



COUNTY OF EL PASO
800 E. Overland, Suite PU300
El Paso, Texas 79901
(915) 546-2048 (915) 546-8180 Fax

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, October 22, 2008 to be opened at the County Purchasing Office the same date for (RFP) County's Workers' Compensation Third Party Administrator.

Proposals must be in a sealed envelope and marked:
"Proposals to be opened October 22, 2008
(RFP) County's Workers' Compensation Third Party Administrator
RFP Number 08-150"

Any questions or additional information required by interested vendors must be submitted in writing to the attention of the County Purchasing Agent before Tuesday, October 14, 2008, 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.

If the proposal totals more than \$100,000.00, 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 price, executed with a surety company authorized to do business in the State of Texas. The certified cashiers check 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:

F. O. B. El Paso County

Description – RFP # 08-150 (RFP) County's Workers' Compensation Third Party Administrator Vendor must meet or exceed specifications
TOTAL COST
\$
Please do not include tax, as the County is tax-exempt. We will sign tax exemption certificates covering these items. Please submit one (1) original copy and five (5) copies of your bid.

Company

Address

Federal Tax Identification No.

City, State, Zip Code

CIQ Confirmation Number

CIQ Sent Date

Representative Name & Title

Telephone & Fax Number

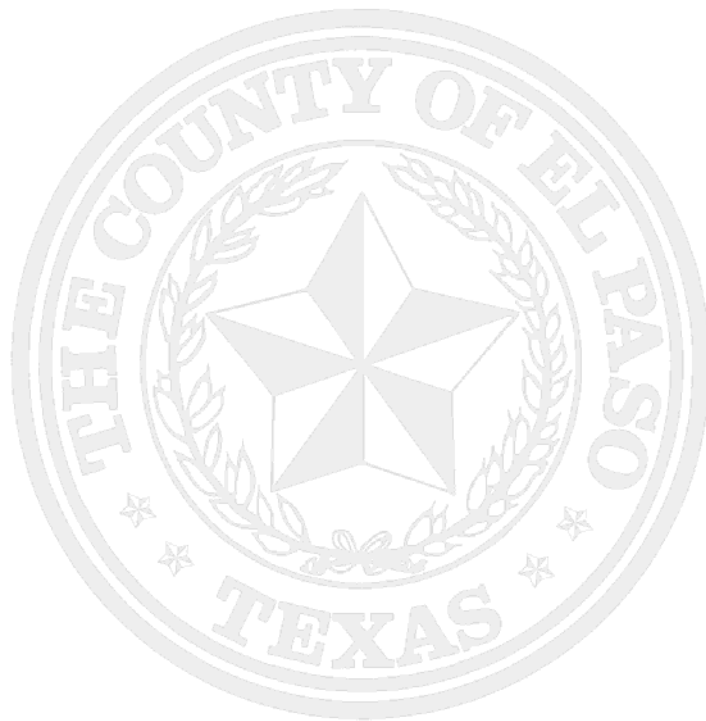
Signature

Date

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

**(RFP) County's Workers'
Compensation Third Party
Administrator**

RFP #08-150



**Opening Date
Wednesday, October 22, 2008**

REQUEST FOR PROPOSAL

Date: October 3, 2008

RE: Third Party Workers' Compensation Administration, RFP No. 08-150

The County of El Paso, Texas (County) requests proposals for Third Party Workers' Compensation Administration, in response to this Request for Proposal (RFP). Sealed proposals for Third Party Workers' Compensation Administration will be received by COUNTY until October 22, 2008 at 2:00 p.m. local time, at which time the proposals will be publicly opened and read aloud.

All proposals must be sealed and received in the office of Director of Purchasing, County of El Paso, Texas at 800 East Overland, RM 300, El Paso, TX 79901. The envelope containing your proposal should be plainly marked in the lower left corner: PROPOSAL: Third Party Workers' Compensation Administration, RFP No. 08-150. DUE NO LATER THAN: October 22, 2008 at 2:00 p.m.

All proposals must be submitted on the forms included herein. Do not bend, fold, staple or otherwise mutilate the forms. RFP forms may be duplicated for use in providing alternate proposals. Please provide five (5) copies of each proposal.

Please note that the specifications listed in this RFP are to be interpreted as meaning the minimum coverage required by the County of El Paso, Texas. Offerors are to provide a proposal meeting these minimum requirements, and are encouraged to submit alternate proposals of their own design, which offer increased coverages. Options offering greater coverage are invited and welcomed.

