



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., **Wednesday, December 19, 2007** to be opened at the County Purchasing Office the same date for **Drug Testing and Laboratory Services for Juvenile Probation Department.**

Bids must be in a sealed envelope and marked:

“Bid to be opened December 19, 2007

Drug Testing and Laboratory Services for Juvenile Probation Department

Bid #07-166”

Any questions or additional information required by interested vendors must be submitted in writing to the attention of the County Purchasing Agent before Tuesday, December 11, 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 #07-166 Drug Testing and Laboratory Services for Juvenile Probation Department 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 two (2) 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

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

**Drug Testing and Laboratory
Services for Juvenile Probation
Department**

Bid #07-166



**Opening Date
Wednesday, December 19, 2007**

The purpose for this Proposal is for the El Paso County Juvenile Probation Department (JPD) to contract for the purchase of various drug testing kits. The contract will also provide for confirmation testing of positive results by a SAMSHA approved laboratory. Multiple providers may be selected at the discretion of the JPD.

I. SCOPE OF WORK

Successful vendor shall furnish and deliver point-of-collection urine drug screening supplies and collection supplies for laboratory services for the El Paso County Juvenile Probation Department (JPD). Vendor shall also provide LOD confirmatory testing (GC/MS) of submitted urine specimens that screen positive using the vendor's point-of-collection device. The contract will be for a period of one year or until all items and/or services ordered prior to the expiration date have been satisfactorily provided. All transportation and delivery charges of any kind must be included in the bid price.

JPD estimates that approximately 8,000 urine specimens are collected for on-site testing on an annual basis and approximately 100 are sent for laboratory testing annually. All urine specimens, including onsite tests conducted with integrated collection and screening devices shall include an indicator of creatinine which is out of range and/or that the specimen is suspected of being diluted.

Vendor shall provide:

SCREENING SUPPLIES

Integrated collection and screening devices utilizing single-step, solid-phase immunoassay to detect the presence of the following or their metabolites at the indicated concentrations: cocaine (300ng/ml), delta-9-tetra-hydrocannabinol (50ng/ml), amphetamine (1,000ng/ml), methamphetamine (1,000ng/ml), opiates (both 300ng/ml and 2,000ng/ml), barbiturates (300ng/ml), and/or benzodiazepine (300ng/ml). The integrated screening device shall be incorporated into the collection cup body or lid. Screening shall be accomplished within the closed confines of the specimen cup without the use of additional reagents, and without any additional handling or transfer of urine by pouring, pipette, or other means.

The screening device must have a read time of five (5) minutes or less. The screening device must have built-in test control. Screen results must be easy to read without subjective interpretation of color gradations or line intensity.

Screens must be optimized for detection at the current detection cutoff levels established by the Substance Abuse and Mental Health Services Administration (morphine screens must be optimized for detection at both 300ng/ml and 2,000ng/ml), and must be approved by the U.S. Food and Drug Administration for commercial distribution with a 510(k) notification.

The screening device must not require refrigeration, and information concerning the shelf life of the product at room temperature must be provided. Minimal shelf life from date of shipment should be one year. Specimen cups must be leak proof and suitable for collection, screening, and safe transport or shipment of specimens. The vendor must ship all supplies necessary to perform testing (e.g., screening devices, specimen cups, sealing tape).

When multiple panels are available on one test kit, the proposal must provide information on available configurations. The vendor must provide training to staff upon request of the department and shall work with department staff to accomplish electronic data transfer of results compatible with existing and future systems used by the Department.

I. Cup Design Requirements:

- a. Fully integrated, without a separate testing device
- b. Must test for multiple drugs
- c. No other manipulation, pouring, tipping, turning, tilting, test card pipette, dropper or dipper required.
- d. Cup must be able to detect a minimum of 5 drugs simultaneously
- e. The department reserves right to change screens at no additional cost
- f. Cup must be of clear plastic with a screw top lip
- g. Cup will not leak during air/ground shipping
- h. Cup's mount 2 ¼" diameter and at least 3" high
- i. Cup must have minimum fill line/mark at least 30 ml clearly displayed on the outside of the cup
- j. Cup must have temperature label installed horizontally at the most bottom portion of the cup which provides color coded indication for temperatures ranging from 90F/32C to 100F/38C in 1 or 2 degree increments
- k. The test panel results must be covered by a label
- l. The test results must appear within five minutes and remain stable up to a minimum of 30 minutes
- m. Cup must be FDA approved for commercial distribution with an active 510K notification document.
- n. Contractor will provide the following samples upon proposal submission
 - i. 2 product samples of each on-site cup described in your proposal submission
 - ii. Shipping bag
 - iii. Shipping container that will hold specimen cups
 - iv. Chain of custody forms

