



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, November 18, 2009** to be opened at the County Purchasing Office the same date for **Furnish and Install 20-ton Air Conditioning Unit to the ITD Server Room.**

Bids must be in a sealed envelope and marked:

"Bid to be opened November 18, 2009

**Furnish and Install 20-ton Air Conditioning Unit to the ITD Server Room
Bid #09-085"**

Any questions or additional information required by interested vendors must be submitted in writing to the attention of the County Purchasing Agent before Tuesday, November 10, 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 #09-085 Furnish and Install 20-ton Air Conditioning Unit to the ITD Server Room 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

Mailing Address

Federal Tax Identification No.

City, State, Zip Code

CIQ Document Number

CIQ Sent Date

Representative Name & Title

Telephone

Fax Number

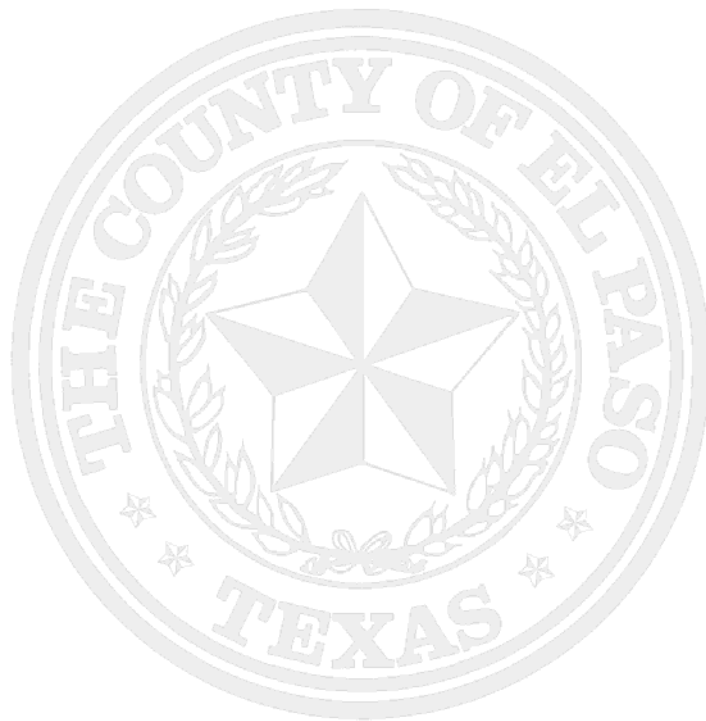
E-mail

Signature

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

Furnish and Install 20-ton Air Conditioning Unit to the ITD Server Room

Bid #09-085



**Opening Date
Wednesday, November 18, 2009**



FACILITIES MANAGEMENT DEPARTMENT
500 E. SAN ANTONIO, SUITE M1
EL PASO, TEXAS 79901

REQUEST FOR BID

1. LOCATION OF SERVICE / PROJECT

**MDR BUILDING
800 E. OVERLAND
EL PASO, TEXAS**

2. REQUEST FOR BIDS/PROPOSALS

The County of El Paso, Texas as owner of the El Paso County MDR Building, hereby requests proposals from interested and qualified Air Conditioning Installation Providers (hereinafter called Vendor).

The purpose of this document is to provide interested parties with information to enable them to prepare and submit a proposal to furnish and install a 20-ton air unit, which shall include all equipment, materials, and labor necessary to completely install, connect, and operate the specified equipment (hereinafter called Project). The County, as represented by its Purchasing Department, intends to use the results of this process to award a contract to one Vendor, therefore all bids/proposals should be written to include all services, parts, material, supplies, information, etc as applicable and specified in this document.

Bid/Proposals **MUST** be submitted in the required format and sequential order as specified in this document.

3. BID FORMAT REQUIREMENTS

- A. Typed or neatly printed in black or blue ink.
- B. Standard 8 ½ x 11 paper.
- C. Submittals may not be permanently bound with glue or binding combs. Submittals may be bound together with removable staples, clips, prongs, etc, or submitted in a 3-ring binder or report cover.
- D. The contents of the Bid/RFP shall include the Bid/Proposal Form (Attachment A) and adhere to the tab and sequence as specified.

4. CONTRACT ADMINISTRATION

El Paso County will appoint its Facilities Manager as contract administrator with designated responsibilities, which may include, but are not limited to, the inspection and acceptance of all services performed under the contract.

5. COMMENCEMENT

The Contractor shall commence immediately upon award of the Bid/RFP all necessary processes and arrangements to perform the service(s) specified in this document.

