



**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., **Monday, February 26, 2007** to be opened at the County Purchasing Office the same date for **Depository and Subdepository Bank for the El Paso County.**

**Bids must be in a sealed envelope and marked:**  
**"Bid to be opened February 26, 2007**  
**Depository and Subdepository Bank for the El Paso County**  
**Bid #06-117"**

**Any questions or additional information required by interested vendors must be submitted in writing to the attention of the County Purchasing Agent before Friday, January 19, 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

<p style="text-align: center;"><b>Description – Bid # 06-117</b> <b>Depository and Subdepository Bank for the El Paso County</b> Vendor must meet or exceed specifications</p>
<p>Please do not include tax, as the County is tax-exempt. We will sign tax exemption certificates covering these items. <b>Please submit one (1) original copy and two (2) copies of your bid.</b></p>

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

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

## COUNTY OF EL PASO, TEXAS

### Solicitation Check List

#### Depository and Subdepository Bank for the El Paso County Bid #06-117

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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., Monday, February 26, 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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# **Depository and Subdepository Bank for the El Paso County**

**Bid #06-117**



**Opening Date  
Monday, February 26, 2007**

# **Application for Depository and Subdepository Bank, for funds of El Paso County, Texas**

## **General Information**

El Paso County Commissioners Court, complying with applicable Texas statutes, is herein requesting applications from any banking corporation or financial institution to serve as a County Depository Bank(s).

The specific references governing these services are:

***Local Government Code Chapters 116, 117***

*Government Code Chapters 2256, 2257*

The text of these governing statutes may be obtained at  
[www.capitol.state.tx.us/statutes/statutes.html](http://www.capitol.state.tx.us/statutes/statutes.html)

By submitting a bid, Bank acknowledges that it understands the aforementioned laws, which pertain to the safekeeping of county funds and will comply with these statutes.

Pursuant to the *Texas Local Government Code § 116.021* and *Vernon's Texas Codes Annotated, Government Code, Title 10, Chapter 2257*, sealed bids will be received at the El Paso County Purchasing Department on or before 2:00 p.m. on February 23, 2007 for the selection of bank depositories and sub depositories for the forthcoming four year period commencing on June 1, 2007. Applications may be submitted by any "bank" as defined by the *Texas Local Government Code § 116.001*.

There is no express or implied obligation for El Paso County to reimburse responding firms for any expenses incurred in preparing their response to this bid.

Any additional information required by the interest applicants must be submitted in writing to the attention of the County Purchasing Agent before Friday, January 19, 2007 at 12:00 p.m.

To be considered, original sealed applications plus 10 identical duplicates to the original must be received by 2:00 p.m. on February 23, 2007 in the office of the County Purchasing Agent. These bids will not be opened until the final submission date and hour noted.

All bids must be delivered to:

County Purchasing Department  
Attn: Mr. Piti Vasquez, Purchasing Agent  
**County Courthouse Building**  
500 East San Antonio, Room 500  
El Paso, Texas 79901

Bid must be in a sealed envelope and marked:

**"Bid to be opened February 26, 2007  
Depository and Subdepository Bank for the El Paso County  
Bid #06-117"**

"

**GOOD FAITH GUARANTEE** - This application for depository for funds of El Paso County must be accompanied by a certified check or cashier's check made payable to El Paso County in the amount of \$1,381,353.72 as a guarantee of good faith on the part of the bank that if the application submitted is selected, the successful applicant will, within fifteen days after notice of selection, enter into a pledge contract with the Commissioners Court and if accepted file bonds of securities in sufficient amount to secure the public monies entrusted to them within 15 days of selection as prescribed by the *Texas Local Government Code §116.051* and *Vernon's Texas Codes annotated, Government Code, Title 10 Chapter 2257*. Should the bank fail to qualify as depository as required and within the fifteen days specified, the certified check or cashier's check shall go to El Paso County as liquidated damages in accordance with the *Texas Local Government Code § 116.023* and *Vernon's Texas Codes Annotated, Government Code, Title 10, Chapter 2257*. **Applications not accompanied by a certified check or a cashiers' check will not be considered.**

When the depository, or depositories have been selected, the certified check(s) or cashier's check(s) presented with the bid application(s) shall be returned to the unsuccessful applicants immediately. Certified checks or cashier's checks presented by successful applicants shall be held until the pledge contract and required securities have been tendered and approved by the Commissioners Court.

