



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 26, 2007** to be opened at the County Purchasing Office the same date for **Drug Testing Services for the Family Drug Court Program.**

Bids must be in a sealed envelope and marked:
"Bid to be opened December 26, 2007
Drug Testing Services for the Family Drug Court Program
Bid #07-172"

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 18, 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 #07-172 Drug Testing Services for the Family Drug Court Program 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 Services for the Family Drug Court Program

Bid #07-172



**Opening Date
Wednesday, December 26, 2007**

**65th District Court Family Drug Treatment Court Program
Purchase of Drug Testing Service Re-Bid,
RFP Number 03-109**

DRUG/ALCOHOL TESTING: Laboratory testing for drugs and alcohol is required on an immediate basis and requires written result to be returned to the 65th District Court Family Drug Treatment Court Program and the Child Protective Services Department by Contractor within a short deadline regarding the lack or presence of indications of substance abuse as described below:

A. Interaction with donors: Upon notification by the 65th District Court Family Drug Treatment Court Program, the Contractor must perform the requisite tests on the client (the "donor"). Positive identification of the donor must be established by the Contractor prior to the test in accordance with the SAMHSA (Substance Abuse and Mental Health Services Administration) requirements. The Contractor must fully instruct the donor on all applicable steps of the sample collection procedure.

B. 10 Panel Testing: The 65th District Court Family Drug Treatment Court Program requires 10-panel drug testing for drug metabolites listed below:

Amphetamines
Cocaine
Opiates
Phencyclidine (PCP)
Cannabinoids (Marijuana)
Barbiturates
Benzodiazepines
Methaqualone
Methadone
Propoxyphene

C. Alcohol Testing: Requests for laboratory testing for alcohol must be identified in the remarks section of the service authorization presented to the primary contractor. The process is the same as the 10-panel testing process. Testing methodologies may include urine analysis and breathalyzer test.

D. Lysergic Acid Diethylamide (LSD) Request for laboratory testing for (LSD) must be identified in the remarks section of the service authorization presented to the primary contractor. The process is the same as the same as the 10 panel testing process.

E. Laboratory drug testing requirements: The Contractor must comply with the following requirements:

I. The person doing the testing must meet all qualifications established by SAMSHA (Substance Abuse and Mental Health Services Administration) for performing such tests.

- Personal viewing: The contractor or contractor's staff must personally view the donor in the act of voiding if requested on caseworker's authorization form.
- Split sampling: The testing facility must divide all urine samples, transfer them into two containers, and seal the containers in the presence of the donor, who must sign or initial each seal.
- Retain sufficient sample: The testing facility must retain a sufficient amount of urine in a manner that must preserve its susceptibility to accurate future testing.
- Prevent tampering: The Contractor must closely monitor the donor and the collection facility to prevent any potential tampering with or switching of samples or test results. If the Contractor suspects that tampering has occurred, the Contractor must test for tampering. (How do you test for tampering?)
- Chain of custody document: A chain of custody document must accompany each sample container. The document must include the time the individual arrived at the testing facility and the time the sample was taken. The Contractor must retain a copy of the chain of custody document for 3 years.
- Positive test results: Urinalysis tests that have positive results for a drug metabolite are subject to confirmation tests using the GC/MS process from the same specimen. Reports of the initial and confirmation test results must indicate the test method used. The testing facility must retain samples that test positive for at least one year.
- Detection levels: The detection and confirmation levels for the drug/metabolites results must be as designated by SAMHSA if applicable, or as accepted industry levels as follows:

GC/MS

	<u>Initial test ng/ml</u>	<u>Confirmation ng/ml</u>
Amphetamine/Methamphetamine*	1,000	500
Cocaine metabolite*	300	150
Opiates (codeine/morphine)*	2,000	2,000
Heroin as 6 Acetyl morphine	2,000	
Phencyclidine (PCP)*	25	25
Cannabinoids (Marijuana)*	50	15
Barbiturates	200	100
Benzodiazepines	200	100
Methaqualone	200	100
Methadone	200	100
Propoxphene	75	75

*SAMHSA

II. Notification of test results: The Contractor must notify the 65th District Court Family Drug Treatment Court Program and the Child Protective Services Department of all negative results via telephone/fax or e-mail within *two workdays* of the test, with a copy delivered to the 65th District Court Family Drug Treatment Court Program and the Child Protective Services Department POC, (Point of Contact) via first class mail within *7 days* after the test. The Contractor must notify the 65th District Court Family Drug Treatment Court Program and the Child Protective Services Department of all positive results via telephone within *twenty-four hours* of the test, with a copy delivered to the 65th District Court Family Drug Treatment Court Program and the Child Protective Services Department POC via first class mail within *7 days* after the test. The Contractor must mark each written communication with the 65th District Court Family Drug Treatment Court Program and Child Protective Services Department "Confidential". The Contractor must include the chain of custody document with the test results.