The effective date for Third Party Workers' Compensation Administration will be December 1, 2008. The County of El Paso wishes to sign a three-year contract from December 1, 2008 to November 30, 2011, with the County of El Paso having the right to renew for up to three additional one-year renewal terms from December 1, 2011 to November 30, 2012, December 1, 2012, to November 30, 2013, December 1, 2013 to November 30, 2014. Any such extensions are subject to approval by COUNTY. The total duration of the contract, including the exercise of the options, shall not exceed 72 months. A copy of the County of El Paso, Texas's letter of award will be mailed to all responsible offerors within five working days after approval.

COUNTY reserves the right to accept or reject any or all proposals, to waive all technicalities and to accept the proposal(s) deemed most advantageous to the County of El Paso, Texas. No proposal may be withdrawn after the proposal opening.

Written questions pertaining to this RFP will be accepted no later than noon on October 14, 2008 to the attention to Piti Vasquez; the Director of Purchasing Department by fax to 915-546-8180 or via emailed to pvasquez@epcounty.com and send a copy to Linda Gonzalez, Inventory Bid Technician ligonzalez@epcounty.com.

I. GENERAL INFORMATION

A. Introduction and Background Information

The County of El Paso, Texas (COUNTY) is requesting proposals for services to administer a plan of self-funding for workers' compensation. The County has been insured under a Workers' Compensation self-funded program administered by Nova Pro Risk Solutions for the last six years.

B. Issuance of Request for Proposal

Request for Proposals may be picked up at the office of:

Director of Purchasing
County of El Paso
MDR Building
800 E. Overland, RM 300
El Paso, TX 79901

C. Questions and Clarifications

Due care and diligence have been used in the preparation of this RFP and the information contained herein is believed to be substantially correct. However, the responsibility for determining the full extent of the exposure and the verification of all information presented herein shall rest solely on the proposer. The County of El Paso, Texas and its representatives will not be responsible for any errors and omissions in the specifications nor for the failure on the part of the proposer to determine the full extent of the exposures.

Proposals shall be based on the underwriting information furnished by the County of El Paso, Texas. Loss data is believed to be correct but is not warranted.

All questions and requests for clarifications and/or additional information concerning the RFP

Process must be addressed in writing to:

Director of Purchasing: Piti Vasquez by fax at (915) 546-8180 or by e-mail to pvasquez@epcounty.com and cc: to ligonzalez@epcounty.com

Questions regarding this RFP may be submitted in writing to COUNTY, by mail, express-mail, or hand delivered, emailed by noon on October 14, 2008. Questions should be submitted to the address above. Questions will be answered in writing by County of El Paso, Texas and returned to all RFP recipients as soon as possible. There will be no formal question and answer session regarding this RFP.

D. Proposal Deadline

The Purchasing Director must receive proposals no later than 2:00 p.m. on October 22, 2008. Late proposals as well as those failing to meet proposal submission specification requirements will not be considered. Those responding are requested to submit five (5) copies of the signed proposal, in a sealed envelope indicating the name and address of the company. Proposals received will become the property of County of El Paso, Texas.

E. Completeness of Submission

All information and documentation requested must be made completely and in the order described in this RFP, even if it means redundancy in the submittal of information and documentation. Any information or documentation and/or proposals not submitted in the order required shall be deemed incomplete. The County of El Paso, Texas shall not be responsible for searching through proposals for the information requested. Responses will be kept confidential until the selection process is complete.

F. Contents of Proposal

All responses to the request for proposal must be prepared in a straightforward manner and should describe accurately and comprehensively all services and procedures that will be offered by the provider. Quotes must meet or exceed the specifications set forth in this packet. Alternate quotes will be considered only if the specifications are met and only when the alternates are submitted as a separate proposal.

G. Evaluation of Proposals

Proposals received will be evaluated based on the criteria set forth in the Request for Proposal specifications. County of El Paso, Texas reserves the right to accept or reject any and all proposals, to waive all technicalities and to accept the proposal or proposals most beneficial in the judgment of County of El Paso, Texas.

H. Use of Vendor Response and Accompanying Material

All materials submitted by the vendor become the property of County of El Paso, Texas and may be evaluated by any employee or agent of County of El Paso, Texas. County of El Paso, Texas reserves the right to proceed or not to proceed with plans to request proposals for Third Party Workers' Compensation Administration. All proprietary information (labeled as such) provided by vendors will be treated as confidential, to the extent permitted by the laws of Texas.

