



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., **Thursday, March 29, 2012** to be opened at the County Purchasing Office the same date for Solid Waste and Recycling Services for Multiple El Paso County Locations. **A walk-thru will be held on Wednesday, March 21, 2012 at 10:00 a.m. in the County Courthouse. Interested Vendors are to meet in the first floor in front of the security entrance. A pre-proposal conference will be held immediately following the walk-thru in the Purchasing Conference Room located at 800 East Overland, room 300 El Paso, Texas 79901.**

Proposals must be in a sealed envelope and marked:

**“Proposals to be opened March 29, 2012
Solid Waste and Recycling Services for
Multiple El Paso County Locations
RFP Number 12-023”**

Any questions or additional information required by interested vendors must be submitted in writing to the attention of the County Purchasing Agent before Thursday, March 22, 2012, 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 cashier’s 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 cashier’s 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

IMPORTANT NOTICE FOR VENDORS

EL PASO COUNTY CODE OF ETHICS TRAINING REQUIREMENT FOR VENDORS

Vendors. Any vendor involved in a single procurement exceeding \$50,000 must complete training on the El Paso County Code of Ethics. **This training must be completed prior to submitting a bid or proposal, responding to a request for qualifications or proposals, or otherwise contracting with the county.** The training must be completed by an officer, principal, or other person with the authority to bind the vendor. The certification of completed training on the Ethics Code issued by the County Human Resources Department is valid for one (1) calendar year from the date of completion. A list of those Vendors with a current certification of completion and the corresponding date of expiration shall be maintained on the El Paso County website under the Purchasing Department's Current List of Training Certified Bidders. This training requirement does not apply to emergency purchases.

Training

In compliance with Section 161 of the Texas Local Government Code, training on the El Paso County Code of Ethics will be accessible in an online format to Vendors and Lobbyists on an ongoing basis, subject only to limitations due to technical resources. No person or entity required to complete training will have to do so more than once per year.

The required training for Vendors may be accessed and completed at: <http://www.epcounty.com/ethicscom/training.htm>

Once you have taken the ethics training course print out the confirmation and attach a copy to your proposal. Keep a copy for future references/proposals.

To view the list of the Vendors, the representatives and the date it expires.

❖ **Go to <http://www.epcounty.com/ethicscom/training.htm>**

❖ **Select:**

Vendors Who Have Completed Ethics Training

If you have taken the training and your name has not been added to the list, Please contact Gabby at our Human Resource Department at (915)546-2218 ext. 4069.

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

<p>Description – RFP # 12-023 Solid Waste and Recycling Services for Multiple El Paso County Locations Vendor must meet or exceed specifications</p>
<p>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 three (3) copies of your bid.</p>

Company

Mailing Address

Federal Tax Identification No.

City, State, Zip Code

Ethics Representative (refer to page 2)

