



COUNTY OF EL PASO
800 E. Overland, Suite 300
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, 800 E. Overland, RM 300, El Paso, Texas 79901 before 2:00 p.m., **Wednesday, December 9, 2009** to be opened at the County Purchasing Office the same date for **RFP - Long Term Plan and Utilization of all or Portions of Ascarate Park.**

Proposals must be in a sealed envelope and marked:
“Proposals to be opened December 9, 2009
RFP - Long Term Plan and Utilization of all or Portions of Ascarate Park
RFP Number 09-091”

Any questions or additional information required by interested vendors must be submitted in writing to the attention of the County Purchasing Agent before Tuesday, December 1, 2009, 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 # 09-091 RFP - Long Term Plan and Utilization of all or Portions of Ascarate Park Vendor must meet or exceed specifications
Please do not include tax, as the County is tax-exempt. We will sign tax exemption certificates covering these items. Please submit one (1) original copy and two (2) copies of your bid.

Company

Mailing Address

Federal Tax Identification No.

City, State, Zip Code

CIQ Confirmation Number

CIQ Sent Date

Representative Name & Title

Telephone & Fax Number

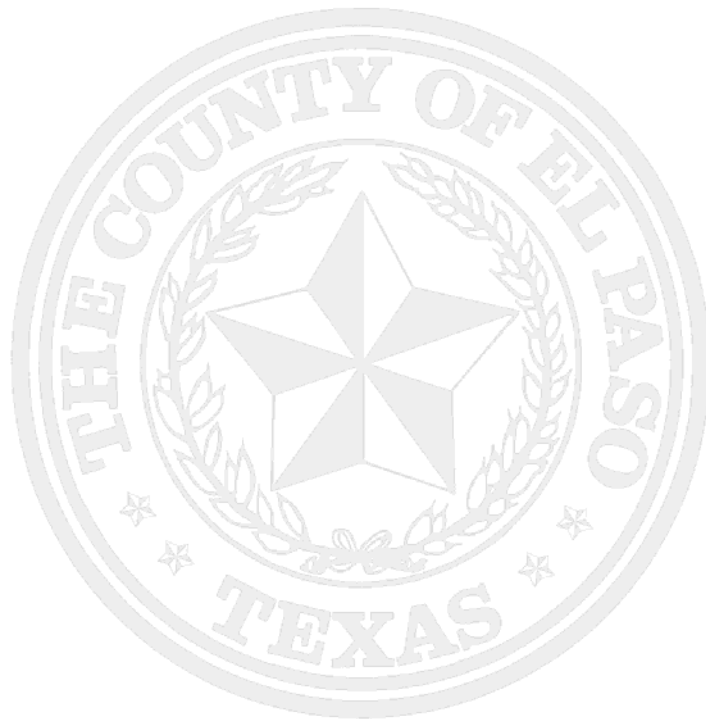
Signature

Date

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

RFP - Long Term Plan and Utilization of all or Portions of Ascarate Park

RFP #09-091



**Opening Date
Wednesday, December 9, 2009**

REQUEST FOR PROPOSALS
ASCARATE PARK AND/OR THE AREA FORMERLY KNOWN AS WESTERN
PLAYLAND

The Commissioners Court of El Paso County invites interested organizations to respond to a **Request for Proposals (RFP)**. This solicitation is for proposals for the use of the area formerly occupied by Western Playland for recreational activities or for a proposal that includes all or portions of Ascarate Park for recreational purposes.

Background Information

Ascarate Park is located at 6900 Delta, El Paso, Texas 79905. R. E. Thomason Loop bounds the Western Playland site on the west, Joe Yarbrough Street on the south and Tom Lea Boulevard and Gilbert Roland Drive on the east. It is approximately 18 acres.

The site contains two restrooms and three additional structures. The County leases one building, known as the former ticket office for Western Playland, to the Ascarate Fishing Club. The Fishing Club hosts the park's Kid Fish events.

The County retains the exclusive use of a small building near its soccer fields to store equipment and supplies. The third building is the Pavilion. It is located at the corner of R. E. Thomason Loop and Joe Yarbrough. The County is refreshing this building and its use is permissible as part of this proposal.

The County abated asbestos on the former Western Playland site and demolished buildings it did not need. This site is clear of debris. The bathrooms and remaining buildings are asbestos free.

There is a parking area available adjacent to the Western Playland site. The County wants to retain the ability to use this parking area for its activities and events.

