



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

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 26, 2007** to be opened at the County Purchasing Office the same date for **RFP Arbitrage Rebate Calculations Services for the County of El Paso, Texas.**

Bids must be in a sealed envelope and marked:

"Bid to be opened **June 26, 2007**

RFP Arbitrage Rebate Calculations Services for the County of El Paso, Texas
Bid #07-087"

Any questions or additional information required by interested vendors must be submitted in writing to the attention of the County Purchasing Agent before Wednesday, June 20, 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

Description – Bid # 07-087 RFP Arbitrage Rebate Calculations Services for the County of El Paso, Texas Vendor must meet or exceed specifications
TOTAL COST
\$
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 ten (10) copies of your bid.

_____ 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

RFP Arbitrage Rebate Calculations Services for the County of El Paso, Texas Bid #07-087

THIS CHECKLIST IS PROVIDED FOR YOUR CONVENIENCE

- _____ Responses should be delivered to the County Purchasing Department by 2:00 p.m., Tuesday, June 26, 2007. Did you visit our website (www.epcounty.com) for any addendums?
 - _____ Did you sign the Bidding Schedule?
 - _____ Did you sign the "Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements; Federal Debt Status, and Nondiscrimination Status And Implementing Regulations" document?
 - _____ Did you sign the "Consideration of Insurance Benefits" form?
 - _____ Did you file a copy of the completed Conflict of Interest Questionnaire (Form CIQ) with the El Paso County Clerk (in person or by mail to 500 E. San Antonio, Suite 105, El Paso, TX 79901 or by fax to 915-546-2012 attention Joann) and write the confirmation number given as proof of filing on your bidding schedule? Please include the completed and signed form with your response whether a relationship exists or not.
 - _____ If your bid totals more than \$100,000, did you include a bid bond?
 - _____ Did you provide one original and two (2) copies of your response?
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RFP Arbitrage Rebate Calculations Services for the County of El Paso, Texas

Bid #07-087



**Opening Date
Tuesday, June 26, 2007**

County of El Paso, Texas

2007

**REQUEST FOR PROPOSALS
FOR
ARBITRAGE REBATE CALCULATION SERVICES
FOR
COUNTY OF EL PASO, TEXAS
\$29,495,000 CERTIFICATES OF OBLIGATION SERIES 2002
AND
\$1,330,000 LIMITED TAX REFUNDING BONDS SERIES 2002
AND
\$9,805,000 LIMITED TAX REFUNDING BONDS SERIES 2002A
AND
ANNUAL ARBITRAGE CALCULATION SERVICES FOR
OTHER COUNTY ISSUED BONDS AS NEEDED
RFQ Number**

**Submittal deadline:
June 26, 2007 2:00 P.M.**

SECTION I GENERAL INFORMATION FOR VENDORS

A. PURPOSE AND BACKGROUND

PURPOSE

The purpose of this request for qualifications is to solicit proposals from qualified vendors ("Offerors") to establish a contract for the provision of arbitrage rebate calculation services ("Contractor") for the County of El Paso, Texas ("County"). Offerors interested in responding to this request for qualifications should have experience in providing arbitrage rebate calculations.

BACKGROUND

The County serves an area of 1,058 square miles with a population of 755,085 as of January 2006. The County's fiscal year begins on October 1, and ends on September 30.

The County provides the following services to its citizens:

- Administration of Justice
- Public Safety
- Health and Welfare
- Community Service
- Resource Development
- Culture and Recreation
- Public Works

The County had an annual payroll of about \$118 million covering approximately 2,657 employees for the fiscal year ended September 30, 2006.

The County is organized into 75 departments and agencies. The accounting and financial reporting functions of the County are centralized.

More detailed information on the government and its finances can be found in the County's Comprehensive Annual Financial Report and Annual Operating Budget and can be obtained by contacting the County Auditor's Office at 500 E. San Antonio Room 406 El Paso, Texas 79901 at (915) 546-2040 or you may obtain these reports via El Paso County's internet site at <http://www.co.el-paso.tx.us/auditor/publications/reports.html>.

B. ISSUING OFFICE:

County of El Paso
Purchasing Agent
Room 500, County Courthouse Building
500 E. San Antonio Street
El Paso, Texas 79901
Telephone (915) 546-2048

C. CONTACT FOR INFORMATION:

Purchasing Agent
Room 500, County Courthouse Building
500 E. San Antonio Street
El Paso, Texas 79901
Telephone (915) 540-2048
FAX (915) 546-8180
FAX is for questions only, not submission of qualifications.

