

ATTACHMENT A
to the GRANT AWARD AGREEMENT
between Lexington-Fayette Urban County Government (LFUCG) and
Link-Belt Construction Equipment Company, L.P., LLLP

GRANT PROGRAM: FY2017 Stormwater Quality Projects Incentive Grant Program
Class B Infrastructure Projects

- Funded through the LFUCG Water Quality Management Fee
- Administered by the LFUCG Division of Water Quality in the Department of Environmental Quality & Public Works
- Design and Construction Grant

PROJECT TEAM AND CONTACT INFORMATION

Grantee Organization And Property Owner: **Link-Belt Construction Equipment Company, L.P., LLLP**
(Link-Belt)

2651 Palumbo Drive
Lexington, KY 40509
KY Organization #: 0682910

PTC

Project Site Location:
2651 Palumbo Drive
Lexington, KY 40509
PVA #21969800

Primary Project Contact: **Ken Johnson**
859-264-6488
kjohnson@linkbelt.com

Secondary Project Contact: **Dan Harrington**
859-264-6166
dharrington@linkbelt.com

Project Manager
Ridgewater, LLC
908 Woodglen Court
Lexington, KY 40515
Eric Dawalt, PE – Project Manager
Edawalttrw@gmail.com

Design Consulting Firm
Stantec Consulting Services
1409 N. Forbes Road
Lexington, KY 40511
859-433-3000 (phone)
Bret Lavey, PE – Design Manager, Engineer of Record
bret.lavey@stantec.com
(Project Management, Engineering)

Project Partners: Stantec, EcoGro and Ridgewater, LLC

PROJECT PLAN ELEMENTS

1) **STORMWATER CONTROL FACILITIES:**

All improvements shall be located on the property of 2651 Palumbo Drive listed above. No other property or Right-of-Way shall be disturbed without the written permission from the property owners and/or LFUCG.

This project element includes design and installation of the stormwater control facilities at the specified site location. The proposed facilities are listed below and are further described in the Organization's Incentive Grant application. Alterations to these element(s) can only be made in consultation with the LFUCG Grant Manager. Significant alteration of these elements may require approval by the LFUCG Water Quality Fees Board.

1. **Wetland/Riparian Buffer:** to filter and retain sediment from stormwater sheet runoff. 8000 square feet, or 0.25 acre, species capable of surviving periodic submerision (48

hours). This is for the south west portion of the lot. The locations for the wetland/riparian plantings are shown in Figure 1.

2. Educational Signage: A sign will be installed showing the improvements to the enhanced wetlands area and the functions to improve stormwater quality. The location of the sign will be at the existing Crane Display Pad.

3. BMP Feasibility Study/Preliminary Design: Link-Belt will evaluate opportunities to implement stormwater BMPs at 2651 Palumbo Drive. Some of the BMPs to be evaluated are shown on Figure 2 BMP Opportunities Plan. The Feasibility Study will examine land uses on the property, drainage areas, potential sources of pollutants from those drainage areas, and the optimum BMPs to treat those pollutants. A preliminary design will be performed for the highest priority BMP identified during the feasibility study.

2) **DESIGN DOCUMENTS:**

Design Plans shall be provided to the LFUCG Grant Manager for review prior to starting construction phase of the project.

- Note the Design Document generation is not part of this agreement; however, the items listed in this section are required to be part of the design.
- The stormwater control facilities shall be designed in such a way as to meet the LFUCG definition for an Engineered Wetland/Riparian Buffer Planting Area per the Engineering Stormwater Manual.
- All existing utilities shall be located and shown on the design plans.
- All existing easements, adjacent property lines, and Rights-of-Way shall be shown on the design plans. If any work is proposed to occur within any easement (i.e. utility, etc.), whether public or private, the Organization shall obtain all necessary encroachment agreements for the authorized agencies prior to the start of construction.

