



COUNTY OF EL PASO
800 E. Overland, RM 300
El Paso, Texas 79901
(915) 546-2048 (915) 546-8180 Fax

Notice to Interested Parties

Sealed Request for Qualifications will be received at the County Purchasing Department, 800 E. Overland, RM 300, El Paso, Texas 79901 before 2:00 p.m., **Tuesday, May 29, 2012**. Responses will be opened at the County Purchasing Office the same date for **Underwriting Services for the Issuance of Certificates of Obligation Bonds**.

Proposals must be in a sealed envelope and marked:

**“Proposals to be opened May 29, 2012
Underwriting Services for the Issuance of
Certificates of Obligation Bonds
RFP Number 12-039”**

Any questions or additional information required by interested vendors must be submitted in writing to the attention of the County Purchasing Agent before Friday, May 18, 2012, at 12:00 p.m. Questions can be faxed to (915)-546-8180.

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

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

PITI VASQUEZ
County Purchasing Agent

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 RFP. Keep a copy for future references.

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.



**EL PASO COUNTY PURCHASING DEPARTMENT
800 E. OVERLAND AVE., ROOM 300
EL PASO, TEXAS 79901
(915) 546-2048
FAX: (915) 546-8180**

Memorandum

To: All Vendors
From: Jose Lopez, Jr., Assistant Purchasing Agent
Date: February 6, 2012
Subject: County Purchasing New Vendor/Bid System & Online Vendor Registration

The Purchasing Department will be implementing its new bid processing vendor notification/registration system on April 1, 2012. The new system will allow vendors to register and maintain their vendor file real time without the intervention of the Purchasing Department. Vendors will maintain their address information and contact information; as well as the commodity information that the vendor wants to be considered for on County bid solicitations. Vendors will be given a choice of receiving hard copy bid notifications, or electronic notifications to the vendors designated email and/or cellular telephone text number. We hope that the changes will help our vendors receive their solicitations in a more effective and efficient manner that will benefit both the County and the vendor with more timely, accurate, competitive bids.

All vendors wishing to receive or continue to receive bid notifications must register by April 1, 2012. The Purchasing Department will be migrating to the new vendor system on April 1, 2012 and all vendors that have not registered in the new system will not receive bid notifications. Thank you for your cooperation. If you have any questions please contact me at (915)546-2068, or Sally Borrego at (915)546-2048.

SIGNATURE PAGE

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

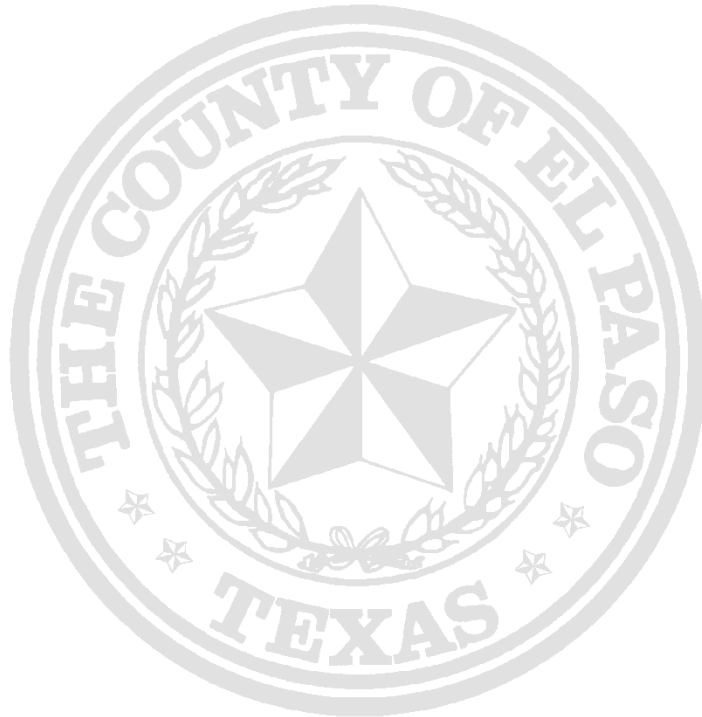
Description – RFP # 12-039 Underwriting Services for the Issuance of Certificates of Obligation Bonds Vendor must meet or exceed specifications
Please submit one (1) original copy and six (6) CD/DVD and responses in Microsoft Word, searchable Adobe PDF, or Microsoft Excel copies of your statements of qualifications.