D. DEADLINE:

Receipt of Qualifications: **June 26, 2007**

Qualifications will not be accepted or considered after 2 P.M. on the closing date. Qualifications received after the submission deadline will be returned unopened.

E. QUESTIONS AND ADDENDA:

Vendors shall carefully examine this RFP and any addenda. Vendors should seek clarification of any ambiguity, conflict, omission or other error in this RFP in writing. Questions should be addressed to the Purchasing Agent. If the answer materially affects the RFP, the information will be incorporated into an addendum and mailed to vendors. Oral comments do not form a part of this RFP.

F. CHANGES IN THE REQUEST FOR PROPOSALS:

Any changes made in this RFP will be posted and mailed to vendors of record. Any and all addenda will be numbered in sequence, dated as of the date of issue, posted and mailed by U.S. Mail.

G. PROPOSAL PREPARATION GUIDANCE:

Proposals should be prepared simply and economically, providing a straightforward, concise delineation of the capabilities of their offering.

H. PROPOSAL SUBMISSION:

All proposals must be submitted in an appropriately marked and sealed envelope to the Purchasing Agent, Room 500, County Courthouse Building, 500 E. San Antonio Street, El Paso Texas 79901 by June 26, 2007 at 2 P.M. local time. Proposals in the form of telegrams, telephone calls, facsimiles or telex messages will not be accepted.

Each proposal shall be signed by an official authorized to bind the vendor and shall contain a statement that the proposal is firm for the one hundred twenty (120) days immediately following the date of submission of the sealed proposals. At the end of the 120th day period, the proposal may be withdrawn at the written request of the vendor. If the proposal is not withdrawn, it will remain in effect until an award is made or the solicitation is canceled.

10 copies of each proposal must be supplied, although single copies of particular exhibits may accompany the proposals. Each proposal shall also provide the following information:

1. The name of every company bearing an interest in the services to be provided;
2. The name, title, address, and telephone number of individuals with authority to contractually bind the offeror; and
3. A designated person(s) who can be contacted for information during the period evaluation and for prompt contract administration upon award of the contract. This information shall include the person's name, title, address, and telephone number.

The signer of the proposal must declare that all persons, companies or parties interested in the contract as principals are named therein; that the proposal is made without collusion with any other person, persons, company or parties submitting a proposal; that it is in all respects fair and in good faith without collusion or fraud; and that the signer of the proposal has authority to contractually bind the vendor.

I. AWARD:

The County intends to award a contract as soon as practicable after receipt of vendors' proposals. The County will include the following provisions in its contract with the offering firm:

The Contractor agrees to comply, and to require all suppliers and subcontractors paid in whole or in part from funds made available under this Proposal.

"No person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a state government or unit of local government, which government or unit receives funds made available under Subtitle A [Fair Labor Standards Act I of the Act].

Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in Section 504 of the Rehabilitation Act of 1973 shall also apply to any such program or activity.

Any prohibition against discrimination on the basis of religion, or any exemption from such prohibition, as provided in the Civil Rights Act of 1964 or title VIII of the Act of April 11, 1968, hereafter referred to as the Civil Rights Act of 1968, shall also apply to any such program or activity."

The contract between the selected firm and the County of El Paso for arbitrage rebate calculation services will be for the following bond issues:

\$29,495,000 County of El Paso, Texas Certificates of Obligation, Series 2002 and \$1,330,000 County of El Paso, Texas, Limited Tax Refunding Bonds, Series 2002.

\$9,805,000 El Paso County, Texas Limited Tax Refunding Bonds, Series 2002A.

Establish an annual contract for arbitrage rebate calculations on all other bond issues as necessary. This contract will be a one year contract with four automatic annual renewals.

The award of a contract shall be at the sole discretion of the County. Award will be made to the vendor whose proposal is determined to be most advantageous to the County, taking into consideration the evaluation factors set forth in Section IV, "Criteria for Proposal Evaluations," with the understanding *that any selection will be subject to review by and approval by El Paso County Commissioners Court*. The County reserves the right to accept or reject any or all proposals in whole or in part and to waive informalities in the process. The County of El Paso further reserves the right to make an award of contract without further discussion of the proposals submitted. Therefore, the proposal should be submitted initially on the most favorable terms, which the vendor can propose with respect to both price and technical capability. The contents of the proposal of the selected vendor will become contractual obligation when the award is made.