- Any work proposed within or on public right-of-way, easement, or LFUCG-owned property will require one or more permits or approvals. This includes installation permits for connection into any existing curb inlet or stormwater manhole located within public right-of-way. Please contact the appropriate staff:

Environmental Services (street trees), Tim Queary – tqueary@lexingtonky.gov Engineering (right-of-way), Dan Kiser – dkiser2@lexingtonky.gov Engineering (New Development), Charles Saylor - chucks@lexingtonky.gov Sanitary Sewers, Rod Chervus – rchervus@lexingtonky.gov Stormwater, Greg Lubeck – glubeck@lexingtonky.gov

- All federal, state, and local permits, approvals, and agreements required for construction of the proposed improvements shall be obtained prior to the start of construction. If the timing of construction is such that a permit may expire before construction can be completed, then the Organization shall coordinate with the LFUCG Grant Manager and permitting agencies on appropriate timing for permit submittals. The Organization is fully responsible to determine which approvals, permits, and encroachments are required for the project.
- Erosion and sediment control and traffic control measures shall be designed to meet all standards and follow guidelines in the LFUCG Engineering Manuals, and shall be shown on the design plans with appropriate notes.

3) **STORMWATER CONTROL FACILITIES CONSTRUCTION:**

No grant-funded construction activities shall occur until the LFUCG Grant Manager gives notice-to-proceed, in writing, for the start of the construction phase of the project.

Facilities shall be constructed per the design plans and specifications. Construction of the proposed facilities shall also meet the following stipulations:

- Construction shall not begin until all permits, approvals, agreements, etc. are obtained and copies provided to the LFUCG Grant Manager.
- All existing utilities shall be located, contacted, and coordinated with prior to any work being performed.
- The Stormwater Pollution Prevention Plan, including the Erosion and Sediment Control Plan, shall be provided to the LFUCG Divisions of Water Quality and Engineering for review. The LFUCG Land Disturbance Permit shall be obtained by the contractor after placement of the ESC and traffic control measures.
- Failure to place acceptable erosion and sediment control measures into service prior to start of construction will result in shut-down of the job site until the measures are put in place. Construction practices shall be put in place to prevent the illicit discharge of sediment, dirt, sand, fluids, trash, and any other pollutant into the Municipal Separate Storm Sewer System or Waters of the Commonwealth.
- The Organization shall host a pre-construction/construction meeting with all parties related to the Stormwater Control Facilities. The LFUCG Grant Manager shall be invited 5 days in advance of this meeting.
- The Organization is responsible for providing all construction oversight, administration, and daily inspections. LFUCG shall not provide these services.
- The Organization shall document construction by taking before, during, and after photographs. Photographs shall be provided in digital format to the LFUCG Grant Manager.
- Once construction of the Stormwater Control Facilities is complete, a final walk-thru inspection shall be performed. The LFUCG Grant Manager shall be invited to this inspection and given 5 days notice. If punch-list items are identified, a second inspection shall be performed once those items are resolved, and the LFUCG Grant Manager shall be invited to this inspection and given 3 days notice.
- The Organization agrees to enter into the *Agreement to Maintain Stormwater Control Facilities Funded by an LFUCG Stormwater Quality Projects Class B Incentive Grant* included in Attachment B of the Grant Award Agreement within 21 calendar days of the final (post punch-list) inspection. This Agreement shall be recorded by LFUCG at the Fayette County Clerk's office. It is anticipated the Wetland/Riparian Buffer will be included in Attachment B.

REPORTING REQUIREMENTS

- 1) Prior to Construction, the Organization shall provide the LFUCG Grant Manager 3 hard copies and one digital copy each of the following deliverables, each sealed by a professional licensed to perform such work in accordance with Kentucky Revised Statutes (KRS):
 - Set of all final design calculations.
 - Set of final construction plans, including erosion and sediment control plans, grading plans, etc. (Including one "half-size" set.)
 - Set of final specifications and bidding documents (if applicable).
 - Final detailed engineer's construction cost estimate including quantities and/or bid(s).
 - All local, state or federal required permits, approvals, public or private encroachment agreements etc. received to date for the project.
 - Inspection, Operation, and Maintenance Plan laying out the plan for regular inspection and maintenance of each proposed facility for design performance and safety in accordance with manufacturer's specifications and LFUCG's Stormwater Manual. The O&M Plan must include prohibitions against storage of certain materials on the permeable pavement.
 - Existing Condition photographs.