_____ Company	_____ Mailing Address
_____ Federal Tax Identification No.	_____ City, State, Zip Code
_____ Ethics Representative (refer to page 2)	_____ Ethics Training Date or Expiration Date
_____ CIQ Document 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 RFP RESPONSE****

Underwriting Services for the Issuance of Certificates of Obligation Bonds

RFP #12-039



**Opening Date
Tuesday, May 29, 2012**

SECTION I

A. **PURPOSE AND BACKGROUND:**

The County of El Paso (hereafter “County” or “Issuer”) intends to issue up to \$110,000,000 (one hundred and ten million dollars) of certificates of obligation for a variety of County purposes, including (i) the Tornillo-Guadalupe Land Port of Entry bridge; (ii) the County’s Eastside Jail Annex, new Courthouse Annexes and certain existing buildings, (iii) vehicles for various County departments; (iv) roof and other improvements to existing County facilities; (v) improvements and repairs to the County Courthouse; (vi) management information and technology systems software and related infrastructure; (vii) furniture, fixtures and equipment for various County departments; (viii) a radio communication system for Countywide law enforcement communication integration; (ix) a wireless microwave communications system; and (x) additional County administrative and departmental office space and parking facilities. Such certificates will be payable from ad valorem taxes with an additional limited pledge of \$1000 of surplus revenues of the County’s parking garage facility. Under the current schedule, it is anticipated that the transaction would price in mid-to late June and close in mid-to-late July.

The County plans to select a Senior Manager and several (1-4) Co-Managers to act as underwriters on this transaction. The purpose of this Request for Proposals (RFP) is to solicit proposals from qualified vendors (“Vendor”, “Vendors”, “Offeror” or “Offerors”) for the provision of services as underwriters (the “Underwriters”) for the County. *Firms may not submit joint proposals.* The selected Vendor or vendors shall be prohibited from engaging in activities on behalf of the issuer that produce a direct or indirect financial gain for the firm, other than the agreed-upon compensation, without the County’s informed and written consent.

B. **ISSUING OFFICE; COUNTY LIAISON; PROPOSED TIMETABLE**

1. **ISSUING OFFICE**

County of El Paso
Purchasing Agent
800 Overland Room 300
El Paso, Texas 79901

2. **COUNTY LIAISON**

The County Purchasing Agent has named the following person as the individual to serve as the County's contact, as well as the Financial Advisor’s contact, for the RFP. Any questions must be submitted in writing to her on or before Friday, May 18, 2012 at 12:00 p.m., or may be emailed/faxed to her attention. The following contact information is for questions only, not for the submission of proposals.

Araceli Hernandez

Email: Arahernandez@epcounty.com

Telephone: (915) 540-2048 Ext. 4520

Fax: (915) 546-8180

3. **COUNTY FINANCIAL ADVISOR (FA)**

Mark F. Valenzuela, Vice President,

George K. Baum & Company
One Park Square
6501 Americas Parkway, NE Suite 360
Albuquerque, NM 87110

Vendors should not contact the FA other than through the County Liaison, as provided in Section I.C. below.

C. INTENT TO PROPOSE; QUESTIONS, CHANGES, AND ADDENDA

Interested parties must submit the INTENT TO PROPOSE Form, attached hereto as Attachment 3, via email to the Purchasing Agent County Liaison, arahernandez@epcounty.com, by 5:00 p.m. on May 18, 2012.

If any Offeror is in doubt as to the meaning of any part of this RFP or otherwise believes that additional clarification or information is necessary in order for the Offeror to provide its proposal, a written request for clarification should be submitted via email to the Purchasing Agent County Liaison no later than 12:00 p.m. MDT May 18, 2012.

Responses to such requests, changes to the RFP, and any and all addenda to the RFP shall be made only by the County's written response to be posted on the County website at <http://www.epcounty.com/purchasing/bids/default.htm>

Offerors should regularly check the County Purchasing website for updates. Offerors should not make any changes to the questions in this RFP; however, Offerors may offer additional information to supplement your response. Changes made to the questions in this RFP may result in the disqualification of your offer.

D. PROPOSED TIMETABLE:

Activity	Target Date
Release of Request for Proposals	May 13, 2012
Deadline for questions	May 18, 2012 at 12:00 p.m.
Mandatory Intent to Propose Form	May 18, 2012 at 5:00 p.m.
Deadline for Submission of proposals	May 29, 2012 at 10:00 a.m.
Projected Date of Selection and notification of Offeror(s)	June 4, 2012
Projected sale date	June 21, 2012

E. ISSUER’S RESERVATION OF RIGHTS:

1. The award of a contract shall be at the sole discretion of the County Commissioners Court. The award will be made to the Vendor or Vendors whose proposal is determined to best serve the County.
2. The County reserves the right to accept or reject any or all proposals in whole or in part. The County of El Paso further reserves the right to make an award of contract based on the initial proposals submitted; for that reason, the initial proposal should be submitted on the most favorable terms which the Vendor can propose with respect to both price and technical capability. The contents of the proposal of the selected Vendor will become contractual obligation when the award is made.
3. The County reserves the right to add similar services or delete services specified in any contract resulting from this procurement if requirements change during the performance of the contract. Prices for services to be added to the contract will be mutually agreed to by the County and the Vendor. A contract modification will be required for any addition or deletion.
4. A firm serving as Underwriter shall be prohibited from engaging in activities on behalf of the County that produce a direct or indirect financial gain for the Underwriter, other than the agreed-upon compensation, without the County’s informed and written consent.
5. **An Offeror may be disqualified for failure to disclose material information to the County. “Material information” is defined as of sufficient importance or relevance as to have possible significant influence on the County’s choice of Underwriter. The Affidavits required as part of this RFP response are deemed to be Material Information.**

F. VENDOR PREREQUISITES AND QUALIFICATIONS:

Offerors are required to comply with the following requirements and ethical standards. Failure to comply with any of the following requirements or ethical standards may serve to disqualify an Offeror from further consideration.