Applications submitted will be evaluated by a committee as designated by the Commissioners Court. This committee's recommendation will be forwarded to the El Paso County Commissioners Court who will select the financial institution.

During the evaluation process, El Paso County reserves the right to request additional information or clarification from applicants, or to allow for corrections of errors or omissions. At the discretion of El Paso County, financial institutions submitting applications may be requested to make oral presentations as part of the evaluation process.

El Paso County reserves the right to select the acceptable applicant who offers contractual terms and conditions most favorable to the County. The County may reject applicants whose management or financial condition, in the opinion of Commissioners Court, does not warrant the placing of county funds in their possession. El Paso County reserves the right to reject in part or in whole any or all bids, waive minor technicalities, and award the bid that best serves the interest of El Paso County. Late bids will be returned to the proposer unopened.

Bids may be withdrawn any time before the official opening. Alterations made before opening time must be initialed by Proposer to authenticate.

The County expressly requests that bidders not discuss this engagement or the bank's plans, experience or credentials with other banks or any member of Commissioners Court until requested by the county officials to make a personal presentation.

It is anticipated the selection of a financial institution will be completed by April 23, 2007. Following the notification of the selected bank, it is expected a contract will be executed between both parties by May 14, 2007. The approval of such contract must be entered into the minutes of the depository's board and evidenced on a certified copy of minutes of the board.

### **Terms of Engagement**

**A four year contract is contemplated if satisfactory financial terms can be negotiated; if not, a two year contract will be executed. This depository contract must commence no later than June 1, 2007 and must continue until 60 days after the time fixed by statute for the next selection of a Depository Bank.**

If a timed deposit extends beyond the expiration date of the contract, the managing bank will pledge sufficient securities required by El Paso County to provide for the maturity of the time deposit.

### **Selection Criteria**

The depository bank bid review committee considers all selection criteria points and weighs them equally. The committee then makes a recommendation to Commissioners Court and the Court makes the ultimate decision in selecting the financial institution that offers the most favorable terms and conditions for the handling of the County's funds. The following is the selection criteria points:

- a. Bank's past and prospective financial strength.
- b. Experience and ability to meet service requirements.
- c. Responsiveness to El Paso County as demonstrated by investments in the community, loan programs and other initiatives.
- d. Best value in terms of service and cost.
- e. Evaluation of information and potential for conflict of interest with key personnel.
- f. Net rate of return on county funds.
- g. Electronic bank services offered.
- h. Any additional bank services offered.
- i. Convenience (e.g. locations).
- j. Cost of switching depository.

### **Community Reinvestment Act**

El Paso County supports the efforts of the lending community to extend credit to residents in all neighborhoods within El Paso County with equal opportunity regardless of race, color, religion, national origin, age, sex, or marital status; with sensitivity to the credit needs of lower income borrowers and economically disadvantaged neighborhoods.

## **Ethics Policy**

Any organization offering to be a depository shall file a statement disclosing all financial relationships between the County of El Paso contracting personnel and the respective depository. County of El Paso contracting personnel include the following individuals:

Ms. Dolores Briones	County Judge
Mr. Anthony Cobos	County Judge, Elect
Mr. Luis Sarinana	County Commissioner, Precinct 1,
Ms. Betty Flores	County Commissioner, Precinct 2
Ms. Veronica Escobar	County Commissioner, Precinct 2, Elect
Mr. Miguel Teran	County Commissioner, Precinct 3
Mr. Dan Haggerty	County Commissioner, Precinct 4
Mr. Edward A. Dion	County Auditor
Mr. Wallace Hardgrove	Budget/Finance Manager
Ms. Teresa Molinar	Operations Manager
Mr. James Utterback	Cash Management and Debt Service Supervisor
Mr. Luis C. Martinez	Treasury Supervisor
Mr. Piti Vasquez	Purchasing Agent
Mr. Jose Lopez	Assistant Purchasing Agent
Ms. Cygne Nemir	Bid Review Committee Member
Ms. Dorothy Miranda	Bid Review Committee Member

## **Investments made outside depository bank**

El Paso County reserves the right to make external investments according to the laws of the State of Texas and the Investment policy of El Paso County.