Ethics Training Date or Expiration Date

CIQ Confirmation Number

Conflict of Interest Questionnaire (CIQ)
Filed Date

Representative Name & Title

Telephone Number include area code

Signature

Fax Number include area code

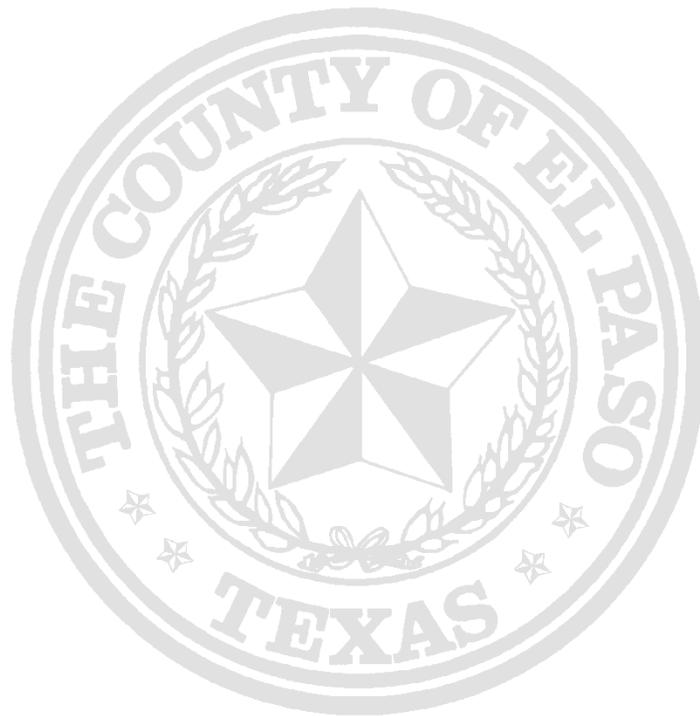
Date

Email Address

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

Solid Waste and Recycling Services for Multiple El Paso County Locations

RFP #12-023



**Opening Date
Thursday, March 29, 2012**

1. LOCATION OF SERVICE / PROJECT

Canutillo Community Center	7361 Bosque Rd
County Courthouse	500 E. San Antonio
Fabens Community Center	201 Camp Street
Friendly Community Center	2215 Murchison
Juvenile Justice Center	6400 Delta Drive
MDR Building	800 E. Overland
Medical Examiner	4505 Alberta
Mission Valley Annex	190 San Elizario Rd
Northeast Annex	4641 Cohen Ave
San Elizario Community Center	1156 Church
Sheriff Downtown Detention Facility	601 E. Overland
Sheriff Headquarters	3850 Justice Dr
Sheriff Jail Annex	12501 Montana
Sheriff Substation	436 Vinton Rd
Ysleta Annex	9521 Socorro Rd

2. REQUEST FOR PROPOSALS

The County of El Paso, Texas as owner of locations as listed, hereby requests Proposals from interested and qualified Solid Waste and Recycling Service Providers (hereinafter called Vendor) desiring to provide solid waste disposal and recycling services for five (5) years. The services provided will be in accordance with specific provisions of a service contract.

The purpose of this document is to provide interested parties with information to enable them to prepare and submit a proposal to provide solid waste disposal and recycling services. The County, as represented by its Purchasing Department, may award this RFP to one or more bidders based on lowest initial price, lowest price over time based on proposed annual increase, or best interest of the County.

3. PRE-PROPOSAL CONFERENCE

Vendors are **strongly encouraged** to attend the pre-proposal conference that will be held on Wednesday, March 21, 2012 the Purchasing Conference Room located at 800 East Overland, Room 300, El Paso, Texas 79901 following the walk-thru. Some locations have space limitations and/or special requirements that will be discussed at the Pre-Proposal Conference. A walk-through of the courthouse and downtown detention facility will be held onto ensure that Vendors understand the access points and limitations. The walk-through will be held on Wednesday, March 21, 2012 at 10:00 a.m. Interested vendors are to meet in the first floor of the County Courthouse located at 500 East San Antonio, El Paso, Texas 79901 in front of the security entrance.

4. RFP FORMAT REQUIREMENTS

- A. Typed or neatly printed in black or blue ink.
- B. Standard 8 ½ x 11 paper.
- C. Submittals may not be permanently bound with glue or binding combs. Submittals may be bound together with removable staples, clips, prongs, etc, or submitted in a 3-ring binder or report cover.
- D. The contents of the RFP shall include the Proposal Form (Attachment A) and adhere to the tab and sequence as specified.

5. 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.

6. COMMENCEMENT

Contract shall be effective for a period of five (5) years and shall commence on May 1, 2012 upon award by Commissioners Court, subject to funding by Commissioners Court.

It is important to note that some locations listed in this proposal are currently under contract for waste disposal services and the starting date will be October 1, 2012 for those locations. Upon the expiration of existing contracts, the service/location will automatically transition to be covered under the contract awarded from this RFP. The inclusion of service at later times will not affect the original commencement date of the contract, and will not extend the original term of the agreement.

Vendor acknowledges that the County is a political subdivision of the State of Texas, and as such sets its budget according to the laws of the State of Texas for a period of one year beginning on October 1st and terminating on September 30th of each year. In the event the County does not intend to include sufficient funds in its next annual budget, in any fiscal year during the term of this Agreement, for the payment of its obligations hereunder, the County may terminate this agreement without penalty or further payment, upon 30 days written notice to Vendor, to be effective on September 30th of the then current fiscal year.

7. PRICE STABILIZATION AND INCREASES

Vendor shall guarantee their initial monthly proposal price from May 1, 2012 or October 1, 2012 (depending on location) through September 30, 2013. Vendors may propose an annual percentage increase thereafter to take effect October 1st of each subsequent year.