1. EL PASO COUNTY CODE OF ETHICS TRAINING REQUIREMENT FOR 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. **Vendors should print out completed training receipt and attach to BID/RFP/RFP/RFI to verify that it was taken.** The required training for Vendors may be accessed and completed at:

http://www.epcounty.com/ethicscom/trainingvendor_files/frame.htm

2. PRIVATE COMMUNICATION WITH VENDORS BY MEMBERS OF COMMISSIONERS COURT, COUNTY ELECTED OFFICIALS/DEPARTMENT HEADS

No member of the El Paso County Commissioners Court, County Elected Officials/Department Heads shall permit any vendor, its lobbyists, representative, or employee to communicate with him or her privately regarding any procurement of items by the County from the date that the bid, RFP, or RFP is released. No private communication regarding the purchase shall be permitted by a member of the commissioner's court, or a county elected official/department head, until the procurement process is complete and a purchase order is granted or a contract is entered into. Members of the commissioners' court, county elected officials/department heads and the board of managers shall make a reasonable effort to inform themselves regarding procurements and shall have a duty to inquire of vendors, their lobbyists, representatives, or employees, the nature of the private communication being sought prior to engaging in any communication.

3. REQUIRED AFFIDAVITS

Offeror shall submit 2 notarized and subscribed Affidavits, in substantially the forms provided in Attachments 1 and 2, with the following information.

- Offeror shall provide information regarding their registrations and professional licenses as Municipal Finance Professionals.
- Offeror shall disclose whether Offeror, or any of its associated Municipal Finance Professionals, is a target, a subject, or currently under investigation by a federal or state law enforcement or regulatory agency, or Self-Regulatory Organization (SRO) for any dealing, including, but not limited to, any contracts for financial advisory, or underwriting services.; and
- Offeror shall disclose all campaign contributions or gifts for any transfers of cash, checks or anything of value to any member of the County Commissioners Court, any person related by marriage or birth to a member of the County Commissioners Court, or any member of their administrative staff, from January 2007 to the present
- Offeror's Lead Municipal Finance Professional (Banker or Underwriter) and the Offeror's compliance department director, or equivalent, shall each be required to sign the affidavits on behalf of the Offeror.

G. PROPOSAL SUBMISSION:

All proposals, including all required copies, must be submitted to the Purchasing Agent, Room 300, County Administrative Annex, 800 E. Overland, El Paso Texas 79901 by May 29, 2012 at 10 a.m. MDT; all proposals shall be submitted in a sealed

envelope, clearly marked to indicate that it is in response to County of El Paso RFP # 12-039 for Underwriting Services for Certificates of Obligation. Proposals submitted in the form of emails, email attachments, telegrams, telephone calls, facsimiles or telex messages will not be accepted.

One hard copy of the Offeror's Response to the Request for Proposal, with an original signature of an Authorized Officer, and six (6) electronic format copies (such as read-only CD or DVD and responses in Microsoft Word, searchable Adobe pdf, or Microsoft Excel) must be delivered to:

County of El Paso
Purchasing Agent
800 E. Overland Room 300
El Paso, Texas 79901
Telephone (915) 546-2048

Each proposal shall include the information as further described in this RFP, particularly the information required under Section II. *Information Required from Vendors in Proposals*. Responses must not exceed thirty (30) pages (8.5 x 11 inches with one-inch margins from all sides), type font size not less than 11-point and printed on one side. Submittals of information in response to this RFP greater than the specified 30 pages will not be reviewed. The 30 page limit shall be exclusive of, and not include, the Letter of Transmittal, professional resumes attached as exhibits, cover sheets, fly leaves, table of contents or requested appendices.

The proposal shall be signed by an official authorized to bind the Offeror (Authorized Officer) and shall contain a statement that the Offeror's proposal is firm for 90 days from submittal date and until the Commissioners Court selects one or more Vendors to serve as Underwriters (Award Date). On or after the Award Date, an Authorized Officer may withdraw its RFP proposal by written request to the Purchasing Agent. Such withdrawal shall be final upon receipt by the Purchasing Agent. If contract negotiations fail with the selected Offeror, the County shall not re-consider withdrawn RFP proposals for the award. If an Offerer does not withdraw its proposal, its RFP response will remain in effect until a final agreement is executed or the solicitation is canceled.

H. DISPOSITION OF PROPOSALS; TEXAS PUBLIC INFORMATION ACT:

All materials submitted in response to this RFP will become the property of the County of El Paso. As a political subdivision of the State of Texas, the County is governed by the Texas Public Information Act, Chapter 552, Texas Government Code.

