



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., Monday, June 10, 2013 to be opened at the County Purchasing Office the same date for Replacement of Windows for the County of El Paso Administration Building.

**Proposals must be in a sealed envelope and marked:
"Proposals to be opened June 10, 2013
Replacement of Windows for the County
of El Paso Administration Building
RFP Number 13-037"**

Any questions or additional information required by interested vendors must be submitted in writing to the attention of the Assistant County Purchasing Agent before Friday, May 31, 2013, 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 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 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.

Kennie Downing
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.



**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: Joe 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.

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 # 13-037 Replacement of Windows for the County of El Paso Administration Building 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 two (2) CD copies in Word/PDF Format of your proposal.</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 Document Number

Conflict of Interest Questionnaire (CIQ)
Filed Date

DUNS Number

Representative Name & Title

Telephone Number include area code

Signature

Fax Number include area code

Date

Email Address

*****THIS MUST BE THE FIRST PAGE ON THE PROPOSAL SUBMITTED*****

Replacement of Windows for the County of El Paso Administration Building

RFP #13-037



**Opening Date
Monday, June 10, 2013**

1. LOCATION OF PROJECT

County Administration Building
800 E. Overland Street
El Paso, Texas 79901

2. PROPOSAL SUBMISSION:

Proposals must be submitted in sealed envelopes on or before the deadline. **One original response on paper and two (2) CD copies in PDF/Word Format** of the qualifications must be submitted to the County of El Paso Purchasing Agent office, 800 E. Overland Rm. 300, El Paso, Texas 79901 or mailed to its registered address above and received by the deadline. To be deemed responsive, submittals must at a minimum include all information requested in Sections 1, 2, 3, and 4 of this RFP, in addition to all documentation and information required by the El Paso County Purchasing Department.

3. SUMMARY:

The County of El Paso is seeking Proposals from qualified contractors to replace all exterior windows on the County Administration Building located at 800 E. Overland Street, El Paso, Texas. The project shall include the complete removal of the old windows, disposal, and the installation of **new, energy efficient windows** in accordance with the specifications described herein. The Contractor will be required to coordinate its work with the El Paso County Facilities Manager. The building will be occupied and Contractor shall make considerable effort to ensure that disruption to County operations is kept to a minimum. If windows need to be accessed from the inside, the Contractor will be required to provide a minimum of 24 hours notice. All work must be performed during the hours of 7:00 am and 5:00 pm. The Contractor will be responsible for erecting safety barricades as necessary to ensure that the exterior and interior population is separated from the work areas. The Contractor will be responsible for ensuring that all window openings are kept secured and protected from the weather elements at all times when work is not in progress.

4. ENERGY CONSERVATION PROGRAM ASSISTANCE:

The primary purpose of replacing the windows at the County Administration Building is to install **energy efficient** windows. The successful Contractor will be **required** to assist the County of El Paso in completing all documentation necessary to apply for rebates through the El Paso Electric Score Program (Attachment A) and any other rebate programs or tax credit programs available to the County.

5. PROJECT DELIVERY METHOD:

It is the intent of the County to execute this project in two phases: (1) Preconstruction Phase and (2) Construction Phase. During the Preconstruction Phase, the Contractor will be required to field measure the window openings and order appropriately sized windows to fit the existing window opening. During the Construction Phase, the Contractor will be required to remove the existing windows and install the new windows into the window openings, providing all labor, materials, supervision, disposal costs, and

other services as may be necessary to complete the Project. The Contractor shall not remove existing windows until new can be immediately installed.

6. FINANCIAL CAPITAL:

Upon award of the RFP, the County of El Paso will issue a Purchase Order in the total amount of the bid. The County will not pre-pay for material. **The County will withhold a 5% retainer, which will not be released until both parties agree to final completion and all project documentation is submitted, including manufacturer specifications, product literature, and warranties.**

7. SCOPE OF WORK:

The Contractor shall be required to install the required windows in a workmanlike and professional manner. In performing this work, the Contractor shall be required to field measure the window openings and order custom sized windows. The Contractor shall not assume all windows have the same dimensions. The windows shall be sized in such a way so as that: (1) no window shall have a tolerance of more than 1.5 inches in either the horizontal or vertical dimension between the size of the window frame and the size of the rough window opening; and (2) there shall not be a gap of more than one half (½) of an inch between the edge of any side of the window frame and the corresponding edge of the window opening. All of the windows shall be appropriately caulked and sealed so as to be weather tight. Appropriate trim and molding shall be applied around the edges of the window on both the interior and exterior faces.

Limited architectural prints for this building are available for this project and will be furnished on disc upon request.