8. INVOICING

Due to the numerous locations covered under in the RFP, several departments are financially responsible for processing payment. Vendor will be notified upon commencement of contract which departments are responsible for select locations and will be provided with a contact name and address for billing identification. Vendor shall bill each department for services on a monthly basis and shall allow thirty (30) days for payment processing. Any billing dispute that cannot be resolved between the department and the Vendor shall be directed to the Contract Administrator.

9. MINIMUM QUALIFICATIONS

- A. **EXPERIENCE:** To be considered qualified; the Vendor must demonstrate at least 2 continuous years successful experience in providing lawful solid waste

disposal and recycling services. The County of El Paso reserves the right to disqualify any Vendor who has had an agreement or contract cancelled, or legal action has been taken by a public agency for cause including failure to perform, non-compliance, or illegal activity.

- B. EQUIPMENT ASSETS:** The Vendor must have ownership, or long-term lease written lease agreements, of all vehicles, equipment, tools, supplies, and/or materials typically necessary to perform and carryout all of the duties necessary.

10. SPECIFICATIONS

- A.** Vendor shall specify the day(s) of the week trash/recycling is to be picked up. If vendor makes schedule changes, Vendor must notify the Contract Administrator at least 10 days in advance of the new schedule.
- B.** County will make every effort to ensure that dumpsters are easily accessible on regular day and time of service, however if for some reason dumpster is not accessible at the regular day and time, Vendor shall attempt to reschedule pickup of dumpster(s) the same day, and no later than the next business day at no additional cost.
- C.** Vendor shall dispose of all waste collected from County locations in a lawful manner in accordance with all local, state, and federal laws.
- D.** It is the County's intent to collect recyclables at designated locations. Vendor is expected to ensure that recyclables collected separately from regular trash/waste are properly processed for recycling as appropriate.

11. SCOPE OF OPERATION

Subject to the final Agreement, the selected shall be required to provide the following services:

Lawful solid waste disposal
Recycling services to include paper, metals, and #1 & #2 plastic (minimum) at specified locations

12. VENDOR RESPONSIBILITIES

- A.** Contract management and service supervision.
- B.** Employees must have a clear criminal background with no conviction of a felony, or Class A or B misdemeanor. The County may, at its discretion and expense, perform a criminal background check on any employee working on this project/contract. If the County exercises this discretion, the Contractor shall provide the County with the employee's vital information in order to run the criminal background check, which may include the employee's legal name, current/previous address (es), date of birth, and/or social security number. This information will be kept confidential and the records will be destroyed upon completion of the project.
- C.** Assuring that all work is completed in compliance with any and all applicable local, state, or federal laws, codes, ordinances, etc.

- D. Obtaining any and all permits required by the City of El Paso, and/or any other governing agency, necessary to fulfill the obligations of the work and specifications required herein.

13. ADDITION AND DELETION OF EQUIPMENT OR SERVICES

The County reserves the right to change the services required under this bid, and may adjust the contract price to reflect the cost associated with such changes, including but not limited to:

- a. Add or delete quantity of dumpsters;
- b. Change size of dumpsters;
- c. Change frequency of service pickup;
- d. Add or delete locations of service;

14. 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.

15. INSURANCE

Prior to commencing work, the successful Vendor shall be required, at his own expense, to furnish the County of El Paso with evidence showing the following insurance to be in force, with El Paso County, its officers, agents, and employees named as additional insured:

1. Public liability and property damage insurance including independent Vendor's liability, completed operations and contractual liability, covering, but not limited to, the liability assumed in the indemnification provisions (as specified in this RFP) fully insuring Vendor's liability for injury to, or death of, County employees and third parties, extended to include personal injury liability coverage, and for damage to property of third parties, with a minimum coverage for each occurrence of \$1,000,000.00.
2. Comprehensive automobile and truck liability insurance to include coverage of owned, hired, and non-owned vehicles with minimum limits of \$300,000.00 each occurrence for bodily injury and \$100,000.00 each occurrence for property damage. Such insurance is to include coverage for loading and unloading hazards.

Each insurance policy to be furnished by successful Vendor shall include, by endorsement to the policy, a statement that each policy shall require that thirty (30) days prior to the cancellation of, or upon any material change in coverage, a notice thereof shall be given to El Paso County by certified mail.

Vendor shall provide proof annually, on the anniversary of the contract award date, or at any time upon request by the county, documentation showing that the insurance requirements listed above are active and in full effect.

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. Inability or failure of the Vendor to fulfill the requirements of the Contract;
- c. Price of contract is no longer competitive and exceeds market rate of equivalent service.