If the Offeror considers any section or part of their proposal to contain confidential or proprietary information, such section or part shall be clearly marked and identified. In the event the County receives a request under the Public Information Act for Confidential Information as identified by Offeror, the County shall promptly notify the Offeror. It is expressly agreed that the County may request a determination from the Attorney General of the State of Texas in regard to the application of the Public Information Act to the requested information and whether the information is to be made available to the public. It is further agreed that County, its officers and employees shall have the right to rely on the determinations of the Texas Attorney General, and that County, its officers and employees shall have no liability to Offeror for disclosure to the public in reliance on a decision by the Attorney General. Nothing in this RFP shall require County or Offeror to violate the terms of the Public Information Act.

I. COST INCURRED IN RESPONDING:

The County of El Paso shall not pay any costs incurred in the preparation and submission of proposals or in making necessary studies or designs for the preparation thereof, nor to procure or contract for services.

J. LAWS AND REGULATIONS:

All applicable federal and state laws, county policies and the rules and regulations of all authorities having jurisdiction over the contract shall apply to the contract throughout, and they will be considered to be included in the contract the same as though herein written out in full.

SECTION II
INFORMATION REQUIRED
FROM VENDORS IN PROPOSALS

- A. Proposals should contain clear and direct responses to the following questions or requests for information and be organized so that the specific questions being responded to are readily identifiable. Responses to each numbered question or request for information should each begin on a new page with the question repeated at the top of the page.

1. LETTER OF TRANSMITTAL

Each proposal should be accompanied by a letter of transmittal not exceeding two pages which summarizes key points of the proposal and which is signed by an Authorized Officer of the Firm who is responsible for committing the firm's resources.

2. GENERAL QUALIFICATIONS AND EXPERIENCE

Please provide a detailed narrative on your firm's qualifications to serve as the underwriter for the County's issuance of certificates of obligation. Each of the following should be addressed individually.

- a. Relevant experience of the Offeror and the individuals assigned to the issuer, and the identification and experience of the individual in charge of day-to-day management of the certificates of obligation sale, including both the investment banker(s) and the underwriter(s).
- b. A description of the Offeror's certificates of obligation distribution capabilities including the experience of the individual primarily responsible for underwriting the proposed certificates of obligations. The Offeror's ability to access both retail and institutional investors should be described.
- c. Demonstration of the Offeror's understanding of the issuer's financial situation, including ideas on how the issuer should approach financing issues such as certificates of obligation structures, credit rating strategies and investor marketing strategies.
- d. Demonstration of the firm's knowledge of local political, economic, legal or other issues that may affect the proposed financing.
- e. Documentation of the underwriter's participation in the issuer's recent competitive sales or the competitive sales of other issuers in the same state.
- f. Analytic capability of the Offeror and assigned investment banker(s).
- g. Access to sources of current market information to provide certificates of obligation pricing data before, during and after the sale.

- h. A specific statement as to the amount of uncommitted capital available and the ability and willingness of the Offeror to purchase the entire offering of the issuer, if necessary, in the case of an Offeror underwriting.
- i. Any finder's fees, fee splitting, or other contractual arrangements of the Offeror that could present a real or perceived conflict of interest.
- j. A statement of agreement that if selected, the Vendor shall be prohibited from engaging in activities on behalf of the County that produce a direct or indirect financial gain for the Offeror, other than the agreed-upon compensation, without the County's informed and written consent.

3. OFFEROR BACKGROUND/SENIOR- OR CO-MANAGER

- a. Provide a brief overview of Offeror including the type of ownership and amount of years in business.
- b. Discuss Offeror's commitment to municipal investment banking and underwriting.
- c. State whether Offeror would like to be considered for Senior or Co-Manager position.
- d. Please describe Offeror's experience as a lead underwriter or co-manager for Texas issuers over the last three years, including Offeror's experience with general obligation debt of Texas issues and obligations issued by Texas counties.

4. RESOURCES/ KEY PERSONNEL/OPERATIONS INFORMATION

- a. Each Offeror shall provide a brief resume and contact info of the lead banker and a brief resume for each member of the team that will be assigned to the County's work.
- b. Each Offeror shall provide the following information for the team assigned to the County's work:
 - Name and contact information of each individual that will have the day-to-day responsibility for the County's transactions.
 - Location of their office
 - Ability to work on the County's financing
 - Location of the underwriting desk that will price the certificates of obligations.
 - Include the resume for the principal underwriter at this location.
- c. Provide the number of professionals responsible for sales of municipal securities employed by Offeror (do not include relationships with other companies, brokers, broker/dealers or third-party relationships).

- d. Number of professionals identified in response to Question 4c. operating within the State of Texas.
- e. Each Offeror shall identify any areas of credit expertise or unique underwriting experience that demonstrates the Offeror's ability to service the County including respondent's experience with Texas issuers of general obligation debt.
- f. Each Offeror shall describe the systems in place to provide information on municipal market conditions, including investor demand, prevailing interest rates, pricing and scales, new issue calendars, market statistics, and, advice as to the timing of the sale.