Ascarate Park is 448 acres. There is easy access from César Chavez Border Highway. The park has many recreational amenities.

Among its features are six ball fields, two soccer fields, two tennis courts, two hand ball courts, two basketball courts, a walking trail around the lake, and playground and picnic areas. It also has an outdoor Olympic size pool.

The park hosts an 18-hole course and a 9-hole short course called the Delta Nine. The course has a clubhouse, putting green, lighted driving range, and meeting space. The County published a separate solicitation for management of the golf course.

Ascarate Lake covers 48 surface acres, including a small lake at four acres. The County contracts with a concessionaire to manage a small concession that includes canoe and paddleboat rentals. The County stocks trout and catfish for fishing. Two wells provide water for the lakes. A third well provides water to the golf course.

The park primarily attracts families with children. These families seek an affordable recreational venue. The families are predominately of Hispanic origin and reflect the demographic profile of the surrounding community. Most are familiar with the park and its amenities and make multiple visits to the park during the year.

On October 11, 1937 the United States of America conveyed the park land to the County by deed with the requirement that the County use the land for public recreational park purposes. Should the County cease to use the land for these purposes, *“then and thereupon this conveyance shall be null and void, and the said land and premises, together with all improvements thereon and appurtenances thereunto in anywise belonging or appertaining shall absolutely revert to and revest in the United States of American, and no act or omission on the part of the United States of America shall be a waiver of the enforcement of such condition. “*

The terms and conditions of this conveyance set the requirement for the County’s use of any part of the park. Any proposer must consider these requirements in its proposal.

In addition, the County improved some areas of the park with public grant funds or with non-taxable bond proceeds. The source and use of these funds may pose additional restrictions on the use of selected area. The use of non-taxable bond proceeds may require a specific structure to any agreement that flows from this Request for Proposals.

Request for Proposals

The County of El Paso, Texas, (“County”) solicits a Request for Proposal for the area formerly occupied by Western Playland or for the entire park including all facilities. There is no expressed or implied obligation for the County to reimburse responding firms/entities for any expenses incurred in preparing a response to this Request for Proposal.

For consideration, please submit one (1) original and six (6) copies of your responses to the County Purchasing Department, **800 E. Overland, 3rd Floor, Suite 300, El Paso, Texas** on or before 2:00 p.m., December 9, 2009. Responses must be in a sealed envelope and marked as follows:

Request for Proposals for Opening on December 9, 2009

Proposal for Utilization of the former Western Playland Site and/or all or part of Ascarate Park

RFP Number 09-091

The Purchasing Department welcomes requests for changes or clarifications to this solicitation if it receives requests, in writing, no later than 12:00 noon MST on **December 1, 2009**. Please mail or fax all requests to the County of El Paso, Purchasing Department, 800 E. Overland, 3rd Floor, Suite 300, El Paso, TX 79901, fax (915) 546-8180.

During the evaluation process, the County reserves the right, where it may serve the County's best interest, to request additional information or clarifications from respondents. The County, at its discretion, may request oral presentations as part of the evaluation process.

A response to this RFP indicates acceptance of any existing limitations unless respondent clearly and specifically rejects that condition in its proposal. The contract between the County and the entity must reflect this rejection.

Response Format

The response to the RFP must specify the intended business venture(s). The proposer must include a business plan. The business plan helps the vendor and the County consider the financial viability of the project. It encourages the vendor to identify the typical costs of doing business, such as inventory, staffing, utilities, and insurance. A sample business plan outline is included as part of this solicitation.

The business plan must include the specific business experience of the individuals submitting the proposal. If this business is a start-up business, the proposal should include some indication of how the business will sustain itself during the start-up period.

In addition to a business plan, the proposal must provide:

- 1) a proposed term of concession expressed in years with any desired extensions;
- 2) the specific area or location of the concession;
- 3) whether the proposal includes the sale of refreshments, food or beverages that conflicts with existing concessions;
- 4) whether the proposal contemplates areas where alcoholic beverages are sold and consumed;
- 5) the financial terms of the concession expressed as a percentage of the proposer's gross receipts for each year of the proposed term and a projection of the value of the percentage of gross receipts to the County over the term of the agreement ;
- 6) any investments, expressed with as much specificity as possible, by either the County or the proposer that is required as part of this proposal

The Request for Proposal format is as follows:

Transmittal Letter

A signed letter of transmittal briefly stating the respondent's proposed use of this site and a statement as to why the respondent believes this is the best use of the area.