- 2) The Organization shall allow LFUCG twenty-one (21) calendar days to review the submittals and provide comments. If revised submittals are required, the Organization shall allow LFUCG ten (10) calendar days for review per submittal. LFUCG may choose to have a third party engineering consultant assist LFUCG in review of these submittals.
- 3) If the project is competitively bid, the selected contractor's unit price contract/bid list shall be provided to the LFUCG Grant Manager prior to the start of construction.
- 4) If the project is not competitively bid, the selected contractor's unit price contract shall be provided to the LFUCG Grant Manager prior to the start of construction, along with a justification for any deviations from the engineer's construction cost estimate.
- 5) **The construction phase shall begin only after the LFUCG Grant Manager gives notice-to-proceed, in writing, for the start of the construction phase of the project.**
- 6) If, during construction, the contractor requests a deviation or addition to the quantities or costs in the construction contract, the LFUCG Grant Manager shall be notified within 2 business days. Additions or modifications to the project that are not directly related to the intended and correct function of the stormwater control project elements as described in the Project Plan Elements listed above and in original incentive grant application are not eligible for Grant reimbursement. Therefore, the Organization is advised that it should coordinate closely with the LFUCG Grant Manager during construction to ensure the work being performed is in compliance with this Agreement. **Note that per the Grant Award Agreement all over-runs that result in the project costs exceeding the Grant amount are the responsibility of the Organization.**
- 7) After construction is completed, the Project Final Report shall include digital and hard copies of the following:
 - Summary of final construction costs and quantities.
 - Copies of all federal, state, and local permits obtained for the project (if not previously provided) and any permit closure documents.
 - 3 copies of a Record Drawing showing all field changes, and signed and sealed by the professional of record certifying the project as shown meets all original design intent.
 - Copies of final inspection minutes, punchlists, etc.
 - Photo documentation of site conditions and improvements before, during, and after construction.
 - Signed *Agreement to Maintain Stormwater Facilities Funded by an LFUCG Stormwater Quality Projects Class B Incentive Grant* (Note: There will be collaboration between the organization and LFUCG to complete this form after construction is complete and final costs are determined).
- 8) LFUCG shall make final payment of the 10% retainer after acceptance of the Project Final Report.

EDUCATIONAL OPPORTUNITIES

- 1) A sign will be installed showing the improvements to the enhanced wetlands area and the functions to improve stormwater quality. The location of the sign will be at the existing Crane Display Pad.

PERMANENT FACILITIES/INFRASTRUCTURE

Ownership: The proposed facilities are expected to reside on private property in Fayette County and be owned by the Property Owner.

Future Inspection and Maintenance: The Organization (and/or Property Owner) agrees to sign and abide by the terms of the *Maintenance Agreement for Stormwater Control Facilities Funded by an LFUCG Stormwater Quality Projects Class B Incentive Grant* included as Attachment B to the Grant Award Agreement. The property owner is solely responsible for future maintenance of the grant funded improvements as long as the improvements are in service.

Monitoring by LFUCC: The Organization agrees to allow LFUCC staff future access to any property on which work is performed to monitor the installed features for compliance with this Agreement during the grant period. After the grant period has ended, the Organization agrees to allow LFUCC access for monitoring per the terms of the Maintenance Agreement. Water quality sampling via grab samples or other methods may be employed by LFUCC staff as part of LFUCC's annual reporting requirement of its Kentucky Pollutant Discharge Elimination System (KPDES) MS4 Phase 1 permit.