6. MINIMUM QUALIFICATIONS

- A. **EXPERIENCE:** To be considered qualified; the Vendor must demonstrate at least 5 continuous years successful experience in furnishing and installing large commercial air conditioning units to commercial (non-residential) establishments. The County of El Paso reserves the right to disqualify any Vendor who has had an agreement or contract cancelled, or legal action has been taken by a public agency for cause including failure to perform, non-compliance, or illegal activity.
- B. **FINANCIAL CAPITAL:** Upon award of the bid, the County of El Paso will issue a Purchase Order in the total amount of the bid, which shall include the air conditioning unit, labor, and any other associated costs indicated in the bid pricing. The County will not pre-pay or separate the payment of the unit, labor, or associated costs, therefore the Vendor **MUST** have sufficient financial capital to perform the project in it's entirety in accordance with these specifications.
- C. **EQUIPMENT ASSETS:** The Vendor must have ownership, or long-term lease written lease agreements, of all equipment, tools, supplies, and/or materials typically necessary to perform and carryout all of the duties necessary to perform the project in it's entirety.

7. PROJECT DESCRIPTION

The Project is located on the 3rd floor of the County MDR Building at 800 E. Overland Street in the ITD Server Room. The ITD Server room currently has one 20-Ton Air Conditioning Unit that cools the area. This new air conditioning unit will tie in to the existing ducting system with back flow dampers to prevent the backward flow of air when only one unit is running. The new unit shall be connected electronically to the old unit with the capability of running one unit at a time, or running both units at the same time.

The project shall include ducting, insulation, copper refrigerant lines, electrical installation (except where otherwise noted), wiring, breaker boxes, permits where applicable, and transport to the project location.

It will be necessary to arrange delivery of the unit in separate sections and assembled on site.

8. SPECIFICATIONS

- A. Installation is required by the Vendor and must be pre-approved by the County of El Paso

Current installation is as follows:

Liebert Model VS070AUAOE1462A, 460 Volts, 60 Hz, 3 Phase Liebert DS Precision Cooling Systems: Nominal 070 kW (20 ton) Air Cooled Up-flow. This unit has dimensions of 109Lx76Hx35W before being broken down.

The Vendor may submit a bid for an equivalent or alternative air conditioning unit, however, the Vendor **MUST** take 100% responsibility for ALL issues involving the compatibility with the existing unit, including ALL connections, modifications, and or adjustments related directly, or indirectly with the installation and operation of BOTH Units. If Installing an equivalent or alternative air conditioning unit, Vendor

MUST complete a specification sheet of the proposed unit in Tab 4 of the Bid/RFP Form, detailing in the same order, the equivalent specifications identified in Paragraph 8B.

B. Liebert Proprietary Specifications

1. 14-Gauge, welded frame with Aautophoretic coating. Frame can be field separated into three sections for transport through small areas.
2. Front Service Access
3. Supply air exits top of cabinet, front throw.
4. Return air enters unit from the front of cabinet through factory installed black grilles.
5. Exterior panels insulated & powder coated.
6. 4" filters, MERV 11 rating.
7. Centrifugal blower, minimum 200,000 hours L3 permanently lubricated pillow-block bearings. Static regain duct attached to bottom of blower.
8. 5 HP motor.
9. Open Drip Proof NEMA Premium Efficiency Motor
10. Dual fixed-pitch motor sheaves, dual fixed-pitch fan pulleys, dual belts and automatic belt-tensioning system. 5-year parts warranty on belts, sheaves, pulleys, and fan bearings.
11. Infrared Humidifier with automatic flush cycle. Capacity of 22 lbs/hr (kg/hr).
12. Three-stage, Finned tubular, 304/304 stainless steel electric reheat with a capacity of 15 KW (BTUH).
13. Dual refrigeration circuits with hot gas mufflers (semi-hermetic compressor units only), liquid line filter dryers, refrigerant sight glasses, expansion valves, and liquid line solenoid valves.
14. Two(2) independent semi-hermetic compressors with 4-step un-loaders for increased part-load efficiency and reduced compressor cycling
15. A-frame Evaporator coil with stainless steel drain pan.
16. R-407C refrigerant. Field supplied and field charged on air-cooled units.
17. iCOM control with Large Display
18. Non-Locking Disconnect Switch.
19. Factory installed dual float condensate pump with unit alarm indication and unit shutdown upon high water level. Rated for 100GPH at 20 ft head.
20. Dual refrigeration circuits.
21. LT410 Point Leak Sensor Qty 2 per unit
22. Intellislot 485 Card (OC485-LBDS) Delivers Modbus communication capabilities. - 1 Qty per Unit
23. **One (1) Liebert manufactured outdoor Variable Frequency Drive Condenser, Model TCDV415-A, designed for 105 F outdoor ambient.**

C. Exclusion

The County of El Paso will provide High Voltage Electrical tie-in.