Proposals will be initially evaluated based on the written material provided, with clarification as needed through telephone calls to vendors. Based on this initial evaluation, the County may select vendors whose services most closely meet the County's needs to make an oral presentation.

The County reserves the right to add similar services or delete services specified in any contract resulting from this procurement if requirements change during the performance of the contract. The County and the vendor will mutually agree to prices for services to be added to the contract. A contract modification will be required for any addition or deletion.

J. DISPOSITION OF QUALIFICATIONS:

All materials submitted in response to this RFP will become the property of the County of El Paso. One (1) copy of each proposal shall be retained for official files and will become a public record after the award and open to public inspection. It is understood that the proposal will become a part of the official file on this matter without obligation on the part of the County of El Paso.

K. COST INCURRED IN RESPONDING:

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

L. PRIME VENDOR RESPONSIBILITIES:

Vendors may propose services that are provided by others, but any services proposed must meet all of the requirements of this RFP.

If the vendors' proposal includes services provided by others, the vendor will be required to act as the prime vendor for all such items and must assume full responsibility for the procurement, delivery and quality of such services. The vendor will be considered the sole point of contact with regard to all stipulations, including payment of all charges and the meeting of all requirements of this RFP.

M. LAWS AND REGULATIONS:

The vendors attention is directed to the fact that all applicable Texas laws, county policies and the rules and regulations of all authorities having jurisdiction over the contract shall apply to the contract throughout, and they will be considered to be included in the contract the same as though herein written out in full.

SECTION II - SERVICE REQUIREMENTS INFORMATION FOR VENDORS

A. SCOPE OF WORK:

1. The Consultant shall perform five year arbitrage calculations on the following bonds:

\$29,495,000 County of El Paso, Texas Certificates of Obligation, Series 2002 and \$1,330,000 County of El Paso, Texas, Limited Tax Refunding Bonds, Series 2002.

\$9,805,000 El Paso County, Texas Limited Tax Refunding Bonds, Series 2002A.
2. The deadline for completion of all required services is 30 days after the calculation date of July 15, 2007 for the series 1997 bonds, July 22, 2007 for the series 2002 bonds, and December 9, 2007 for the Series 2002A bonds.
3. This contract will also establish the calculation of arbitrage on an annual basis for all outstanding bond issues requiring arbitrage calculations. This contract will be a one year contract with four automatic annual renewals.
4. The County from time to time may require changes in the scope of services to be performed. Such changes, which are mutually agreed upon by and between the County and consultant, shall be incorporated by written amendment to the agreement.
5. The County shall furnish the consultant with all available necessary information, data, and material pertinent to the execution of the agreement.
6. The consultant will complete all Internal Revenue Service (IRS) filings required and represent the county before the IRS in regards to the arbitrage calculations if such representation is required.

B. COUNTY LIAISON:

The County will name an individual to serve as the County's contact during the performance of the contract. Any questions or problems must be addressed to this individual during County working hours, 8:00 A.M. to 5:00 P.M. (Mountain Time), Monday through Friday.

C. BILLING/PAYMENT:

1. Vendor shall submit invoices to the County with all supporting documentation including hours worked and hourly rates, all out-of-

pocket expenses, travel expenses, and all other costs related to the contract.

2. Vendor shall agree to submit to the County for examination of any financial and performance records related to the services provided to the County under the contract.

SECTION III - INFORMATION REQUIRED FROM VENDORS IN QUALIFICATIONS

A. LETTER OF TRANSMITTAL:

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

B. BASIC INFORMATION REQUIREMENTS

Provide the following:

1. Name of firm making the proposal.
2. Name and title of individual preparing and responsible for the proposal.
This person may be different from the individual signing the transmittal page.
3. Mailing address.
4. Telephone and fax numbers of the offeror.
5. E-mail address of offeror.
6. Statement that the individual signing the proposal has the authority to commit the firm to the terms proposed.

C. BASIC QUALIFICATIONS AND EXPERIENCE:

1. Describe your firm's qualifications for this engagement. Please provide a detailed narrative on your firm's qualifications to provide arbitrage rebate calculation services for the County.
2. Describe your firm's organizational structure with respect to providing arbitrage rebate calculation services for the County. Please explain why your organizational structure is advantageous for performing the County's arbitrage rebate calculation.

