

PART III

Invitation to Bid No. 27-2014

GREEN ACRES/HOLLOW CREEK ROAD SANITARY SEWER REPLACEMENT AND STREAM REHABILITATION

1. FORM OF PROPOSAL

Place: Lexington, Kentucky

Date: 3/6/14

The following Form of Proposal shall be followed exactly in submitting a proposal for this Work.

This Proposal Submitted by Grant's Excavating Inc.
P.O. Box 298, Richmond, Ky 40476
(Name and Address of Bidding Contractor)

(Hereinafter called "Bidder"), organized and existing under the laws of the State of Kentucky, doing business as Grant's Excavating
"a corporation," "a partnership," or an "individual" as applicable.

To: Lexington-Fayette Urban County Government
(Hereinafter called "OWNER")
Office of the Director of Purchasing
200 East Main Street, 3rd Floor
Lexington, KY 40507

Gentlemen:

The Bidder, in compliance with your Invitation for Bids for The Green Acres/Hollow Creek Road Sanitary Sewer Replacement and Stream Rehabilitation Project, having examined the Plans and Specifications with related documents, having examined the site for proposed Work, and being familiar with all of the conditions surrounding the construction of the proposed Project, including the availability of materials and labor, hereby proposes to furnish all labor, materials, and supplies, and to construct the Project in accordance with the Contract Documents, within the time set forth therein, and at the lump sum and/or unit prices stated hereinafter. These prices are to cover all expenses incurred in performing the Work required under the Contract Documents, of which this proposal is a part. The OWNER will issue work orders for work to be performed under this Contract.

BIDDER hereby agrees to commence work under this contract on or before a date to be specified in the Notice to Proceed and to fully complete the project within the time provided in the Purchase Order or Work Orders issued by the OWNER. BIDDER further agrees to pay liquidated damages, the sum of \$200 for each consecutive calendar day thereafter.

The Bidder hereby acknowledges receipt of the following addenda:

Addendum No. 1 Date 2/28/14

Addendum No. Date

Addendum No. Date

Addendum No. Date

Addendum No. Date

Addendum No. Date

Addendum No. Date

Addendum No. Date

Insert above the number and the date of any Addendum issued and received. If none has been issued and received, the word "NONE" should be inserted.

2. LEGAL STATUS OF BIDDER

Bidder Grant's Excavating Inc.

Date 3/6/14

* 1. A corporation duly organized and doing business under the laws of the State of Kentucky, for whom Allen D. Grant, bearing the official title of President, whose signature is affixed to this Bid/Proposal, is duly authorized to execute contracts.

* 2. A Partnership, all of the members of which, with addresses are: (Designate general partners as such)

~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~

* 3. An individual, whose signature is affixed to this Bid/Proposal (please print name)

~~_____~~
~~_____~~

*(The Bidder shall fill out the appropriate form and strike out the other two.)

3. **BIDDERS AFFIDAVIT**

Comes the Affiant, Allen D. Grant, and after being first duly sworn, states under penalty of perjury as follows:

1. His/her name is Allen D. Grant and he/she is the individual submitting the bid or is the authorized representative of Grant's Excavating Inc., the entity submitting the bid (hereinafter referred to as "Bidder").
 2. Bidder will pay all taxes and fees, which are owed to the Lexington-Fayette Urban County Government at the time the bid is submitted, prior to award of the contract and will maintain a "current" status in regard to those taxes and fees during the life of the contract.
 3. Bidder will obtain a Lexington-Fayette Urban County Government business license, if applicable, prior to award of the contract.
 4. Bidder has authorized the Division of Central Purchasing to verify the above-mentioned information with the Division of Revenue and to disclose to the Urban County Council that taxes and/or fees are delinquent or that a business license has not been obtained.
 5. Bidder has not knowingly violated any provision of the campaign finance laws of the Commonwealth of Kentucky within the past five (5) years and the award of a contract to the Bidder will not violate any provision of the campaign finance laws of the Commonwealth.
 6. Bidder has not knowingly violated any provision of Chapter 25 of the Lexington-Fayette Urban County Government Code of Ordinances, known as the "Ethics Act."
 7. Bidder acknowledges that "knowingly" for purposes of this Affidavit means, with respect to conduct or to circumstances described by a statute or ordinance defining an offense, that a person is aware or should have been aware that his conduct is of that nature or that the circumstance exists.
- Further, Affiant sayeth naught.

Allen D. Grant
(Affiant)

STATE OF Kentucky
COUNTY OF Madison

The foregoing instrument was subscribed, sworn to and acknowledged before me by

Allen D. Grant on this the 6th day of March, 2014.

My Commission expires: 10/17/16

Patricia J. Riley
NOTARY PUBLIC, STATE AT LARGE

4. BID SCHEDULE – SCHEDULE OF VALUES

The Bidder agrees to perform all the Work described in the Specifications and shown on the Plans for the following proposed lump sum and/or unit prices, if applicable, which shall include the furnishing of all labor, materials, supplies, equipment and/or vehicle usage, services, all items of cost, overhead, taxes (federal, state, local), and profit for the Contractor and any Subcontractor involved, within the time set forth herein. If unit prices are applicable, Bidder must make the extensions and additions showing the total amount of bid.

Form of proposal must include unit bid prices written in words, unit price written in numbers and total amount bid (unit price x quantity) per line item OR bid may be considered non-responsive. In case of price discrepancy, unit bid price written in words will prevail followed by unit price written in numbers then total amount bid per line item.