II. Supplies/Report Forms:

- a. Each sterile on-site cup will be provided in a sealed bag with lot number, expiration date, drugs cut-off levels (sensitivity of test)
- b. Cup must have a desiccant that maintains relative humidity per manufacturer's specifications
- c. Instructions for use must be printed on the cups on the outside of the sealed bag
- d. Product must have a shelf life of 12 months from date of delivery
- e. Contractor to provide clear sealable shipping bags and sturdy cardboard shipping containers for shipping positive results for lab confirmation
- f. Contractor will provide for each single donor cup a preprinted chain of custody with specimen ID not to exceed 10 characters and a self adhesive peel off label with matching specimen ID number (long enough to seal the lid of the cup)
- g. Label must have line to enter collection time, date and client's initials, and two additional smaller self adhesive peel off labels with matching specimen ID
- h. The supplied chain of custody form will consist of two (2) self carbonized parts (original and copy)

- i. The client's identity must be blocked out on the copy (Client's name, identification number, and (certification/signature)
- j. Urine collection procedures must be printed on the custody form.

Each responding vendor shall provide a columnar arrangement (table) of each multi-screen panel available for purchase that shall contain the following information:

- the vendor's product number for the cup and lid (if applicable)
- the vendor's product number for each panel described
- a description of the drug(s) or drug category(ies) screened with each panel
- the unit cost for each such item, which shall include and itemize the cost of the screen panel, the cup and lid, any shipping costs, and any costs for ancillary items (e.g., sealing tape, chain of custody forms, or labels).

The costs shall be based on an annual quantity of approximately eight thousand - (8,000) integrated collection and screening devices.

The bidding vendors must include 2 samples of each proposed product with the RFP response.

LABORATORY SERVICES

The laboratory shall perform an initial test on all specimens that includes validity testing (i.e. creatinine, specific gravity, and pH) and immunoassay.

SAMHSA screening cutoff levels will be observed when established for a particular class of drugs. Any specimen that does not test negative on the initial test must receive confirmation testing by gas chromatography/mass spectrometry (GC/MS). SAMHSA confirmation cutoff levels will be observed when established for a particular drug. Drug or metabolite concentrations must be reported at LOD with the confirmation results. The vendor's bid must specify the individual drugs or metabolites within a drug class for which the vendor will report at the quoted pricing. Confirmation for the presence of heroin must be included in the vendor's bid. The Department will not consider variable pricing based on the number of drugs or metabolites to be confirmed in a given specimen (i.e., "per analyte" basis). If a different pricing structure applies to a particular drug or metabolite, the vendor should supply the individual drug's testing cost. Analysis results for each specimen shall be received within 24 hours of collection for a negative test result and 48 hours for a positive result. **However, a 24 hour response time to both positive and negative test results is preferred.**

CONFIRMATION TESTING (GC/MS)

The vendor's laboratory must have Substance Abuse and Mental Health Services Administration or the College of American Pathologists accreditation at the time of response, and accreditation documentation must accompany responses to this RFP.

All confirmed positive samples must be maintained for a minimum of twelve (12) months. All records of samples tested must be made available (electronically) to the Department(s) and maintained for three (3) years.