3. Describe the experience of the firm with preparing arbitrage rebate calculations for governmental entities.
4. Describe the experience of the firm with all applicable federal, state and other laws regarding arbitrage rebate calculations.
5. Describe the experience of the firm and its approach to preparing arbitrage rebate calculations.
6. Describe the knowledge and experience of the individuals that would be assigned to the County's account, particularly the individual with day-to-day responsibility for the County's account.
7. What are the factors that you believe the County should emphasize in selecting the firm to prepare the arbitrage rebate calculation? Why does your firm best meet the County's arbitrage rebate calculation needs?
8. Fee schedule for arbitrage rebate calculation services
9. If there are any fixed costs, please provide detailed fee schedules.

Reimbursable expenditures

Provide detail on any and all reimbursable expenditures you foresee in your transactions with the County (Note – the County of El Paso prefers to receive detailed billings and supporting documentation for any and all reimbursable expenses in order for the County Auditor to examine and approve request for payment.)

A. THE FOLLOWING CRITERIA WILL BE USED TO EVALUATE PROPOSALS RECEIVED:

The submitter's RFP will be evaluated based on the criteria presented below.

1. Staffing of Project Team (25)

The firm should provide information on their proposed team members, i.e. applicable certifications/registrations and other pertinent information that demonstrates their qualifications to perform the contract. The team members shall have experience in performing similar cost allocation plans as stated in the Request for Proposal (RFP). Similar experience gained through other clients should be substantiated by reference. A list of, and scope of, similar projects for comparative purposes shall be included in an appendix.

2. Experience of Project Team/Ability to Commit Resources (25)

The provider shall designate experienced staff to completely and efficiently perform the work. The designated individuals may not be replaced during the project unless approved by the County. The proposal shall identify the project team composition, project leadership, reporting responsibilities and address how sub-providers, if any, will fit into the management structure. Resumes of the key technical staff members, limited to one (1) page per person must be included in an appendix, as well as narrative descriptions of projects proposed as similar work experience. Also in this section, outline the firm's contingency plans for servicing the project in the event that one or more key personnel are not available for any reason during the period of performance.

3. Methodology (25)

Emphasis here is on the techniques for providing the services requested, and on the Offeror's capability to deliver the desired services on schedule. Special emphasis should be placed on responding to questions asked by the County in this solicitation, and on outlining problems that may be encountered and offering solutions to those problems

4. Understanding the Needs of the County (25)

- a. This refers to the Offeror's:
 - i. Understanding the County's needs that generated the RFP.
 - ii. The County's objectives in asking for the services.
 - iii. The nature and scope of the work involved.
 - iv. Any other information submitted.
- b. Offeror's Proposal - This criterion includes the ability of the Offeror to meet the terms of the RFP, and any special considerations, which the Offeror feels, may increase its ability to perform the Contract.
- c. Reasonableness of Costs - Efficiency and economy are very important to the County. This area will not necessarily be the primary deciding factor in the selection process.

COUNTY OF EL PASO, TEXAS

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

Instructions for the certifications:

General Requirements

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

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

1. LOBBYING

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

(a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement,

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal Grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award document for all sub-awards at all tiers (including sub-grants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

1. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

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

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or and a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State, or local) transaction or contract under a public transaction violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

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

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

2. DRUG-FREE WORKPLACE

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

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

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

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

(1) The dangers of drug abuse in the workplace;

(2) The applicant's policy of maintaining a drug free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violation occurring in the workplace;

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

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

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

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

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

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

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

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

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

4. CERTIFICATION REGARDING THE NONDISCRIMINATION STATUTES AND IMPLEMENTING REGULATIONS

The applicant certifies that it will comply with the following nondiscrimination statutes and their implementing regulations: (a) title VI of the Civil right Act of 1964 (42 U.S.C. 2000D et seq.) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity for which the applicant received federal financial assistance; (b) Section 504 of the rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicap in programs and activities receiving federal financial assistance; (c) title IX of the Education Amendments of 1972m as amended (20 U.S.C. 1981 et seq.) which prohibits discrimination on the basis of sex in education programs and activities receiving federal financial assistance; and (d) the Age Discrimination Act of 1975, and amended (42 U.S.C. 6101 ec seq.) which prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance, except that actions which reasonably take age into account as a factor necessary

for the normal operation or achievement of any statutory objective of the project or activity shall not violate this statute.