ADDITIONAL GRANT STIPULATIONS

Note the following additional stipulations related to this project:

None

GRANT PERIOD & PROJECT SCHEDULE

The grant period starts on the date of execution by the Mayor and extends for the time period as listed in the Grant Award Agreement. Any time extensions must be approved in writing by the LFUCC Grant Manager. The project schedule shown in Table 1 is preliminary. Proposed changes to the project which alter this schedule significantly shall be discussed with the LFUCC Grant Manager prior to implementation.

TABLE 1 – PROJECT SCHEDULE

Activity	Date
Notice to Proceed	March 2017
Kickoff Meeting with LFUCC	March 2017
Design/Planting Plan	April - May 2017
Plant wetlands/riparian buffer plants	May - June 2017
Identify BMP Opportunities, Preliminary Engineering Calculations, Select highest priority BMP.	May - June 2017
Prepare Preliminary Design of Highest Priority BMP, and Design Construction Estimates	June - July 2017
Prepare Final Feasibility Study/Preliminary Design Report	July - August 2017
Final Submission and Payment of 10% Retainer	After acceptance of Final Report

PROJECT BUDGET – GRANT ELIGIBLE EXPENSES

The project budget is broken into the following components based upon the Organization's incentive grant application:

Total Grant Share	\$44,000.00 not to exceed
Estimated Cost Share:	\$11,000.00
Est. Total Project Cost:	\$55,000.00

Table 2 lists the Eligible Expenses for the design and construction phases of this project. Only properly invoiced items shall be reimbursed with grant monies or counted toward the Organization's cost share.

Any work performed on this project prior to grant award by Urban County Council and Notice-to-Proceed from the LFUCC Grant Administrator is not an eligible expense and shall not be reimbursed or counted toward the cost share with the following exception:

- NONE

Construction cost items given in Table 2 are conceptual and the construction estimate will be revised and submitted to LFUCC Grant Manager for review prior to construction and again once bids are received. The Grant is a not-to-exceed amount, and any cost overruns are the responsibility of the Grantee. Note that the Grant shall not be used to fund any project element that is required by local, state or federal regulation in relation to any new development or re-development unrelated to the stormwater quality improvement project as described herein that were to occur on-site at the same time as this project. Donated professional service hours, valued at the Median Hourly Wage for the expense provided – from the U.S. Department of Labor, Bureau of Labor Statistics, State Occupational Employment and Wage Estimates for Kentucky (current website: http://www.bls.gov/oes/current/oes_ky.htm)

TABLE 2 – ELIGIBLE EXPENSES

Type of Expense	Participants	Item	Unit Price	Quantity	Funded by Organization	Funded by Grant	Total Expense	
1 Wetlands/Riparian Buffer BMP and Educational Sign								
2	Contractor	Design Planting Plan & Project Management	\$ 4,000.00	Lump Sum	1.0	\$ 800.00	\$ 3,200.00	\$ 4,000.00
3	Wetland/Riparian Buffer Contractor	Plant Riparian Buffer Trees on slope, including amending soil	\$ 15,000.00	Lump Sum	1.0	\$ 3,000.00	\$ 12,000.00	\$ 15,000.00
4	Wetland/Riparian Buffer Contractor	Plant Wetlands	\$ 5,000.00	Lump Sum	1.0	\$ 1,000.00	\$ 4,000.00	\$ 5,000.00
5	Wetland/Riparian Buffer Contractor	Maintain vegetation and remove invasive species (3 yrs)	\$ 15,000.00	Lump Sum	1.0	\$ 3,000.00	\$ 12,000.00	\$ 15,000.00
6	Educational Sign	Organizational Prepare and install Educational Sign	\$ 1,000.00	Lump Sum	1.0	\$ 200.00	\$ 800.00	\$ 1,000.00
7 BMP Feasibility Study/Preliminary Design								
8	Feasibility Study Consultant	Perform Feasibility Study, Prepare Prelim Design Plan & Cost Estimates	\$ 15,000.00	Lump Sum	1.0	\$ 3,000.00	\$ 12,000.00	\$ 15,000.00
TOTAL PROJECT BUDGET:					\$ 11,000.00	\$ 44,000.00	\$ 55,000.00	
10						ORGANIZATION SHARE	GRANT SHARE	
11						20.0%	80.0%	
12								

