



**COUNTY OF EL PASO**  
800 E. Overland, Suite PU300  
El Paso, Texas 79901  
(915) 546-2048 (915) 546-8180 Fax

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### **Notice to Interested Parties**

Sealed Request for Qualifications will be received at the County Purchasing Department, 800 E. Overland, Suite 300, El Paso, Texas 79901 before 2:00 p.m., **Thursday, October 2, 2008**. Responses will be opened at the County Purchasing Office the same date for **(RFQ) Inmate Medical Services for the Detention Facility and Jail Annex**. **A mandatory pre-bidders conference will be held on Thursday, September 18, 2008 at 10:00 a.m. in the Purchasing Conference Room located at 800 E. Overland, Suite 300, El Paso, Texas 79901.**

**Qualifications must be in a sealed envelope and marked:**

**"Qualifications to be opened October 2, 2008  
(RFQ) Inmate Medical Services for the Detention Facility and Jail Annex  
RFQ Number 08-137"**

**Any questions or additional information required by interested vendors must be submitted in writing to the attention of the County Purchasing Agent before Thursday, September 25, 2008, at 12:00 p.m. Questions can be faxed to (915)-546-8180.**

Said contract shall be let to the best qualified, and the **COMMISSIONER'S COURT RESERVES THE RIGHT TO REJECT ANY AND ALL RESPONSES AND WAIVE TECHNICALITIES**. Only responses that conform to specifications will be considered. Faxed responses will not be accepted.

In order to remain active on the El Paso County Vendor list, each vendor receiving this request for qualifications must respond in some form. Vendors submitting qualifications must meet or exceed all requirements herein. Vendors not responding to the request must submit their reason in writing to the El Paso County Purchasing Department.

**PITI VASQUEZ**  
**County Purchasing Agent**

## SIGNATURE PAGE

**Description – RFQ # 08-137**  
**(RFQ) Inmate Medical Services for the Detention Facility and Jail Annex**  
Vendor must meet or exceed specifications

Please submit one (1) original copy and three (3) duplicate copies of your statements of qualifications.

\_\_\_\_\_  
Company

\_\_\_\_\_  
Address

\_\_\_\_\_  
Federal Tax Identification No.

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
CIQ Document Number

\_\_\_\_\_  
CIQ Sent Date

\_\_\_\_\_  
Representative Name & Title

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
E-mail

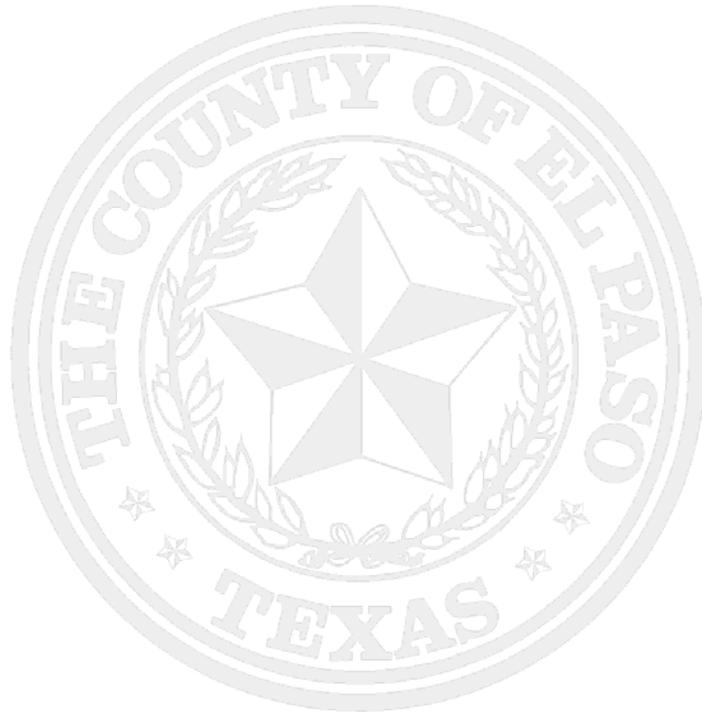
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Signature

