



COUNTY OF EL PASO
County Purchasing Department
800 E. Overland, Suite 300
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, 800 E. Overland, Suite 300, El Paso, Texas 79901 before 2:00 p.m., **Wednesday, July 15, 2009** to be opened at the County Purchasing Office the same date for **H.M.A.C. Material Overlay Program for Road & Bridge.**

Bids must be in a sealed envelope and marked:
"Bid to be opened July 15, 2009
H.M.A.C. Material Overlay Program for Road & Bridge
Bid #09-058"

Any questions or additional information required by interested vendors must be submitted in writing to the attention of the County Purchasing Agent before Tuesday, July 7, 2009, 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 #09-058 H.M.A.C. Material Overlay Program for Road & Bridge 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*****

H.M.A.C. Material Overlay Program for Road & Bridge

Bid #09-058



**Opening Date
Wednesday, July 15, 2009**

H.M.A.C. GRADE C SPECIFICATIONS
FOR 12,000 TONS DELIVERED THROUGHOUT EL PASO COUNTY

MATERIALS:

Aggregate: Aggregates shall consist of crushed stone or crushed gravel with or without sand or other inert finely divided mineral aggregate. The portion of material retained on the No. 8 sieve shall be know as coarse aggregate, the portion passing the No. 8 sieve and retained on the No. 200 sieve as fine aggregate, and the portion passing the No. 200 sieve a mineral filler.

Coarse aggregate: Coarse aggregate shall consist of sound, tough, durable particles, free from adherent films of matter that would prevent thorough coating with the bituminous material. The percentage of wear shall not be greater that [**40] percent when tested in accordance with ASTM C131. (The sodium sulfate soundness loss shall not exceed [**9] percent, after five cycles, when tested in accordance with ASTM C88.)

Aggregate shall contain at least [**70] percent by weight of crushed pieces having two or more fractured faces and [**85] percent having at least one fractured face. The area of each face shall be equal to at least 75 percent of the smallest midsectional area of the piece. When two fractured faces are contiguous, the angle between the planes of fractures shall be at least 30 degrees to count as two fractured faces. Fractured faces shall be obtained by artificial crushing.

The aggregate shall not contain more than 8 percent, by weight, or flat or elongated pieces. A flat particle is one having a ratio of width to thickness greater than five; an elongated particle is one having a ration of length to width greater than five.

Fine Aggregate: Fine aggregate shall consist of clean, sound, durable, angular particles produced by crushing stone or gravel that meets the requirements for wear and soundness specified for coarse aggregate. The aggregate particles shall be free from coatings of clay, silt, or other objectionable matter and shall contain no clay balls. The fine aggregate, including any blended filler, shall have a plasticity index of not more than six when tested in accordance with ASTM D424, and a liquid limit of not more that six when tested in accordance with ASTM D423 or shall have a sand equivalent value not less than 45 in accordance with ASTM D2419.

Natural sand may be used to obtain the gradation of the aggregate blend or to improve the workability of the mix. The amount of sand to be added will be adjusted to produce mixtures conforming to requirements of this specification.

Sampling and Testing: ASTM D75 shall be used in sampling coarse and fine aggregate, and ASTM C183 shall be used in sampling mineral filler. The Contractor shall furnish documentation to the County confirming that the aggregates meet specification requirements.

Sources of Aggregates: Sources of aggregates shall be selected well in advance of the time the materials are required in the work. When the aggregates are obtained from a previously approved source or an existing source producing aggregates that has a satisfactory service record in bituminous pavement construction for at least five years, samples shall be submitted [**14] days prior to start of production. The County will make an inspection of the producer's operation. When new sources are to be developed, the supplier shall indicate the sources and shall submit a plan for operation [**30] days in advance of starting production. Samples from test pits, boring, source of aggregate does not relieve the supplier in any way of the responsibility for delivery at the job site of aggregates that meet the requirements specified herein.

Samples of Aggregates: the Supplier shall furnish Samples of aggregates at the start of production or at every 500 tons with a minimum of two per project. The County will designate the sampling points. The samples will be the basis of approval of specific lots of aggregates from the standpoint of the quality requirements of this section.

Filler: If filler, in addition to that naturally present in the aggregate, is necessary, it shall meet the requirements of ASTM D242.

BITUMINOUS MATERIAL: Bituminous material shall conform to the following requirements: {**AC-10 or AC-20 in accordance with ASTM D3381.}

The Supplier shall furnish certified test reports for each tankload of bitumen shipped to the project. The report shall be delivered to the County before permission is granted for use of the material. The furnishing of the vendor's certified test report for the bituminous material shall be the basis for final acceptance.

