



**COUNTY OF EL PASO**  
County Purchasing Department  
500 East San Antonio, Suite PU500  
El Paso, Texas 79901  
(915) 546-2048  
(915) 546-8180 Fax

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### **Notice to Interested Parties**

Sealed bids will be received at the County Purchasing Department, 500 E. San Antonio, Suite PU500, El Paso, Texas 79901 before 2:00 p.m., **Tuesday, June 12, 2007** to be opened at the County Purchasing Office the same date for **H.M.A.C. Labor Overlay for Road & Bridge.**

**Bids must be in a sealed envelope and marked:**

**"Bid to be opened **June 12, 2007**  
**H.M.A.C. Labor Overlay for Road & Bridge**  
**Bid #07-081"****

**Any questions or additional information required by interested vendors must be submitted in writing to the attention of the County Purchasing Agent before Tuesday, June 5, 2007, at 12:00 p.m. Questions can be faxed to (915)-546-8180.**

Said contract shall be let to the lowest responsible bidder, and the **COMMISSIONER'S COURT RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS AND WAIVE TECHNICALITIES.** Only bids that conform to specifications will be considered. Faxed bids will not be accepted. Successful bidder shall not order items or services until a Purchase Order is received from the County Purchasing Office. Payment will not be made on items delivered without a Purchase Order. Contract will be awarded by lump sum or line item, whichever is in the best interest of the County.

In order to remain active on the El Paso County Vendor list, each vendor receiving this bid must respond in some form. Vendors submitting a bid must meet or exceed all specifications herein. Vendors submitting a no bid must submit their reason in writing to the El Paso County Purchasing Department.

If the bid totals more than \$100,000.00, the bidder shall furnish a certified cashier's check made payable to the order of El Paso County 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 bid bond must be included with the bid at the time of the opening.

**PITI VASQUEZ**  
County Purchasing Agent

## BIDDING 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 bid, I hereby represent and warrant to El Paso County that I have read and understood the Bid Documents and the Contract Documents and this bid is made in accordance with the Bid Documents.

Please quote prices and discounts on the following items:

F. O. B. El Paso County

<b>Description – Bid # 07-081</b> <b>H.M.A.C. Labor Overlay for Road &amp; Bridge</b> Vendor must meet or exceed specifications
<b>TOTAL COST</b>
\$
Please do not include tax, as the County is tax-exempt. We will sign tax exemption certificates covering these items. <b>Please submit one (1) original copy and two (2) copies of your bid.</b>

_____ Company	_____ Address
_____ Federal Tax Identification No.	_____ City, State, Zip Code
_____ CIQ Document Number	_____ CIQ Sent Date
_____ Representative Name & Title	_____ Telephone
_____ Fax Number	_____ E-mail
_____ Signature	_____ Print

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

# COUNTY OF EL PASO, TEXAS

## Solicitation Check List

### H.M.A.C. Labor Overlay for Road & Bridge Bid #07-081

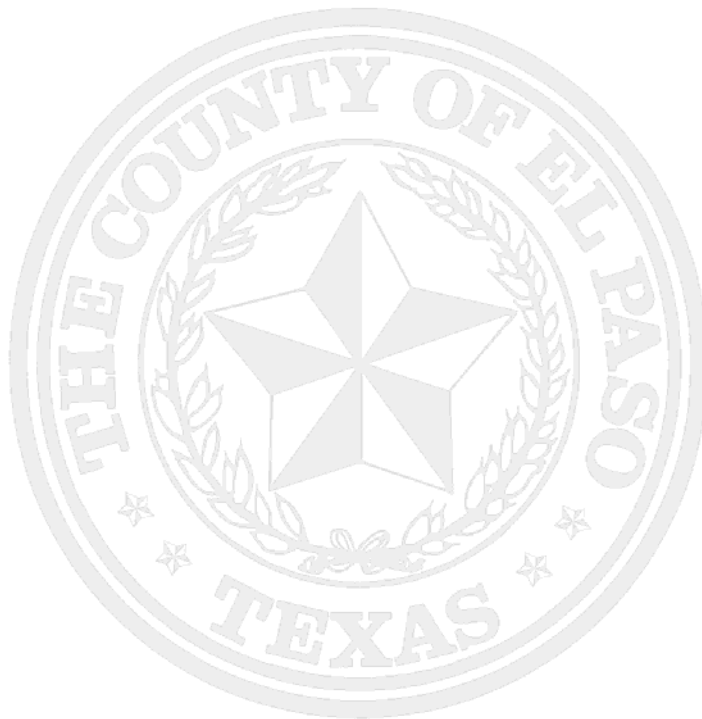
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#### THIS CHECKLIST IS PROVIDED FOR YOUR CONVENIENCE