8. MINIMUM REQUIREMENTS FOR WINDOW PRODUCT

- a. Windows shall be new, and free of defects.
- b. Window product must have NFRC Certification. Original NFRC Label shall remain affixed to window product upon delivery and until window has been installed.
- c. Windows proposed shall be Energy Star® Qualified.
- d. Windows shall meet IECC Code Compliance for Climate Zone 3.
- e. All windows shall comply with ASHRAE Standard 90.1-2007, Table 5.5.
- f. All windows shall be fixed, with the *exception* of windows installed in the mechanical and server rooms.
- g. Windows installed in the mechanical and server room areas shall be conventional Casement Window with a sash that swings outward OR a Dual Action Window. The window frame shall be reinforced as appropriate to support the outward swing weight of the large window. If Vendor is unable to provide a Casement or Dual Action Window of the necessary size, the Vendor shall propose an alternative that is in keeping with the aesthetic of the building.

- h. Window shall be a minimum of double-glazed.
- i. Windows may contain a Low-E coating *in addition* to the double-glazed, but may not take the place of double-glazing, i.e. a single-glazed window cannot have a Low-E coating to “qualify” as a double-glazed window.
- j. If a Low-E coating is used, it MUST be installed on the interior-side of the window.
- k. Windows shall contain inert gas of argon OR krypton between glazing.
- l. Low-conductivity spacers shall be used between window glazes as appropriate to manufacturer specification.
- m. Window frames shall be made of vinyl OR fiberglass material.
- n. Window frames shall be white in color and shall have identical color on both the exterior and interior side.
- o. All trim and molding, if applicable, shall be of identical color as the vinyl or fiberglass window frames and appear seamless.
- p. Windows shall contain durable, flexible gaskets, if applicable, to make an airtight seal.
- q. All floors shall have a U-Factor of ≤ 0.35 .
- r. All floors shall have a SHGC of ≤ 0.30 .
- s. All floors shall have a VT of $\leq .60$.
- t. All 1st floor windows shall have double-glazed glass with security-grade laminate or film.
- u. All restroom windows on all floors shall be tinted, opaque, or contain laminate/film to obscure view.
- v. Proposed windows shall be presented with AND without muntins or “glazing bars”.

9. PRECONSTRUCTION PHASE

- a. Contractor shall field measure each separate window opening to ensure a proper fit (height, width, and depth) of the window or door to be ordered and installed by the Contractor.
- b. Contractor shall provide submittals in the form of product data, specifications, shop drawings, etc, for approval by the County prior to obtaining the windows and doors for installation.
- c. The Contractor must obtain all permits and inspections required by the City of El Paso, and comply with all local, state, and federal regulations as applicable to this project.

- d. Once the County has approved all such submittals, the Contractor shall order and coordinate the delivery of windows.
- e. The Contractor is solely responsible for measurement and calculation accuracy.

10. CONSTRUCTION PHASE

During the Construction Phase, the selected constructor shall carry out such activities as are necessary to complete the construction described in the approved documents and submittals. Among other things, the Contractor shall be responsible for providing all of the necessary supervision, labor and materials to fully complete the work which shall include, but is not necessarily limited to the following:

- a. Contractor is responsible for storing the windows off site until the start of the project. Once replacement begins, Contractor will be permitted to store some new windows on site, however, space is limited and the contractor is entirely responsible for the safe delivery and storage of new windows.
- b. Contractor shall remove and dispose of the existing windows, security screens, and other construction debris. The Contractor is solely responsible for the removal, transportation, and lawful disposal of all materials for both the demolition of the old windows and the installation of the new windows. The County will provide a space for an on-site dumpster, however all rental fees and disposal fees are the sole responsibility of the Contractor. The Vendor shall supply proof of compliance disposal records.
- c. After removal of old window, Contractor shall examine the fenestration integrity of building and permanently remediate or repair any and all evidence of interior and/or exterior surface deterioration to ensure a stable and structurally sound installation of the new window.
- d. The selected Contractor must provide temporary coverings for the window openings after such removal as necessary to protect the building and its contents from weather and vandalism. The Contractor shall make considerable effort to remove and replace windows on the same day to minimize unnecessary unfinished work and disruption from day to day.
- e. First floor windows **MUST** be replaced on the same day and may not be left overnight with a temporary covering.
- f. Contractor shall furnish and install new replacement windows for all window openings.
- g. Contractor shall repair/restore the existing frame, brick molding, and trim work as necessary; paint, and caulk and seal each window opening.
- h. Contractor shall test all windows for water-tightness, cracks, leaks, gaps, and correct any deficiencies noted.
- i. Contractor shall professionally clean all windows upon final completion of project.