\_\_\_\_\_  
Date

**\*\* THIS MUST BE THE FIRST PAGE ON RFQ RESPONSE \*\***

**(RFQ) Inmate Medical Services for  
the Detention Facility and Jail  
Annex**

**RFQ #08-137**



**Opening Date  
Thursday, October 2, 2008**

**EL PASO COUNTY SHERIFF'S OFFICE**  
**INMATE MEDICAL SERVICES SPECIFICATIONS**

The El Paso County Sheriff's Office requests statements of qualifications for a comprehensive health/dental care system at the El Paso County Detention Facility and Jail Annex in El Paso, Texas. The Detention Facility house both male and female inmates and the Jail Annex houses male inmates only, with a combined capacity at both facilities of 2,440 inmates. Approximately 12-15% of the population is female. In Calendar Year 2007 there were 43,599 people booked with 35,732 being classified. The average daily population was approximately 2,300. To be considered a valid proposal, one (1) original and the (3) duplicates must be received at the following address before 2:00 PM, Thursday, October 2, 2008:

El Paso County Purchasing Office  
800 E. Overland RM 300  
El Paso, Texas 79901

It is the intent of the El Paso County Sheriff's Office to award a health care contract for a one-year term beginning to be determined and ending to be determined. The El Paso County Sheriff's Office intends to include in the contract a right to extend the term of the contract for additional two-year terms, provided such extensions are in the best interest of the parties.

El Paso County Sheriff's Office reserves the right to reject, in whole or in part, any and all proposals received by reason of this request for qualifications. El Paso County Sheriff's Office will not pay for any information herein requested, nor will El Paso County Sheriff's Office be responsible for any costs incurred by the offeror. All statements shall become the property of El Paso County upon submission.

The succession of events leading to an award of a contract under this request for qualifications will be as follows:

Mail RFQ .....September 12, 2008  
Pre-Bidders Conference (Mandatory).....September 18, 2008  
Qualifications Due.....October 2, 2008  
Award Notification.....TBA  
Finalize Contract.....TBA  
Commence Services.....TBA

Questions concerning this request for qualifications must be directed in writing to:

Mr. Piti Vasquez, County Purchasing Director  
El Paso County Purchasing Office  
800 E. Overland RM 300  
El Paso, Texas 79901

The selection of offerors for contract will be made using the following three-step process:

1. In order to be initially selected, the offeror(s) must meet the “Minimum Qualifications of the Offerors” as included in this RFQ, and other offers must satisfy both the “Mandatory Requirements for all Qualifications” and the “Objectives of the RFQ,” also contained in this RFQ.
2. After the conditions outlined above are met, offeror(s) will be ranked according to the “Selection Criteria” included in this RFQ. Negotiations may be conducted with the two(2) highest ranked proposers.
3. Final award will be made to the proposer who meets the above stated

selection sequences and who, in the sole and exclusive judgment of the El Paso County Sheriff's Office, is best able to provided health care for the El Paso County Detention System.

Qualifications, which do not meet mandatory requirements, will be considered non-compliant and rejected. After the evaluation of the qualifications and the selection of the successful contractor, only the successful proposer will be notified in writing. The contract entered into shall incorporate the scope of contract, general conditions and specifications contained herein, as well as agreed modifications contained in the accepted proposal.

**EL PASO COUNTY SHERIFF'S OFFICE  
INMATE MEDICAL SERVICES SPECIFICATIONS**

**I. OBJECTIVES--- BEST QUALIFIED WILL BE SELECTED**

Each response will be evaluated as to its achievement and compliance with the following stated objectives:

1. To deliver high quality health care services that can be audited against established standards
2. To operate the health care program in a cost-effective manner with full reporting and accountability to the Jail Administrator and the Sheriff
3. To operate the health care program at full staffing and use only licensed, certified and professionally trained personnel
4. To implement a written health care plan with clear objectives, policies, procedures and annual evaluation of compliance
5. To implement a Claims Adjudication Model
6. To operate the health care program in accordance with standards Established by TCJS, The National Commission on Correctional Health Care (NCCHC) and the American Correctional Association (ACA)
7. Must be able to immediately meet and maintain ACA Accreditation Standards
8. To maintain an open and cooperative relationship with the Administration and staff of the El Paso County Detention System
9. To provide a comprehensive program for continuing staff education at the jails
10. To maintain complete and accurate records of care and to collect and analyze health statistics on a regular basis
11. To operate the health care program in a humane manner with respect to the inmate's rights to basic health care services
12. To provide for a fair, objective evaluation of best qualified- that will result in a mutually satisfactory contract between the successful proposer and the El Paso County Sheriff's Office

**II. MINIMUM QUALIFICATIONS FOR ALL PROPOSERS**

El Paso County requires that any proposer meet the following qualifications. Failure to meet each of these qualifications will result in the proposers disqualification.