- \_\_\_\_\_ Responses should be delivered to the County Purchasing Department by 2:00 p.m., Tuesday, June 12, 2007. Did you visit our website ([www.epcounty.com](http://www.epcounty.com)) for any addendums?
- \_\_\_\_\_ Did you sign the Bidding Schedule?
- \_\_\_\_\_ Did you sign the "Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements; Federal Debt Status, and Nondiscrimination Status And Implementing Regulations" document?
- \_\_\_\_\_ Did you sign the "Consideration of Insurance Benefits" form?
- \_\_\_\_\_ Did you file a copy of the completed Conflict of Interest Questionnaire (Form CIQ) with the El Paso County Clerk (in person or by mail to 500 E. San Antonio, Suite 105, El Paso, TX 79901 or by fax to 915-546-2012 attention Joann) and write the confirmation number given as proof of filing on your bidding schedule? Please include the completed and signed form with your response whether a relationship exists or not.
- \_\_\_\_\_ If your bid totals more than \$100,000, did you include a bid bond?
- \_\_\_\_\_ Did you provide one original and two (2) copies of your response?
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# **H.M.A.C. Labor Overlay for Road & Bridge**

**Bid #07-081**



**Opening Date  
Tuesday, June 12, 2007**

## DESCRIPTION

The project shall consist of a surface course of H.M.A.C. to be placed on a prepared road surface in accordance with these specifications and shall conform to the lines, grades, thickness, and typical cross sections shown on the plans, if available.

The course shall be constructed to a min. depth of 1 1/2", typical section, and shall be rolled and finished.

Test Section: The County Engineer has the option to call for a test section prior to full production. The contractor shall arrange to have a load of H.M.A.C. delivered to an approved location. The amount of mixture should be sufficient to construct a test section [50'] long and [12'] wide placed to the same depth specified for the construction of the course which it represents. The underlying grade or pavement structure upon which the test section is to be constructed shall be the same as the remainder of the course represented by the test section. The equipment used in construction of the test section shall be the same type and weight to be used on the remainder of the course represented by the test section.

If the test section should prove to be unsatisfactory, the necessary adjustments to the mix design plant operation, and/or rolling procedures shall be made. Additional test sections, as required, shall be constructed and evaluated for conformance to the specifications. When test sections do not conform to specification requirements, the pavement shall be removed and replaced at the Contractor's expense. A marginal quality test section that has been placed in an area of little or no traffic may be left in place. If a second test section also does not meet specification requirements both sections shall be removed at the Contractor's expense. Full production shall not begin without the County Engineers approval. Test sections will be paid for in accordance with contract unit price per ton of H.M.A.C. overlay.

## CONSTRUCTION METHODS

Weather Limitations: The H.M.A.C. mixture shall not be placed upon a wet surface or when the surface temperature of the underlying course is less than 45 degree F.

**Bituminous Pavers.** Bituminous pavers shall be self contained, power propelled units with an activated screed or strike off assembly, heated if necessary, and shall be capable of spreading and finishing courses of bituminous plant mix material which will meet the specified thickness, smoothness, and grade. Pavers used for shoulders and similar construction shall be capable of spreading and finishing courses of bituminous plant mix material in widths shown on the plans, if available and shall be capable of operating at forward speeds consistent with satisfactory laying of the mixture.

The paver shall have a receiving hopper of sufficient capacity to permit a uniform spreading operation. The hopper shall be equipped with a proportional feed control system to place the mixture uniformly in front of the screed. The screed or strike off assembly shall effectively produce a finished surface of the required evenness and texture without rearing, shoving, or gouging the mixture.