11. CONTRACTOR RESPONSIBILITY

- a. The selected Contractor will be required to properly supervise and coordinate its work.
- b. Participate and assist in Project/Planning meetings.
- c. Maintain full-time on-site construction supervision and provide daily inspections, quality control, monitoring, and coordination of various trades, record drawings, and daily work log.
- d. Conduct weekly progress meetings following a Contractor generated agenda with Project Manager.
- e. Contractor shall coordinate all scheduling of access to offices, departments, and work areas with the Facilities Manager. Whenever feasible, Contractor shall work from the outside of the building to minimize disruption to County operations.
- f. Contractor is responsible for notifying Facilities Manager at least two working days in advance of any area where furniture needs to be moved or disassembled to allow access for window replacement.
- g. Provide general safety and signage and posting for the project and see that each subcontractor prepares and submits adequate safety program and monitoring throughout the project.
- h. Report any damages, problems, concerns, or any other type of relevant factors that occur or are discovered during the course of the project to the Facilities Manager.
- i. Contractor shall make a reasonable effort to keep noise and distraction of their work to a minimum, and keep all work areas safe, clean, and orderly.
- j. The Vendor is 100% responsible for providing all necessary tools and equipment to complete project in its entirety, including, man-lift, crane, pallet jack, ladder, lifting, and transportation type equipment. This equipment shall be owned or leased by the Vendor and be properly insured.
- k. The Vendor is 100% responsible for obtaining all permits required by the City of El Paso and complying with all local, state, and federal regulations as applicable.
- l. The Vendor is responsible for ensuring that all design and/or engineering aspects of this project meet all applicable International Building Code and International Fire Code.
- m. If there are any discrepancies in these specifications that conflict with IBC or IFC, the Vendor shall immediately bring the discrepancies to the attention of the Facilities Manager.
- n. After entire window installation is complete, Contractor shall conduct an inspection of all windows system product and workmanship for deficiencies and test for water-tightness and leakage. Inspection and testing must be witnessed by Facilities Management personnel by providing 24 hours notice.

- o. Provide original copies of all manufacturer documentation, warranties, information, fact sheets, parts lists, contact information, etc that relates to the installed product.
- p. Prepare payment requests, verify accuracy and forward to the County for approval and payment.
- q. Assemble close-out documents as required.
- r. Provide copy of all warranties.
- s. Provide assistance to the County through any applicable warranty periods.

12. COMPLIANCE

The Contractor and all of its subcontractors (regardless of tier) shall comply with all applicable City of El Paso, local, state, and federal licensing, accreditation, and registration requirements and standards necessary for the performance of the contract. It shall be the responsibility of the Contractor to perform under the contract in conformance with the El Paso County Purchasing Department and all statutes, laws, codes, ordinances, regulations, rules, requirements, orders, and policies of governmental bodies.

13. CONTRACTOR'S RESPONSIBILITY

Each Contractor shall be held to have examined all areas and premises under consideration and confirmed full understanding of these specifications and the County's needs and satisfied him/herself that he/she is cognizant of all factors relating to requirements contained in these specifications as no extra charges or compensation will be allowed after bids are opened.

14. SUBCONTRACTING

Contractor must declare their intention to use a sub-contractor to perform any one or multiple parts of this bid, and identify all sub-contractors in relation to the work they will perform as part of this bid. Sub-contractors must meet all of the specifications, requirements, and qualifications of this bid. The Contractor shall guarantee all work performed by its sub-contractors. The Contractor may not use sub-contractors other than those specifically declared and identified in this bid, unless the Contractor first receives approval from the County of El Paso. Sub-contracting will not be permitted after the bid opening if the Contractor does not declare their intent to use a sub-contractor in this RFP.

15. INSURANCE REQUIREMENTS

Contractor shall be bonded and insured. The Contractor will be required to maintain the following types of insurance throughout the life of the contract.

- a. Commercial general public liability insurance ("Liability Insurance") against liability for bodily injury and death and property damage, such Liability Insurance to be in an amount not less than Five Million Dollars (\$5,000,000) for liability for bodily injury, death and property damage arising from any one occurrence and Five Million Dollars (\$5,000,000) from the aggregate of all occurrences within

each policy year. The policy should include completed operations coverage and must be maintained for a period of at least three (3) years after substantial completion occurs.

- b. Workers' compensation and Employers Liability coverage providing statutory benefits for all persons employed by the Contractor, or its contractors and subcontractors at or in connection with the Work.
- c. Automobile Liability, including Hired and Non-Owned Auto Liability in the amount of at least One Million Dollars (\$1,000,000) for each occurrence for bodily injury and property damage.
- d. The Contractor shall be responsible for the payment of all costs associated with the required insurance, including any and all premiums and, in the case of a claim, any applicable deductible.
- e. Each insurance policy shall be issued in the name of the Contractor and shall name as additional insured parties the County of El Paso, and shall not be cancelable or reduced without thirty (30) days prior written notice to the County.
- f. All such insurance shall contain a waiver of subrogation against the County of El Paso, and their respective agents.
- g. All such insurers shall be licensed/ approved to do business in the State of Texas.