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 thirty (30) day's written notice, but shall compensate Vendor for all work performed prior to such cancellation.

17. SUBCONTRACTING:

Sub-contracting is not permitted, unless approved in writing by the County.

18. PROPOSAL REVIEW

Proposals will be reviewed by the County to verify that they meet all specified requirements in this bid. This review may include contacting references furnished by the Vendor, verifying reports regarding the Vendor's stability; verifying information, facts or statements made by the Vendor, or discovered directly or indirectly through the review process, that the County deems necessary, relevant, and appropriate to select the proposal that is in the best interest of the County.

Vendors may not contact the County's reviewer(s) including the Contract Administrator and/or staff; any attempt to do so will result in immediate disqualification.

19. PROPOSAL ACCEPTANCE

Proposals that do not comply with instructions, format, sequence, or mandatory requirements contained in these specifications may be rejected by the County. The County retains the right to accept or reject any or all proposals. The County shall be the sole judge as to compliance as set forth in this RFP.

20. MANDATORY FORMAT AND SEQUENCE OF PROPOSAL

Vendors **MUST** comply with the format requirements listed below in their entirety and in the order listed below. The Vendor **MUST** answer ALL questions in the attached Proposal Form and submit each questionnaire as the 1st page in the appropriate corresponding TAB Number. The Vendor may submit additional documents, information, and/or reports, as required, optional, or relevant in each section as appropriate.

PROPOSAL FORM

INSTRUCTIONS

- I. All documents 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.
- II. 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.
- III. 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.

TAB #1

RFP PACKAGE DOCUMENTS REQUIRED BY COUNTY PURCHASING

1. Proposal Schedule - Submit as 1st Page of Bid.
2. Notice to Interested Parties.
3. Bid Bond – Required if Bid/Proposal exceeds \$100,000. (A cashier’s check in the amount of 5% of the total contract price, executed with a surety company authorized to business in the State of Texas is required to be included with Proposal at the time of opening.)
4. Certifications regarding lobbying, debarment, suspension, and other responsibility matters; drug-free workplace requirements; federal debt status, and nondiscrimination status and implementing regulations.
5. Proposal Conditions.
6. Health Insurance Benefits.
7. Construction contracts in excess of \$100,000.00 require a performance bond, in the full amount of the contract. County may require a performance bond at their option for other types of services, and must be provided if required in the specifications.
8. Conflict of Interest Questionnaire (Form CIQ). Must be filed with the County Clerk no later than the 7th business day after submitting the response to this Bid/RFQ.

TAB #2 PROPOSAL PRICING

**EL PASO COUNTY SOLID WASTE AND RECYCLING SERVICES
PROPOSED SERVICES MUST MEET OR EXCEED CURRENT SERVICES**

CURRENT SERVICES										PROPOSED BY VENDOR			
START DATE	TYPE OF WASTE	BUILDING	ADDRESS	QTY	SIZE	DAYS/WEEK		QTY	SIZE	DAY(S) OF WEEK	PRICE PER MONTH	ANNUAL % INCREASE	
5/1/2012	Regular	Canutillo Community Center	7361 Bosque Rd	1	4 yd.	1/Wk					\$	%	
5/1/2012	Regular	County Courthouse	500 E. San Antonio	2	4 yd.	5/Wk (Excluding Holidays)					\$	%	
5/1/2012	Recycling	County Courthouse	500 E. Overland	2	5 yd.	1/Wk					\$	%	
5/1/2012	Regular	Fabens Community Center	201 Camp Street	1	4 yd.	1/Wk					\$	%	
5/1/2012	Regular	Friendly Community Center	2215 Murchison	1	4 yd.	1/Wk					\$	%	
5/1/2012	Regular	Juvenile Justice Center	6400 Delta Drive	1	4 yd.	3/Wk (M-W-F)					\$	%	
5/1/2012	Regular	Juvenile Justice Center	6400 Delta Drive	1	8 yd.	3/Wk (M-W-F)					\$	%	
5/1/2012	Regular	MDR Building	800 E. Overland	1	6 yd.	3/Wk (M-W-F)					\$	%	
5/1/2012	Recycling	MDR Building	800 E. Overland	1	6 yd.	1/Wk					\$	%	
5/1/2012	Regular	Medical Examiner	4505 Alberta	1	3 yd.	1/Wk					\$	%	
5/1/2012	Regular	Mission Valley Annex	190 San Elizarrio Rd	1	4 yd.	1/Wk					\$	%	
5/1/2012	Regular	Northeast Annex	4641 Cohen Ave	1	4 yd.	1/Wk					\$	%	
5/1/2012	Regular	San Elizario Community Center	1156 Church	1	4 yd.	1/Wk					\$	%	
5/1/2012	Regular	Sheriff DT Detention Facility	601 E. Overland	8	3 yd.	7/Wk (Including Holidays)					\$	%	
5/1/2012	Regular	Ysleta Annex	9521 Socorro Rd	1	6 yd.	1/Wk					\$	%	
5/1/2012	Recycling	Ysleta Annex	9521 Socorro Rd	1	5 yd.	1/Wk					\$	%	
10/1/2012	Regular	Sheriff Headquarters	3850 Justice Dr	1	8 yd.	2/Wk					\$	%	
10/1/2012	Regular	Sheriff Jail Annex	12501 Montana	1	4 yd.	1/Wk					\$	%	
10/1/2012	Regular	Sheriff Jail Annex	12501 Montana	2	6 yd.	1/Wk					\$	%	
10/1/2012	Regular	Sheriff Jail Annex	12501 Montana	1	8 yd.	1/Wk					\$	%	
10/1/2012	Compactor	Sheriff Jail Annex	12501 Montana	1	34 yd	As Needed					\$	%	
10/1/2012	Regular	Sheriff Substation	436 Vinton Rd	1	2 yd.	1/Wk					\$	%	

