created or otherwise resulting from work at the Project site carried on by the County or its employees, agents, separate contractors or tenants. The County agrees to cause its employees, agents, separate contractors and tenants to abide by and fully adhere to applicable provisions of federal, state and municipal safety laws and regulations.

Reports

D/B Firm shall provide periodic written reports to the County on the progress of the Work as agreed to by the County and D/B Firm. D/B Firm shall develop a system of cost reporting for the Work, including regular monitoring of actual costs for activities in progress and estimates for uncompleted tasks and proposed changes in the Work. The reports shall be presented to the County at mutually agreeable intervals.

Payments

The D/B Firm shall, upon agreement of the Guaranteed Maximum Price, submit to the County for approval a Schedule of Values based on the pay items identified and in keeping with the expected occurrence of the work. This schedule of values shall be submitted on AIA document G 702 and G 703, which shall also form the basis of the D/B Firm's request for progress payment as the work, is prosecuted.

Clean Up

At all times D/B Firm shall maintain the site of the Work free from debris and waste materials resulting from the Work. At the completion of the Work, D/B Firm shall remove from the premises all construction equipment, tools, surplus materials, waste materials, and debris.

Completion

In consultation with the County, D/B Firm will determine when the Project is substantially complete and will issue a Certificate of Substantial Completion.

Warranty

D/B Firm warrants that all materials and equipment furnished under the Construction Phase of this Agreement will be new unless otherwise specified, of good quality, in conformance with the Contract Documents, and free from defective workmanship and materials. Warranties shall commence on the date of Substantial Completion of the Work or of a designated portion. D/B Firm agrees to correct completed Work (construction in place) that, in the opinion of the County, is defective in workmanship and/ or materials within a period of one year from the date of Substantial Completion or for such longer periods of time as may be set forth with respect to specific warranties required by the Contract Documents. Manufacturer's warranties on all equipment will be transferred to the County and be made effective on the date of substantial completion.

Those products, equipment, systems or materials incorporated in the Work at the direction of or upon the specific request of the County shall be covered exclusively by the warranty of the manufacturer. There are no warranties that extend beyond the description on the face thereof. All other warranties expressed or implied including the warranty of merchantability and the **warranty of fitness for a particular purpose are expressly disclaimed.**

Record Drawings

The D/B Firm shall prepare reproducible record drawings from marked-up prints, drawings or other planning and construction documents that incorporate significant changes in the Work made during the Construction Phase. The D/B Firm's construction superintendent, working in conjunction with the County's on-site project manager shall maintain an up-to-date set of working drawings that record all significant changes made to the Work daily. These "As Built" shall be delivered to the County as electronic files stored on CD three (3) sets and one (1) set on mylar.

Submission Requirements

Contract Award Process

An award to one respondent for the services specified herein will be made following a two-step procedure using qualifications statements. Phase One of the selection process is based on the qualifications of the offerors. Owner will evaluate the qualifications of the offerors based on the qualifications criteria set forth below. **Cost-related or price-related factors will not be used and should not be submitted by Respondent in selection phase one. Each offeror must certify to Owner that each engineer or architect that is a member of the offeror's team was selected based on demonstrated competence and qualifications.** Owner will qualify a maximum of three to five potential offerors.

In Phase two, Owner will conduct interviews of the three to five ranked offerors. An award may be made on the basis of the qualifications initially submitted, without discussion, clarification or modification, or, Owner may discuss with the selected Respondent offers for cost reduction techniques and other elements of the Respondent's qualifications submittal. If Owner determines that it is unable to reach a contract satisfactory to Owner with the selected Respondent, then Owner will terminate discussions with the selected Respondent and proceed to the next Respondent in order of selection ranking until a contract is reached or Owner has rejected all qualifications. Owner may not disclose any information derived from the qualifications submitted from competing offers in conducting such discussions. **Commissioners Court reserves the right to award a Contract for all or any portion of the requirements proposed by reason of this request, award multiple Contracts, or to reject any and all qualifications if deemed to be in the best interests of Owner and to re-solicit for qualifications, or to reject any and all qualifications if deemed to be in the best interests of Owner and to temporarily or permanently abandon the procurement.** If the Owner awards a contract, it will award the contract to the offeror or offerors whose qualifications is deemed to represent the best qualified team to the Owner considering the evaluation factors set forth in the RFQ.