5. CAPITALIZATION / UNDERWRITING / CAPACITY INFORMATION

Each Offeror shall describe the capacity to underwrite certificates of obligations by providing the following information:

- a. Please indicate whether Offeror would like to be considered as Senior Manager or Co-Manager
- b. Each Offeror shall describe how best to conduct a negotiated sale given current market conditions and discuss issues which should be addressed in developing a marketing strategy for County certificates of obligation sales. Items described shall include, but not be limited to, how to deploy retail and institutional sales distribution capabilities; recommended priority of orders and procedures; and, the investor base to be targeted; strategies to reach those investors.
- c. The Net Capital Before Haircuts as defined in the Focus Reports for the last eight-quarter periods immediately prior to May 29, 2012, the due date of the RFP. The Offeror shall provide copies of the signed signature page and the computation of Net Capital Before Haircuts (Line 3640) page from each Focus Report.
- d. If applicable to Offeror, examples of when the Offeror was required to take a large portion of certificates of obligations into its inventory because market conditions deteriorated during the pricing of certificates of obligations during the 24-month period immediately prior to May 29, 2012, the due date of the RFP. The examples shall identify the issuer, the par amount of the certificates of obligations and the amount taken into inventory.
- e. Last three transactions for which the Lead Investment Banker acted in a senior- managed transaction including the date, par amount, issue, and pricing date in tabular form. To the extent such transactions were not for Texas issuers, please note the same information for the three most recent Texas transactions.

- f. Last three transactions for which the Lead Underwriter acted in a senior-managed transaction including the date, par amount, issue, and pricing date in tabular form. To the extent such transactions were not for Texas issuers, please note the same information for the three most recent Texas transactions.

6. TARP/INVESTIGATIONS/FINES

Provide the following information:

- a. Disclose whether Offeror, parent company, holding company or related subsidiary obtain funds under the Troubled Asset Relief Program (TARP).
 - i. If so, has this liability been finally and completely extinguished?
 - ii. If yes, provide the date on which this liability to the federal government was finally and completely extinguished.
- b. Disclose and describe any pending investigation or enforcement or disciplinary actions taken against Offeror within the past three years by the Securities and Exchange Commission (SEC); Municipal Securities Rulemaking Board (“MSRB”); Financial Industry Regulatory (FINRA), or other regulatory bodies of Offeror, including any of Offeror’s affiliates or other associated municipal finance professionals. Include an attachment if necessary.

7. PRICE THOUGHTS

- a. Assuming comparable market data as of May 24, 2012, provide pricing information relative to the anticipated offering. Provide only the information requested and exact calculations requested. Assume ratings of Aa2/AA/AA with no insurance. Assume a pricing date of June 21, 2012 and a delivery date of July 18, 2012, with interest accruing from date of delivery. Assume cost of issuance of \$400,000.

b.

Year	Principal	Coupon	Yield	Spread to MMD	Takedown
2013	\$2,180,000				
2014	2,225,000				
2015	2,170,000				
2016	2,010,000				
2017	2,005,000				
2018	2,860,000				
2019	2,975,000				
2020	3,010,000				
2021	3,060,000				
2022	3,135,000				
2023	5,290,000				
2024	5,555,000				
2025	5,835,000				
2026	6,125,000				
2027	6,430,000				
2028	6,755,000				
2029	7,090,000				
2030	7,445,000				
2031	7,820,000				
2032	<u>8,210,000</u>				
Total	\$92,185,000				

Calculate TIC: _____%

Calculated Weighted Average Takedown: _____%

Use only weighted average takedown for purposes of calculating underwriter's discount
(expenses will be determined separately).

SECTION III
CRITERIA FOR PROPOSAL EVALUATIONS

- A. The following criteria will be used to evaluate proposals received:
1. **UNDERSTANDING THE NEEDS OF THE COUNTY (20%)**- This refers to the Offeror's:
 - a. Understanding the County's program needs and objectives, including your knowledge of financial condition such as reserve history, budget challenges, bonding capacity (current and future), local political, economic, legal or other issues that may affect the proposed financing
 - b. Understanding of the nature and scope of the work involved.
 - c. Accessibility and responsiveness; ability to meet the schedules and deadlines of the financing projects.
 - d. Prior experience with the Texas counties; familiarity with El Paso County.
 2. **OFFEROR'S QUALIFICATIONS (35%)** - This criterion includes the ability of the Offeror to:

Meet the terms of the RFP, and any special considerations, which the Offeror feels may increase its ability to perform the Contract.

 - a. Expertise; superior capability to perform the services required.
 - b. Quality of performance; professional qualifications of the key personnel assigned relevant to the work to be performed.
 - c. Experience, within the last 5 years, in similar financing projects.
 - d. Reputation; ethical standards, disciplinary history – such as judgments and sanctions.
 3. **SOUNDNESS OF APPROACH (15%)** - Emphasis here is on the techniques for providing the services requested, and on the Offeror's capability to deliver the desired services on schedule. Special emphasis should be placed on responding to questions asked by the County in this solicitation, and on outlining problems that may be encountered and offering solutions to those problems.
 4. **REASONABLENESS OF COSTS (20%)** – Cost and efficiency of approach. Efficiency and economy are very important to the County. This area will not necessarily be the primary deciding factor in the selection process.
 5. **COMPLETENESS/RESPONSIVENESS OF APPLICATION (10%)** - The RFP response will be evaluated on the responsiveness, clarity, and completeness of the response. In particular, answers directing the County to a website as an answer without additional information are deemed non-responsive.