## **Required Information**

Bank must respond to all provisions and adhere to the format provided in this bid to be considered a responsive application. If you are unable to provide required information, please provide an explanation for such exclusion. The application must be signed by a duly authorized banking official and upon award of the depository contract by Commissioners Court, the application and all attachments may be included in the official Depository Contract if desired by the County. Please submit the following:

1. Audited financial statements for the most recent year. All banks wishing to be designated as the depository bank must state the amount of the bank's paid-up capital stock and permanent surplus and must submit a statement showing the financial condition of the bank on the date of application. The County will require a copy of the financial report of the bank at least annually, upon publication.
2. Resolution from the board of directors of the financial institution giving the bank officer signing the bid authorization to enter into agreements.



3. Depository Services Bank Administrative Institute (BAI) Questionnaire, Depository Services Request For Bid by the Association for Financial Professionals (AFP) or a complete copy of your standard Request for Bid questionnaire for the most recent period.
4. List the names, titles, phone and fax numbers, and e-mail address and provide brief biographies of bank personnel that will have ongoing responsibility for servicing El Paso County.
5. References from customers whose service requirements are similar to those of El Paso County.
6. Provide your Call Report or Thrift Financial Report for the most recent year end. In addition, please provide most recent quarter if more recent than year end.
7. Current Bank Credit Rating by Moody's, Standard and Poor's, Bank Watch and the Sheshunoff rating.
8. Community Reinvestment Act (CRA) Provisions
  - Date of last CRA examination that included El Paso, Texas?
  - What was the bank's overall CRA rating?
  - What were the bank's CRA ratings under the Lending Test(s) and under the Community Development Test(s)?
  - Describe any problems encountered in achieving any rating of less than satisfactory or adequate?
  - Describe any activity in El Paso County that has taken place since the bank's most current CRA Report which you wish to have considered in the areas of: lending, affordable housing, community service, economic development and revitalization.
9. **Enclose a copy of your most current Community Reinvestment Act Performance Evaluation.**
10. Equal employment opportunity provisions statement must be submitted that indicates the firm will not discriminate against any employee or applicant for employment because of race, religion, sex, color, age, handicap, or national origin which will become part of the contract conditions if the financial institution is awarded the contract. The statement should include a description of the financial institution's affirmative action plan.
11. Please describe any community reinvestment initiatives and special loan programs you offer in El Paso County, including your funding level for each program and the amounts of funds actually disbursed by you under each program (e.g., small business loans, low income consumer loans, affordable housing, community and economic development).
12. What is the total number and dollar amount of small business loans, excluding credit card loans, you made (funded) in El Paso County during each of the last five years?

13. What is the total number and dollar amount of Small Business Administration Loans you made (funded) in El Paso County during each of the last five years?
14. Do you offer business planning and loan application assistance programs to your business loan customers? If so, please describe the programs, including the services for each of the last five years.
15. What is the total amount of investment capital you provided in El Paso County during each of the last five years?
16. Describe your local employment trends over the last five years (number of employees, transfers or reductions, reorganizations, etc.) and include your local workforce projections for the terms of the depository contract.
17. State the amount of charitable contributions you have made to El Paso County organizations, including educational, artistic, service and civic organizations during each of the last five years.
18. Provide your loan to deposit ratio for your El Paso County operations for each of the last five years.
19. Comprehensive List of Service Prices – Bank must provide a comprehensive list of service prices. Specify any and all costs associated with electronic transfers specially transfers within El Paso County accounts. This list will be considered all-inclusive and the prices shown on the list must be incorporated into the contract. If a four year contract is executed, the bank has the option to change prices for the second two year term. The price change will be negotiated but may not exceed 110% of the prices shown for the first two year term.
20. What is the cut-off time to ensure same day ledger credit?
21. Provide an availability schedule.
22. Does the bank outsource any of the proposed services?
23. What are the bank's cut-off times for customer initiation Electronic Transfers?
24. Comprehensive Cash Management Capabilities – Bank must provide comprehensive cash management programs and associated costs (e.g., electronic check presentment, check conversion, payroll card).
25. Does the bank offer any service to protect El Paso County's accounts from unauthorized ACH debits?
20. What differentiates your service from other providers?
21. How do you plan to keep this product current and competitive?