SECTION 1 –LEGAL IDENTIFICATION, QUALIFICATIONS, & REFERENCES

Legal Name of Business _____
DUNS # _____
Legal description of business (Corp, LLC, LLP, etc) _____
Address _____
City/County _____
State _____
Owners, President, Interested Parties: _____
Number of years in business: _____
Number of employees: _____
Accreditations, certifications, special recognition: _____
Defaulted/Cancelled Contracts? _____ Yes _____ No
If Yes, Explain _____
Current Business(es) Under Same Ownership _____
Former Business(es) Under Same Ownership _____

REFERENCES

Government Agency/Business Name _____
Address _____
Phone Number _____
Project Contract Administrator _____
Owner Representative/Project Manager _____
Description of Project _____
Project Start Date _____
Final Completion Date _____

Government Agency/Business Name _____
Address _____
Phone Number _____
Project Contract Administrator _____
Owner Representative/Project Manager _____
Description of Project _____
Project Start Date _____
Final Completion Date _____

Government Agency/Business Name _____
Address _____
Phone Number _____
Project Contract Administrator _____
Owner Representative/Project Manager _____
Description of Project _____
Project Start Date _____
Final Completion Date _____

SECTION 2 - PRICING

2013 REPLACE WINDOWS AT COUNTY ADMINISTRATION BUILDING

	OPTION A	OPTION B
	<u>WITH Muntins</u>	<u>WITHOUT Muntins</u>
Cost of Windows	\$ -	\$ -
Labor and & Other Costs	\$ -	\$ -
TOTAL COST OF PROJECT	\$ -	\$ -
Manufacturer Warranty Period	_____	_____
Contractor Workmanship Warranty Period	_____	_____

SUB-CONTRACTOR IDENTIFICATION

Name of Sub-Contractor:	_____
Address:	_____
Phone:	_____
Work To Be Performed:	_____

Name of Sub-Contractor:	_____
Address:	_____
Phone:	_____
Work To Be Performed:	_____

Name of Sub-Contractor:	_____
Address:	_____
Phone:	_____
Work To Be Performed:	_____

SECTION 3 – PRODUCT SPECIFICATIONS

YOU MUST COMPLETE ALL QUESTIONS THAT ARE SPECIFIC TO THE EXACT PRODUCT FOR THE PRICING LISTED IN SECTION 2 OF THIS RESPONSE FOR BOTH OPTION A (WITH MUNTINS) AND OPTION B (WITHOUT MUNTINS).

YOU MAY SUBMIT ONE OR MORE ALTERNATE PRODUCTS, BUT YOU MUST FILL OUT AN INDIVIDUAL PRICE SHEET (SECTION 2) AND PRODUCT SPECIFICATIONS (SECTION 3) FOR EACH ALTERNATE.

	OPTION A WITH Muntins	OPTION B WITH Muntins
1	Window Manufacturer _____	_____
2	Specify Product Name and Model # _____	_____
3	NFRC Product Label # _____	_____
4	Specify Double- or Triple Glazed _____	_____
5	Will a Low-E Window Coating/Film Be Used? _____	_____
6	Specify Inert Gas Between Glazing _____	_____
7	Specify Frame Material (Fiberglass /Vinyl) _____	_____
8	Is Window Energy Star [®] Qualified? _____	_____
9	Specify U-Factor _____	_____
10	Specify SHGC _____	_____
11	Specify VT _____	_____
12	Specify Air Leakage _____	_____
13	Specify 1st Floor Window Security Application _____	_____
14	Specify Restroom Application to Obscure View _____	_____
15	Specify Mechanical/Server Room Window _____	_____

SECTION 4 – PROPOSAL PRESENTATION

1. Vendors shall include color photographs of completed government or commercial projects with the proposed product installed.
2. Vendors **MUST** produce simulated digital color photographs of the north, south, east, and west sides of County Administration Building depicting how it will appear with the proposed window product, both **WITH** muntins **and** **WITHOUT** muntins. Failure to present simulated digital photographs of the appearance of the building with the proposed window product installed is grounds for disqualification.

ATTACHMENT A

Commercial Standard Offer Program Window Film Worksheet

Project Name:

Date:

Sponsor Name:

Project #:

Please fill out one copy of this form for each site where a window films measure is being applied.

Window Characteristics

Please fill in the unshaded cells in the table below to describe the total window area, window film area installed, and shading coefficient values. The change in cooling load will be calculated automatically. If interior shading devices exist, the window shading coefficient value must be adjusted to account for the interior shading. See 1997 ASHRAE Fundamentals, Chapter 29, Tables 24 - 29 for modified shading coefficient values.