9. WARRANTY / GUARANTEE

The Vendor shall be the point of contact for ALL warranty or guarantee issues and provide collaboration to resolve any discrepancies. Parts, equipment, and/or labor shall be covered under warranty for a minimum period as specified below:

1. One Year or Original Manufacturer's Warranty Period whichever is longer for the Air Conditioning Unit
2. Five Years: Belts, sheaves, pulleys, and fan bearings.
3. One Year: Labor/Workmanship

All original manufacturer warranties for each product at each location shall be provided to the FACILITIES MANAGEMENT DEPARTMENT within 24 hours of installation. Each

original manufacturer warranty shall be imprinted with the vendor's name, address, phone number, and the corresponding location where the product was installed, the product's serial number, the effective date of the warranty, and invoice number.

10. PRODUCT MANUALS All original product manuals for each product, for each location, shall be provided to the FACILITIES MANAGEMENT DEPARTMENT within 24 hours of installation. The manuals shall be imprinted with the vendor's name, address, phone number, and the corresponding location where the product was installed and the product's serial number, the effective date of the warranty, and invoice number.

11. VENDOR RESPONSIBILITIES

1. Project management and site supervision;
2. The complete installation of the new unit, including all equipment, parts, materials, and labor necessary to install, connect, and operate the new unit in accordance with the manufacturer's specifications and in compliance with all applicable federal, state, and local ordinances;
3. Ordering the new unit and all necessary equipment, parts, and materials associated directly or indirectly with the complete installation of the new unit under this bid;
4. Inspection of the new unit upon delivery;
5. Re-installation of window;
6. Furnish and install one 70 amp 480 volt circuit from an existing J-box and one 120 gfi service outlet for the connection of above unit, to include control circuit from fire damper to new fire suppression control box;
7. Installation of Ultra-Violet lights on indoor unit;
8. Refrigerant piping extending from indoor unit to condensor on roof. Demolition of existing ceiling exposed air-handler;
9. Connections of water supply for unit humidifier. Installing of condensate drain to existing air handler drain.
10. Evacuation and charging with refrigerant.
11. Fabrication and setting of duct work from in-door Data-Aire. To include supply air registers.
12. Assuring that all work is performed by licensed/certified personnel as required by law, for the work they are performing;
13. Disposing of all boxes, cartons, pallets, packing materials, and any other trash OFF SITE.
14. Start-up and proper running condition of new unit

12. INDEMNIFICATION

The successful Vendor shall defend, indemnify, and save harmless El Paso County and all its officers, agents, and employees from all suits, actions, or other claims of any character, name, and description brought for or on account of any injury to or damages received or sustained by any person, persons, or property on account of any negligent act or fault of the successful Vendor, or of any agent, employee, or supplier in execution of, or performance under, any contract which may result from bid award. Successful Vendor shall pay any judgment with cost, which may be obtained against El Paso County growing out of such injury or damages.

13. SUBCONTRACTING: Sub-contracting is not permitted, unless approved in writing by the County.

14. BID/PROPOSAL REVIEW

Proposals will be reviewed by the County to verify that they meet all specified requirements in this RFP. This review may include contacting references furnished by the Vendor, verifying reports regarding the Vendor's stability; verifying information, facts or statements made by the Vendor, or discovered directly or indirectly through the review process, that the County deems necessary, relevant, and appropriate to select the proposal that is in the best interest of the County.

Vendors may not contact the County's reviewer(s) including the Contract Administrator and/or staff; any attempt to do so will result in immediate disqualification.

Following evaluation of the proposals received in response to and in compliance with this Bid/RFP, the County may, or may not, select a Vendor with whom to attempt to negotiate a contract for products and/or services. Should negotiations fail, the County may, or may not, choose to negotiate with another compliant Vendor.

15. BID/PROPOSAL ACCEPTANCE

Bids/Proposals that do not comply with instructions, format, sequence, or mandatory requirements contained in these specifications may be rejected by the County. The County retains the right to accept or reject any or all bids/proposals. The County shall be the sole judge as to compliance as set forth in this Bid/RFP.

16. MANDATORY FORMAT AND SEQUENCE OF BID/PROPOSAL

Vendors **MUST** comply with the format requirements listed below in their entirety and in the order listed below. The Vendor **MUST** answer ALL questions in the attached Bid/Proposal Form and submit each questionnaire as the 1st page in the appropriate corresponding TAB Number. The Vendor may submit additional documents, information, and/or reports, as required, optional, or relevant in each section as appropriate.