22. Do you conduct background checks on your employees?
23. How many bank employees are present when deposit bags are opened?
24. Describe security at the cash vault center. What additional security measures are employed?
25. When deposit discrepancies are discovered, what are your notification, reporting, and adjustment procedures?
26. Does the bank identify and adjust all discrepancies?
27. Required Form - On the attached form titled FEE CALCULATOR, indicate your charges per unit for each service, your estimated charges for each service, and the estimated compensating balance which the County would be required to maintain in order to offset the service charges. Specify when there is no charge for a service or when there are additional charges for a service. The number of units on the form represents the El Paso County's bank services activity for fiscal year 2006.
28. Required Form – On the attached form titled INTEREST CALCULATOR, calculate the interest the El Paso County would have earned last fiscal year using your proposed rate of return historical data. El Paso County is requesting for bank applicants to define specifically the method used by the applicant for interest calculations in its normal operations. Bank must furnish adequate information about the index and or instruments used to arrive to the proposed rate (e.g. 90 days T-Bill rate, Texpool rate). El Paso County must be able to independently calculate the proposed rate and interest payable under the contract. Also, specify what bank balances are subject to interest (e.g. Average Collected Balances). Do you reduce the 10% reserve requirement before interest is paid?

If a four year contract is executed, bank must propose new fixed and variable rates of interest for interest earning transaction accounts, certificates of deposit, NOW accounts, money market checking accounts and the overnight investment facility for the second two years of the contract. During the second two years of this contract, County has the option to choose to use any of the following:

  - a. the variable interest rate stated in this contract
  - b. the new variable interest rate proposed by Bank as required under this section
  - c. The new fixed rate of interest proposed by Bank as required under this section
29. Describe the bank's Disaster Recovery Plan in detail.
30. Provide a copy of all documents, agreements and service terms that will be required to initiate Depository Services.
31. Provide a detailed description of the recommended implementation process.

## Service Requirements

1. Standard Disbursement services - standard disbursing services for all accounts are required to include the payment of all County checks upon presentation. No funds or fees may be withdrawn from the County Depository except by properly drawn warrants which have been approved and signed by appropriate authorities as designated on signature cards. All signature cards must be approved by the County Auditor.
2. Standard Deposit Services - The bank will guarantee immediate credit on all wire transfers, ACH transactions and all deposited checks based on the Bank's availability schedule. All deposits received before the banks deadline will be credited daily.
3. Statements – Monthly account statements will be provided with all original canceled checks, debit and credit memos, etc. and or optical images of the front and back of these items if the optical images are retained in accordance with the rules adopted by the Texas State Library and Archives Commission. This statement shall show the number of checks, deposit and deposit items posted, daily ledger balances, average daily ledger balance for the month, average daily collected balance for the month and other items on which charges are based. Such statements shall be provided within seven working days after calendar month-end.
4. Automatic Overnight Investment Facility - All Funds remaining in designated accounts may be pooled and automatically invested by the bank on an overnight or weekend basis at an investment facility. This refers to repurchase agreements, also known as overnight repos, which are legally secured transactions. The bank will allocate the pro-rata share of total interest to each account based on each account's investable balance. Funds must be invested in securities that are authorized by the Public Funds Investment Act. Bank must provide a prospectus and monthly historical yield information of investment facility products for the past two years for comparison purposes. Bank must send County a daily confirmation detailing the interest rate and monthly statements detailing daily activity. Bank must provide master repurchase agreements at quoted rate on the date of the purchase request. Repurchase agreements are offered subject to the availability of collateral. Rates are to be negotiated at the time of request.
5. Collateral Reports - A detailed monthly collateral-to-deposit report is required. The report shall contain security descriptions, par value/current face and current market value.
6. It is requested that as part of the bid the depository bank will provide an on-line communication link to the County for daily reporting of fund balances, collateral and ledger balances and detail debits and credits. Discuss the methods (e.g., Web-based, proprietary software) by which the El Paso County can view current day activity, previous day activity and balance information.
  - a. Can information be accessed by multiple users?
  - b. Can information be accessed by multiple locations?
  - c. Can individual users be restricted to accessing information only on certain accounts or transaction types?
  - d. Can information be imported into a spreadsheet?
  - e. What is the associated cost?