If an automatic grade control device is used, the paver shall be equipped with a control system capable of automatically maintaining the specified screed elevation. The control system shall be automatically actuated from either a reference line or surface through a system of mechanical sensors or sensor directed mechanisms or devices, which will maintain the paver screed at a predetermined transverse slope and at the proper elevation to obtain the required surface. The transverse slope controller shall be capable of maintaining the screed at the desired slope within plus or minus 0.1 percent. The controls shall be capable of working in conjunction with any of the following attachments:

- a). Ski type device of not less than 30 feet (9.14 m) in length or as directed by the County Engineer or his designated representative.
- b). Taut stringline (wire) set to grade.
- c). Short ski or shoe.

**Rollers:** One 10 ton minimum three wheel steel static roller or one 16 ton minimum tandem steel drum static roller equipped with an electric water pump, spray bar, hand serviceable nozzles, electronic water flow control, double blade scrapers and a single full width cocoa mat on each wheel, a wheel spray back-up system complete with its own water pump, filter and spray bar are required. Additionally, adequate safety equipment to include working lights with turn signals and four-way flashers, stop lights, back-up alarm, horn, and a yellow rotating beacon visible to on-coming traffic is required for these rollers and must be in use at all times during paving.

One 10-ton minimum tandem steel drum static roller equipped with an electric water pump, spray bar, hand serviceable nozzles, electronic water flow control, double blade scrapers and a single full-width cocoa mat on each drum, a drum spray back-up system complete with its own water pump, filter and spray bars are required. Additionally, adequate safety equipment to include working lights with turn signals and four-way flashers, stop lights, back-up alarm, horn, and a yellow rotating beacon visible to on-coming traffic is required for this roller and must be in use at all times during operation.

One 25-ton minimum pneumatic roller equipped with an electric water pump, spray bar and cocoa mat for each tire, hand serviceable nozzles, electronic waterflow control system, a tire spray back-up system complete with its own water pump, filter and spray bars are required. Additionally, adequate safety equipment to include working lights with turn signals and four-way flashers, stop lights, back-up alarm, horn and a yellow rotating beacon visible to on-coming traffic is required for this roller and must be in use at all times during operation.

Initial break down rolling will be done with the three (3) wheel steel static roller or the 16 ton tandem steel drum static roller and the finish rolling will be done with the 10 ton tandem steel static drum roller.

Rolling shall continue until no further compression can be obtained and all roller marks are eliminated. The motion of the roller shall be slow enough at all times to avoid displacement of the mixture. If any displacement occurs it shall be corrected at once.

The roller shall not be allowed to stand on a surface, which has not been fully compacted. All wheels are to be kept thoroughly moistened with no excess permitted. In lieu of the rollers specified, the contractor may upon written permission of the County Engineer or his designated representative, operate other compacting equipment that will produce the same compaction as the specified equipment.

The cost of rolling shall be included in the cost of H.M.A.C. overlay.

**Spreading and Finishing:** Deliveries shall be scheduled with the County's supplier so that spreading and rolling of all mixture prepared for one day's run can be completed during daylight, unless adequate artificial lighting is provided. Hauling over freshly placed material shall not be permitted until the material has been compacted, as specified and allowed to cool to atmospheric temperature. Prior to placing the bituminous mixture, the existing surface shall be cleared of all grass, dirt, loose/compacted milling materials, and wedges.

This work shall be completed with mechanical street sweepers, power blowers, power brooms, picks and/or hand brooms as part of the H.M.A.C. overlay process, and shall be completed to the satisfaction of the County Engineer or his designated representative at no additional cost to the County.

The mix shall be placed at a temperature of not less than 250 degrees F (107 degrees C) when asphalt cement is used and not less than 150 degrees F (65 degrees C) when tar is used.

Upon arrival, the mixture shall be spread to the full width by an approved bituminous paver. It shall be struck off in a uniform layer of such depth that, when the work is completed, it shall have the required thickness and conform to the grade and contour indicated. The speed of the paver shall be regulated to eliminate pulling and tearing of the bituminous mat, keep the stopping of the paver to a minimum and to a speed which will permit rollers to stay within 150' behind the paver at all times.

The receiving hoppers on the paver should at no point in time be raised to deposit H.M.A.C. existing on the wings into the screed, and at no time will the hoppers or conveyor belts be sprayed or contaminated with kerosene or diesel fuels prior to or during the paving operations.

Unless otherwise directed, placement of the mixture shall begin along the centerline of a crowned section or on the high side of areas with a one way slope. On streets with inverted crown, no joint will be placed at the invert of the street. The mixture shall be placed in consecutive adjacent strips having a minimum width of [12'] except where edge lanes require less width to complete the area.