I. Amendments/Addenda

Should additional, necessary functions be identified, all vendors shall be given an opportunity to respond to any addendum to the RFP. Lack of response to any addendum shall make the RFP incomplete. County of El Paso, Texas will notify vendors of any addendum via certified mail. Notwithstanding, it shall be the Vendor's responsibility to become informed and assure a copy of any addendum is received. County of El Paso, Texas assumes no responsibility or liability for addendum, its receipt or delivery or whether Vendor's failure to respond to addendum was a result of not receiving the addendum material.

J. Acceptance and Use of Proposals

The County of El Paso, Texas reserves the right to accept or reject any or all proposals as is deemed in the best interest of County of El Paso, Texas, and to use any or all non-proprietary ideas/concepts.

II. QUALIFICATIONS FOR SELECTED PROVIDERS

- A. Provide a brief history of your organization including an overview on the ownership and local structure of your company. Please include an organizational chart showing the contemplated service team along with resumes of all service team members who specialize in workers' compensation claims adjusting.
- B. Provide a copy of your two most recent annual financial statements, or other documentation reflecting financial performance.
- C. Provide a copy of all SAS 70 or other comparable external audit results conducted in the last three years.
- D. Providers must be duly licensed in the State of Texas and comply with all applicable state insurance laws and requirements and/or duly constituted applicable insurance regulatory authorities.
- E. The service provider must carry errors and omissions coverage with limits of liability of at least \$1,000,000 each occurrence and \$1,000,000 aggregate and furnish certificate(s) of insurance with the proposal.
- F. Providers must submit a list of Texas counties for whom they currently provide services. Provide at least three references including name, title, address and phone number of client.
- G. Each adjuster assigned the County of El Paso, Texas account should have a file load of no more than 125 open files and a minimum of five (5) years experience in workers' compensation.

- H. List the loss control services that will be provided at no additional cost to COUNTY.
- I. Describe your disaster recovery plan in case of fire, flood or system failure.
- J. Complete attached WORKERS' COMPENSATION QUESTIONNAIRE.
- K. Complete attached REQUEST FOR PROPOSAL RESPONSE FORMS.
- L. Complete the RESPONSE AGREEMENT FORM and attach it to your RFP response following your cover letter.
- M. Attach a copy of your standard service agreement.

III. PROPOSAL SPECIFICATIONS

A. THIRD PARTY WORKERS' COMPENSATION ADMINISTRATION

County of El Paso, Texas has approximately 130 open claims incurred prior to December 1, 2008 remaining from their previous self-funded program. In addition to providing TPA administration of future claims, County is requesting proposals to take over administration of these open claims. Show costs for takeover claims handling separately from costs for future claims handling.

1. County of El Paso, Texas desires Life of the Contract unit pricing, but will consider reasonable alternatives if shown as a deviation from these specifications.
2. Each TPA provider for this service must clearly state its definitions for Indemnity and Medical Only claims.
3. Provide loss reports and cost analysis reports on a monthly basis. Provide specimen of all standard reports to be provided.
4. Provider must have a local claims office or show evidence that they will establish one prior to the commitment of the contract.
5. County of El Paso, Texas considers on-line capabilities of utmost importance. Identify your on-line information system capabilities and any costs or fees related to bringing County of El Paso, Texas on-line with your database and training COUNTY personnel on use of system and software.

6. If County of El Paso, Texas decides to select a new contractor for TPA services, only electronic transfer of data on the tail claims will be acceptable at no additional charge to COUNTY.
7. Each TPA must be able to provide bilingual adjusting services with English and Spanish language capabilities.
8. County of El Paso, Texas reserves the right to have its claims independently audited and all time and cooperation necessary for that audit will be without charge.
9. Each TPA shall submit a list of PPO providers in the El Paso area.
10. Indicate if the TPA owns or rents the PPO to be used.

In addition to normal services provided by a TPA, the following should also be included:

- 1) Provider will receive reports of claims from County of El Paso, Texas in accordance with their procedures and contact the injured employee. Set up and maintain complete account records for each claim file.
- 2) Obtain the necessary statements and conduct appropriate investigation.
- 3) Provide recorded statements as needed, based on TPA protocol and expertise, or at the request of County of El Paso, Texas.
- 4) Contact and/or respond to legal representatives involved in the claim.
- 5) Attend pre-hearings/Benefit Review Conference or assist with County of El Paso, Texas's legal representative in preparing for such conference.
- 6) Calculate the average weekly wage benefits for employees.
- 7) Write all claim-related checks and provide monthly statements to reconcile all payments.
- 8) Assign a value for adequate medical and indemnity reserves based on generally accepted claims handling procedures.
- 9) Notify the excess insurance carrier as provided by terms of the excess insurance contract.
- 10) Provide medical review of all medical services rendered and make appropriate payments.