7. Service charges for monthly service included in a monthly analysis format. Fees must be invoiced. A monthly detailed billing for every single service charge for all individual county bank accounts which includes type of service, volume, individual price, and total price.
8. Positive Pay Service is required. Describe in detail your positive pay service. Does the bank offer payee match as part of its positive pay service? How often can positive pay files be sent and uploaded? Specify any associated cost.
9. Monthly account statements delivered in electronic file format, as well as paper.
10. Wire transfer capability using dial in service (phone and or computer) with dual control security features (primary and secondary authorization). **All wire transfers must have a pre-defined ID approved by the County Auditor.**
11. Provide automated clearing house operations to allow the County to initiate electronic paperless entries through your financial institution and other financial institutions by means of ACH files (e.g. payroll direct deposit ACH file).
12. Stop Payments. The County will require the bank to issue stop payments executed from personal computers or fax by County personnel at County locations. Stop payments will be considered permanent voids and the County does not need to renew stop payments. The County executes stop payments by removing the check from positive pay.
13. Checks, deposit tickets, endorsement stamps, and other supplies – The Bank will order supplies for the County as specified by the County. Any applicable charges should be done through account analysis not direct debits.
14. Account Executive Service Person- The bank will provide El Paso County with an Account Executive Service person located in El Paso County whose responsibility must be to serve as primary liaison between the Bank and El Paso County. This person will be responsible for attending to inquiries, requests for services, and daily activities regarding the managing of El Paso County Accounts.
15. Reconciliation – The bank agrees to reconcile any differences in account balances within a period of time mutually agreeable to both El Paso County and the bank following notification of such discrepancies. Differences in account balances include any difference between checks paid in comparison to positive pay amounts transmitted to the bank and differences between deposits made (declared) as compared deposit verified by vault.
16. Waiver of Certificates of Deposit Penalty – the District Clerk maintains trust accounts for minors. These funds are invested in Certificates of Deposits to earn interest for the minor's benefit. Occasionally these accounts are closed by court order prior to the maturity date of the CD. The bank must waive the early withdrawal penalty if a minor's trust account is closed by court order prior to the CD's maturity.
17. Deposits – Bank must accept mixed deposits containing cash, checks, and coin from the County. Deposits are made through the vault (armored car) and branch teller walkup is minimal.

18. 1099's for Trust Beneficiaries – For County Clerk and District Clerk trust funds, Bank must provide County with individual accounts that are in the name of the beneficiary and record the interest earned on these accounts as a credit to the social security number or employer identification number of the beneficiary. A separate account is maintained for each individual and a social security number is provided by County at the time the account is opened. Bank must send monthly account activity statements and Internal Revenue Service Form 1099's to the appropriate Clerk for each account maintained.
19. Deposits at Branch locations – Bank must allow County personnel to make deposits at any branch location.
20. All demand deposit overdrafts incurred in the normal course of business will be covered at no cost to the County as long as sufficient compensating balances exist in other County accounts.
21. Bank must provide the County with an open line of credit to cover inter-account deposits, wherein the Bank extends credit to the county on its consolidated account in the amount of five million dollars in order that the County may invest funds from the consolidated fund, this money would have to be available in aggregate in other County accounts. (e.g., same day investing of maturing securities and same day investing of receipt of property taxes.)
22. Safekeeping Account. In the event the County exercises its right to make external investments, **the depository institution must provide a safekeeping account to hold securities purchased by the County.**

**Safekeeping Account Requirements:**

1. A copy of the proposed Safekeeping Agreement for the safekeeping account.
2. Comprehensive List of Service Prices – Financial institution must provide a comprehensive list of service prices. This list will be considered all-inclusive and the prices shown on the list will be incorporated into the contract.
3. Using the following scenario, please provide a complete detail monthly invoice for December 2006:

<b>Security</b>	<b>Purchased</b>	<b>Maturity</b>	<b>Par Amt</b>	<b>Purchased Through</b>
FHLB	1/15/2006	1/15/2007	\$2MM	Entity
T-BILL	12/5/2005	12/5/2007	\$2MM	Outside Party
T-BILL	5/8/2005	12/8/2006	\$2MM	Entity
FHLB	5/12/2005	12/12/2006	\$2MM	Outside Party
FHLB Callable	2/15/2006	2/15/2007	\$2MM	Outside Party
	CALLED	12/15/2006		
FNMA	12/18/2006	12/18/2007	\$2MM	Outside Party
T-BILL	12/20/2006	12/20/2007	\$2MM	Entity
FHLB	12/22/2006	12/22/2007	\$2MM	Entity

