



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, September 1, 2010** to be opened at the County Purchasing Office the same date for **RFP for Vending Machines at Multiple County Facilities**.

**Proposals must be in a sealed envelope and marked:
"Proposals to be opened **September 1, 2010**
RFP for Vending Machines at Multiple County Facilities
RFP Number 10-059"**

Any questions or additional information required by interested vendors must be submitted in writing to the attention of the County Purchasing Agent before Tuesday, August 24, 2010, 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

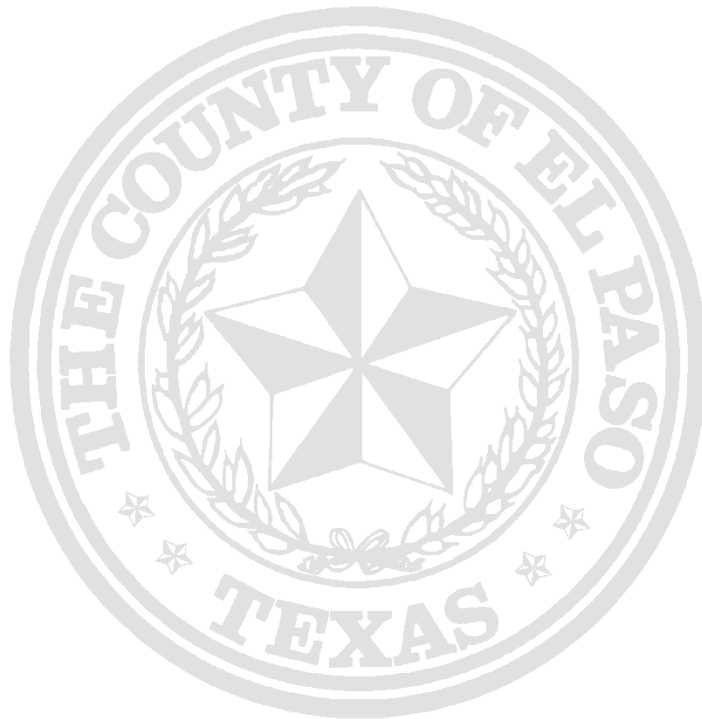
Description – RFP # 10-059 RFP for Vending Machines at Multiple County Facilities Vendor must meet or exceed specifications
Please do not include tax, as the County is tax-exempt. We will sign tax exemption certificates covering these items. Please submit one (1) original copy and two (2) copies of your 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 for Vending Machines at Multiple County Facilities

RFP #10-059



**Opening Date
Wednesday, September 1, 2010**



FACILITIES MANAGEMENT DEPARTMENT
500 E. SAN ANTONIO, SUITE M1
EL PASO, TEXAS 79901

REQUEST FOR PROPOSALS

The County of El Paso is seeking proposals from qualified vendors to provide vending machines and services to multiple County-owned facility locations. Some locations already have vending machines and some do not have any vending machines at all, as specified in the Proposal Form. El Paso County reserves the right to award this contract to more than one vendor at the County's discretion.

The Vendor is solely responsible for

1. LOCATIONS

**COUNTY COURTHOUSE
500 E. SAN ANTONIO
EL PASO, TEXAS 79901**

**COUNTY ADMINISTRATION BUILDING
800 E. OVERLAND
EL PASO, TEXAS 79901**

**MEDICAL EXAMINER'S OFFICE
4505 ALBERTA
EL PASO, TEXAS 79905**

**NORTHEAST ANNEX
4641 COHEN AVENUE
EL PASO, TEXAS 79924**

**MISSION VALLEY ANNEX
190 SAN ELIZARIO ROAD
SAN ELIZARIO, TEXAS**

**YSLETA ANNEX
9521 SOCORRO ROAD
CLINT, TEXAS**

**EL PASO COUNTY SPORTS PARK
1780 N. ZARAGOSA
EL PASO, TEXAS**

2. SCOPE OF SPECIFICATIONS

It is the sole responsibility of the Vendor to scope each location for placement of the machines, taking measurements to ensure there is adequate space for proposed number of machines, outlet locations, electrical supply specifications, and determining any requirements necessary for locations that do not currently have vending machines, or where the requirements will be different from what is currently installed. The Vendor is solely responsible for ensuring delivery capability to each location, especially those where there are elevators, and the weight limits of the elevators in relation to the weight of the machines. Any modifications, special considerations, and/expenses regarding the delivery and/or installation of the machines must be included in the RFP price and response.