TAB #3

LEGAL IDENTIFICATION & QUALIFICATIONS

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 Number of years in business: _____

208 Number of employees: _____

209 Do you have any accreditations, certifications, special recognition? _____

210 Do you currently provide equivalent service/products to other government entities in El Paso or State of Texas?

211 If so where: _____

212 Have you ever defaulted on a contract, or had a contract cancelled early?
Details:

213 _____

TAB 4

BOND/INSURANCE REQUIREMENTS

Prior to commencing work, the successful Vendor shall be required, at his own expense, to furnish the County of El Paso with evidence showing the following insurance to be in force, with El Paso County, its officers, agents, and employees named as additional insured:

1. Public liability and property damage insurance including independent Vendor's liability, completed operations and contractual liability, covering, but not limited to, the liability assumed in the indemnification provisions (as specified in this RFP) fully insuring Vendor's liability for injury to, or death of, County employees and third parties, extended to include personal injury liability coverage, and for damage to property of third parties, with a minimum coverage for each occurrence of \$1,000,000.00.
2. Comprehensive automobile and truck liability insurance to include coverage of owned, hired, and non-owned vehicles with minimum limits of \$300,000.00 each occurrence for bodily injury and \$100,000.00 each occurrence for property damage. Such insurance is to include coverage for loading and unloading hazards.

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
ELVIA CONTRERAS, FORMAL BID BUYER

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 proposal.

1. BY SUBMITTING A PROPOSAL, EACH PROPOSER 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 cashier's 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.

Proposers should be aware that this proposal 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 #12-023, Solid Waste and Recycling Services for Multiple El Paso County Locations

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 Commissioner's Court:

County Officers: County Judge Veronica Escobar
Commissioner Anna Perez
Commissioner Sergio Lewis
Commissioner Tania M. Chozet
Commissioner Dan Haggerty

County Employees: Piti Vasquez, Purchasing Agent
Jose Lopez, Jr., Assistant Purchasing Agent
Peter Gutierrez, Buyer II
Elvia Contreras, Formal Bid Buyer
Lucy Balderama, Inventory Bid Technician
Monique Aguilar, Facilities Manager
Angel Colorado, Commander
Ernesto Carrizal III, Public Works Director

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
ELVIA CONTRERAS, FORMAL BID BUYER

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 915-543-3816 the attention of the County Clerk's 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 7 to 15 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 Elvia Contreras 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 # 12-023

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**

**Solid Waste and Recycling Services for
Multiple El Paso County Locations
RFP #12-023**

THIS CHECKLIST IS PROVIDED FOR YOUR CONVENIENCE

_____ Responses should be delivered to the County Purchasing Department by 2:00 p.m., Thursday, March 29, 2012. 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 915-543-3816 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 complete the mandatory ethics training course and include a confirmation print as indicated in page 2?

_____ Did you provide one original and three (3) copies of your response?