4. Cut-Off Times – Deadlines to accept instructions
5. Detailed instructions on how DK's are handled and resolved
6. Please provide any applicable SEC and NASDAQ reports on your firm
7. Please disclose licensing agency registrations
8. If the safekeeping account is provided by a third party, the following additional information is required:
  - a. Resolution from the board of directors of the third party financial institution giving the signing officer authorization to enter into agreements.
  - b. Audited financial statements of the third party for the most recent year. El Paso County will require a copy of the financial report at least annually, upon publication.
  - c. Current Credit Rating by: Moody's, S&P, and Fitch.
9. The financial institution shall segregate and identify on its books and records as belonging to the El Paso County all securities delivered by or for the account of El Paso County which are held by the financial institution.
10. Monthly account statements delivered in electronic file format, as well as paper statements – The statements shall include the following information on each security: cusip number, par value, cost value, book value, and market value.
11. The financial institution shall rely and act only upon written instructions signed by two authorized persons from El Paso County. El Paso County will provide the financial institution with a sample of authorized signatures. If the financial institution has in place a system for providing telecommunication or other electronic access or other means of direct access, El Paso County will use such system for inquiries only.
12. The financial institution shall provide the El Paso County with monthly detailed invoices for every single service charge.

### **Legal Collateral Requirement Specifications**

Allowable securities

Collateral must consist of the following:

- U.S. Treasury Notes
- U.S. Treasury Bills
- Government National Mortgage Association Certificates
- Federal Farm Credit Banks Notes and Bonds
- Federal National Mortgage Association Notes and Bonds
- Federal Home Loan Mortgage Association Notes and Bonds

### **Required Level of Collateral**

The initial amount of securities to be pledged against El Paso County shall be adequate to fully collateralize the funds of El Paso County according to the State laws of Texas and shall continuously remain as such. The amount is subject to change as deposits fluctuate with the approval of the County Auditor.

At all times, the market value of collateral including accrued interest must be equal to or greater than 120% of the sum of the par value of the certificates of deposit plus accrued interest, the daily bank ledger balances, and the overnight investment facility balances, less funds insured by Federal Deposit Insurance Corporation.

### **Monitoring of Collateral**

Bank is responsible for notifying the County of any deficiencies in its pledged collateral on a daily basis, as well as obtaining additional collateral to cover the deficiency. Reduction and or release of Collateral must be approved by commissioners court and signed by the county judge. Currently, Commissioners Court meets every Monday. Exchanging securities must be approved by the county auditor and signed by the county judge.

### **Location of Collateral**

Bank must deposit all collateral pledged to secure County funds at the Federal Reserve Bank in Dallas or mutually agreed upon third party with a notation that the securities are pledged to the County. Depository safekeeping receipts should be furnished to County Auditor evidencing the pledged securities. Securities pledged to the County shall be placed in safekeeping by the depository and subdepository bank and the original of the safekeeping receipt shall be given to the County Auditor. Securities so pledged shall be subject to physical inspection by a member of Commissioners Court and/or the County Auditor or their authorized representatives during regular banking hours. Collateral security will be pledged only "To the Commissioners Court of El Paso County, Texas". Release of collateral must be approved by Commissioners Court and signed by the County Judge.

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(Bidding Bank)

By: 

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(Authorized Bank Officer)



## **TENTATIVE SCHEDULE**

<b>December 11, 2006</b>	Agenda item to approve bid specifications and authorize County purchasing agent to solicit bids for said services approved by Commissioners Court.
<b>December 17, 2006</b>	Purchasing publishes advertisement (RFP) in El Paso Inc.
<b>January 19, 2007</b>	Deadline for applicants to request additional information is at 12:00 pm.
<b>February 23, 2007</b>	Purchasing opens sealed bids at 2:00 p.m., spreadsheet of bids prepared and turned over to County Auditor's Office or committee for review and recommended selection.
<b>April 8, 2007</b>	Publish notice pursuant to <i>Texas Local Government Code § 116.022</i> .
<b>April 15, 2007</b>	Publish notice pursuant to <i>Texas Local Government Code § 116.022</i> .
<b>April 22, 2007</b>	Publish notice pursuant to <i>Texas Local Government Code § 116.022</i> .
<b>April 23, 2007</b>	Disposition of bids by Purchasing during Commissioners Court, Commissioners award depository contract.
<b>May 14, 2007</b>	County Depository Contract and Collateral Pledge Agreement are presented to Commissioners Court for acceptance and approval pursuant to the <i>Texas Local Government Code, § 116.025 and § 116.051</i> .