- The provider must have access to the services of a certified Medical Review Officer, either as an employee or subcontractor of the contractor. (What does this mean?)
- Monthly Reporting: The Contractor must provide monthly summary reports to the 65th District Court Family Drug Treatment Court Program and the Child Protective Services Department which include: the type of test conducted, date of tests, number of tests scheduled, number of tests completed, number of excused incomplete tests, issue resolution time frames, number of positive and negative results, and other reports as requested.

- The provider must participate in the 65th District Court Family Drug Treatment Court Program treatment team and hearing at least once a month to personally report to the 65th District Court Judge and Treatment Team members.

III. Confidentiality: Only those persons who have a need to know test results to effectuate and administer testing must receive information regarding the identity of donors who test positive for an alcohol concentration of 0.04 or more or a drug metabolite.

*Attending the 65th District Court Family Drug Treatment Court Program Treatment Team Meetings and Hearings is not formal and documented, but will require the provider to provide the following information: the intent to testify about the validity of laboratory test results involving a CPS client whom the Contractor has served, whether or not the testimony is actually provided.

NOTE: This service is NOT optional and is NOT billable. No travel expenses or other costs are paid.

Litigation support and expert witness testimony:

The Contractor must provide a litigation support package if a test result is legally challenged and must have qualified personnel available to testify in legal proceedings upon the Department's request. The litigation support package must consist of the following as a minimum:

- Copies of information documents, which our referred clients must be asked to complete. Specifically those listings of any legal or illegal controlled substances and or alcohol consumed within the last 3 months, including vitamins and "over the counter" medications, and any food and or beverages consumed within the last 3 days prior to the test.
- Information concerning methodology and procedure for testing. The Contractor must furnish the following information regarding methodology and procedures for testing:
- Procedures: Please include any forms to be completed by the individual conducting the test, such as a form where said individual enters the temperature of the urine sample, date and time taken, initials it and records what is done with the sample. Any information concerning the procedures, which you and your subcontractors may use to ascertain validity/integrity of the sample and "chain of custody". This information should be as specific as possible and should cover such items as: employee needs to observe urine analysis while client/parent produces a sample and then hand to employee.

Then immediately the employee will take the temperature, labels the sample with the client/parent's name or i.d. number, and places the sample in a locked refrigerator. No one except for the following people [list of names of those persons] has access to the refrigerator where the samples are stored, and they must sign a log sheet each time they access said samples. When the subcontractors' employee arrives to retrieve samples, he must sign a receipt indicating the time, date, name or i.d. no. and type of each sample received, and from whom it is received. Our subcontractor's procedures and chain of custody are as follows: etc.

- Proof of required lab certification and licenses, and any proposed subcontractor's licenses and certification. The resumes of all of your employees supervising those with direct client/patient contact are required, as well as their licenses and certifications. It may be necessary in litigation to also require proof of licensure and certification of all employees and subcontractor's employees providing the contracted service, and those may be requested as part of awarding this contract.
- All procedures, policies and rules relevant to your handling and your proposed subcontractor are handling of "the chain of custody", of any samples or documents concerning the client/patient.
- Proof of any liability insurance for your and or your proposed subcontractors or Surety bonding of your and or subcontractors' employees, name, contact, phone number and address of said Surety or insurance company and permission for said Surety or Insurance Company to release information necessary to determine amount and extent of coverage.
- The name and address of your Agent for Service of Process and the same information for any proposed contractors.
- A statement as to whether or not there is any charge to the client/patient/parent for the testing, and whether there is any public transportation available near the site commonly used for testing.
- An explanation of any real or possible conflicts of interest between you and or your subcontractor, and or the Department, and or any parties to this proposed contract.
- Any other documentation deemed necessary by the Department related to the collection, transport, testing, counseling and reporting relevant to the case.

IV. RECORDKEEPING

Client Files: Upon receipt of complete referral information the Contractor must establish a client file, which must include, at a minimum:

- a. Service Authorization, Form 2054; and,
- b. any additional information relevant to the client.