1. The proposer must be organized and exist for the primary purpose of correctional health care services.

2. The proposer must have at least five (5) continuous years of corporate experience (not individual experience) in administering correctional health care programs and at least three (3) current contracts with separate agencies with jails of at least 1,000 beds.
3. The proposer must carry medical professional liability insurance in minimum amounts of \$1,000,000 per occurrence and \$3,000,000 in aggregate, annually. If “claims made” is provided, five-year “tail” coverage must be in force.
4. The proposer must list any facilities currently being served which have obtained the accreditation of the National Commission on Correctional Health Care (NCCHC) or ACA Accreditation if the accreditation occurred in the term of the offeror’s contract or service.
5. The Proposer must demonstrate its ability to provide a health care system specifically for the El Paso County Detention System. It must demonstrate it has the ability for a 30-day start-up, and a proven system of recruiting staff, plus an adequate support staff in its central office capable of competently supervising and monitoring its operation for the El Paso County Detention System.

### **III. SCOPE OF CONTRACT**

Provider shall be the sole supplier and/or coordinator of the health care system for the El Paso County Sheriff’s Office. Provider shall be responsible for the medical care of all inmates at the El Paso County Detention System. The term “Medical Care” includes “psychiatric, psychological and dental care”. This responsibility of provider for the medical care of an inmate commences with the legal commitment of the inmate to the custody of the El Paso County Sheriff’s Office and ends with the discharge of the inmate.

Provider will perform annual TB testing of Detention System employees.

### **IV. MANDATORY REQUIREMENT FOR BEST QUALIFIED**

The statements of qualifications need not be in any particular form. All statements, however, must contain the following:

1. Sufficient information concerning the program for the El Paso County Sheriff’s Office to evaluate whether or not the proposer meets minimum
  - qualifications for all proposers and the job description of the individual who
  - will be the on-site Program Administrator.
2. Demonstrate that the proposer has the willingness and ability to comply with
  - the attached Scope of Contract, Specifications and General Conditions, in
  - particular the Standards for Health Services in Jails, as established by the
  - National Commission of Correctional Health Care. In addition, indicate in
  - detail how these standards will be exceeded, if applicable.
3. All proposers must list by name, address, inmate population and administrator
  - of all correctional institutions where proposer is providing medical care, or

- has provided medical care, the length of time of each contract, and the
  - number of those facilities listed that the proposer has taken through NCCHC,
  - or ACA accreditation, if applicable.
4. All **Request for qualifications** (RFQ's) must contain a letter of intent from an insurance company
    - authorized to do business in the State of Texas stating its willingness to insure
    - the proposer pursuant to the terms of this contract.
  5. All RFQ's must contain a full and complete staffing matrix and
    - organizational chart, and explain how medical care for inmates at the El Paso County Detention System will be delivered. Copies of forms utilized
    - must be provided, as well as an actual Table of Contents from the Health Care Policies and Procedures Manual of the proposer.
  6. Proposer must provide a performance bond for 100 percent of the first year contract amount within thirty (30) days after notice of acceptance of proposal. The surety company must be licensed in the State of Texas. The selected proposer must maintain a performance bond in the amount stated above for the duration of the contract.
  7. The County will be reimbursed for the following:
    - Any staff vacancy that exceeds 30 days will require a reimbursement of
      - i. 130% of that staff's salary for every day beyond 30 days.
    - This reimbursement will also apply to staffing vacancies occupied by
      - i. agency personnel greater than eight percent of the staffing matrix for
      - ii. more than 30 days.
  8. All RFQ's must identify any correctional health care lawsuits defended over the past five years and list the following details for each lawsuit:
    - Case name and docket number
    - Names of plaintiff(s) and defendant(s)
    - Names and addresses of all counsel appearing
    - Nature of claim
    - Status of case, including any settlements or judgments
  9. All RFQ's must identify any correctional health care contracts terminated
    - before the expiration date either by the agency or the proposer.
  10. All RFQ's must list the correctional health care accounts that the proposer
    - has done business with in the past five years but are no longer under contract.