When proposals are solicited from pre-qualified Respondents, Owner will evaluate qualifications based on the selection criteria contained in the RFQ. Owner may discuss or negotiate all elements of the qualifications with Respondents in ranking order as described above. Owner may not disclose any information derived from the qualifications submitted from competing offers in conducting such discussions.

Content (Criteria)

Statements of Qualification (SOQ's) must include responses to the following criteria:

1. Firm Information - Provide information on your firm's:
 - a. Name
 - b. Address
 - c. Phone and Fax
 - d. Form of business organization (corporation, partnership, individual, joint venture, other?)
 - e. Year founded
 - f. Primary individual to contact (name, phone number, fax, email)
2. Organization - Provide information on your firm's:
 - a. Years in business in its current capacity
 - b. If your business is a corporation, answer the following: Date of incorporation, State of incorporation, President's name, Vice President name(s), Secretary's name, Treasurer's name.
 - c. If your organization is a partnership, answer the following: Date of organization, Type of partnership (if applicable), Name(s) of general partner(s).
 - d. If your organization is individually owned, answer the following: Date of organization, name of owner.
 - e. If the form of your organization is other than those listed above, describe it and name the principals.
3. Firm experience and staff - Provide information on your firm's:
 - a. Recent, relevant project experience and overall capabilities with jobs of this type and size.
 - b. Proposed project staff's experience and capabilities
 - c. Field Staff's experience; specifically Project Manager, Estimator, Project Controls Manager and Site Superintendent. Provide a resume for each individual.

4. Firms experience as a design-build or public works/ municipal projects contractor - Provide information on your firm's:
 - a. Design approach and fulfilling owners requirements
 - b. Construction approach
 - c. Construction budgeting approach and past project experience of keeping the project within budget
 - d. List of all projects completed within the last 5 years and identify specifically those using the design build method. Provide project name, project type or end use, budget, final cost, time duration of project, owner contact and phone number.
 - e. Concept for the disposition of savings realized during construction. Is the full amount or a percentage thereof returned to the Owner?
 - f. Describe your method of subcontractor/ supplier contract award.
 - g. Ability to solicit and/or hire local suppliers, contractors and/or labor
 - h. Concept for cost contingencies during design and during construction. Is the full amount or a percentage thereof returned to the Owner?
 - i. Has your firm ever failed to complete any work awarded? If yes, please attach details

5. Firms collaborative experience with projects of a similar nature. Provide information on your firm's:
 - a. Project teaming approach
 - b. References of past clients

6. Technical and management competence as a design-build contractor - Provide information on your firm's:
 - a. Management methodology and plan
 - b. Safety record as evidence by your Workers Compensation Experience Modifier for the last 4 years
 - c. Project reporting capabilities and procedures

7. Technical approach and quality assurance competence - Provide information on your firm's:
 - a. Quality assurance approach

8. Financial capability and resources to perform the work - Provide information on your firm's:
 - a. Attach a financial statement, preferably audited, including your organization's latest balance sheet and income statement showing the following items:
 - i. Current asset (e.g., cash, joint venture accounts, account receivable, notes receivable accrued income, deposits, materials, inventory and prepaid expenses)
 - ii. Net Fixed Asset
 - iii. Other Assets
 - iv. Current Liabilities (e.g., accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries and accrued payroll taxes).
 - v. Non-current liabilities (e.g., capitol, capitol stock, authorized and outstanding shares par value, earned surplus and retained earnings.).
 - b. Name and address of firm preparing attached financial statement and the date thereof.
 - c. Provide name, address and phone number for bank reference.
9. Proposed schedule - Provide information on your firm's proposed schedule to complete the project including the following:
 - Start date
 - Review 50% drawings
 - Review proposed budget
 - Review 70% drawings
 - Review Budget
 - Review 95% drawings
 - Propose GMP
 - Construction Start
 - Construction Finish – March 30, 2006
 - Project commissioning
10. Present a Facility Commissioning plan.