Orientation	Window Area (square feet)	Window Film Area (square feet)	Interior Shading Device (if any)	Pre-installation Shading Coefficient	Post-installation Shading Coefficient	Total Solar Gain (Btu/ft ² -yr)	Peak Solar Gain (Btu/hr-ft ² -yr)	Annual Cooling Reduction (MBtu/year)	Peak Cooling Load Reduction (MBtu/hr-yr)
SE						158323	59	-	-
SSE						133894	119	-	-
S						120095	164	-	-
SSW						133894	189	-	-
SW						158323	219	-	-
WSW						168978	228	-	-
W						162388	220	-	-
WNW						139995	208	-	-
NW						106876	176	-	-
TOTAL	-	-						-	-

Installation

Are window films to be installed on the **interior-side** of the windows? YES NO

If the answer to the question above is "no", please attach the manufacturer's warranty that states that the exterior film installation has a measure life of 10-years.

Please provide a description of the existing windows, interior shading devices, and exterior shading. Please also provide, in hard copy, manufacturer's product performance data, including the rated window film shading coefficient.

Cooling System Equipment

Please describe the type of cooling equipment currently installed in the building.

Cooling Equipment Type	
Cooling Capacity (Tons)	
ASHRAE 90.1 1989 Rated Efficiency (COP) or actual efficiency if better	
Does project include an AC or Chiller replacement? (yes/no) If so, please include the Cooling-related equipment forms in the application.	

Savings Estimate

Reduced Cooling Load (MBtu/year)		0	Peak Cooling Load Reduction (MBtu/hr-yr)		0.0
Assumed Cooling Plant COP		0	Assumed Cooling Plant COP		0
Reduced Cooling Energy (kWh/year)		-	Reduced Cooling Demand (kW/year)		-

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 statues 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

KENNIE DOWNING, PURCHASING AGENT
JOSE LOPEZ, JR. ASST. PURCHASING AGENT
LUCY BALDERAMA, INVENTORY BID TECHNICIAN
ARACELI HERNANDEZ, INVENTORY BID TECHNICIAN
ELVIA CONTRERAS, FORMAL BID BUYER

PROPOSAL CONDITIONS

This is the only approved instruction for use on your invitation to proposal. Items below apply to and become a part of the terms and conditions of the proposal.

1. BY SUBMITTING A PROPOSAL, EACH BIDDER AGREES TO WAIVE ANY AND ALL CLAIMS IT HAS OR MAY HAVE AGAINST THE COUNTY OF EL PASO, AND ITS OFFICERS, AGENTS AND EMPLOYEES, ARISING OUT OF OR IN CONNECTION WITH: THE DOCUMENTS, PROCEDURES, ADMINISTRATION, EVALUATION, OR RECOMMENDATION OF ANY PROPOSAL; THE WAIVER BY EL PASO COUNTY OF ANY REQUIREMENTS UNDER THE PROPOSAL DOCUMENTS OR THE CONTRACT DOCUMENTS; THE ACCEPTANCE OR REJECTION OF ANY PROPOSAL; AND THE AWARD OF THE CONTRACT.
2. Proposal must be in the Purchasing Department **BEFORE** the hour and date specified. Faxed proposals will not be accepted.
3. Late proposals properly identified will be returned to proposer 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 proposal 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 PROPOSERS RESPONSE SUBMITTED TO THE PURCHASING DEPARTMENT. **IF FORM IS NOT COMPLETED AND FILED WITH THE COUNTY CLERK'S OFFICE, PROPOSAL WILL BE CONSIDERED NON-RESPONSIVE.**

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 #13-037, Replacement of Windows for the County of El Paso Administration Building

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 Carlos Leon
Commissioner Sergio Lewis
Commissioner Vicente Perez
Commissioner Dan Haggerty

County Employees: Kennie Downing, Purchasing Agent
Jose Lopez, Jr., Assistant Purchasing Agent
Peter Gutierrez, Buyer II
Elvia Contreras, Formal Bid Buyer
Araceli Hernandez, Inventory Bid Technician
Lucy Balderama, Inventory Bid Technician
Edward Dion, County Auditor
Wallace Hardgrove, Budget & Financial Manager
Lee Shapleigh, Assistant County Attorney
Josie Brostrom, Assistant County Attorney
Michael Martinez, Contract Admin. Manager
Claudia Duran, Assist. Contract Manager
Monique Aguilar, Facilities Manager
Gilbert Minjarez, Building Systems/EMS Operations Manager
Gilbert Guerrero, Building Construction Coordinator

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

KENNIE DOWNING, PURCHASING AGENT
JOSE LOPEZ, JR. ASST. PURCHASING AGENT
ELVIA CONTRERAS, FORMAL BID BUYER
LUCY BALDERAMA, INVENTORY BID TECHNICIAN
ARACELI HERNANDEZ, INVENTORY BID TECHNICIAN

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

Instructions: Conflict of Interest Form (CIQ)

- ***Please complete CIQ Form whether or not a conflict exists.***
- **Box #1 All Vendors** Must Print Clearly their names and company name.
- **Box #2** If the vendor has already filed a CIQ for the current year and is updating (filing a new one) due to changes on proposal, 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 and will disqualify your proposal offer.
- 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 Clerks office.
- If filing by fax use your fax confirmation (date/time) for your records. To obtain a copy/CIQ document number go to our website at www.epcounty.com, click on public records, click on to [Official Public Records](#) - Deeds of Trust, Liens and other public documents (County Clerk), type in the name of your company, on Style: scroll to CIQ-Conflict INT. QUESTIONNAIRE, and click on Search. It will be available on the web-site approximately 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 form is not completed and filed with the County Clerk's office, proposal will be considered non-responsive.**
- 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

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 # 13-037

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

**Sec. 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 if the person has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with an officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A); or
- (2) has given an officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1).