On areas where irregularities or unavoidable obstacles make the use of mechanical spreading and finishing equipment impractical, upon written permission by the County Engineer or his designated representative, the mixture may be spread, raked, and lute by hand tools.

**Compaction of Mixture:** After spreading, the mixture shall be thoroughly and uniformly compacted by rolling. The surface shall be rolled when the mixture has attained sufficient stability so that the rolling does not cause undue displacement, cracking or shoving. The sequence of rolling operations and the type of rollers used shall be at the discretion of the County Engineer Works or his designated representative.

The speed of the roller shall, at all times, be sufficiently slow to avoid displacement of the hot mixture. Any displacement occurring as a result of reversing the direction of the roller or from any other cause shall be corrected at once.

Sufficient rollers shall be furnished to handle the output of the plant. Rolling shall continue until all roller marks are eliminated, the surface is of uniform texture and true to grade and cross section, and the required field density is obtained.

To prevent adhesion of the mixture to the roller, the wheels shall be kept properly moistened, but excessive water will not be permitted.

In areas not accessible to the roller, and upon consent from the County Engineer or his designated representative the mixture shall be thoroughly compacted with hot hand tampers.

Any mixture that becomes loose and broken mixed with dirt, or in any way defective shall be removed and replaced with fresh hot mixture and immediately compacted to conform to the surrounding area. This work shall be done at the Contractor's expense. Skin patching shall not be allowed.



A minimum prime coat coverage of 0.25 gallons per square yard shall be placed on all exposed base to the satisfaction of the County Engineer or his designated representative and at no additional cost to the County.

**Joints:** The formation of all joints shall be made in such a manner as to ensure a continuous bond between old and new sections of the course. All joints shall have the same texture, density, and smoothness as other sections of the course.

The roller shall not pass over the end of the freshly laid mixture except when necessary to form a transverse joint. When necessary to form a transverse joint, it shall be made by means of placing a bulkhead or by tapering the course, in which case the edge shall be cut back to its full depth and width on a straight line to expose a vertical face. In both methods all contact surfaces shall be given a tack coat of bituminous material before placing any fresh mixture against the joint.

Longitudinal joints which are irregular, damaged, or otherwise defective shall be cut back to expose a clean sound surface for the full depth of the course. All contact surfaces shall be given a tack coat of bituminous material prior to placing any fresh mixture against the joint.

**Surface Tests.** The Contractor shall make tests for conformity with the specified crown and grade immediately after initial compaction. Any variation shall be corrected by the removal or addition of materials and by continuous rolling.

The finished surface shall not vary more than [1/4"] for the surface course when tested with a 16.0 foot (4.8 m) straight edge applied parallel with, or at right angles to the center line.

After the completion of final rolling, the smoothness of the course shall be tested by the County Engineer or his designated representative; humps or depressions exceeding the specified tolerances shall be immediately corrected by removing the defective work to full depth and width and replacing with new material, as directed by the County Engineer or his designated representative. This shall be done at the Contractor's expense.

The finished surfaces of bituminous courses shall not vary from the gradeline, elevations; and cross sections shown (if available) on the contract drawings by more than [1/2] inch (12.70 mm). The Contractor shall correct pavement areas varying in excess of this amount by paving and replacing to full depth and width the defective work. Skin patching will not be permitted.

**Sample Pavement:** Core samples for the County shall obtain determination of the density of completed pavements. The size, number, and locations of the samples will be as directed by the County Engineer or his designated representative. Samples shall be neatly cut neatly with a core drill, saw or other approved equipment.

**Thickness:** The thickness of the pavement course shall be determined by cores taken at every 500 square yards or at every 125 lin. ft. of street with a minimum of two (2) tests taken for each street when deemed necessary by the County Engineer or his designated representative.

## LABOR AND EQUIPMENT FOR 2007 EL PASO COUNTY OVERLAY PAVING PROJECT

### **SCOPE:**

This project consists of overlaying the listed roads with 1 1/2", Type "C" H.M.A.C. that will be provided by El Paso County's supplier. **The Bid price will be per ton and should include .10 gal/sy tack coat along with all equipment, labor, tools and incidentals necessary to complete this project.** Work will be paid by the ton of material laid down. The mileage's are for showing road length only. Roadway widths will vary from 36 feet to 20 feet. The estimated amount of tonnage is 15,000 for the entire project. Several of the road intersect State roads, therefore, it will be the necessary to have Traffic Control measures at these intersections and throughout the project.