11. All RFQ's must list any penalties the proposer has paid or had deducted
- from any contracts in the past 18 months.

## **V. SPECIFICATIONS**

- A. Health care services must be provided in compliance with the standards for health care services in jails established by the NCCHC, ACA and TCJS.
- B. Provider must be prepared to meet accreditation by ACA immediately.
- C. Provider must recruit, interview, hire, train and supervise all health care staff and such health care staff must be adequate to meet all conditions and specifications of this contract.
- All medical staff providing services under this contract must be licensed to practice in the State of Texas, must submit to a background investigation and be approved by the Sheriff.
  - A full-time, on-site program administrator or medical director shall be provided who shall have general responsibility for the successful delivery of health care for the El Paso County Detention System pursuant to this solicitation and final contract.
- D. Provider shall perform a receiving screening on all new prisoners upon arrival at the El Paso County Detention Facility. Such screening will be conducted by a qualified medical professional (RN or LPN) and staffed 24 hours a day, seven days a week and shall include a minimum of the following:
1. Documentation of current illnesses and health problems, including medications taken and special health requirements.
  2. Behavioral observations, including state of consciousness, mental status, and whether the inmate is under the influence of alcohol or drugs.
  3. Record any body deformities, trauma markings, bruises, ease of movement, etc.
  4. Record condition of skin and body orifices, including infestations.
  5. A standard form for recording information of the receiving screening, and a referral of the inmate for special housing, emergency health services, or additional medical specialties will be included in the health record for the inmate.

6. Provider shall perform a Comprehensive Health Assessment on inmates within seven (7) days of the inmates incarceration in the El Paso County Detention Facility. Such assessment shall be performed by a qualified medical professional.
- E. At a minimum, the Comprehensive Health Assessment shall include:
1. Review of screening results by the program physician or qualified medical professional.
  2. Additional data necessary to complete a standard history and physical.
  3. Screening tests for Tuberculosis and sexually transmitted disease as well as urinalysis will be performed as indicated. TB, HIV and sexually transmitted diseases will be reported to the health department.
  4. Additional diagnostic procedures as directed by the physician for particular medical or health problems.
  5. Height, weight, pulse, blood pressure and temperature.
  6. The health assessment of females will also include the inquiry about menstrual cycle, and unusual bleeding, the current use of contraceptive medications, the presence of an IUD, breast masses and nipple discharge and possible pregnancy.
  7. Any abnormal results of the Health Assessment shall be reviewed by a physician for appropriate disposition.
- G. Provider shall perform a mental health evaluation of inmates no later than seven (7) days after admission to the El Paso County Detention System. The evaluation shall be performed by a qualified mental health professional. Appropriate care and treatment shall be provided.
- H. Provider shall identify the need, schedule and coordinate all non-emergency medical care rendered to inmates inside or outside the El Paso County Detention System. Outside medical costs for inmates shall be the responsibility of the County. Provider shall administer emergency medical care at the El Paso County Detention System to any employee of the jail who requires such care.