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

Business Name

Date

Name of Authorized Representative

Signature of Authorized Representative

COUNTY OF EL PASO PURCHASING DEPARTMENT

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?

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
500 East San Antonio, Suite PU500
El Paso, Texas 79901
(915) 546-2048
(915) 546-8180 Fax

RE: Bid #07-087, RFP Arbitrage Rebate Calculations Services for the County of El Paso, Texas

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 Edward Dion, County Auditor Wallace Hardgrove, Budget Finance Manager Laura Martinez, Account Senior James Utterback, Cash Management & Debt Service Supervisor Dorothy Miranda, Accounting Manager Cygne Nemir, Supervising Attorney

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

Tex. Local Gov't Code § 176.006 (2005)

§ 176.006. Disclosure Requirements for Vendors and Other Persons; Questionnaire

(a) A person described by Section 176.002(a) shall file a completed conflict of interest questionnaire with the appropriate records administrator not later than the seventh business day after the date that the person:

(1) begins contract discussions or negotiations with the local governmental entity; or

(2) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential agreement with the local governmental entity.

(b) The commission shall adopt a conflict of interest questionnaire for use under this section that requires disclosure of a person's affiliations or business relationships that might cause a conflict of interest with a local governmental entity.

(c) The questionnaire adopted under Subsection (b) must require, for the local governmental entity with respect to which the questionnaire is filed, that the person filing the questionnaire:

(1) describe each affiliation or business relationship the person has with each local government officer of the local governmental entity;

(2) identify each affiliation or business relationship described by Subdivision (1) with respect to which the local government officer receives, or is likely to receive, taxable income from the person filing the questionnaire;

(3) identify each affiliation or business relationship described by Subdivision (1) with respect to which the person filing the questionnaire receives, or is likely to receive, taxable income that:

(A) is received from, or at the direction of, a local government officer of the local governmental entity; and

(B) is not received from the local governmental entity;

(4) describe each affiliation or business relationship with a corporation or other business entity with respect to which a local government officer of the local governmental entity:

(A) serves as an officer or director; or

(B) holds an ownership interest of 10 percent or more;

(5) describe each affiliation or business relationship with an employee or contractor of the local governmental entity who makes recommendations to a local government officer of the local governmental entity with respect to the expenditure of money;

(6) describe each affiliation or business relationship with a person who:

(A) is a local government officer; and

(B) appoints or employs a local government officer of the local governmental entity that is the subject of the questionnaire; and

(7) describe any other affiliation or business relationship that might cause a conflict of interest.

(d) A person described by Subsection (a) shall file an updated completed questionnaire with the appropriate records administrator not later than:

- (1) September 1 of each year in which an activity described by Subsection (a) is pending; and
- (2) the seventh business day after the date of an event that would make a statement in the questionnaire incomplete or inaccurate.
- (e) A person is not required to file an updated completed questionnaire under Subsection (d)(1) in a year if the person has filed a questionnaire under Subsection (c) or (d)(2) on or after June 1, but before September 1, of that year.
- (f) A person commits an offense if the person violates this section. An offense under this subsection is a Class C misdemeanor.
- (g) It is a defense to prosecution under Subsection (f) that the person filed the required questionnaire not later than the seventh business day after the date the person received notice of the violation.

Tex. Local Gov't Code § 176.001 (2005)

§ 176.001. Definitions

In this chapter:

- (1) "Commission" means the Texas Ethics Commission.
- (2) "Family member" means a person related to another person within the first degree by consanguinity or affinity, as described by Subchapter B, Chapter 573, Government Code.
- (3) "Local governmental entity" means a county, municipality, school district, junior college district, or other political subdivision of this state or a local government corporation, board, commission, district, or authority to which a member is appointed by the commissioners court of a county, the mayor of a municipality, or the governing body of a municipality. The term does not include an association, corporation, or organization of governmental entities organized to provide to its members education, assistance, products, or services or to represent its members before the legislative, administrative, or judicial branches of the state or federal government.
- (4) "Local government officer" means:
 - (A) a member of the governing body of a local governmental entity; or
 - (B) a director, superintendent, administrator, president, or other person designated as the executive officer of the local governmental entity.
- (5) "Records administrator" means the director, county clerk, municipal secretary, superintendent, or other person responsible for maintaining the records of the local governmental entity.

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