The roads to be overlayed are as follows:

<u>Montana Area</u>		Miles
(1)	Faith Rd.: O'Leary Rd. to Tamara Dr.	0.5
(2)	Gwendolyn Dr.: Marvin Ln. to John Christopher Dr.	0.6
(3)	Jim Bridger Rd.: Krag St. to Wagon Wheel Pl.	0.9
(4)	Krag St.: Eichelberger Ave. to Jim Bridger Rd.	1.5
(5)	Las Quintas Dr.: Santiesteban Ln. to Greg Dr.	0.6
(6)	Marvin Ln.: Mark Jason Dr. to Century Dr.	1.0
(7)	Tamara Dr.: Faith Rd. to Buckwheat St.	1.0
<u>Lower Valley</u>		
(1)	6 <sup>th</sup> St. N.W.: TX 20 to End	0.2
(2)	Metalico: Potasio to Platino	0.3
(3)	Mezcal: Platino to Metalico	0.1
(4)	Minera: TX 20 to End	0.3
(5)	Platino: Potasio to End	0.3

(6)	Potasio: TX 20 to End	0.2
(7)	Quimico: Platino to Metalico	0.1

#### **Upper Valley**

(1)	Antelope Dr.: Kingsway Dr. to Coach Rd.	0.3	
(2)	Casa Verde Dr.: Kayla Dr. to Dead End	0.6	
(3)	Chisom Dr.:Hickory Dr. to Sage Dr.	0.4	
(4)	Coach: Antelope to Kingsway		0.3
(5)	Curtis: Coach to Antelope	0.2	
(6)	De Alva: Nashua to Gallardo	0.2	
(7)	Electra: Coach to Antelope	0.2	
(8)	Fairlane: Nashua to Nashua	0.2	
(9)	Hickory: West Vinton to Dead End	0.3	
(10)	Kayla: Casa Verde to Dead End		0.3
(11)	Kingsway: Nashua to Dead End		0.1
(12)	Nashua: North Desert Blvd. to Dead End	0.6	
(13)	Sage: Dead End to Dead End	0.2	
(14)	Shuman: FM259 to Kayla Dr.	0.1	
(15)	Spartan: Nashua to Nashua	0.2	
(16)	Travelite: Nashua to Dead End		0.1

**THE BIDDER SHALL EXAMINE THE WORK SITES AND SATISFY THEMSELVES AS TO THE EXISTING CONDITIONS, WHICH WILL BE ENCOUNTERED RELATING TO THE CHARACTER, QUALITY, AND QUANTITY OF WORK TO BE PERFORMED. THE SUBMISSION OF A BID BY THE BIDDER SHALL BE CONCLUSIVE EVIDENCE THAT THEY HAVE COMPLIED WITH THESE REQUIREMENTS.**

**THE BIDDER WILL SUBMIT A SCHEDULE AND MAKE ARRANGEMENTS WITH THE SUPPLIER AS TO QUANATIES THAT WILL BE USED THE DAY OF PAVING. ANY AMOUNT OF HMAC ORDERED OVER 5 (FIVE) PERCENT FOR A SPECIFIC ROAD WILL BE BACK CHARGED TO THE CONTRACTOR.**

## **COUNTY OF EL PASO, TEXAS**

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### **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.

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Business Name

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Date

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Name of Authorized Representative

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Signature of Authorized Representative

# COUNTY OF EL PASO PURCHASING DEPARTMENT

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COUNTY COURTHOUSE, 500 EAST SAN ANTONIO,  
ROOM PU500, EL PASO, TEXAS 79901  
(915) 546-2048, FAX: (915) 546-8180