- TAB 1 BID PACKAGE DOCUMENTS REQUIRED BY COUNTY PURCHASING**
- TAB 2 BID/PROPOSAL PRICE**
- TAB 3 LEGAL IDENTIFICATION, QUALIFICATIONS, AND REFERENCES**
- TAB 4 EQUIPMENT / SERVICE DESCRIPTION**

BID/PROPOSAL FORM

INSTRUCTIONS

- I. All documents must be submitted in the Tab Order and Attachment Sequence as specified. Corresponding information, reports, documents, etc. must be submitted behind the first page of each corresponding Proposal Form Tab Number in sequential order and as appropriate to the subject matter.
- II. If a question does not apply, enter “N/A”, do not leave blank. If an entire section of questions do not apply, you may draw a heavy lined “X” through the section.
- III. You may use additional sheets of paper to answer questions or provide additional information not specifically asked; however, you must write “See Attachment #___” in the corresponding question’s answer line.

Failure to follow the Bid/Proposal Form Tab Format and Attachment Sequence requirements may result in the proposal being disqualified.

TAB #1

RFP/BID PACKAGE DOCUMENTS REQUIRED BY COUNTY PURCHASING

1. Proposal Schedule - Submit as 1st Page of Bid.
2. Notice to Interested Parties.
3. Bid Bond – Required if Bid/Proposal exceeds \$100,000. (A cashier's check in the amount of 5% Of the total contract price, executed with a surety company authorized to business in the State of Texas is required to be included with Bid/Proposal at the time of opening.)
4. Certifications regarding lobbying, debarment, suspension, and other responsibility matters; drug-free workplace requirements; federal debt status, and nondiscrimination status and implementing regulations.
5. Proposal Conditions.
6. Health Insurance Benefits.
7. Construction contracts in excess of \$100,000.00 require a performance bond, in the full amount of the contract. County may require a performance bond at their option for other types of services, and must be provided if required in the specifications.
8. Conflict of Interest Questionnaire (Form CIQ). Must be filed with the County Clerk no later than the 7th business day after submitting the response to this Bid/RFQ.

TAB #2 BID / PROPOSAL PRICING

Please answer the questions listed below. On an attached sheet, include any additional information that provides details to be considered.

Air Conditioning Unit \$ _____

Labor \$ _____

Any Additional Cost \$ _____

New Equipment Warranty Period: _____

Contractor's Workmanship Warranty Period: _____

Projected Start Date: _____

Estimated Time To Complete Entire Project: _____

Will you use a sub-contractor? _____ No
 _____ Yes (*Complete following section*)

SUB-CONTRACTOR IDENTIFICATION

Name of Sub-Contractor:	_____
Address:	_____
Phone:	_____
Work To Be Performed:	_____

Name of Sub-Contractor:	_____
Address:	_____
Phone:	_____
Work To Be Performed:	_____

Name of Sub-Contractor:	_____
Address:	_____
Phone:	_____
Work To Be Performed:	_____

TAB #3

LEGAL IDENTIFICATION, QUALIFICATIONS, & REFERENCES

201 Legal Name of Business _____

202 Legal description of business (*corporation, LLC, LLP,*
etc) _____

203 Address _____

204 City/County _____

205 State _____

206 Owners, President, Interested Parties: _____

207 Number of years in business: _____

208 Number of employees: _____

209 Do you have any accreditations, certifications, special
recognition? _____

210 Do you currently provide equivalent service/products to other government entities in El
Paso or State of Texas?

211 If so
where: _____

212 Have you ever defaulted on a contract, or had a contract cancelled
early?

213 Details:

TAB #4 EQUIPMENT / SERVICE DESCRIPTION

Proposed Equivalent or Alternative Equipment:

Manufacturer: _____

Model No : _____

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.
- 21.
- 22.
- 23.
24. **Any additional information or manufacturer product specifications for the proposed unit, equipment, product, etc.**

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 statues 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 #09-085, Furnish and Install 20-ton Air Conditioning Unit to the ITD Server Room

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
Saul Nanez, Facilities Manager
Manny Lucero, Assistant Facilities Manager
Monique Aguilar, Executive Assistant

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 # 09-085

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
LINDA MENA, 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 Linda Mena or Lucy Balderama at 915-546-2048.

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

**Furnish and Install 20-ton Air Conditioning Unit to the ITD Server Room
Bid #09-085**

THIS CHECKLIST IS PROVIDED FOR YOUR CONVENIENCE

_____ Responses should be delivered to the County Purchasing Department by 2:00 p.m., Wednesday, November 18, 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?