Title Page

Title page must show the request for proposal with the firm/entity's name; address; telephone and facsimile number of the contact person; and, the date of the RFP.

Body of the Proposal

The text of the proposal should identify type of enterprise (corporation, general partnership, sole proprietorship) and the name of principals. This should include the organizational and operational capacity of the principals.

The body of the proposal should also include a project description with specific land use requirements, and any proposed construction of new facilities. The proposal must provide a "to scale" drawing of the areas included in the proposal to ensure conformity to the available site.

A *Pro forma* Budget must be included. This is helpful to the proposer to ensure that he/she has considered the financial resources necessary to proceed should the proposal be acceptable to the County.

Evaluation Procedures

Commissioners Court will evaluate submittals and may select some or all of the proposers to participate in oral interviews. The County, at its sole discretion, selects the method, manner, and means of determining which proposal is most advantageous to the County.

Upon evaluating the Request for Proposals, the County of El Paso will select the proposal that it considers to be in the best interest of the County of El Paso and its constituents and which conforms to the restrictions as to use imposed in the conveyance.

Business Plan Outline

COVER PAGE:

Be sure to include the names of all owners, home address(es), business phone number(s) and % of ownership.

OVERVIEW:

This should be your “purpose statement”, which states what your business does. Everything in your plan will make sense if you focus on this purpose. Be specific and try to keep the length of the statement brief. When describing the purpose of your business, make sure that the reader understands what you do, even if they are unfamiliar with your type of business.

DESCRIPTION OF BUSINESS:

How will you structure your business (partnership, corporation)? Is your business a start up or are you expanding an existing business? Does your business have seasonal highs and lows in sales? If so, when are the peak sales periods and when are the slow periods? What is the current trend in your industry? What is your source of information for the above?

PRODUCT/SERVICE:

Explain what product/service you provide. Be specific, and remember that the reader may not be familiar with your business, so use laymen’s terms. Also, what is different about the service or product you offer that would attract your potential customers?

THE MARKET:

Explain who your target customers are. What are the demographics of this market segment? Detail any market trends you have discovered in your research, how you will attract, hold and increase your market share. What is the annual market potential of this segment? How many target prospects are within your market area? How much do they spend on average per year on your product/service? Provide the source of your information. Is your business **price**, **quality**, or **service** driven? Indicate which.

THE COMPETITION:

Who are your competitors? Explain why you have determined them to be a competitor. What are their strengths, and weaknesses? What is their market opportunity? How much of the market share they own. Detail how you compare to the competition, both your advantage and disadvantage.

THE LOCATION OF THE BUSINESS:

Explain why you have chosen the location for your business, the type of space you need. Make particular note of any demographic or other market shifts going on, either good or bad. What is the size of the space your business will occupy? Will you have room for future growth? What is the term of your lease, and will you have options to renew it? How much will your monthly rent be, and is there an escalation clause that will make it difficult to meet the increased cost?

MANAGEMENT:

Describe your management background/business experience and how it is relevant to your business. Discuss the strengths and weaknesses of each one, and how gaps in experience or ability will be addressed. Make sure you clearly describe all duties and include any additional resources or “advisors” that may be available to your business. Attach a professional resume for all.

PERSONNEL:

Address your current staffing levels; explain additional staff-level and skill needs, future hiring plans and what the labor pool is like in your industry. This may create certain risks be aware of them, address these, and explain your back-up plan. How will you train your employees, what benefits will you offer and contingency plan do you have if you lose your most key employee(s)?

SALES AND MARKETING

Present a clear and concise picture of how you will market your product/service. Why did you choose this type of marketing? Is this the industry norm, and how do you know?

USE & EFFECT OF FINANCING:

If your business is a start-up, provide detailed costs to start the business, how much will you provide towards those costs and how much you need to borrow.

To do this, complete the attached Start-Up Analysis worksheet. After completing the Start-Up Cost Analysis, enter the total cost here:

Start Up Cost: \$ _____

Capital Available from your liquid assets
 (Subtract from start up costs) \$ _____

Deficit Capital: \$ _____

After this is complete, you must project how much it will cost you to run your business for at least the first three years (12 months at time), on a month by month basis. This is critical, since your sales levels may fluctuate from month to month, as will your expenses.

Use the attached Cash Flow Projection Worksheet. You do not need to provide this information with this proposal. However, you may be subject to questions if your responses to the start-up, capital available and any deficit capital appear improbable.