COMPOSITION:

Composition of Mixture: The bituminous plant mix shall be composed of mixture of aggregate, filler if required, and bituminous material. The several aggregate fractions shall be sized, uniformly graded, and combined in such proportions that the resulting mixture meets the grading requirements of the job mix formula.

Job Mix Formula: No bituminous mixture for payment shall be produced until the Engineer has approved a job mix formula. The formula shall be submitted in writing by the Supplier to the County at least [**10] days prior to the start of paving operations, and shall indicate the definite percentage of each sieve fraction of aggregate, the percentage of bitumen, and the temperature of the completed mixture when discharged from the mixer. All test data used to develop the job mix formula shall also be submitted, The job mix formula for each mixture shall be in effect until modified in writing by the County. Should a change in sources of material be made, a new job mix formula must be established before the new material is used.

The bituminous mixture shall be designed using procedures contained in Chapter III, MARSHALL METHOD OF MIX DESIGN, of the asphalt Institute's Manual Series No. 2 (MS-2), current edition, and shall meet the requirements of Tables 1 and 2. The temperature of the mix immediately prior to compaction shall be 250 degrees\ 5 degrees F [121 degrees\3 degrees C].

TABLE 1. MARSHALL DESIGN CRITERIA

Test Property	:	
Number of Blow	:	75
Stability, minimum pounds	:	1500
Flow, 0.01 in. (0.25mm)	:	8-16
Percent air voids	:	3-5
Percent voids in mineral aggregate	:	See Table 2

TABLE 2. MINIMUM PERCENT VOIDS IN MINERAL AGGREGATE

Maximum Particle Size	:	Minimum Voids in
in.	mm	Mineral Aggregate
		Percent
3/4	19.0	15
1	25.0	14
1 1/4	31.25	13

The mineral aggregate shall be of such size that the percentage composition by weight, as determined by laboratory screens, will conform to the gradation or gradations specified in Table 3 when tested in accordance with ASTM Standard C136 d(dry sieve). The percentage by weight for the bituminous material shall be within the limits specified.

The gradations in Table 3 represent the limits, which shall determine the suitability of aggregate for use from the sources of supply. The aggregate, as finally selected, shall have a gradation within the limits designated in Table 3 and shall not vary from the low limit on one sieve to the high limit on the adjacent sieve, or vice versa, but shall be uniformly graded from coarse to fine.

**TABLE 3. AGGREGATE - BITUMINOUS PAVEMENT SPECIFICATIONS GRADATION
BAND**

Sieve	Percentage by Weight Passing Sieves
Size:	GRADE C 3/4" mix
1 1/4 in. (30.0 mm)	---
1 in. (24.0 mm)	---
3/4 in. (19.0 mm)	100
1/2 in. (12.5 mm)	79-99
3/8 in. (9.5 mm)	68-88
No. 4 (4.75 mm)	48-68
No. 8 (2.36 mm)	33-53
No. 16 (1.18 mm)	20-40
No. 30 (0.600 mm)	14-30
No. 50 (0.300 mm)	9-21
No. 100 (0.150 mm)	6-16
No. 200 (0.075 mm)	3-6
Bitumen Percent	
Stone	4.8 - 5.5
Gravel	

TABLE 4. JOB MIX FORMULA TOLERANCES
(Based on a Single Test)

Material	:	Tolerance
	:	Plus or Minus
Aggregate Passing No. 4 Sieve or Larger	:	7 percent
Aggregate Passing Nos. 8 & 16 Sieves	:	6 percent
Aggregate Passing Nos. 30 & 50 Sieves	:	5 percent
Aggregate Passing Nos. 100 & 200 Sieves	:	3 percent
Bitumen	:	0.45 percent
Temperature of Mix	:	20 deg. F (11 deg. C)

The aggregate gradation may adjust a directed, without adjustment in the contract unit prices.

Deviation from the final approved design for bitumen content and gradation of aggregates shall not be greater than the tolerances permitted and shall be based on daily plant extraction. Extraction tests for bitumen content and aggregate gradation will be made at least twice daily. The mixture will be tested for bitumen content in accordance with AASHTO T30.

The completed mixture shall be sampled at the plant to retain job control. One sample shall be taken from each subplot on a random basis, in accordance with procedures contained in ASTM D3665. The lot size shall be consistent with that specified in paragraph 4.12 (a). Testing shall be in accordance with the Marshall method procedures contained in Chapter III of the Asphalt Institute Manual Series No. 2 (MS-2), current edition, except the temperature of the mix prior to compaction shall be 250 degrees F \ 5 degrees F (121 degrees C \ 2 degrees C). If any two consecutive Marshall test results of any property do not conform to the requirements shown in Tables 1 and 2, the Supplier shall take immediate corrective action. In no instance shall the percent air voids exceed \ 1 percent of the job mix formula value.