3. CONTRACT ADMINISTRATION

El Paso County will appoint its Facilities Manager as contract administrator with designated responsibilities, which may include, but are not limited to, the inspection and acceptance of all services performed under the contract.

4. COMMENCEMENT

Commencing from the date Bid/RFP is awarded by Commissioners Court, the contract shall be effective for a period of 2 (two) years, subject to funding by Commissioners Court; with an option to renew the awarded contract in increments of 1 (one) year terms, for an additional period of 3 (three) years at the discretion of the Commissioners Court of El Paso County, Texas, subject to funding by the Court, and upon the successful price negotiations between the awardee and El Paso County for each subsequent term.

5. MINIMUM QUALIFICATIONS

A. EQUIPMENT ASSETS: The Vendor shall have ownership, or long-term lease agreements, for all vending machines it intends to install under this RFP. The Vendor shall assume ALL maintenance and repair responsibilities of each vending machine. The Vendor shall have maintenance and repair agreements on each machine, or employ qualified staff to maintain and repair machines. Vendor shall have a standard protocol in place to expeditiously refund monies due to malfunctioning equipment.

B. OUTSIDE MACHINES: Some locations, as listed in the bid proposal, are laid out as a “strip mall” type construction; it is strongly preferred that Vendor’s are able to provide vending machines that can be installed outside, with necessary security measures taken to prevent theft and vandalism. The County will make a reasonable effort to accommodate additional security measures when feasible.

6. SCOPE OF OPERATION

The selected Vendor will be required to furnish beverage and/or snack vending machines, and service the vending machines on a regular basis as frequently as necessary to keep machines sufficiently stocked. The Vendor shall routinely inspect vending machines for operational issues, and ensure that machines are properly dispensing the products accurately.

The Vendor is expected to furnish ALL supplies, equipment, labor, and any other item not expressly listed here, that is necessary to perform and carry out all duties described in these specifications.

7. VENDOR RESPONSIBILITIES

- A.** Vendor is responsible for the delivery, installation, proper electrical connection, and securing the machines in place.
- B.** The Vendor shall ensure that the machines are secured in a manner that prevents accidental or intention tipping that could cause harm or injury to persons.
- C.** Keep vending machines stocked with product and ensure that selection button for specific products accurately dispense the product as labeled.
- D.** Regularly inspect, maintain, and repair vending machines for optimal performance.
- E.** Properly dispose of trash, packaging, boxes, parts, etc. when stocking or repairing vending machines. A minimal amount of trash may be thrown away on site, however large amounts of trash, packaging, pallets, etc. must be removed by the vendor and disposed of properly off site in accordance with local, state, or federal requirements.
- F.** The Vendor shall immediately clean any accidental spillage, either liquid or solid, created during the process of stocking or maintaining it's equipment.
- G.** Vendor must clearly post their contact information including current address and phone number.
- H.** Vendor shall post their refund policy and procedures, as described in this RFP, on each machine. A policy of "No Refunds" is not acceptable when the refund is due to equipment malfunction, non-delivery of merchandise, incorrect labeling of product selection buttons, spoiled products, and/or incorrect change disbursement.
- I.** Vendor shall make a reasonable effort to meet the demand of its customers by stocking machines with products that continually show strong preference. This shall be accomplished through monitoring of sales trends and demands; adjust accordingly.
- J.** Vendor's employees may be required to pass through a metal detector or show valid ID upon entering some County locations. Employees shall be dressed in clean attire and behave in a courteous manner while on site.

8. COUNTY RESPONSIBILITY

- A.** The Facilities Management Department will coordinate the installation of the new equipment with the removal of the old equipment, if applicable, to ensure minimal disruption in services.
- B.** The County will provide electricity to the vending machines and make a reasonable effort to ensure that all outlets are working properly. The vendor should report any suspected power outage to the Facilities Management Department immediately. The County is not responsible for any damage to equipment or inventory loss due to power outage.

9. SELLING PRICES

All beverages and snack items sold through the vending machines shall be sold at prices consistent with this RFP, as submitted. New products introduced shall automatically in the machines shall be priced similar to other products in like categories. Prices may not be raised more than 10% from the original prices stated in this RFP throughout the term of the Agreement without the permission of the County.

10. CONCESSION FEE AND PAYMENT

The Vendor shall pay to the County a Concession Fee, as proposed in this RFP, for each month during the term of the Agreement. The Vendor shall pay the Concession Fee each month, without demand to the El Paso County Auditor, Treasury Division, located in the County Administration Building, 800 E. Overland Avenue, El Paso, Texas 79901. The Concession Fee shall be due by the 15th of each month for the previous month. The Concession fee shall be accompanied by a statement listing the Gross Revenue for the Previous month of products sold, including unit prices and adjustments.