Start-Up Cost Analysis

Advertising	\$ _____	Promotion for opening business
Beginning Inventory	\$ _____	The cost of inventory to open
Building construction	\$ _____	Use actual contractor estimates
Cash	\$ _____	Requirements for cash register
Decorating	\$ _____	Use average of estimates
Deposits	\$ _____	for utility & phone
Fixtures & Equipment	\$ _____	Provide actual cost
FFE	\$ _____	Use actual bids
Insurance	\$ _____	Verify with your insurance agent
Leasehold improvements	\$ _____	The amount per contractor bid
Lease payment	\$ _____	Include less deposit
Licenses and permits	\$ _____	Check with city and state offices
Miscellaneous	\$ _____	All other
Professional fees	\$ _____	Include CPA, Attorney
Rent, equipment	\$ _____	Amount to be paid before Services
	\$ _____	Cleaning, trash collections Signage
	\$ _____	The amount per contractor bid
Supplies	\$ _____	Office, cleaning, etc., supplies
Unanticipated expenses	\$ _____	Amount for unexpected costs (10% of total)
Other	\$ _____	
Total Set-Up \$ Needed	\$ _____	Use for the "Use & Effect of Financing"

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 E. Overland
ROOM 300, 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

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 E. Overland, RM 300
El Paso, Texas 79901
(915) 546-2048
(915) 546-8180 Fax

RE: RFP #09-091, RFP - Long Term Plan and Utilization of all or Portions of Ascarate Park

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 Anna Perez
Commissioner Veronica Escobar
Commissioner Willie Gandara, Jr.
Commissioner Dan Haggerty

County Employees: Piti Vasquez, Purchasing Agent
Jose Lopez, Jr., Assistant Purchasing Agent
Peter Gutierrez, Buyer II
Linda Mena, Inventory Bid Technician
Lucy Balderama, Inventory Bid Technician
Rosemary Neill, Planning & Development
Reynaldo Chavez, Ascarate Park
James O'Neal, Auditors

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

COUNTY OF EL PASO PURCHASING DEPARTMENT

PITI VASQUEZ, PURCHASING AGENT
JOSE LOPEZ, JR. ASST. PURCHASING AGENT
LINDA MENA, INVENTORY BID TECHNICIAN
LUCY BALDERAMA, INVENTORY BID TECHNICIAN

MDR BUILDING, 800 E. OVERLAND
ROOM 300, EL PASO TEXAS 79901
(915)546-2048, FAX (915)546-8180

Instructions: Conflict of Interest Form (CIQ)

Please follow and complete all instructions to fill out your CIQ form and obtain a document number.

- ***Please complete CIQ Form whether or not a conflict exists.***
- **Box #1 All Vendors** Must Print Clearly their names and company name.
- **Box #2** If the vendor has already filed a CIQ for the current year and is updating (filing a new one) due to changes on bid, please check box. If this is the first time within the current year that the vendor is submitting a CIQ, then do not check this box.
- **Box #3** If you are filing a disclosure of conflict of interest, meaning that you do have a relationship with someone listed on the page prior to the CIQ form on your BID, RFP, RFQ, or RFI, then you must print the name of the person whom you have a business relationship with.
- If you answer **yes** to any of the following: **Item A, B, C** you have a conflict and must disclose on this form.
- **Item D** List the type of relationship and what department in the local government the person you have listed in **Box #3**.
- **Box #4** Please have the person that is named on **Box# 1**, sign and date in this box. We request a contact number in case there are any questions or form is missing information. This is a courtesy to you. If you do not provide a phone number and have not provided all the information that is needed. The department cannot file your document and you will not receive a number to provide the Purchasing department with your bids, thus, meaning disqualification. Once you have completed the form, **fax it to the County Clerks at 915-546-2012.** The County Clerk will file and fax you 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, RFI 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 Lucy Balderama or Linda Mena at 915-546-2048.

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

RFP # 09-091

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.

Signature of person doing business with the governmental entity

Date

Adopted 06/29/2007

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 - Long Term Plan and Utilization of all or Portions of Ascarate
Park
RFP #09-091**

THIS CHECKLIST IS PROVIDED FOR YOUR CONVENIENCE

_____ Responses should be delivered to the County Purchasing Department by 2:00 p.m., Wednesday, December 9, 2009. 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) 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.

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

_____ Did you provide one original and two (2) copies of your response?