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

- (1) the date that the person:
 - (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
 - (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or
- (2) the date the person becomes aware:
 - (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a); or
 - (B) that the person has given one or more gifts described by Subsection (a).

(b) The commission shall adopt a conflict of interest questionnaire for use under this section that requires disclosure of a person's business relationships 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 employment or business relationship the person has with each local government officer of the local governmental entity;
- (2) identify each employment or business relationship described by Subdivision (1) with respect to which the local government officer receives, or is likely to receive, taxable income, other than investment income, from the person filing the questionnaire;
- (3) identify each employment or business relationship described by Subdivision (1) with respect to which the person filing the questionnaire receives, or is likely to receive, taxable income, other than investment 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; and

(4) describe each employment 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.

(d) A person described by Subsection (a) shall file an updated completed questionnaire with the appropriate records administrator not later than the seventh business day after the date of an event that would make a statement in the questionnaire incomplete or inaccurate.

(e) Repealed by Acts 2009, 81st Leg., R.S., Ch. 87, Sec. 15.005, eff. September 1, 2009.

(f) A person commits an offense if the person knowingly violates this section. An offense under this subsection is a Class C misdemeanor.

(g) It is an exception to the application of Subsection (f) that the person filed the required questionnaire not later than the seventh business day after the date the person received notice from the local governmental entity of the alleged violation.

(h) A local governmental entity does not have a duty to ensure that a person described by Section 176.002 files a conflict of interest questionnaire.

(i) The validity of a contract between a person described by Section 176.002 and a local governmental entity is not affected solely because the person fails to comply with this section.

Added by Acts 2005, 79th Leg., Ch. [1014](#), Sec. 1, eff. June 18, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. [226](#), Sec. 6, eff. May 25, 2007.

Acts 2007, 80th Leg., R.S., Ch. [226](#), Sec. 9, eff. May 25, 2007.

Acts 2009, 81st Leg., R.S., Ch. [87](#), Sec. 15.005, eff. September 1, 2009.

TEXAS LOCAL GOV'T CODE § 176.006

Sec. 176.001. DEFINITIONS. In this chapter:

(1) "Agent" means a third party who undertakes to transact some business or manage some affair for another person by the authority or on account of the other person.

(1-a) "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

(A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;

(B) a transaction conducted at a price and subject to terms available to the public; or

(C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

(1-b) "Charter school" means an open-enrollment charter school operating under Subchapter D, Chapter 12, Education Code.

(1-c) "Commission" means the Texas Ethics Commission.

(1-d) "Contract" means a written agreement for the sale or purchase of real property, goods, or services.

(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, except that the term does not include a person who is considered to be related to another person by affinity only as described by Section 573.024(b), Government Code.

(2-a) "Goods" means personal property.

(2-b) "Investment income" means dividends, capital gains, or interest income generated from:

(A) a personal or business:

- (i) checking or savings account;
- (ii) share draft or share account; or
- (iii) other similar account;

(B) a personal or business investment; or

(C) a personal or business loan.

(3) "Local governmental entity" means a county, municipality, school district, charter school, 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;

(B) a director, superintendent, administrator, president, or other person designated as the executive officer of the local governmental entity; or

(C) an employee of a local governmental entity with respect to whom the local governmental entity has, in accordance with Section 176.005, extended the requirements of Sections 176.003 and 176.004.

(5) "Records administrator" means the director, county clerk, municipal secretary, superintendent, or other person responsible for maintaining the records of the local governmental entity or another person designated by the local governmental entity to maintain statements and questionnaires filed under this chapter and perform related functions.

(6) "Services" means skilled or unskilled labor or professional services, as defined by Section 2254.002, Government Code.

Added by Acts 2005, 79th Leg., Ch. [1014](#), Sec. 1, eff. June 18, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. [226](#), Sec. 1, eff. May 25, 2007

**COUNTY OF EL PASO GUIDELINES AND CRITERIA
FOR
CONSIDERATION OF LOCATION
OF BIDDER'S PRINCIPAL PLACE OF BUSINESS
(LOCAL BUSINESS PREFERENCE POLICY)**

I. AUTHORIZATION

Section 271.905 of the Texas Local Government Code authorizes the County of El Paso to give consideration to the location of a bidder's principal place of business in awarding the bid ("Local Business Preference"). In order to do so, the County Commissioners Court must determine, in writing, that the local bidder offers the County the best combination of contract price and additional economic development opportunities for the County created by the contract award, including the employment of residents of the County and increased tax revenues to the County.