Evaluation Criteria

1. Firm Information
2. Organization

3. Firm experience and staff
4. Firms experience as a design-build contractor
5. Firms experience with similar type projects
6. Technical and management competence as a design-build contractor
7. Technical approach and quality assurance competence
8. Technical capability and financial resources to perform the work
9. Proposed schedule
10. Facility commissioning plan.

Instructions

Statements of Qualifications

Please submit one original and 4 copies no later than 2:00 PM (local time) on April 10, 2008 to:

County Purchasing Department

County of El Paso

500 East San Antonio Drive Suite 500

El Paso, TX 79901

Telephone, electronic or facsimile submittals will not be considered. Qualifications received after the time and date of closing will not be considered.

In order to remain active on the El Paso County Vendor list, each vendor receiving this request for qualifications must respond in some form. Vendors submitting qualifications must meet or exceed all requirements herein. Vendors not responding to the request must submit their reason in writing to El Paso County Purchasing Department.

COUNTY OF EL PASO, TEXAS

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

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
LUCY BALDERAMA, INVENTORY BID TECHNICIAN

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 REQUEST FOR QUALIFICATIONS, 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 RFQ; THE WAIVER BY EL PASO COUNTY OF ANY REQUIREMENTS UNDER THE RFQ DOCUMENTS OR THE CONTRACT DOCUMENTS; THE ACCEPTANCE OR REJECTION OF ANY BIDS; AND THE AWARD OF THE CONTRACT.
2. Request for Qualifications must be in the Purchasing Department **BEFORE** the hour and date specified. Faxed bids will not be accepted.
3. Late RFQ's properly identified will be returned to the submitter unopened. Late RFQ's will not be considered under any circumstances.
4. RFQ's 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.
5. No substitutions or cancellations permitted without written approval of County Purchasing Agent.
6. This Request for Qualifications inquiry only and implies no obligation of the part of the County of El Paso.
7. The County of El Paso is an Equal Opportunity Employer.
8. RFQ 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 RFQ may be cause for disqualification.
9. 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.

10. 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.
11. "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?

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

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

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

RE: RFQ #08-040, (RFQ) Design Build for the Construction of an Additional Jail Pod at the Jail Annex

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 Anthony Cobos
Commissioner Luis C. Sariñana
Commissioner Veronica Escobar
Commissioner Miguel Teran
Commissioner Dan Haggerty

County Employees: Piti Vasquez, Purchasing Agent
Jose Lopez, Jr., Assistant Purchasing Agent
Peter Gutierrez, Buyer II
Linda Gonzalez, Inventory Bid Technician
Lucy Balderama, Inventory Bid Technician

Please note that the state law requires that the Questionnaire be filed with the **COUNTY CLERK** no later than **the 7th business day after submitting an application, response to an RFP, RFQ 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

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity 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 knowingly 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 who has a business relationship 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 the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 Name of local government officer with whom filer has employment or business relationship.

Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. 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, other than investment income, from the filer of the questionnaire?

Yes No

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

Yes No

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

Yes No

D. Describe each employment or business relationship with the local government officer named in this section.

4

Signature of person doing business with the governmental entity

Date

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.

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.

COUNTY OF EL PASO, TEXAS

Solicitation Check List

(RFQ) Design Build for the Construction of an Additional Jail Pod at the Jail Annex RFQ #08-040

THIS CHECKLIST IS PROVIDED FOR YOUR CONVENIENCE

- _____ Responses should be delivered to the County Purchasing Department by 2:00 p.m., Thursday, April 10, 2008. Did you visit our website (www.epcounty.com) for any addendums?
- _____ Did you sign the Signature Page?
- _____ 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 105, El Paso, TX 79901 or by fax to 915-546-2012 attention Joann. Phone number is 546-2000, ext. 3143) and write the confirmation number given as proof of filing on your bidding schedule? Please include the completed and signed form with your response whether a relationship exists or not?**
- _____ Did you provide one original and two (4) copies of your response?
-