11. ACCOUNTING AND REPORTING

The County reserves the right to request, and receive at no additional cost, once per contract year, a usage report detailing the products and/or services furnished to date under a contract resulting from this RFP. The report must be furnished no later than five (5) working days after written request is submitted, and shall include an itemization of all purchases to that date, a description of the item purchased, including manufacturer, quantity of each item purchased, per unit and extended price of each item purchased, and total amount and price of all items purchases.

12. CONTRACT PERFORMANCE

The Facilities Manager, or his/her delegate, will routinely inspect the premises. The Vendor shall respond to any complaints of unsatisfactory service, or non-compliance issues in writing, indicating the corrective action that is necessary, or was taken, in order to resolve the issue.

Vendors are expected to visit their assigned locations periodically for quality control and take preventative measures to avoid conflicts.

13. EMPLOYEE IDENTIFICATION

Vendor will assure that all working personnel are in clean and appropriate work attire with a shirt OR official identification badge that properly identifies the Vendor's company name and employee's name. The Facilities Management Department will furnish an identification badge at no cost to the vendor upon request.

14. INSURANCE

The contractor shall, at all times during the term of this contract, maintain insurance coverages with not less than the type and requirements shown below. Such insurance is to be provided at the sole cost of the contractor. These requirements do not establish limits of the contractor's liability.

All policies of insurance shall waive all rights of subrogation against the County, its officers, employees and agents. Contractor shall furnish El Paso County with Certificate of Insurance naming El Paso County as additional insured. All insurance must be written by an insurer licensed to conduct business in the State of Texas.

Minimum Insurance Requirements	
Public Liability	\$300,000.00
Property Damage	\$300,000.00
Bodily Injury	\$300,000.00
Excess Liability	\$1,000,000.00
Workers' Compensation	Statutory Coverage

15. INDEMNIFICATION

The successful Vendor shall defend, indemnify, and save harmless El Paso County and all its officers, agents, and employees from all suits, actions, or other claims of any character, name, and description brought for or on account of any injury to or damages received or sustained by any person, persons, or property on account of any negligent act or fault of the successful Vendor, or of any agent, employee, or supplier in execution of, or performance under, any contract which may result from bid award. Successful Vendor shall pay any judgment with cost, which may be obtained against El Paso County growing out of such injury or damages.

16. CANCELLATION TERMS

This contract shall remain in effect for the contract period or until terminated by either party by giving written notice of such cancellation. The Vendor must give El Paso County sixty (60) days written notice prior to cancellation, and must state therein, the reasons for such cancellation.

The contract is subject to cancellation, at the option of El Paso County, for one or all of the following reasons:

- a. Unsatisfactory performance of Contract;
- b. Failure to pay commission for two consecutive months;
- c. Inability or failure of the Vendor to fulfill the requirements of the Contract;

In the event that El Paso County should exercise its option to cancel under the above criteria, El Paso County may cancel the contract with one (1) day's written notice, but shall compensate Vendor for all work performed prior to such cancellation.

PROPOSAL FORM ATTACHMENT A INSTRUCTIONS

All documents in the following Proposal Form must be submitted in the Tab Order and Attachment Sequence as specified. Corresponding information, reports, documents, etc. must be submitted behind the first page of each corresponding Proposal Form Tab Number in sequential order and as appropriate to the subject matter.

If a question does not apply, enter “N/A”, do not leave blank. If an entire section of questions do not apply, you may draw a heavy lined “X” through the section.

You may use additional sheets of paper to answer questions or provide additional information not specifically asked; however, you must write “See Attachment #___” in the corresponding question’s answer line.

Failure to follow the Proposal Form Tab Format and Attachment Sequence requirements may result in the proposal being disqualified.