Figure 1 – Wetland/Riparian Buffer (From Application)

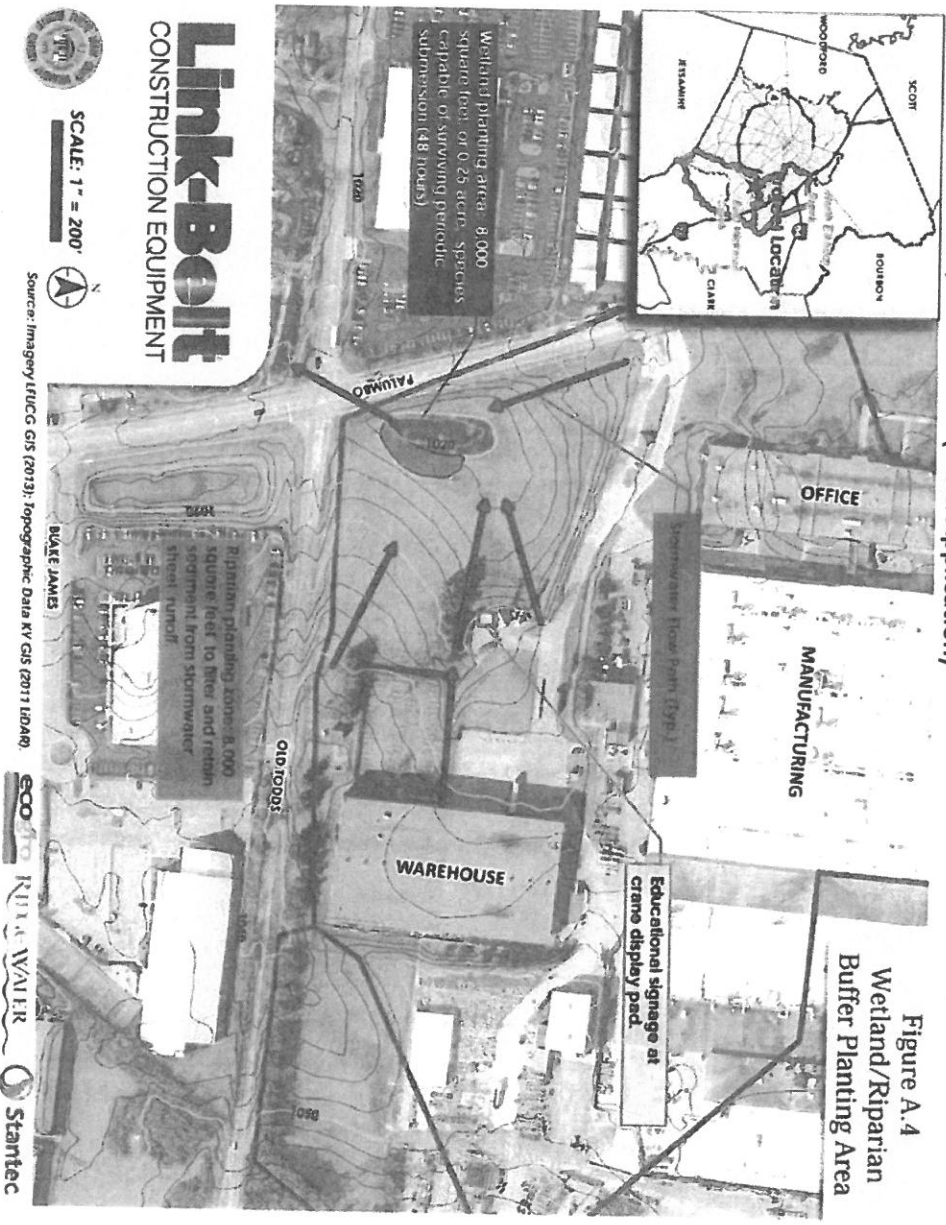


Figure A.4
Wetland/Riparian
Buffer Planting Area

Figure 2 – Opportunities Plan (From Application)