The County or his representative may halt production if the Marshall test criteria are not met and not allow it to resume until the problem is corrected.

If the index of retained strength of the specimens of composite mixture, as determined by ASTM D1075, is less than 75, the aggregates shall be rejected or the asphalt shall be treated with an antistripping agent. The amount of antistripping agent added to the asphalt shall be sufficient to produce an index of retained strength of not less than 75.

BITUMINOUS MIXING PLANT:

Plants used for the preparation of bituminous mixtures shall conform to the requirements of ASTM D995 with the following changes:

- {1} Truck scales: The bituminous mixture shall be weighed on approved scales furnished by the Supplier, or on public scales at the Suppliers expense. Such scales shall be inspected and sealed as often as the County deems necessary to assure their accuracy.
- {2} Testing Laboratory: The Supplier shall provide laboratory facilities for control and acceptance testing functions during periods of mix production, sampling, and testing and whenever materials subject to the provisions of these specifications are being supplied or tested. The laboratory shall provide adequate equipment, space, and utilities as required for the performance of the specified tests.
- {3} Inspection of Plant: The County, or his authorized representative, shall have access, at all times, to all parts of the plant for checking Adequacy of equipment; inspecting operation of the plant; verifying weights, proportions, and character of materials; and checking the temperatures maintained in the preparation of the mixtures.
- {4} Storage Bins and Surge Bins: Paragraph 3.9 of ASTM D995 is deleted. Instead, the following applies. Use of surge bins or storage bins for temporary storage of hot bituminous mixtures will be permitted as follows:

- a. The Bituminous mixture may be stored in surge bins for period of time not to exceed 3 hours, provided all specifications, temperature and segregation requirements are fully met.
- b. The bituminous mixture may be stored in insulated storage bins provided an inert gas atmosphere or oxygen proof hot oil seal is maintained in the bin during the storage period.

The bins shall be such that mix drawn from them meets the same requirements as mix loaded directly into trucks.

If the County determines that there is an excessive amount of heat loss, segregation or oxidation of the mixture due to temporary storage, no storage will be allowed.

HAULING EQUIPMENT:

Trucks used for hauling bituminous mixtures shall have tight, clean, and smooth metal beds. To prevent the mixture from adhering to them, the truck beds shall be lightly coated with a minimum amount of paraffin oil, lime solution, or other approved material. Each truck shall have a suitable cover to protect the mixture from adverse weather. When necessary, to ensure the mixture will be delivered to the site at the specified temperature, truck beds shall be insulated and cover shall be securely fastened.

THE SUPPLIER WILL HAVE TO WORK WITH THE PAVING CONTRACTOR TO ASSURE THAT ADQUATE AMOUNTS OF TRUCKS WILL BE AVAILABLE TO COMPLETE THIS PROJECT WITHIN THE 30 DAYS AS SO SPECIFIED. IF THE SUPPLIER CANNOT SUPPLY NECESSARY TRUCKS OR TONAGE, A MIMINUM OF 1500 TONS A DAY, THE COUNTY RESERVES THE RIGHT TO TERMINATE THE PURCHASE ORDER. Suppliers shall supply to the different job sites, listed below, up to 12,000 tons of materials as specified on the LIST. Price will be per ton delivered. If you have any questions on this bid please contact Ernie Carrizal @ 546-2015.

The roads to be overlaid are as follows:

West Way

<u>Street</u>	<u>From</u>	<u>To</u>	<u>Width</u>	<u>Miles</u>
Meadow	De Alva	Kingsway	24	0.2
Secretariat	Gato Rd.	Dead End	24'	0.25
Kelso Rd.	Secretariat	Dead End	24'	0.1
Mon-O-War	Secretariat	Dead End	24'	0.1
De Alva	Larry Rd.	Gallardo	40'	0.35
Meadow	De Alva	Dead End	35'	0.35
Hilkerson	Meadow	Dead End	35'	0.07
W. Vinton	Bridge	N. & S. Vinton	26'	<u>0.5</u>
Total:				1.92

East Montana

<u>Street</u>	<u>From</u>	<u>To</u>	<u>Width</u>	<u>Miles</u>
Krag	Jim Bridger	Remington	30'	1.0
Desert Meadows	Greg	Montana	30'	1.5
Flagger	Montana	Wild Flower	30'	4.8
Square Dance	Montana	Lopez	30'	<u>0.8</u>
Total:				8.1