PROPOSAL FORM TAB #2A

STATUS & REQUIREMENT BY LOCATION

EL PASO COUNTY COURTHOUSE
500 E. SAN ANTONIO
LOWER LEVEL SNACK BAR ROOM
(Elevator Required for Delivery)

CURRENT MACHINES

- 4 Regular/Diet Sodas
- 0 Diet Soda Only
- 1 Water Only
- 1 Snack Machine

MINIMUM REQUIREMENT

- 3 Regular Sodas Variety
- 1 Diet Soda Only Variety
- 1 Water Only
- 1 Snack Machine

Additional Machines May be Added, As Space/Electrical Capacity Allows

Summarize Proposed Plan, Including Refund Policy

PROPOSAL FORM TAB #2B

STATUS & REQUIREMENT BY LOCATION

EL PASO COUNTY COURTHOUSE
500 E. SAN ANTONIO
12th Floor Lobby
(Elevator Required for Delivery)

CURRENT MACHINES

- 0 Regular/Diet Sodas
- 0 Diet Soda/Water/Juice Only
- 0 Snack Machine

MINIMUM REQUIREMENT

- 1 Regular Sodas Variety
- 1 Diet Soda/Water/Juice Only Variety
- 1 Snack Machine

Additional Machines May be Added, As Space/Electrical Capacity Allows

Summarize Proposed Plan, Including Refund Policy

PROPOSAL FORM TAB #2C

STATUS & REQUIREMENT BY LOCATION

EL PASO COUNTY ADMINISTRATION BUILDING
800 E. OVERLAND
4th Floor Snack Bar Room
(Elevator Required for Delivery)

CURRENT MACHINES

3 Regular/Diet Sodas
0 Diet Soda Only
0 Snack Machine

MINIMUM REQUIREMENT

2 Regular Sodas Variety
1 Diet Soda/Water/Juice Only
1 Snack Machine

Additional Machines May be Added, As Space/Electrical Capacity Allows

Summarize Proposed Plan, Including Refund Policy

PROPOSAL FORM TAB #2D

STATUS & REQUIREMENT BY LOCATION

EL PASO COUNTY ADMINISTRATION BUILDING
800 E. OVERLAND
1st Floor Lobby
(Elevator Required for Delivery)

CURRENT MACHINES

0 Regular/Diet Sodas
0 Snack Machine

MINIMUM REQUIREMENT

1 Regular/Diet Sodas Variety
1 Snack Machine

Additional Machines May be Added, As Space/Electrical Capacity Allows

Summarize Proposed Plan, Including Refund Policy

PROPOSAL FORM TAB #2E STATUS & REQUIREMENT BY LOCATION

EL PASO COUNTY OFFICE OF THE MEDICAL EXAMINER
4505 ALBERTA
1ST Floor

CURRENT MACHINES

- 0 Regular/Diet Sodas
- 0 Snack Machine

MINIMUM REQUIREMENT

- 1 Regular/Diet/Juice Variety
- 1 Snack Machine

Additional Machines May be Added, As Space/Electrical Capacity Allows

Summarize Proposed Plan, Including Refund Policy

PROPOSAL FORM TAB #2F STATUS & REQUIREMENT BY LOCATION

NORTHEAST ANNEX
4641 COHEN AVENUE
TAX OFFICE, INSIDE SUITE B

CURRENT MACHINES

- 1 Regular/Diet Sodas
- 0 Snack Machine

MINIMUM REQUIREMENT

- 1 Regular/Diet/Juice Variety
- 1 Snack Machine

Additional Machines May be Added, As Space/Electrical Capacity Allows

Summarize Proposed Plan, Including Refund Policy

PROPOSAL FORM TAB #2G

STATUS & REQUIREMENT BY LOCATION

NORTHEAST ANNEX
4641 COHEN AVENUE
OUTSIDE STRIP MALL LOCATION (Optional)

CURRENT MACHINES

- 0 Regular/Diet Sodas
- 0 Snack Machine

MINIMUM REQUIREMENT

- 1 Regular/Diet/Juice Variety
- 1 Snack Machine

Additional Machines May be Added, As Space/Electrical Capacity Allows

Summarize Proposed Plan, Including Refund Policy

PROPOSAL FORM TAB #2H

STATUS & REQUIREMENT BY LOCATION

MISSION VALLEY ANNEX
190 SAN ELIZARIO ROAD
Sheriff's Department, Outside, Behind JP#6

CURRENT MACHINES

- 0 Regular/Diet Sodas
- 0 Snack Machine

MINIMUM REQUIREMENT

- 1 Regular/Diet/Juice Variety
- 1 Snack Machine

Additional Machines May be Added, As Space/Electrical Capacity Allows

Summarize Proposed Plan, Including Refund Policy

PROPOSAL FORM TAB #2I

STATUS & REQUIREMENT BY LOCATION

YSLETA ANNEX
9521 SOCORRO ROAD
JP#5, INSIDE SUITE B2

CURRENT MACHINES

- 0 Regular/Diet Sodas
- 0 Snack Machine

MINIMUM REQUIREMENT

- 1 Regular/Diet/Juice Variety
- 1 Snack Machine

Additional Machines May be Added, As Space/Electrical Capacity Allows

Summarize Proposed Plan, Including Refund Policy

PROPOSAL FORM TAB #2J

STATUS & REQUIREMENT BY LOCATION

YSLETA ANNEX
9521 SOCORRO ROAD
Outside, Building A (Optional)