PITI VASQUEZ, PURCHASING AGENT  
JOSE LOPEZ, JR. ASST. PURCHASING AGENT  
LINDA GONZALEZ, INVENTORY BID TECHNICIAN

## **BIDDING CONDITIONS**

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

1. BY SUBMITTING A BID, 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 BID; THE WAIVER BY EL PASO COUNTY OF ANY REQUIREMENTS UNDER THE BID DOCUMENTS OR THE CONTRACT DOCUMENTS; THE ACCEPTANCE OR REJECTION OF ANY BIDS; AND THE AWARD OF THE CONTRACT.
2. Bids must be in the Purchasing Department BEFORE the hour and date specified. Faxed bids will not be accepted.
3. Late bids properly identified will be returned to bidder unopened. Late bids will not be considered under any circumstances.
4. All bids are for new equipment or merchandise unless otherwise specified.
5. Quotes F.O.B. destination. If otherwise, show exact cost to deliver.
6. Bid unit price on quantity specified-extend and show total. In case of error in extension, unit prices shall govern. Bids subject to unlimited price increases will not be considered.
7. Bids 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.
8. No substitutions or cancellations permitted without written approval of County Purchasing Agent.
9. The County reserves the right to accept or reject all or any part of any bid, waive minor technicalities and award the bid to the lowest responsible bidder. The County of El Paso reserves the right to award by item or by total bid. Prices should be itemized.
10. Bids \$100,000.00 and over, the bidder shall furnish a certified cashiers check made payable to the County of El Paso or a good and sufficient bid bond in the amount of 5% of the total contract prices and execute with a surety company authorized to do business in the State of Texas. The bid bond must be included with the bid at the time of the opening.
11. This is a quotation inquiry only and implies no obligation of the part of the County of El Paso.
12. The County of El Paso reserves the right to reject any proposal due to failure of performance on deliveries. The County Purchasing Agent will justify this.
13. Brand names are for descriptive purposes only, not restrictive.
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 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 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:
  - a. A PERFORMANCE BOND, IN THE FULL AMOUNT OF THE CONTRACT, IF THE CONTRACT IS IN EXCESS OF \$100,000; AND
  - b. A PAYMENT BOND, IN THE FULL AMOUNT OF THE CONTRACT, IF THE CONTRACT IS IN EXCESS OF \$25,000.
17. PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 262.032(b), ANY SUCCESSFUL BIDDER WHO IS AWARDED ANY CONTRACT IN EXCESS OF \$50,000 MAY BE REQUIRED TO EXECUTE A PERFORMANCE BOND TO THE COUNTY. SAID BOND SHALL BE IN THE FULL AMOUNT OF THE CONTRACT AND MUST BE FURNISHED WITHIN 30 DAYS AFTER THE DATE A PURCHASE ORDER IS ISSUED OR THE CONTRACT IS SIGNED AND PRIOR TO COMMENCEMENT OF THE ACTUAL WORK. ANY PERFORMANCE BOND REQUIRED PURSUANT TO THIS SECTION SHALL BE NOTED IN THE ATTACHED DETAILED BID SPECIFICATIONS OR SCOPE OF WORK. THIS SECTION DOES NOT APPLY TO A PERFORMANCE BOND REQUIRED BY CHAPTER 2253, TEXAS GOVERNMENT CODE.
18. "Beginning January 1, 2006, in order to implement HB 914 (adding new Local Government Code Chapter 176), ALL VENDORS MUST SUBMIT A CONFLICT OF INTEREST QUESTIONNAIRE (Form CIQ) disclosing its affiliations and business relationships with the County's Officers (County Judge and Commissioners Court) as well as the County employees and contractors who make recommendations for the expenditure of County funds. The names of the County Officers and of the County employees and contractors making recommendations to the County Officers on this contract are listed in the Specifications.

THE CONFLICT OF INTEREST QUESTIONNAIRE MUST BE FILED WITH THE COUNTY CLERK AND A COPY OR PROOF OF FILING MUST BE ATTACHED TO THE BIDDER'S RESPONSE SUBMITTED TO THE PURCHASING DEPARTMENT.

Bidders should be aware that this bidding condition is not intended to cover or to advise you about all situations in which Local Government Code Chapter 176 would require you to file a Form CIQ. You should consult your private attorney with regard to the application of this law and your compliance requirements. Failure to comply is punishable as a Class C misdemeanor.