AFFIDAVIT

THE STATE OF _____)
COUNTY OF _____)

BEFORE ME, the undersigned authority, on this day personally appeared _____, who, first upon oath being duly sworn, deposed and stated:
I am fully competent to make this affidavit, and the information contained herein is based upon my personal knowledge. All terms not otherwise defined herein are as defined in the Municipal Securities Rulemaking Board (“MSRB”) Rules.

1. I am a Municipal Finance Professional (MFP). My title and principal place of business is _____. I will be the lead MFP for my firm in the debt issuance contemplated in this El Paso County Request for Proposal #12-039. I am registered with the Securities and Exchange Commission (SEC) and Financial Industry Regulatory (FINRA). My CRD # is _____. I hold the following licenses or other municipal finance professional qualifications: _____.

2. I am not a target, a subject, or currently under investigation by a federal or state law enforcement or regulatory agency, or Self-Regulatory Organization (SRO) for any dealing I have had, including, but not limited to, any contracts for financial advisory or underwriting services.

3. For the period from January 1, 2007 to the present, I, made the following campaign contributions, gifts or any transfers of cash, checks or anything of value to any member of the El Paso County Commissioners Court, any person related by marriage or birth to the County Commissioners or County Judge or any member of the El Paso County administrative staff:
Date/Amount or Cash Value of Gift/Recipient’s Name and Title:
_____.

[add any additional information affiant deems necessary or appropriate]

Further Affiant sayeth not.

Affiant

The foregoing Affidavit was acknowledged before me on the ____ day of _____, 2012 by _____, (Name), _____ (Title), both in his/her individual capacity and on behalf of _____ (Company).

Notary Public, State of _____

AFFIDAVIT

THE STATE OF _____)
COUNTY OF _____)

BEFORE ME, the undersigned authority, on this day personally appeared _____, who, first upon oath being duly sworn, deposed and stated:
I am fully competent to make this affidavit, and the information contained herein is based upon my personal knowledge. All terms not otherwise defined herein are as defined in the Municipal Securities Rulemaking Board (“MSRB”) Rules.

1. I am the lead compliance officer for _____ (Offeror). My title and principal place of business is _____. Offeror is registered with the Securities and Exchange Commission (SEC) and Financial Industry Regulatory (FINRA) as a Broker Dealer. Offeror’s CRD# is _____.

2. Neither the firm, nor any of its associated Municipal Finance Professionals, is a target, a subject, or currently under investigation by a federal or state law enforcement or regulatory agency, U. S. Securities and Exchange Commission, or Self-Regulatory Organization (SRO) for any dealing that person or persons have had, including, but not limited to, any contracts for financial advisor or underwriting services.

4. For the period from January 1, 2007 to the present, Offeror, or any of its associated Municipal Finance Professionals,, made the following campaign contributions, gifts or any transfers of cash, checks or anything of value to any member of the El Paso County Commissioners Court, any person related by marriage or birth to the County Commissioners or County Judge or any member of the El Paso County administrative staff:
Date/Donor/Cash or Description and Cash Value of Gift/Recipient’s Name and Title:
_____.

[any additional information deemed necessary or appropriate by Offeror]
Further Affiant sayeth not.

Affiant

The foregoing Affidavit was acknowledged before me on the ____ day of _____, 2012 by _____, (Name), _____ (Title), both in his/her individual capacity and on behalf of _____ (Company).

Notary Public, State of _____

Attachment 3- Intent to Propose Form

**COUNTY OF EL PASO, TEXAS
REQUEST FOR PROPOSAL #12-039
UNDERWRITING SERVICES TO EL PASO COUNTY, TEXAS**

Interested parties must submit this INTENT TO PROPOSE form via email to the Purchasing Agent County Liaison, Arahernandez@epcounty.com, no later than 5p.m. MDT on May 18, 2012.

If any Offeror is in doubt as to the meaning of any part of this RFP or otherwise believes that additional clarification or information is necessary in order for the Offeror to provide its proposal, a written request for clarification should be submitted to the Purchasing Agent County Liaison via email no later than 5 p.m. MDT on May 18, 2012.

Responses to such requests, changes to the RFP, and any and all addenda to the RFP shall be made only by the County's written response to be posted on the County website at <http://www.epcounty.com/purchasing/bids/default.htm>

In acknowledgement of receipt of the above-referenced Request for Proposals, the undersigned intends to respond and provide a proposal to provide bond underwriting services to the County of El Paso, Texas.