Upon request the contractor must allow the Department to audit its facilities, processes and procedures during normal business hours to ensure compliance with the contract.

Documentation: All services provided to PRS clients, must be documented and placed in the client's file.

This documentation must include:

- documentation of depositions or testimony in court;
- documentation of client's failure to appear for testing to include the date of missed appointment.
- lab reports indicating the following:

the date the report was sent to the Department, type of services provided, and the date verbal & written report was provided to the Department.

V. CATCHMENT AREA

Contractor will provide drug testing services to clients in all of Region 10 counties to include El Paso, Culberson, Hudspeth, Jeff Davis, Brewster, and Presidio Counties.

MINIMUM QUALIFICATIONS

The potential contractor must meet the following requirements:

- Agree to follow the policies and directives contained in the actual contract documents.
- The primary contractor or the laboratory facility with which the primary contractor subcontracts for testing must be approved by the SAMSHA and provide evidence of such certification for the application to be considered.

- All service delivery staff to include subcontract staff must be appropriately certified and or licensed, as required by the State of Texas, and as appropriate to the services to be delivered.
- The contractor and his/her subcontractors must have professional liability insurance.

CLIENT ELIGIBILITY

Only those person(s) referred by the 65th District Court Family Drug Treatment Program (CPS cases) are eligible.

CONTRACT GOALS, OUTPUTS, AND OUTCOME MEASURES

The contractor shall provide the services described in Services Description and must be measured on performance in accordance with the following provisions:

Goal:

To develop sufficient drug/alcohol testing service sites to provide CPS staff with resources to obtain adequate and appropriate information to aid in the development of comprehensive recommendations to the court pertaining to continued parental rights parental access and visitation of the children, and the risk associated with that decision.

Output Measures:

Contractor to provide services as listed under Scope of Services described in paragraph VIII.

Accurate substance abuse laboratory test results.

The contractor conducted the testing and reporting within the time period specified by the Contract.

Clear accurate court testimony

Efficiency and Effectiveness Outcomes:

Testing and Reporting is conducted and meets all requirements necessary to retain appropriate certifications,

The contractor is available for court testimony upon request.

Contractor provides services only after receiving a properly completed service authorization form.

Contractor retains the required documentation.

The contractor submits invoices for payment within the time period specified in the contract.

Quality of Work Outcomes:

Services have been carried out as described in the Service Provisions section of the contract 100% of the time.

Contractor records are adequately maintained.

Contract Outcomes:

The Department expects certain results from the purchase of this service related to obtain Drug/Alcohol testing services.

Satisfaction with the quality of services and contract performance offered by the contractor.

Budget. The County of El Paso 65th District Court Family Drug Treatment Court Program shall reimburse the Contractor the negotiated rate as stated below for each service.

BILLING INFORMATION AND REQUIREMENTS

Clients will be referred to contractors via a CPS referral form (form 2054). Provider must have a 2054 before any type of payment can be made.

THE FOLLOWING RATES WILL BE PAID:

Ten Panel Urine Analysis (full screen) testing will be paid at a rate of \$25.00 per testing, includes confirmation.

Alcohol Breathalyzer test will be paid at a rate of \$20 per testing.

THE FOLLOWING RATE WILL NOT BE PAID:

65th District Court Family Drug Treatment Court Program Treatment Team and Hearing will not be billed

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 BLADERAMA, 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 #07-172, Drug Testing Services for the Family Drug Court Program

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
Connie Telles-Odom, Case Manager

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 Services for the Family Drug Court Program
Bid #07-172**

THIS CHECKLIST IS PROVIDED FOR YOUR CONVENIENCE

_____ Responses should be delivered to the County Purchasing Department by 2:00 p.m., Wednesday, December 26, 2007. Did you visit our website (www.epcounty.com) for any addendums?

_____ Did you sign the Bidding Schedule?

_____ Did you sign the "Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements; Federal Debt Status, and Nondiscrimination Status And Implementing Regulations" document?

_____ Did you sign the "Consideration of Insurance Benefits" form?

_____ Did you file a copy of the completed Conflict of Interest Questionnaire (Form CIQ) with the El Paso County Clerk (in person or by mail to 500 E. San Antonio, Suite 105, El Paso, TX 79901 or by fax to 915-546-2012 attention Joann) and write the confirmation number given as proof of filing on your bidding schedule? Please include the completed and signed form with your response whether a relationship exists or not.

_____ If your bid totals more than \$100,000, did you include a bid bond?

_____ Did you provide one original and two (2) copies of your response?