II. GENERAL PURPOSE AND INTENT

A. The purpose and intent of these Guidelines and Criteria is to set forth the parameters under which the County of El Paso may consider the location of a bidder's principal place of business in awarding the bid.

B. All applications for consideration will be considered on a case-by-case basis, and the decision to approve or deny consideration shall be at the discretion of the El Paso County Commissioners Court.

C. The County of El Paso reserves the right to reject all bids; award a contract to the lowest bidder; or to award the bidder whose principal place of business is in the local government if the governing body of the local government determines, in writing, that the local bidder offers the local government the best combination of contract price and additional economic development opportunities for the local government created by the contract award, including the employment of residents of the local government and increased tax revenues to the local government.

III. FACTORS THAT THE COUNTY MAY CONSIDER IN AWARDING A CONTRACT UNDER THE LOCAL PREFERENCE POLICY

A. The bids must be for any real property or personal property that is not affixed to real property.

B. The location of the bidder's principal place of business must be in the County, as evidenced by submission of the current and valid Franchise Tax Certificate and the Certificate of Account Status on file with the Texas Secretary of State, or other documents if applicable under the Texas Business Organizations Code.

C. The bidder's bid price must be within 3% of the lowest and best qualified bid.

D. The bidder must include in the bid a written application for the Local Business Preference providing objective information satisfactory to the Commissioners Court as to how the award of the bid will lead to additional economic development opportunities for the County created by the contract award, including (1) The employment of County residents, and (2) Increased tax

revenues to the local government. Such information shall be as appropriate to the type of bid, but may include, but is not limited to:

- (i) bid amount as percentage of reported local annual sales/revenue;
- (ii) economic impact- number of employees added within past 12 months
- (iii) new job by salary category
- (iv) local annual property taxes paid

E. The bidder must not be tax-delinquent as to federal, state, or local taxes.

F. The bidder may not subcontract the award, or any part of the award.

G. The bidder must not be indebted to the County. "Debt" includes delinquent taxes, fines, fees, and delinquencies arising from written agreements with the County. (This provision will take effect immediately upon the action by Commissioners Court required under Texas Local Government Code section 262.0276).

H. In determining who is a responsible bidder, the commissioners court may take into consideration the safety record of the bidder, of the firm, corporation, partnership or institution represented by the bidder. (This provision will take effect immediately upon the action by Commissioners Court required under Texas Local Government Code section 262.0275).

I. All bidders, including owners, principals or officers if the bidder is a corporation or other legal entity, seeking Local Business Preference will be required to submit an affidavit of any and all political contributions to members of Commissioners Court for the previous 12 months.

J. A business in which a member of Commissioners Court has a substantial business interest as defined under Texas Local Government Code Chapter 171 is not eligible for consideration under the Local Business Preference Policy.

IV. APPLICATION

A. **Case By Case Basis.** If the Purchasing Agent and Procurement Review Panel determines that a proposed bid is appropriate for Local Business Preference, it will include in the bid the information required from the bidder. Only bids for real property or personal property that is not affixed to real property are eligible for the Local Business Preference.

B. **Written Application:** A bidder may request consideration for Local Business Preference by submitting the required information as part of the bid. There is no charge to submit the application.

C. **Contents of Application:** The application shall consist of a completed application form. The application must include objective, verifiable information from the bidder as to how the local bidder offers the County the best combination of contract price and additional economic development opportunities for the County created by the contract award, including the employment of County residents and increased tax revenues to the County. The application form may require such financial and other information, as the County deems appropriate for evaluating the financial capacity and other relevant factors of the applicant.

V. ADMINISTRATION

A. Annual Assessment: Each September, the Purchasing Agent shall separately account for all bids awarded pursuant to the Local Preference Policy and the County Auditor shall annually determine the total value of contracts awarded pursuant to the Local Preference Policy.

B. Annual Reports: Each September, a company receiving a contract award pursuant to the Local Business Preference shall report to the County its annual revenues, annualized employment levels distributed by wage brackets, the addition or deletion of capital assets in excess of \$1,000,000.00, and any other pertinent information that would affect the ability of the local operation to maintain its status as a going concern.

C. "Buy Local" Provision: Each recipient of Local Business Preference shall additionally agree to give preference and priority to local manufacturers, suppliers, contractors and labor, except where not reasonably possible to do so without added expense, substantial inconvenience, or sacrifice in operating efficiency. The Annual Report by the company shall include a summary of the action taken by the company pursuant to the "Buy Local" Provision.