FIRM: _____

REPRESENTED BY: _____

TITLE: _____

PHONE NUMBER: _____ FAX NUMBER: _____

EMAIL: _____

ADDRESS: _____

CITY, STATE, ZIP CODE: _____

SIGNATURE: _____ DATE: _____

COUNTY OF EL PASO, TEXAS

CERTIFICATIONS REGARDING LOBBYING, DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; DRUG-FREE WORKPLACE REQUIREMENTS; FEDERAL DEBT STATUS, AND NONDISCRIMINATION STATUS AND IMPLEMENTING REGULATIONS*

Instructions for the certifications:

General Requirements

The County of El Paso, Texas is required to obtain from all applicants of federal funds or pass-through certifications regarding federal debt status, debarment and suspension, and a drug free workplace. Institutional applicants are required to certify that they will comply with the nondiscrimination statutes and implementing regulations.

Applicants should refer to the regulations cited below to determine the certifications to which they are required to attest. Signature of the form provides for compliance with certification requirements under 21 CFR part 1405, "New Restrictions on Lobbying," 21 CFR part 1414, Government wide Debarment and Suspension (Non procurement), Certification Regarding Federal Debt Status (OMB Circular A-129), and Certification Regarding the Nondiscrimination Statutes and Implementing Regulations. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the County of El Paso determines to award the covered cooperative agreement

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented in 21 CFR part 1405, for persons entering into a cooperative agreement over \$100,000, as defined at 21 CFR Part 1405, the applicant certifies that;

- (a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement,
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal Grant or cooperative agreement, the undersigned shall complete and submit Standard Form -LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
- (c) The undersigned shall require that the language of this certification be included in the award document for all sub-awards at all tiers (including sub-grants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

1. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension and implemented at 21 CFR Part 1404, for prospective participants in primary covered transactions

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or and a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State, or local) transaction or contract under a public transaction violation of Federal or State antitrust statutes or commission of

embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to the application.

2. DRUG-FREE WORKPLACE

As required by the Drug Free Workplace Act of 1988, and implemented at 21 CFR Part 1404 Subpart F.

A. The applicant certifies that it will or will continue to provide a drug free workplace by:

(a). Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the applicant's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

(b) Establishing an on-going drug free awareness program to inform employees about:

- (1) The dangers of drug abuse in the workplace;
- (2) The applicant's policy of maintaining a drug free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violation occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a)

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee must

- (1) Abide by the terms of the statement; and
- (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such convictions. Employers of convicted employees must provide notice including position title, to: The County of El Paso, Texas, 500 East San Antonio Street, Suite 406, El Paso, Texas 79901. Notice shall include the identification number of each affected grant

(f) Taking one of the following actions within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal State, or local health, law enforcement, or other appropriate agency

(g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

3. CERTIFICATION REGARDING FEDERAL DEBT STATUS (OMB Circular A-129)

The Applicant certifies to the best of its knowledge and belief, that it is not delinquent in the repayment of any federal debt.

4. CERTIFICATION REGARDING THE NONDISCRIMINATION STATUTES AND IMPLEMENTING REGULATIONS

The applicant certifies that it will comply with the following nondiscrimination statutes and their implementing regulations: (a) title VI of the Civil right Act of 1964 (42 U.S.C. 2000D et seq.) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity for which the applicant received federal financial assistance; (b) Section 504 of the rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicap in programs and activities receiving federal financial assistance; (c) title IX of the Education Amendments of 1972m as amended (20 U.S.C. 1981 et seq.) which prohibits discrimination on the basis of sex in education programs and activities receiving federal financial assistance; and (d) the Age Discrimination Act of 1975, and amended (42 U.S.C. 6101 ec seq.) which prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance, except that actions which reasonably take age into account as a factor necessary for the normal operation or achievement of any statutory objective of the project or activity shall not violate this statute.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Business Name

Date

Name of Authorized Representative

Signature of Authorized Representative

1

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

COUNTY OF EL PASO PURCHASING DEPARTMENT

COUNTY COURTHOUSE, 800 E. Overland,
ROOM PU300, EL PASO, TEXAS 79901
(915) 546-2048, FAX: (915) 546-8180
ARACELI HERNANDEZ, INVENTORY BID TECHNICIAN