Lower Valley

<u>Street</u>	<u>From</u>	<u>To</u>	<u>Width</u>	<u>Miles</u>
Ponce De Leon	North Loop	De Vargas Dr.	24'	0.3
De Vargas Dr.	North Loop	Ocate	24'	0.2
Ocate	North Loop	De Vargas Dr.	24'	0.3
San Elizario	De Vargas Dr.	Ocate	24'	0.1
8 th St. N.E.	Camp St.	End	36'	0.1
Orndorff	8 th St.	End	36'	<u>0.08</u>
Total:				1.08

2009 Overlay Grand Total: 11.1 Miles

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

(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

MDR BUILDING, 800 EAST OVERLAND
ROOM 300, EL PASO, TEXAS 79901
(915) 546-2048, FAX: (915) 546-8180

PITI VASQUEZ, PURCHASING AGENT
JOSE LOPEZ, JR. ASST. PURCHASING AGENT
LINDA MENA, 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
800 East Overland, Suite 300
El Paso, Texas 79901
(915) 546-2048
(915) 546-8180 Fax

RE: Bid #09-058, H.M.A.C. Material Overlay Program for Road & Bridge

Dear Vendor:

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

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

County Officers: County Judge Anthony Cobos
Commissioner Anna Perez
Commissioner Veronica Escobar
Commissioner Willie Gandara Jr.
Commissioner Dan Haggerty

County Employees: Piti Vasquez, Purchasing Agent
Jose Lopez, Jr., Assistant Purchasing Agent
Pete Gutierrez, Buyer II
Linda Mena, Inventory Bid Technician
Lucy Balderama, Inventory Bid Technician
Robert Rivera, P.E.
Ernesto Carrizal III, P.E.

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 reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).

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

OFFICE USE ONLY

Date Received

Bid # 09-058

1 Name of person who has a business relationship 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 the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 Name of local government officer with whom filer has employment or business relationship.

Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. 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, other than investment income, from the filer of the questionnaire?

Yes No

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

Yes No

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

Yes No

D. Describe each employment or business relationship with the local government officer named in this section.

Signature of person doing business with the governmental entity

Date

COUNTY OF EL PASO PURCHASING DEPARTMENT

PITI VASQUEZ, PURCHASING AGENT
JOSE LOPEZ, JR. ASST. PURCHASING AGENT
LUCY BALDERAMA, INVENTORY BID TECHNICIAN

MDR BUILDING, 800 E. OVERLAND
ROOM 300, EL PASO TEXAS 79901
(915)546-2048, FAX (915)546-8180

Instructions: Conflict of Interest Form (CIQ)

- ***Please complete CIQ Form whether or not a conflict exists.***
- **Box #1 All Vendors** Must Print Clearly their names and company name.
- **Box #2** If the vendor has already filed a CIQ for the current year and is updating (filing a new one) due to changes on bid, please check box. If this is the first time within the current year that the vendor is submitting a CIQ, then do not check this box.
- **Box #3** If you are filing a disclosure of conflict of interest, meaning that you do have a relationship with someone listed on the page prior to the CIQ form on your BID, RFP, RFQ, or RFI, then you must print the name of the person whom you have a business relationship with.
- If you answer **yes** to any of the following: **Item A, B, C** you have a conflict and must disclose on this form.
- **Item D** List the type of relationship and what department in the local government the person you have listed in **Box #3**.
- **Box #4** Please have the person that is named on **Box# 1**, sign and date in this box. We request a contact number in case there are any questions or form is missing information. This is a courtesy to you.
- It is the vendor's responsibility to submit the CIQ document number provided by the County Clerk's to the Purchasing Department.
- 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, RFI 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.
- File a 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 the attention of the County Clerks office.
- If filing by fax use your fax confirmation (date/time) for your records. To obtain a copy/CIQ document number go to our website at www.epcounty.com, click on public records, click on to Official Public Records - Deeds of Trust, Liens and other public documents (County Clerk), type in the name of your company, on Style: scroll to CIQ-Conflict INT. QUESTIONNAIRE, and click on Search. It will be available on the web-site approximately 5 to 10 business days. Please fax a copy to The Purchasing Department at (915) 546-8180. If you have not yet placed it in your Bid, RFP, RFQ, RFI.
- If you have any questions, please call Lucy Balderama at 915-543-3887 or Linda Mena at 915-546-2195

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

**H.M.A.C. Material Overlay Program for Road & Bridge
Bid #09-058**

THIS CHECKLIST IS PROVIDED FOR YOUR CONVENIENCE

_____ Responses should be delivered to the County Purchasing Department by 2:00 p.m., Wednesday, July 15, 2009. 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

_____ **CIQ forms** - you must write the name of your company underneath the signature with your phone number and bid number. 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?