- I. Provider shall identify the need for inpatient hospitalization of any inmate of the El Paso County Detention System. This includes responsibility for making emergency arrangements for ambulance service to the inpatient facility. Provider shall provide claims adjudication for outside medical costs.
- J. Provider shall identify a responsible physician who shall conduct sick call and generally provide such care as is available in the community. The responsible physician shall be on call seven (7) days per week, twenty-four (24) hours per day, for medical emergencies.
- K. Provider shall identify the need, schedule and coordinate all supporting diagnostic examinations both inside and outside the El Paso County Detention System. Provider shall also coordinate and pay all laboratory services as indicated.
- L. Provider shall provide the necessary follow-up for health problems identified by any of the screening tests or laboratory tests. This would include inpatient or outpatient hospitalization, appropriate monitoring and prescription of medication, consultations with specialty physicians, etc.
- M. Provider shall identify the need, schedule, coordinate and pay for psychiatric, psychological and counseling services rendered to inmates inside the El Paso County Detention System.
- N. Provider shall provide a total pharmaceutical system for the El Paso County Detention System beginning with the physician's prescribing of medications, the filling of the prescription, dispensing of medications, and the necessary record keeping. This system shall include prescription medications and over-the-counter medications. All prescription medications shall be prescribed by the responsible physician or psychiatrist and shall be administered and dispensed by a licensed nurse. All controlled substances, syringes, needles and surgical instruments will be stored under security conditions acceptable to the El Paso County Sheriff's Office.
- O. Provider shall provide a medical detoxification program for drug and/or alcohol addicted inmates, which shall be administered only on the El Paso County Detention System property.
- P. Provider shall provide and pay for all supplies used in the health care delivery system administered under this contract. The Sheriff's Office, utilizing county Purchasing requirements, shall purchase equipment.
- Q. Provider shall maintain complete and accurate medical and dental records separate from the El Paso County Detention System confinement records of the inmate. In any criminal or civil litigation where the physical or mental

condition of an inmate is at issue, provider shall provide the Jail Administrator with access to such records and upon direction provide copies. The Sheriff, or his designee, are the custodian and owner of all medical records.

- R. Provider shall provide a consultation service to the El Paso County Sheriff's Office on any and all aspects of the health care delivery system at the Detention Facilities, including evaluations and recommendations concerning new programs, architectural plans, staffing patterns for new facilities, alternate pharmaceutical and other systems, and/or other matters relating to this contract upon which the Sheriff seeks the advice and counsel of the provider.

## **VI. STAFFING**

The minimum staffing requirements for the two jail facilities must be sufficient to provide adequate and safe care to the inmates and staffing must be sufficient to provide 24/7 coverage in both facilities. The RFQ should take into account the National Average Ratio 1:34 and explain how the proposed staffing plan provides quality and cost-effective care.

The Medical Doctor and the Physician's Assistant must each provide the DDF or Annex with 40 hours of medical service per week. One or both must be available to the DDF and Jail Annex for emergency consultation, treatment, follow-up or response on a 24/7 basis. The Medical Doctor, in the capacity of Medical Director will be responsible for the development, implementation and enforcement of policies, procedures, protocols and standing orders. The Medical Director will also assure on-going training for the staff and oversee quality control and quality assurance.

## **VII. GENERAL CONDITIONS**

- A. This contract may be extended, upon agreement of the parties, for any number of subsequent two-year terms.
- B. The health care delivery system must conform to state standards for medical services provided in jails as established by the Texas Commission on Jail Standards or other appropriate state authority. The system must conform to standards for health services in jails established by the NCCHC/ACA. Generally, health care at the El Paso County Detention Facility and the Jail Annex must be equivalent to that available in the community.
- C. Provider shall use the facilities at the Detention Facility and Jail Annex whenever possible and whenever appropriate in the performance of its duties under the contract. Provider shall be required to examine and treat any inmate in segregation or otherwise unable to attend sick call

in the cell of said inmate. Provider shall be required to render emergency care at any location on El Paso County Detention System property.

- D. Provider shall have no responsibility for security at the El Paso County Detention System or for the custody or supervision of any inmate at any time, such responsibility being solely that of the Sheriff of El Paso County. Provider shall have sole responsibility in all matters of medical and mental health. Provider shall have primary, but not exclusive responsibility for the identification, care and treatment of inmates requiring medical care and who are “security risks” or who present a danger to themselves and others. On these matters of mutual concern, the Sheriff and his staff shall support, assist and cooperate with provider, and provider shall support, assist and cooperate with the Sheriff whose decision on any non-medical matter shall be final. All decisions involving the exercise of medical or mental health judgment are still the responsibility of the provider.
  
- E. Provider shall indemnify and hold harmless El Paso County and its agents, servants and/or employees from all claims, actions, lawsuits, damages, judgments, or liabilities arising out of the health care delivery system at the El Paso County Detention System.
  