PITI VASQUEZ, PURCHASING AGENT
JOSE LOPEZ, JR. ASST. PURCHASING AGENT
LUCY BALDERAMA, INVENTORY BID TECHNICIAN
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 REQUEST FOR 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 RFP; THE WAIVER BY EL PASO COUNTY OF ANY REQUIREMENTS UNDER THE RFP DOCUMENTS OR THE CONTRACT DOCUMENTS; THE ACCEPTANCE OR REJECTION OF ANY PROPOSALS; AND THE AWARD OF THE CONTRACT.
2. Request for Proposals must be in the Purchasing Department **BEFORE** the hour and date specified. Faxed proposals will not be accepted.
3. Late RFP's properly identified will be returned to the submitter unopened. Late RFP's will not be considered under any circumstances.
4. RFP's must give full firm name and address of bidder. Failure to manually sign bid will disqualify it. Person signing should show title or authority to bind his firm in a contract.
5. No substitutions or cancellations permitted without written approval of County Purchasing Agent.
6. This Request for Proposals inquiry only and implies no obligation of the part of the County of El Paso.
7. The County of El Paso is an Equal Opportunity Employer.
8. RFP sent via express mail or overnight delivery service must have the proposal number and title clearly marked on the outside of the express mail or overnight delivery service envelope or package. Failure to clearly identify your RFP may be cause for disqualification.
9. PURSUANT TO TEXAS GOVERNMENT CODE SECTION 2253.021, A PRIME CONTRACTOR WHO IS AWARDED A PUBLIC WORKS CONSTRUCTION CONTRACT SHALL, PRIOR TO BEGINNING THE WORK, EXECUTE TO THE COUNTY:
 - 1) A PERFORMANCE BOND, IN THE FULL AMOUNT OF THE CONTRACT, IF THE CONTRACT IS IN EXCESS OF \$100,000; AND
 - 2) A PAYMENT BOND, IN THE FULL AMOUNT OF THE CONTRACT, IF THE CONTRACT IS IN EXCESS OF \$25,000.
10. PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 262.032(b), ANY SUCCESSFUL BIDDER WHO IS AWARDED ANY CONTRACT IN EXCESS OF \$50,000 MAY BE REQUIRED TO EXECUTE A PERFORMANCE BOND TO THE COUNTY. SAID BOND SHALL BE IN THE FULL AMOUNT OF THE CONTRACT AND MUST BE FURNISHED WITHIN 30 DAYS AFTER THE DATE A PURCHASE ORDER IS ISSUED OR THE CONTRACT IS SIGNED AND PRIOR TO COMMENCEMENT OF THE ACTUAL WORK. ANY PERFORMANCE BOND REQUIRED PURSUANT TO THIS SECTION SHALL BE NOTED IN THE ATTACHED DETAILED BID SPECIFICATIONS OR SCOPE OF WORK. THIS SECTION DOES NOT APPLY TO A PERFORMANCE BOND REQUIRED BY CHAPTER 2253, TEXAS GOVERNMENT CODE.
11. "Beginning January 1, 2006, in order to implement HB 914 (adding new Local Government Code Chapter

176), ALL VENDORS MUST SUBMIT A CONFLICT OF INTEREST QUESTIONNAIRE (Form CIQ) disclosing its affiliations and business relationships with the County's Officers (County Judge and Commissioners Court) as well as the County employees and contractors who make recommendations for the expenditure of County funds. The names of the County Officers and of the County employees and contractors making recommendations to the County Officers on this contract are listed in the Specifications.

THE CONFLICT OF INTEREST QUESTIONNAIRE MUST BE FILED WITH THE COUNTY CLERK AND A COPY OR PROOF OF FILING MUST BE ATTACHED TO THE PROPOSER'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, Suite PU300
El Paso, Texas 79901
(915) 546-2048
(915) 546-8180 Fax

RE: RFP #12-039, Underwriting Services for the Issuance of Certificates of Obligation Bonds

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 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
Araceli Hernandez, Inventory Bid Technician
Edward Dion, County Auditor
Wally Hardgrove, County Auditor's Office
James Utterback, County Auditor's Office
Laura Martinez, County Auditor's Office
Josie Brostom, County Auditor's Office
Paul Braden, Fulbright & Jaworski LLP, Bond Counsel
Mark F. Valenzuela, George K. Baum & Company
Brad C.F. Angst, George K Baum & Company

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
ELVIA CONTRERAS, FORMAL BID BUYER

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

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, RFP, 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 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 Araceli Hernandez or Lucy Balderama at 915-546-2048

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

OFFICE USE ONLY

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.

Date Received

RFP # 12-039

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

Solicitation Check List

Underwriting Services for the Issuance of Certificates of Obligation Bonds RFP #12-039

THIS CHECKLIST IS PROVIDED FOR YOUR CONVENIENCE

_____ Responses should be delivered to the County Purchasing Department by 2:00 p.m., Tuesday, May 29, 2012. Did you visit our website (www.epcounty.com) for any addendums?

_____ Did you sign the Signature Page?

_____ Did you sign the “Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements; Federal Debt Status, and Nondiscrimination Status And Implementing Regulations” document?

_____ Did you sign the “Consideration of Insurance Benefits” form?

_____ Did you file a copy of the completed Conflict of Interest Questionnaire (Form CIQ) with the El Paso County Clerk (in person or by mail to 500 E. San Antonio, Suite 105, El Paso, TX 79901 or by fax to 915-543-3816 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 form is not completed and filed with the County Clerk’s office, proposal will be considered non-responsive.**

_____ Did you complete the mandatory ethics training course and include a confirmation print as indicated in page 2

_____ Did you provide one (1) original copy and six (6) CD/DVD and responses in Microsoft Word, searchable Adobe PDF, or Microsoft Excel copies of your statements of qualifications?