Results of confirmation analysis must be provided to the Department(s) within 24 to 48 hours of the laboratory's receipt of the affected specimen. **However, a 24 hour response time is preferred.**

DRUG CUTOFF CONCENTRATION LEVELS

Presumptive (POCT)	ng/ml	Notes
Marijuana metabolites	50	
Cocaine metabolites	300	
Opiate metabolites	300 ng/ml	
Amphetamines	1,000 ng/ml	
Barbiturates	300 ng/ml	
Benzodiazepine	200 ng/ml	
Methamphetamine	1,000 ng/ml	
Confirmatory (GC/MS)		
Marijuana metabolites	10ng/ml	Delta-9-tetrahydrocannabinol-9-carboxylic acid
Cocaine metabolites	150 ng/ml	
Opiate:		
Morphine	260 ng/ml	
Codeine	260 ng/ml	
6-Acetylmorphine	260 ng/ml	When morphine concentration > 2,000ng/ml
Amphetamine:		
Amphetamine	260 ng/ml	
Methamphetamine	260 ng/ml	300ng (MDAM/MDA, Ecstasy)
Barbiturates	300 ng/ml	
Benzodiazepine	300 ng/ml	

Types of drugs to be screened (at a minimum):

Opiates:

Codeine
Hydrocodone
Hydromorphone
Morphine
Heroin
Dextromethorphan (DXM)
Methadone

Amphetamines:

Amphetamine
Methamphetamine
MDA-3,4-Methylenedioxyamphetamine
MDMA-3,4-Methylenedioxymethamphetamine

Benzodiazepine:

Diazepam
Oxazepam
Flurazepam

Barbiturates:

Phenobarbital
Seconal
Butalbarbital

Ethanol:

.05%

Secobarbital
Amobarbital

The proposing laboratory must work with the JPD to develop chain of custody and report forms that can be produced in an automated fashion and fit the operation of th JPD. Preference is for the electronic transmission of information concerning collection and result reports between vendor and the JPD.

II. PRICING:

The proposed pricing must include the costs of all necessary collection supplies and transportation of urine specimens from the JPD to the laboratory. Transportation of specimens must occur as needed by the JPD but no less than once each weekday (Monday through Friday). Pick up times must be no later that 6:00 p.m. Monday through Friday.

Prices provided shall include shipping and reporting costs based on the quantities indicated. Please indicate clearly whether proposed pricing is on a “per specimen” or “per drug class” basis.

Screen – Laboratory Services per specimen \$ _____

GC/MS Confirmation per specimen \$ _____

per drug class \$ _____

Screen and GC/MS Confirmation per specimen \$ _____

Responses shall include a listing of all drugs within each class for which confirmation is routinely available without additional charge.

For example:

Under SAMHSA guidelines, a positive opiate screen normally would trigger confirmation for morphine and codeine, and for heroin, if morphine confirms above a certain level. JPD is interested in knowing via your proposal response whether you would charge for contamination of those, or for other opiates (e.g., hydrocodone, hydromorphone), without additional charge.

III. PERFORMANCE MEASURES

Vendor shall agree to the following performance measures:

Strategy 1: Providing training, on site at JPD on the use of drug screening/collection instruments.

Measure: 100% of all requests for training on site, of the test instruments purchased from the vendor, will be provided during the term of the contract.

Adjustment: Any problems that arise related to responding to requests for training will be handled by calling and/or meeting with the vendor, as necessary.

Strategy 2: Provide drug test/collection kits, as detailed in the response to the request for proposal, during the contract period.

Measures: 100% of all tests kits purchased will be provided during the contract period within mutually agreed upon time frames and in excellent condition.

Adjustment: The vendor will reimburse JPD 100% per unit for each unit that is not in excellent condition and fails to meet the specifications set forth in the request for proposal.

IV. EXPERIENCE AND PAST PERFORMANCE:

Describe your company's familiarity and proven experience with this type of contract. Provide evidence of your demonstrated ability to serve the needs of the El Paso County Juvenile Probation Department. Describe in detail your company's past successful contract completion and responsibilities under past or current contracts similar in size and scope as detailed in this RFP.

1. Describe your organization (form of business, size, years of experience, types of services provided).
2. Describe the experience and educational background of your administrative staff.
3. List other organizations, with contact name and phone number, for whom you have provided similar services.
4. Attach current copies of relevant licenses and certifications.

V. CUSTOMER SERVICE AND QUALITY ASSURANCE:

Describe your company's commitment to quality assurance and what procedures your company has to address contract dispute problems, delivery problems, i.e. shortages, back-orders, late delivery, partial deliveries, inaccurate invoicing, etc. Describe the job duties of the primary customer service representatives that will be made available to place orders, address product concerns, and the work days, and hours of operation for the Customer Support Department of your company and the distribution centers. Detail if after-hour or weekend emergency order placement, and delivery of product is available. Describe your company's ability to respond to after hour or weekend emergency orders and if delivery of products is available during non-routine working hours.