VI. CONFIDENTIALITY

Information that is provided to the County in connection with an application or request for Local Business Preference under these Guidelines and Criteria shall be kept confidential and not be subjected to public disclosure except as required by law, the Texas Attorney General, or by an order of a court. Written information shall be released pursuant to a request under the Public Information Act, Chapter 552 of the Texas Government Code, as amended, by the officer for public information or his or her designee in accordance with the standards established under that act for confidentiality and closed records.

Adopted this 17th day of December, 2012 by the El Paso County Commissioners Court.

ATTEST

COUNTY OF EL PASO



County Clerk, Delia Briones



County Judge Veronica Escobar

**COUNTY OF EL PASO
LOCAL BUSINESS PREFERENCE POLICY
APPLICATION for
RFP NO. 13-037**

For additional information, see the Local Business Preference Policy (attached).

A. Qualification as a Local Business.

Where is your principal place of business?

Are you tax delinquent as to federal, state, or local taxes? _____

Are you registered to do business with the Texas Secretary of State? _____

_____ Attach a copy of your current Franchise Tax Certificate on file with the Texas Secretary of State.

_____ Attach a copy of your current Certificate of Account Status on file with the Texas Secretary of State.

If the above documents do not apply, explain why and provide the equivalent documents required by the Texas Secretary of State and/or Texas Business Organizations Code for your type of business entity.

B. Economic Development Opportunities.

How will the bid award lead to additional economic development opportunities for the County? *This information includes, but is not limited to, (1) The employment of County residents, and (2) Increased tax revenues to the local government. Such information shall be as appropriate to the type of bid, but may include, but is not limited to:*

- (i) bid amount as percentage of reported local annual sales/revenue, or total commodity sales;*
- (ii) economic impact- number of employees added within past 12 months*
- (iii) new jobs by salary category*
- (iv) local annual property taxes paid*

(You may attach your answer on a separate page, if you prefer).

C. No Subcontracting of Award.

The bidder may not subcontract the award, or any part of the award. Doing so will be grounds for termination of the contract and penalties. **Agreed** ___ **Yes** ___ **No**

D. Affidavit of Contributions to members of Commissioners Court.

Any and all political contributions by the bidder to members of Commissioners Court for the previous 12 months by the bidder must be disclosed. This includes owners, principals or officers if the bidder is a corporation or other legal entity must be disclosed. **Complete and sign the attached affidavit.**

E. Annual Report. If you are awarded the bid, you must provide the County, every September, a report of your revenues for the most recent year end, annual employment levels by wage brackets, the addition or deletion of capital assets in excess of \$1,000,000.00, and any other pertinent information that would affect the ability of your business to maintain its status as a going concern.

F. Agreement to “Buy Local.”

If you are awarded the bid, you agree to give preference and priority to County manufacturers, suppliers, contractors and labor, except where not reasonably possible to do so without added expense, substantial inconvenience, or sacrifice in operating efficiency. Your Annual Report (see Section E) must include a summary of the action taken by the company pursuant to the “Buy Local” Provision.

G. Confidentiality.

Information that is provided to the County in connection with an application or request for Local Business Preference shall be kept confidential and not be subjected to public disclosure except as required by law, the Texas Attorney General, or by an order of a court. Written information shall be released pursuant to a request under the Public Information Act, Chapter 552 of the Texas Government Code, as amended, by the officer for public information or his or her designee in accordance with the standards established under that act for confidentiality and closed records.

Name Of Business _____

Name Of Authorized Representative _____

Title Of Authorized Representative _____

Signature Of Authorized Representative _____

Date

AFFIDAVIT

To be completed by all vendors as described in section D of the local business preference application- By owner, if vendor is a sole proprietorship or all principals and officers if the vendor is a corporation or other legal entity

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..

1. My name is _____. My title and principal place of business is_____.

2. For the period from January 1, 2012 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: (Provide Date, Amount or Cash Value of Gift, and Recipient’s Name and Title): _____.

[add any additional information you think necessary or appropriate]

Affiant

The foregoing Affidavit was acknowledged before me on the ____ day of _____, 2013 by _____, (Name), _____(Title), both in his/her individual capacity and on behalf of _____(Company).

Notary Public, State of _____

**COUNTY OF EL PASO, TEXAS
Check List**

**Replacement of Windows for the County
of El Paso Administration Building
RFP #13-037**

THIS CHECKLIST IS PROVIDED FOR YOUR CONVENIENCE

_____ Responses should be delivered to the County Purchasing Department by 2:00 p.m., Monday, June 10, 2013. Did you visit our website (www.epcounty.com) for any addendums?

_____ Did you sign the Proposal 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 proposal 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.**

_____ If your proposal totals more than \$100,000.00 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 two (2) CD copies in Word/PDF Format of your response?

_____ Did you remember to provide the **Local Business Preference Policy and Affidavit**?