- 11) Collaborate with County of El Paso, Texas prior to disputing any claims, providing medical case management or rehabilitation, and assigning impairment ratings.
- 12) Collaborate with County of El Paso, Texas prior to assigning surveillance and allow COUNTY choice of surveillance company.
- 13) County reserves the right to choose the Workers' Compensation Cost Containment Services Provider.
- 14) County reserves the right to choose the medical case manager assigned to their claims.
- 15) Provide loss analysis reports on a monthly basis listing payments for the current period as well as year-to-date payments on all open claims.
- 16) Provide the Austin representative required by TWCC regulation.

IV. PROPOSAL COSTS

- A. Each provider should furnish complete details of its proposed fees for each service offered.
- B. Please include a summary, which outlines the competitive advantages of your proposal.
- C. All proposed fees must be guaranteed for at least 36 months from program inception. Provide a 6-year proposal with annual renewal options.

V. OTHER ITEMS

- A. The proposed effective date of any program changes will be December 1, 2008.
- B. The selected TPA will be responsible for all claims incurred on and after the effective date for a period of three years with annual renewal options not to exceed 72 months. An appropriate transition program must be developed prior to the effective date.

- C. The work product in all claim files will be considered the property of County of El Paso, Texas. If the Agreement for professional services is terminated, County of El Paso, Texas maintains the right to retain all active or closed files including electronically produced data.

- D. No contracts or agreements shall be made with any company or individual to provide any type of supplemental service to the Workers' Compensation TPA, without prior authority from the County of El Paso, Texas.

WORKERS' COMPENSATION QUESTIONNAIRE

1. Monthly billing statements are required. How would you administer the account and bill County of El Paso, Texas and what information would be included on the billing statements?

2. Describe the capacity your company has to provide reports sorted by type of injury date, by location, by job code, total amounts paid to date, incurred amounts, whether open, closed or reopened, etc. How will you respond to statutory reporting requirements?

3. What service will you provide regarding legal defense, hearings representation, and subrogation matters? Specify the legal firm you recommend.

4. How do you recommend that claims incurred after December 1, 2008, be handled?

5. COUNTY has approximately 130 claims incurred prior to December 1, 2008 remaining open from their previous self-funded program. How do you recommend these claims be handled?

6. Indicate the total number of all "medical only" and indemnity files that will be assigned to the adjuster handling County of El Paso, Texas.

7. Describe the claims process from the time a claim is received in your office. Include any documentation involved and indicate whether you will communicate regularly with County of El Paso, Texas regarding large claims, potential settlements, etc.

8. Describe your recommendations regarding litigation and/or claim settlement.

9. Describe the funding arrangement you recommend for County of El Paso, Texas's account.

10. How would your company coordinate the transition from the current arrangement and what problems do you anticipate with such a change?

11. What do you recommend regarding rehabilitation/medical case management and is there a separate charge for that service?

REQUEST FOR PROPOSAL RESPONSE FORM

I. THIRD PARTY WORKERS' COMPENSATION ADMINISTRATION

Administrative Fees Total	Est. Number	Cost Per Claim	Estimated Annual
Indemnity Claims	_____	_____	_____
Medical Only	_____	_____	_____
Bridge Cost for Runoff Claims (Indemnity)	_____	_____	_____
Bridge Cost for Runoff Claims (Medical Only)	_____	_____	_____
Administrative Services Fee (If any)*			_____
Information System Set-Up Fee (If any)* One-time fee			_____
Miscellaneous Fees			
TWCC Pre-hearings			_____
TWCC Benefit Review Conferences			_____
TWCC Contested Case Hearings			_____
TWCC Electronic Reporting			_____
TWCC SOAH Hearings			_____
Subrogation Fees			_____
TWCC Forms			_____
Austin TWCC Representative			_____
Banking Fees			_____
ACH/Bank Clearing House			_____
Check printing, writing, stuffing, mailing			_____