**El Paso County**  
**FEE CALCULATOR**  
**Bank Services Activity**  
**Fiscal Year 2006 (October 05 - September 06)**

Service	Service Charge		
	Number of Units	Cost Per Unit	Total Cost
<b>Checking Activity:</b>			
Overdraft Interest	0		\$0.00
Debits Posted	141,240		\$0.00
Credits Posted	14,974		\$0.00
Return Items	690		\$0.00
Non-sufficient Funds	5		\$0.00
Re-clears	0		\$0.00
Stop Payments	318		\$0.00
Item Encoding	352,536		\$0.00
On-Us Items	6,792		\$0.00
Local Items	53,237		\$0.00
Local FED/RCPC Items	0		\$0.00
TX Items	0		\$0.00
Transit Items	277,533		\$0.00
Commercial Account Maint	510		\$0.00
Electronic Credit Posted	4,131		\$0.00
Electronic Debit Posted	2,797		\$0.00
Collection Items	2		\$0.00
Wire Transfers	109		\$0.00
<b>Disbursement Services:</b>			
Positive Pay Monthly Maint	381		\$0.00
Positive Pay Issued	114,981		\$0.00
Positive Pay Paid	113,112		\$0.00
Positive Pay Void	4,592		\$0.00
Positive Pay Reversed	3,506		\$0.00
Positive Pay No Issue	0		\$0.00
Image - CD Rom Statement	449		\$0.00
Image Safekeeping per Item	155,844		\$0.00
Safekeeping Maint	0		\$0.00
<b>Lobby Services:</b>			
Branch Strap Shipped	2,677		\$0.00
Branch Coin Shipped	3,608		\$0.00
Branch Note Processed	938,763		\$0.00
<b>Vault Services:</b>			
Check Only Deposits	1,610		\$0.00
Vault Adj/Corrections	39		\$0.00
Non-standard Bag Fee	0		\$0.00
C-mixed Deposit Vault	12,966		\$0.00
C-mixed Note/Food Stamp	0		\$0.00
Misc. Charge-Chks/Deposits	0		\$0.00
Misc. Charge - Paper Straps	10		\$0.00
<b>ACH Services:</b>			
File Transmission	112		\$0.00
Single ACH Transmission	794		\$0.00
Credits/Debits	71,679		\$0.00
Debits Originated	912		\$0.00
Receiving Addenda	4,131		\$0.00
Correction	0		\$0.00
Return Report via Fax	0		\$0.00
Notice Report via Fax	0		\$0.00
<b>Information Reporting:</b>			
Online Reporting Monthly Maint	510		\$0.00
<b>Amount Due:</b>			<b>\$0.00</b>

**El Paso County  
INTEREST CALCULATOR  
Average Balance for Fiscal Year 2006  
(October 05 - September 06)**

Average Balance: 42,088,906.91

<u>Month</u>	<u>APY</u>	<u>APR</u>	<u>Interest</u>
Oct-05	<input type="text"/>	<input type="text"/>	<input type="text"/>
Nov-05	<input type="text"/>	<input type="text"/>	<input type="text"/>
Dec-05	<input type="text"/>	<input type="text"/>	<input type="text"/>
Jan-06	<input type="text"/>	<input type="text"/>	<input type="text"/>
Feb-06	<input type="text"/>	<input type="text"/>	<input type="text"/>
Mar-06	<input type="text"/>	<input type="text"/>	<input type="text"/>
Apr-06	<input type="text"/>	<input type="text"/>	<input type="text"/>
May-06	<input type="text"/>	<input type="text"/>	<input type="text"/>
Jun-06	<input type="text"/>	<input type="text"/>	<input type="text"/>
Jul-06	<input type="text"/>	<input type="text"/>	<input type="text"/>
Aug-06	<input type="text"/>	<input type="text"/>	<input type="text"/>
Sep-06	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Total</b>			<input type="text"/>

Please provide the interest the El Paso County would have earned last fiscal year using your proposed rate of return. Please furnish adequate information about the index and or instruments used to arrive to the proposed rate.