VI. TECHNOLOGY STATEMENT:

Should new on-site technology (on-site testing kits) become available during the contract period, the Contractor will provide those cups to the El Paso County Juvenile Probation Department for evaluation/consideration.

If new technology (on-site testing kits) results in discontinued use of contracted product, then the new acceptable technology will be provided to the County at no additional cost.

VII. PROPOSAL EVALUATION:

A representative from the El Paso County Purchasing Department will open the proposals immediately after the deadline and will record them. A representative from the El Paso County Juvenile Probation Department will perform a preliminary review of the proposals to determine compliance with the mandatory requirements of this RFP. A team of individuals will review and score all proposals.

The contents of any proposal shall be kept confidential during the evaluation process.

All proposals received by the El Paso County Purchasing Department on or before the submission deadline shall become the property of the El Paso County Juvenile Probation Department and shall not be returned to the applicant. The El Paso County Juvenile Probation Department shall have the right to use any or all ideas contained in the proposal. Acceptance or rejection of a proposal shall not affect this right.

Proposals shall be evaluated utilizing the following weighted criteria. It is important that proposals address each item in sufficient detail to provide the best possible evaluation:

Response to Scope of Work (drug screening Supplies, laboratory supplies, chain of custody, and forms.	50%
Qualifications and Experience of the Supplier and Laboratory	25%
Costs	25%
TOTAL	100%

RENEWAL OPTION

El Paso County may consider two (2) one year renewal options, based upon the same terms, conditions and pricing as the original year. Once the renewal options are exhausted, the contract must be rebid. If a proposer does not wish to consider a renewal, write "N.A." in the space for the year indicated.

El Paso County retains the option to rebid at any time if in its best interest and is not automatically bound to renewal or rebid.

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
LUCY BALDERAMA, 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 #07-166, Drug Testing and Laboratory Services for Juvenile Probation Department

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
Pete Gutierrez, Buyer II
Linda Gonzalez, Inventory Bid Technician
Lucy Balderama, Inventory Bid Technician
Augustine Pacheco, Field Compliance Officer
Rosie Medina, Pave Program Coordinator
Kim Shumate, Intake Officer
Miguel Ortiz,

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

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

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.

OFFICE USE ONLY

Date Received

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) serves as an officer or director; or

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

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

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

(A) is a local government officer; and

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

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

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

(1) September 1 of each year in which an activity described by Subsection (a) is pending; and

(2) the seventh business day after the date of an event that would make a statement in the questionnaire incomplete or inaccurate.

(e) A person is not required to file an updated completed questionnaire under Subsection (d)(1) in a year if the person has filed a questionnaire under Subsection (c) or (d)(2) on or after June 1, but before September 1, of that year.

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

(g) It is a defense to prosecution under Subsection (f) that the person filed the required questionnaire not later than the seventh business day after the date the person received notice of the violation.

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

§ 176.001. Definitions

In this chapter:

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

(2) "Family member" means a person related to another person within the first degree by consanguinity or affinity, as described by Subchapter B, Chapter 573, Government Code.

(3) "Local governmental entity" means a county, municipality, school district, junior college district, or other political subdivision of this state or a local government corporation, board, commission, district, or authority to which a member is appointed by the commissioners court of a county, the mayor of a municipality, or the governing body of a municipality. The term does not include an association, corporation, or organization of governmental entities organized to provide to its members education, assistance, products, or services or to represent its members before the legislative, administrative, or judicial branches of the state or federal government.

(4) "Local government officer" means:

(A) a member of the governing body of a local governmental entity; or

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

(5) "Records administrator" means the director, county clerk, municipal secretary, superintendent, or other person responsible for maintaining the records of the local governmental entity.

COUNTY OF EL PASO, TEXAS

Solicitation Check List

**Drug Testing and Laboratory Services for Juvenile Probation
Department
Bid #07-166**

THIS CHECKLIST IS PROVIDED FOR YOUR CONVENIENCE

_____ Responses should be delivered to the County Purchasing Department by 2:00 p.m., Wednesday, December 19, 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?