I. A. THIRD PARTY WORKERS' COMPENSATION ADMINISTRATION (TAKEOVER CLAIMS)

Administrative Fees Annual Total	Est. Number	Cost Per Claim	Estimated
Indemnity Claims	_____	_____	_____
Medical Only	_____	_____	_____
Bridge Cost for Runoff Claims (Indemnity)	_____	_____	_____
Bridge Cost for Runoff Claims (Medical Only)	_____	_____	_____
Administrative Services Fee (If any)*			_____
Information System Set-Up Fee (If any)* One-time fee			_____
Miscellaneous Fees			
TWCC Pre-hearings			_____
TWCC Benefit Review Conferences			_____
TWCC Contested Case Hearings			_____
TWCC Electronic Reporting			_____
TWCC SOAH Hearings			_____
Subrogation Fees			_____
TWCC Forms			_____
Austin TWCC Representative			_____
Banking Fees			_____
ACH/Bank Clearing House			_____
Check printing, writing, stuffing, mailing			_____

COUNTY OF EL PASO, TEXAS

RFP NO. 08-150

RESPONSE AGREEMENT

In exchange and consideration of this proposal by County of El Paso, Texas

_____ agrees that:

(Name of Company)

1. The vendor response to the Request for Proposal will become the property of County of El Paso, Texas and may be evaluated by any employee, consultant or agent of County of El Paso, Texas.
2. County of El Paso, Texas reserves the right to proceed or not to proceed with plans to acquire proposals for Third Party Workers' Compensation Administration. Non-proprietary information in proposals to this RFP will be subject to public disclosure once the award is made and the contract signed with the vendor(s) selected.
3. The vendor response will be a firm offer which cannot be withdrawn for 180 calendar days following the final date for proposal submission.
4. To the extent allowed by the laws of Texas, all proprietary information provided by vendors will be treated as confidential.
5. The information in the vendor response may be modified or changed only after notification of and approval in writing by County of El Paso, Texas.
6. The vendor response to Request for Proposal or any portion thereof, may, at the option of County of El Paso, Texas, become part of the final contract, and thus, legally binding.
7. If County of El Paso, Texas requests the submittal of supplemental information, the information requested shall be promptly provided in writing. Such supplemental information shall be deemed part of the vendor's response to the RFP.
8. County of El Paso, Texas reserves the right to make additional copies of the RFP response as necessary.

Type name and title of corporate official

Signature of corporate official

Date

GENERAL PROPOSAL PROCESS

Submission of proposal response shall be construed as a Reasonable Guarantee by vendor of its ability to supply services for which agreement is awarded for the duration of the contract.

If vendor is unable to provide type of quality or quantity called for in Request for Proposal during duration of agreement with County of El Paso, Texas, County of El Paso, Texas reserves the right to select an alternative or additional vendor to supplement vendor.

County of El Paso, Texas reserves the right to cancel contracts at County of El Paso, Texas's sole discretion where County of El Paso, Texas believes vendor is financially unable to adequately perform according to obligations of agreement or contract.

Anticipated Contract agreement will be written for a period of thirty-six months.

Contract agreements may be amended in writing by mutual agreement. Either party may terminate contract by providing sixty (60) days written notice to either party.

In the performance of duties, obligations, or services specified in any agreement arising from this Request for Proposal, vendor shall at all times be in compliance with all applicable federal, state, and local laws and regulations not in effect or hereafter amended or created.

County of El Paso, Texas reserves the right, in addition to its right of inspection, to audit vendor with respect to its handling of accounts and obligations under this agreement. County of El Paso, Texas shall select its own auditors and bear the cost and expenses of the auditors.

County of El Paso, Texas is exempt from the Texas State Sales Tax (Article #20-40 (F) 3, Chapter, 20, Title #122a, Revised Civil Statutes of Texas), and all the Federal Excise Taxes.

The Purchasing Director will retain original proposal material submissions and evaluation documentation for 24 months after proposal closing.

EXHIBIT A

LOSS INFORMATION

COUNTY OF EL PASO, TEXAS

LOSS HISTORY (as of 7-31-08)

Year	# Ind Claims	Indemnity Payments	# Med Claims	Medical Payments	Total Paid	Reserves	Incurred	Claims Count		
								Total	Open	Closed
2007/08	113	\$301,554	96	\$41,642	\$343,196	\$237,824	\$581,021	209	85	124
2006/07	139	\$758,026	88	\$59,252	\$817,278	\$73,264	\$890,543	227	20	207
2005/06	177	\$1,536,906	125	\$58,598	\$1,595,505	\$174,158	\$1,769,663	302	5	297
2004/05	226	\$1,599,230	102	-\$50,941	\$1,650,171	\$16,679	\$1,666,851	328	3	325
2003/04	197	\$1,783,919	83	\$47,455	\$1,831,374	\$44,206	\$1,875,580	280	3	277