CURRENT MACHINES

- 0 Regular/Diet Sodas
- 0 Snack Machine

MINIMUM REQUIREMENT

- 1 Regular/Diet/Juice Variety
- 1 Snack Machine

Additional Machines May be Added, As Space/Electrical Capacity Allows

Summarize Proposed Plan, Including Refund Policy

PROPOSAL FORM TAB #2K STATUS & REQUIREMENT BY LOCATION

YSLETA ANNEX
9521 SOCORRO ROAD
Outside, Building B (Optional)

CURRENT MACHINES

0 Regular/Diet Sodas
0 Snack Machine

MINIMUM REQUIREMENT

1 Regular/Diet/Juice Variety
1 Snack Machine

Additional Machines May be Added, As Space/Electrical Capacity Allows

Summarize Proposed Plan, Including Refund Policy

PROPOSAL FORM TAB #2L STATUS & REQUIREMENT BY LOCATION

El Paso County Sheriff's Headquarters
3820 Justice Road

CURRENT MACHINES

- 1 Regular/Diet Sodas
- 0 Snack Machine

MINIMUM REQUIREMENT

- 2 Regular/Diet/Juice Variety
- 1 Snack Machine

Additional Machines May be Added, As Space/Electrical Capacity Allows

Summarize Proposed Plan, Including Refund Policy

PROPOSAL FORM TAB #2M STATUS & REQUIREMENT BY LOCATION

El Paso County Sports Park
1780 N. Zaragoza

CURRENT MACHINES

0 Regular/Diet Sodas

MINIMUM REQUIREMENT

1 Regular/Diet/Juice Variety

Additional Machines May be Added, As Space/Electrical Capacity Allows

Summarize Proposed Plan, Including Refund Policy

PROPOSAL FORM TAB #3

LEGAL IDENTIFICATION

201 Legal Name of Business:

202 Legal description of business (corporation, LLC, LLP, etc):

203 Address:

204 City/County:

205 State:

206 Owners, President, Interested Parties:

207 Tax ID#:

PROPOSAL FORM TAB #4 INSURANCE REQUIREMENTS

The contractor shall, at all times during the term of this contract, maintain insurance coverages with not less than the type and requirements shown below. Such insurance is to be provided at the sole cost of the contractor. These requirements do not establish limits of the contractor's liability.

All policies of insurance shall waive all rights of subrogation against the County, its officers, employees and agents. Contractor shall furnish El Paso County with Certificate of Insurance naming El Paso County as additional insured. All insurance must be written by an insurer licensed to conduct business in the State of Texas.

Minimum Insurance Requirements

Public Liability	\$300,000.00
Property Damage	\$300,000.00
Bodily Injury	\$300,000.00
Excess Liability	\$1,000,000.00
Workers' Compensation	Statutory Coverage

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

* All three (3) pages of this document must be included in all responses.

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
LINDA MENA, 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 #10-059, RFP for Vending Machines at Multiple County Facilities

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
Monique Aguilar, Administrative Support Manager
Richard D. Wiles, Sheriff
Sylvia Aguilar Chief Deputy

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
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 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.
- It is the vendor's responsibility to submit the CIQ document number provided by the County Clerk's to the Purchasing Department.
- 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.
- File a 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 the attention of the County Clerks office.
- If filing by fax use your fax confirmation (date/time) for your records. To obtain a copy/CIQ document number go to our website at www.epcounty.com, click on public records, click on to [Official Public Records](#) - Deeds of Trust, Liens and other public documents (County Clerk), type in the name of your company, on Style: scroll to CIQ-Conflict INT. QUESTIONNAIRE, and click on Search. It will be available on the web-site approximately 5 to 10 business days. Please fax a copy of your fax confirmation (date/time) to The Purchasing Department at (915) 546-8180. If you have not yet placed it in your Bid, RFP, RFQ, RFI.
- If you have any questions, please call Linda Mena or Lucy Balderama 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 # 10-059

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 for Vending Machines at Multiple County Facilities RFP #10-059

THIS CHECKLIST IS PROVIDED FOR YOUR CONVENIENCE

- _____ Responses should be delivered to the County Purchasing Department by 2:00 p.m., Wednesday, September 1, 2010. 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?
-