## **NOTICE:**

ALL COMMUNICATIONS BY A VENDOR TO THE COUNTY, ITS OFFICIALS, AND DEPARTMENT HEADS REGARDING THIS PROCUREMENT SHALL BE DONE THROUGH THE EL PASO COUNTY PURCHASING DEPARTMENT. **THE EL PASO COUNTY CODE OF ETHICS PROHIBITS ALL PRIVATE COMMUNICATION BETWEEN VENDORS AND CERTAIN COUNTY OFFICIALS AND EMPLOYEES AS DESCRIBED BELOW:**

No vendor, its representative, agent, or employee shall engage in private communication with a member of the El Paso County Commissioners Court or county department heads regarding any procurement of goods or services by the County from the date that the bid, RFP, or RFQ is released. No private communication regarding the purchase shall be permitted until the procurement process is complete and a purchase order is granted or a contract is entered into. Members of the commissioners court are required to make a reasonable effort to inform themselves regarding potential procurements and have a duty to inquire of vendors, their representatives or employees, the nature of any private communication being sought prior to engaging in any communication. "Private Communication" means communication with any vendor outside of a posted meeting of the governing body, a regular meeting of a standing or appointed committee, or a negotiation with a vendor which has been specifically authorized by the governing body.

## Health Insurance Benefits Provided By Bidder

### Consideration of Health Insurance Benefits\*

1. Do you or your subcontractor(s) currently offer health insurance benefits to your employees?

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If so, please describe those health insurance benefits that you or your subcontractor(s) currently provide/offer to your employees.

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2. What percentage, if any, of your of your subcontractor's employees are currently enrolled in the health insurance benefits program?

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**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.

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Business Name

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Date

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Name of Authorized Representative

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Signature of Authorized Representative

\*

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\* This page must be included in all responses.



**COUNTY OF EL PASO**  
County Purchasing Department  
500 East San Antonio, Suite PU500  
El Paso, Texas 79901  
(915) 546-2048  
(915) 546-8180 Fax

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RE: Bid #07-081, H.M.A.C. Labor Overlay for Road & Bridge

Dear Vendor:

As of January 1, 2006, the Texas Local Government Code Chapter 176 requires all vendors and potential vendors who contract or seek to contract for the sale or purchase of property, goods, or services with any local government entity to complete and submit a Conflicts of Interest Questionnaire. A copy of the requirements regarding vendors is attached. Also attached is a copy of the Questionnaire which needs to be filed and was prepared and approved for statewide use by the Texas Ethics Commission.

In filing out the Questionnaire, the following are the County Officers that will award the bid and the employees which will make a recommendation to the Commissioners Court:

County Officers: County Judge Anthony Cobos  
Commissioner Luis C. Sariñana  
Commissioner Veronica Escobar  
Commissioner Miguel Teran  
Commissioner Dan Haggerty

County Employees: Piti Vasquez, Purchasing Agent  
Jose Lopez, Jr., Assistant Purchasing Agent  
Linda Gonzalez, Inventory Bid Technician  
Robert Rivera, Public Works Director  
Ernesto Carrizal, Administrator Assistant

Please note that the state law requires that the Questionnaire be filed with the **COUNTY CLERK** no later than **the 7<sup>th</sup> 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

**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.

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**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.

# CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

## OFFICE USE ONLY

Date Received

This questionnaire is being filed in accordance with chapter 176 of the Local Government Code by a person doing business with the governmental entity.

By law this questionnaire must be filed with the records administrator of the local government 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 violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

1 Name of person doing business 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 September 1 of the year for which an activity described in Section 176.006(a), Local Government Code, is pending and not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3

Name each employee or contractor of the local governmental entity who makes recommendations to a local government officer of the governmental entity with respect to expenditures of money AND describe the affiliation or business relationship.

4

Name each local government officer who appoints or employs local government officers of the governmental entity for which this questionnaire is filed AND describe the affiliation or business relationship.

# CONFLICT OF INTEREST QUESTIONNAIRE

For vendor or other person doing business with local governmental entity

FORM CIQ

Page 2

5

**Name of local government officer with whom filer has affiliation or business relationship. (Complete this section only if the answer to A, B, or C is YES.**

This section, item 5 including subparts A, B, C & D, must be completed for each officer with whom the filer has affiliation or other relationship. 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 from the filer of the questionnaire?

☐

Yes

☐

No

B. Is the filer of the questionnaire receiving or likely to receive taxable income from or at the direction of the local government officer named in this section AND the taxable income is not from the local governmental entity?

☐

Yes

☐

No

C. Is the filer of this questionnaire affiliated with a corporation or other business entity that the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

☐

Yes

☐

No

D. Describe each affiliation or business relationship.

6

\_\_\_\_\_  
Signature of person doing business with the governmental entity

\_\_\_\_\_  
Date