- F. Provider shall have general and professional liability insurance coverage with limits of \$1,000,000 per occurrence and \$3,000,000 in the aggregate under such coverage. This insurance shall specifically cover the services provided under this contract. Evidence of such insurance shall be provided to El Paso County prior to the execution of the contract. Failure to maintain such insurance shall be grounds for immediate termination of this contract.
  
- G. Policies and procedures of the provider relating to medical care are generally established and implemented solely by the provider. In areas, which impact upon the security and general administration of the jail, the policies and procedures of the provider are subject to review and approval by the Sheriff of El Paso County or his designee without limiting the responsibility of the provider to make its own medical, mental health judgments or the discretion of the Jail Administrator to perform responsibilities under law.

Those areas are as follows:

1. Drug and syringe security
2. Alcohol and drug medical detoxification
3. Identification, care and treatment for inmates with special medical needs, including but not limited to individuals with hepatitis, epilepsy or physical handicaps, those infected with the Human Immunodeficiency Virus (HIV), and those with any other disease that can be sexually transmitted
4. Suicide prevention

5. The use of physical restraints
6. Identification, care and treatment of individuals suffering from any mental illness, disease or injury, including, but not limited to those inmates presenting a danger to themselves or others

The Sheriff of El Paso County retains the right to review and approve policies and procedures of the provider in any other area affecting the performance of his responsibilities under law.

- H. The provider without the express written consent of El Paso County Sheriff's Office, may not assign either the obligation nor rights of provider under his/her contract.
- I. The Sheriff's Office may seek reimbursement for services rendered under this contract from any available third party including any other insurance. The administration and staff of the provider shall cooperate with the department in these efforts.

## **COUNTY OF EL PASO, TEXAS**

### **CERTIFICATIONS REGARDING LOBBYING, DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; DRUG-FREE WORKPLACE REQUIREMENTS; FEDERAL DEBT STATUS, AND NONDISCRIMINATION STATUS AND IMPLEMENTING REGULATIONS\***

Instructions for the certifications:

#### General Requirements

The County of El Paso, Texas is required to obtain from all applicants of federal funds or pass-through certifications regarding federal debt status, debarment and suspension, and a drug free workplace. Institutional applicants are required to certify that they will comply with the nondiscrimination statutes and implementing regulations.

Applicants should refer to the regulations cited below to determine the certifications to which they are required to attest. Signature of the form provides for compliance with certification requirements under 21 CFR part 1405, "New Restrictions on Lobbying," 21 CFR part 1414, Government wide Debarment and Suspension (Non procurement), Certification Regarding Federal Debt Status (OMB Circular A-129), and Certification Regarding the Nondiscrimination Statutes and Implementing Regulations. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the County of El Paso determines to award the covered cooperative agreement

#### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented in 21 CFR part 1405, for persons entering into a cooperative agreement over \$100,000, as defined at 21 CFR Part 1405, the applicant certifies that;

(a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement,

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal Grant or cooperative agreement, the undersigned shall complete and submit Standard Form -LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award document for all sub-awards at all tiers (including sub-grants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

## 1. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension and implemented at 21 CFR Part 1404, for prospective participants in primary covered transactions

### A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or and a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State, or local) transaction or contract under a public transaction violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to the application.

## 2. DRUG-FREE WORKPLACE

As required by the Drug Free Workplace Act of 1988, and implemented at 21 CFR Part 1404 Subpart F.

### A. The applicant certifies that it will or will continue to provide a drug free workplace by:

(a). Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the applicant's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

(b) Establishing an on-going drug free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The applicant's policy of maintaining a drug free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violation occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a)

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee must

- (1) Abide by the terms of the statement; and
- (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such convictions. Employers of convicted employees must provide notice including position title, to: The County of El Paso, Texas, 500 East San Antonio Street, Suite 406, El Paso, Texas 79901. Notice shall include the identification number of each affected grant

(f) Taking one of the following actions within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal State, or local health, law enforcement, or other appropriate agency

(g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

### 3. CERTIFICATION REGARDING FEDERAL DEBT STATUS (OMB Circular A-129)

The Applicant certifies to the best of its knowledge and belief, that it is not delinquent in the repayment of any federal debt.