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

(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

COUNTY OF EL PASO PURCHASING DEPARTMENT

MDR BUILDING, 800 EAST OVERLAND
ROOM PU300, EL PASO, TEXAS 79901
(915) 546-2048, FAX: (915) 546-8180

PITI VASQUEZ, PURCHASING AGENT
JOSE LOPEZ, JR. ASST. PURCHASING AGENT
LINDA GONZALEZ, INVENTORY BID TECHNICIAN

PROPOSAL 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 PROPOSAL, 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 PROPOSAL; THE WAIVER BY EL PASO COUNTY OF ANY REQUIREMENTS UNDER THE PROPOSAL DOCUMENTS OR THE CONTRACT DOCUMENTS; THE ACCEPTANCE OR REJECTION OF ANY PROPOSAL; AND THE AWARD OF THE CONTRACT.
2. Proposal must be in the Purchasing Department **BEFORE** the hour and date specified. Faxed proposals will not be accepted.
3. Late proposals properly identified will be returned to bidder unopened. Late proposals will not be considered under any circumstances.
4. All proposals are for new equipment or merchandise unless otherwise specified (merchandise only).
5. Quotes F.O.B. destination. If otherwise, show exact cost to deliver (merchandise only).
6. Proposal unit price on quantity specified-extend and show total. In case of error in extension, unit prices shall govern. RFP subject to unlimited price increases will not be considered.
7. Proposals must give full firm name and address of offeror. Failure to manually sign the proposal 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 for merchandise.
9. The County reserves the right to accept or reject all or any part of the proposal, waive minor technicalities and award the proposal to the lowest responsible proposer. The County of El Paso reserves the right to award by item or by total proposal. Prices should be itemized.
10. RFP \$100,000.00 and over, the proposer 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 (merchandise only).
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 RFP 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?

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
800 East Overland, Suite PU300
El Paso, Texas 79901
(915) 546-2048
(915) 546-8180 Fax

RE: RFP #08-150, (RFP) County's Workers' Compensation Third Party Administrator

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
Roberto E. Gallegos, Risk Manager
Kathleen Amparan, Workmen Compensation Specialist
Betsy C. Keller, Director of Human Resources

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

COUNTY OF EL PASO PURCHASING DEPARTMENT

MDR BUILDING, 800 EAST OVERLAND
ROOM PU300, EL PASO, TEXAS 79901
(915) 546-2048, FAX: (915) 546-8180

PITI VASQUEZ, PURCHASING AGENT
JOSE LOPEZ, JR. ASST. PURCHASING AGENT
LINDA GONZALEZ, INVENTORY BID TECHNICIAN

Instructions: Conflict of Interest Form (CIQ)

- Please complete CIQ Form whether or not a conflict exists.
- On #4, on the CIQ form, please type/print name of company, your name, & phone number above your signature, and fax it to the County Clerks at 915-546-2012. The County Clerk will file and send you back the CIQ document number.
- It is the vendor's responsibility to submit the CIQ document number provided by the County Clerk's to the Purchasing Department. Do not forget to place the RFP, RFQ, RFI, or BID number somewhere on your CIQ form so we may know what bid you are referencing. If you do not receive your CIQ document number in a timely manner, please contact the County Clerk's office at 546-2000, ext. 3143.
- It would be in your best interest, to submit your CIQ document number with your bid/proposal. (See Bidding Schedule)
- 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
- If you have any questions, please call Linda Gonzalez at 915-546-2195.

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

Check List

(RFP) County's Workers' Compensation Third Party Administrator
RFP #08-150

THIS CHECKLIST IS PROVIDED FOR YOUR CONVENIENCE

_____ Responses should be delivered to the County Purchasing Department by 2:00 p.m., Wednesday, October 22, 2008. Did you visit our website (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 105, El Paso, TX 79901 or by fax to 915-546-2012 attention Joann County Clerks office number is 915-546-2071 and write the confirmation number given as proof of filing on your bidding schedule?

_____ **CIQ forms** - you must write the name of your company underneath the signature with your phone number and bid number. Please include the completed and signed form with your response whether a relationship exists or not.

_____ If your bid totals more than \$100,000, did you include a bid bond?

Did you provide one original and five (5) copies of your response?