El Paso County  
Daily Bank Balances Analysis  
Fiscal Year 2006 (October 1, 2005 to September 30, 2006)

Account Name	Average Daily Balance	Highest Daily Balance Per Single Account ANY DAY	Highest Daily Balance ALL Accounts Combined Same Day-09/14/06
<b>Tax Office</b>			
Ad Valorem	467,497.07	6,430,197.43	86,604.70
Automobile	3,937,588.62	7,678,988.32	2,911,685.33
Vehicle Inventory Escrow	2,926,913.11	4,599,708.64	3,476,227.95
Discretionary Fund	263,042.98	347,372.10	317,291.40
<b>County Clerk</b>			
Civil	10,490.91	46,791.97	7,285.80
General	128,882.05	365,954.83	79,161.22
Escrow Funds	4,794.12	7,751.42	5,438.09
<b>Adult Probation</b>			
Regional Adult Probation	1,774,231.53	5,223,145.19	2,643,415.68
Restitution	376,809.67	482,912.76	352,378.02
<b>Sheriff</b>			
General	37,294.59	72,669.14	17,164.87
Legal	299,228.23	1,718,682.57	46,600.18
Abandoned Vehicle	220,135.66	343,421.03	341,948.27
Abandoned Vehicle Escrow	99,898.00	193,104.59	13,129.24
Inmate Escrow	4,538.58	10,146.59	0.00
Inmate Trust Fund	208,115.31	274,593.94	220,392.73
Forfeiture	76,328.96	78,606.92	74,661.51
Justice Forfeiture	329,250.08	453,506.72	346,781.02
Asset Sharing Fund	102,491.99	104,764.62	104,328.49
<b>District Clerk</b>			
Fee	105,326.96	346,906.59	55,680.07
Jurors Payroll	60,849.60	85,460.64	63,071.00
<b>El Paso County</b>			
Payroll Fund	402,181.06	3,265,476.70	3,238,929.79
Health And Life Benefit Fund	1,301,414.16	2,204,823.95	1,809,432.86
Retirement Fund	1,359,815.23	2,463,431.93	2,460,420.91
Social Security Fund	108,072.16	1,176,876.55	1,145,300.08
County Attorney's Office Bad Check Fund	205,404.91	256,329.79	244,372.25
Consolidated Fund	17,608,799.04	44,245,015.40	36,137,806.04
125 Benefits Fund	68,844.99	95,990.37	75,035.49
Workers Compensation Fund	184,963.03	251,878.70	146,564.83
EPSOA Benefits Fund	72,786.13	134,153.02	57,886.18
Individual Development Parallel Account	10,428.56	15,527.12	6,409.26
Individual Development Reserve Account	462,168.45	468,419.97	465,262.52
<b>District Attorney</b>			
Jaime Esparza-Special Account	797,949.09	878,983.54	806,572.98
Forfeiture Seizure	350,556.10	676,702.76	287,982.68
Real Estate Seizures	551.99	911.59	0.00

Average Daily Balance: 34,367,642.92

Highest Daily Balance Same Day: 58,045,221.44

**Non Interest Bearing Accounts**

Tax Office-Automobile Sales Tax	403,985.67	4,034,536.02	767,685.21
County Clerk-Probate And Lunacy	2,442,423.54	3,058,633.78	2,113,432.12
County Clerk-Cash Bonds	1,889,932.63	1,960,904.84	1,955,244.34
Adult Probation-Restitution Center	108,365.91	169,091.32	153,796.75
Sheriff-Special Bond	400,536.09	481,132.36	408,481.43
DRO-Support	15,199.33	28,767.50	6,861.76
District Clerk-Trust	1,713,769.61	2,681,794.32	1,972,871.22
District Clerk-Deposit Account	694,427.37	787,008.62	603,073.33
Auditor's-Housing Financial Corporation	52,623.84	52,623.84	52,623.84

Average Daily Balance: 7,721,263.98

Highest Daily Balance Same Day: 8,034,070.00

Average Daily Balance All Accounts: 42,088,906.91

Highest Daily Balance All Accounts Same Day: 66,079,291.44

## 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

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\* All four (4) pages of this document must be included in all responses.



# 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  
CLAUDIA SEPULVEDA, BID CLERK/BUYER

## 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 #06-117, Depository and Subdepository Bank for the El Paso County

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 Dolores Briones  
Commissioner Larry Medina  
Commissioner Betti Flores  
Commissioner Miguel Teran  
Commissioner Dan Haggerty

County Employees: Piti Vasquez, Purchasing Agent  
Jose Lopez, Jr., Assistant Purchasing Agent  
Claudia Sepulveda, Bid Clerk/Buyer  
Cygne Nemir, Supervising Attorney  
Dorothy Miranda, Accounting Manager Tax Office  
Wallace Hardgrove, Budget/Finance Manager  
James Utterback, Cash Management and Debt Service Supervisor  
Luis C. Martinez, Treasury Supervisor

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