### 4. CERTIFICATION REGARDING THE NONDISCRIMINATION STATUTES AND IMPLEMENTING REGULATIONS

The applicant certifies that it will comply with the following nondiscrimination statutes and their implementing regulations: (a) title VI of the Civil right Act of 1964 (42 U.S.C. 2000D et seq.) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity for which the applicant received federal financial assistance; (b) Section 504 of the rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicap in programs and activities

receiving federal financial assistance; (c) title IX of the Education Amendments of 1972m as amended (20 U.S.C. 1981 et seq.) which prohibits discrimination on the basis of sex in education programs and activities receiving federal financial assistance; and (d) the Age Discrimination Act of 1975, and amended (42 U.S.C. 6101 ec seq.) which prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance, except that actions which reasonably take age into account as a factor necessary for the normal operation or achievement of any statutory objective of the project or activity shall not violate this statute.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

\_\_\_\_\_

Business Name

\_\_\_\_\_

Date

\_\_\_\_\_

Name of Authorized Representative

\_\_\_\_\_

Signature of Authorized Representative

# COUNTY OF EL PASO PURCHASING DEPARTMENT

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COUNTY COURTHOUSE, 800 E. OVERLAND  
ROOM PU300, EL PASO, TEXAS 79901  
(915) 546-2048, FAX: (915) 546-8180

PITI VASQUEZ, PURCHASING AGENT  
JOSE LOPEZ, JR. ASST. PURCHASING AGENT  
LINDA GONZALEZ, 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 REQUEST FOR QUALIFICATIONS, 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 RFQ; THE WAIVER BY EL PASO COUNTY OF ANY REQUIREMENTS UNDER THE RFQ DOCUMENTS OR THE CONTRACT DOCUMENTS; THE ACCEPTANCE OR REJECTION OF ANY BIDS; AND THE AWARD OF THE CONTRACT.
2. Request for Qualifications must be in the Purchasing Department **BEFORE** the hour and date specified. Faxed bids will not be accepted.
3. Late RFQ's properly identified will be returned to the submitter unopened. Late RFQ's will not be considered under any circumstances.
4. RFQ's 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.
5. No substitutions or cancellations permitted without written approval of County Purchasing Agent.
6. This Request for Qualifications inquiry only and implies no obligation of the part of the County of El Paso.
7. The County of El Paso is an Equal Opportunity Employer.
8. RFQ 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 RFQ may be cause for disqualification.
9. 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:
  - 1) A PERFORMANCE BOND, IN THE FULL AMOUNT OF THE CONTRACT, IF THE CONTRACT IS IN EXCESS OF \$100,000; AND
  - 2) A PAYMENT BOND, IN THE FULL AMOUNT OF THE CONTRACT, IF THE CONTRACT IS IN EXCESS OF \$25,000.

10. 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.
  
11. "Beginning January 1, 2006, in order to implement HB 914 (adding new Local Government Code Chapter 176), ALL VENDORS MUST SUBMIT A CONFLICT OF INTEREST QUESTIONNAIRE (Form CIQ) disclosing its affiliations and business relationships with the County's Officers (County Judge and Commissioners Court) as well as the County employees and contractors who make recommendations for the expenditure of County funds. The names of the County Officers and of the County employees and contractors making recommendations to the County Officers on this contract are listed in the Specifications.

THE CONFLICT OF INTEREST QUESTIONNAIRE MUST BE FILED WITH THE COUNTY CLERK AND A COPY OR PROOF OF FILING MUST BE ATTACHED TO THE BIDDER'S RESPONSE SUBMITTED TO THE PURCHASING DEPARTMENT.

Bidders should be aware that this bidding condition is not intended to cover or to advise you about all situations in which Local Government Code Chapter 176 would require you to file a Form CIQ. You should consult your private attorney with regard to the application of this law and your compliance requirements. Failure to comply is punishable as a Class C misdemeanor.