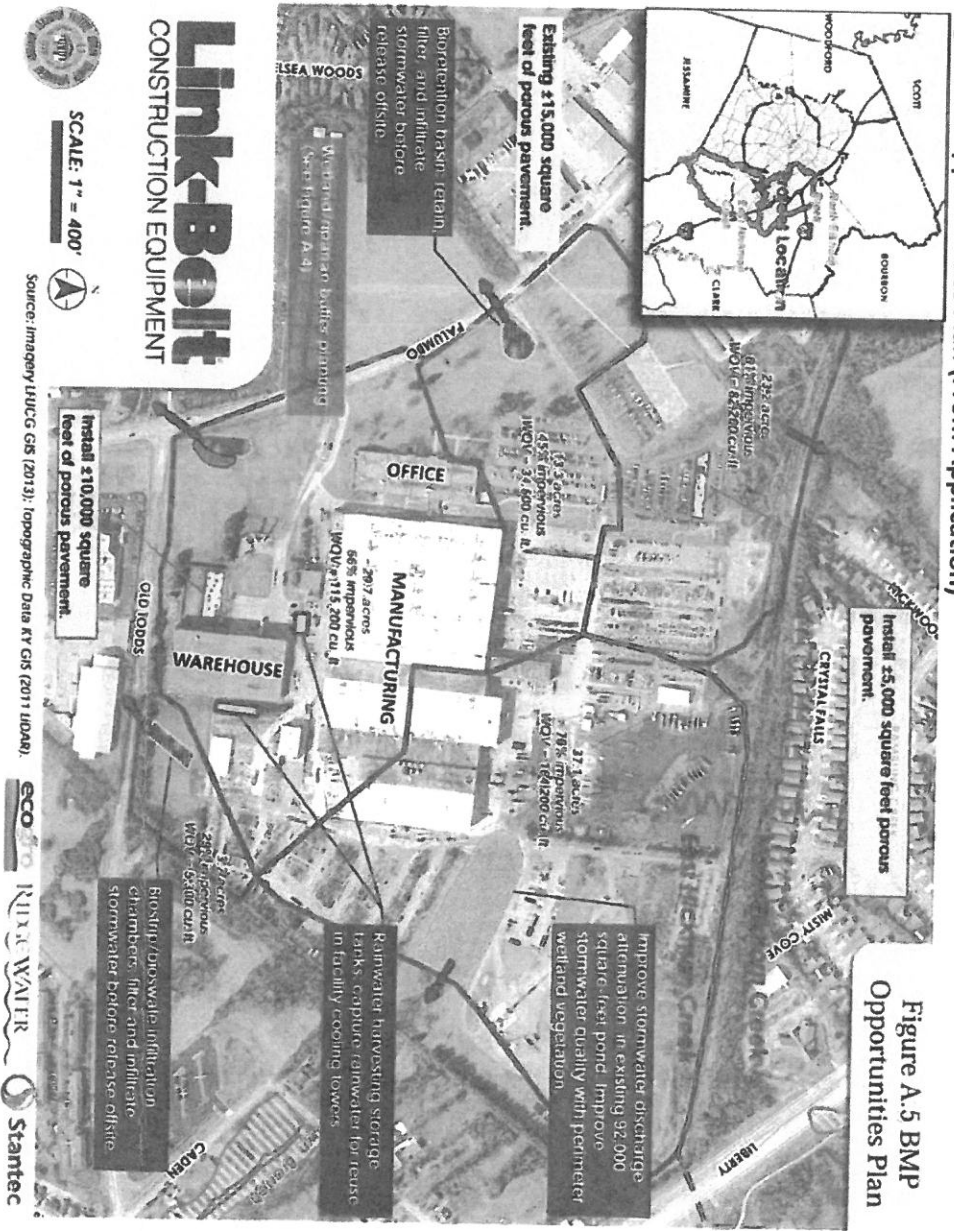


Figure A.5 BMP
Opportunities Plan