**NOTICE:**

ALL COMMUNICATIONS BY A VENDOR TO THE COUNTY, ITS OFFICIALS, AND DEPARTMENT HEADS REGARDING THIS PROCUREMENT SHALL BE DONE THROUGH THE EL PASO COUNTY PURCHASING DEPARTMENT. **THE EL PASO COUNTY CODE OF ETHICS PROHIBITS ALL PRIVATE COMMUNICATION BETWEEN VENDORS AND CERTAIN COUNTY OFFICIALS AND EMPLOYEES AS DESCRIBED BELOW:**

No vendor, its representative, agent, or employee shall engage in private communication with a member of the El Paso County Commissioners Court or county department heads regarding any procurement of goods or services by the County from the date that the bid, RFP, or RFQ is released. No private communication regarding the purchase shall be permitted until the procurement process is complete and a purchase order is granted or a contract is entered into. Members of the commissioners court are required to make a reasonable effort to inform themselves regarding potential procurements and have a duty to inquire of vendors, their representatives or employees, the nature of any private communication being sought prior to engaging in any communication. "Private Communication" means communication with any vendor outside of a posted meeting of the governing body, a regular meeting of a standing or appointed committee, or a negotiation with a vendor which has been specifically authorized by the governing body.

# Health Insurance Benefits Provided By Bidder

## Consideration of Health Insurance Benefits\*

1. Do you or your subcontractor(s) currently offer health insurance benefits to your employees?

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If so, please describe those health insurance benefits that you or your subcontractor(s) currently provide/offer to your employees.

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2. What percentage, if any, of your of your subcontractor's employees are currently enrolled in the health insurance benefits program?

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**El Paso County may consider provision of health insurance benefits as part of the overall "best value" determination.** Failure to provide health insurance benefits will not disqualify you from participating in this bid selection process.

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Business Name

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Date

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Name of Authorized Representative

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Signature of Authorized Representative

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\* This page must be included in all responses.



**COUNTY OF EL PASO**  
County Purchasing Department  
800 E. Overland, Suite PU300  
El Paso, Texas 79901  
(915) 546-2048  
(915) 546-8180 Fax

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RE: RFQ #08-137, (RFQ) Inmate Medical Services for the Detention Facility and Jail Annex

Dear Vendor:

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

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

County Officers: County Judge Anthony Cobos  
Commissioner Luis C. Sariñana  
Commissioner Veronica Escobar  
Commissioner Miguel Teran  
Commissioner Dan Haggerty

County Employees: Piti Vasquez, Purchasing Agent  
Jose Lopez, Jr., Assistant Purchasing Agent  
Peter Gutierrez, Buyer II  
Linda Gonzalez, Inventory Bid Technician  
Lucy Balderama, Inventory Bid Technician  
Dolores Messick, Chief Deputy  
Gilbert Pinon, Assistant Chief  
Clint Porter, Cmdr – Detention Facility  
Joe Chairez, Lt. – Jail Annex  
Santiago Apodaca, Sheriff

Please note that the state law requires that the Questionnaire be filed with the **COUNTY CLERK** no later than **the 7<sup>th</sup> business day after submitting an application, response to an RFP, RFQ or bid** or any other writing related to a potential agreement with the County. Failure to file the questionnaire within the time provided by the statute is a Class C misdemeanor

# 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

**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.

**4**

\_\_\_\_\_  
Signature of person doing business with the governmental entity

\_\_\_\_\_  
Date

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) serves as an officer or director; or

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

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

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

(A) is a local government officer; and

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

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

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

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

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

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

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

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

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

§ 176.001. Definitions

In this chapter:

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

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

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

(4) "Local government officer" means:

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

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

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

# COUNTY OF EL PASO, TEXAS

## Solicitation Check List

### (RFQ) Inmate Medical Services for the Detention Facility and Jail Annex RFQ #08-137

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THIS CHECKLIST IS PROVIDED FOR YOUR CONVENIENCE

\_\_\_\_\_ Responses should be delivered to the County Purchasing Department by 2:00 p.m., Thursday, October 2, 2008. Did you visit our website ([www.epcounty.com](http://www.epcounty.com)) for any addendums?

\_\_\_\_\_ Did you sign the Signature Page?

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

\_\_\_\_\_ Did you sign the "Consideration of Insurance Benefits" form?

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

\_\_\_\_\_ Did you provide one original and three (3) copies of your response?

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