If a discrepancy between the unit price and the item total exists, the unit price prevails except:

If the unit price is illegible, omitted, or the same as the item total, item total prevails and the unit price is the quotient of the item total and the quantity.

If the unit price and the item total are illegible or are omitted, the bid may be determined nonresponsive. If a lump sum total price is illegible or is omitted, the bid may be determined nonresponsive.

For a lump sum based bid, the item total is the bid amount the Division uses for bid comparison.

For a unit price based bid, the sum of the item totals is the bid amount the Division uses for bid comparison.

Bid Amounts shall be determined separately for Area 1 and Area 2. Each area shall be totaled separately. The sum of these two totals, i.e, the Total Base Bid, shall constitute the basis for bid comparison.

The LFUCG's decision on the bid amount is final.

The contract, if awarded, will be on the basis of materials and equipment specified in the specifications without consideration of possible substitute or "or equal" items.

The estimated quantities of items of unit price work are not guaranteed and are solely for the purpose of comparison of bids and determining an initial Contract price. Determination of the actual quantities and classification of unit price work performed by the Contractor will be made by the Engineer in accordance with the General Conditions.

LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT
 GREEN ACRES/ HOLLOW CREEK SANITARY SEWER REPLACEMENT AND STREAM REHABILITATION
 BID SCHEDULE

BID AREA No.1

Item No.	Description w/ Unit Bid Price Written in Words	Units	Estimated Quantity	Unit Price	Total Bid Amount
1	18" SDR 35 PVC Pipe for <u>Eighty five</u> Dollars and <u>no</u> Cents per unit	LF	835	\$ <u>85⁰⁰</u>	\$ <u>70,975</u>
2	8" SDR 35 PVC Pipe for <u>Seventy</u> Dollars and <u>no</u> Cents per unit	LF	189	\$ <u>70⁰⁰</u>	\$ <u>13,230</u>
3	18" Ductile Iron Pipe (PC 250) for <u>One hundred ten</u> Dollars and <u>no</u> Cents per unit	LF	945	\$ <u>110⁰⁰</u>	\$ <u>103,950</u>
4	8" Ductile Iron Pipe (PC.350) for <u>Eighty five</u> Dollars and <u>no</u> Cents per unit	LF	250	\$ <u>85⁰⁰</u>	\$ <u>21,250</u>
5	6" SDR 35 Lateral for <u>Sixty five</u> Dollars and <u>no</u> Cents per unit	LF	40	\$ <u>65⁰⁰</u>	\$ <u>2,600</u>
6	Internal Inspection of Pipe: CCTV for <u>Five</u> Dollars and <u>no</u> Cents per unit	LF	2,219	\$ <u>5⁰⁰</u>	\$ <u>11,095</u>
7	Sanitary Sewer Manhole (4' dia.) <8' for <u>Three thousand</u> Dollars and <u>no</u> Cents per unit	EA	18	\$ <u>3,000⁰⁰</u>	\$ <u>54,000</u>
8	Manhole (4'dia) -Add'l vertical depth beyond 8' <u>One hundred fifty</u> Dollars and <u>no</u> Cents per unit	VF	22	\$ <u>150⁰⁰</u>	\$ <u>3,300⁰⁰</u>
9	Project Sign for <u>One thousand</u> Dollars and <u>no</u> Cents per unit	EA	1	\$ <u>1,000⁰⁰</u>	\$ <u>1,000</u>
10	Degradable Erosion Control Mat for <u>Twelve</u> Dollars and <u>no</u> Cents per unit	SY	385	\$ <u>12⁰⁰</u>	\$ <u>4,620</u>
11	Permanent Turf Reinforcement Mat for <u>Fifteen</u> Dollars and <u>no</u> Cents per unit	SY	1,025	\$ <u>15⁰⁰</u>	\$ <u>15,375</u>
12	Aggregate Channel Lining (estimated 300 tons) for <u>Fifteen thousand</u> Dollars and <u>no</u> Cents per unit	LS	1	\$ <u>15,000⁰⁰</u>	\$ <u>15,000</u>
13	Low Water Crossing w/ Aggregate (est. 150 tons) for <u>Six thousand</u> Dollars and <u>no</u> Cents per unit	LS	1	\$ <u>6,000⁰⁰</u>	\$ <u>6,000</u>
14	Articulating Concrete Block for <u>Two hundred fifty</u> Dollars and <u>no</u> Cents per unit	SY	30	\$ <u>250⁰⁰</u>	\$ <u>7500⁰⁰</u>

LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT
 GREEN ACRES/ HOLLOW CREEK SANITARY SEWER REPLACEMENT AND STREAM REHABILITATION
 BID SCHEDULE

BID AREA No.1

Item No.	Description w/ Unit Bid Price Written in Words	Units	Estimated Quantity	Unit Price	Total Bid Amount
15	Headwall and Mattress Channel for <u>Three thousand five hundred</u> Dollars and <u>no</u> Cents per unit	LS	1	\$ <u>3,500⁰⁰</u>	\$ <u>3,500</u>
16	Concrete Retaining Wall for <u>Twenty five thousand</u> Dollars and <u>no</u> Cents per unit	LS	1	\$ <u>25,000⁰⁰</u>	\$ <u>25,000</u>
17	Roadway/sidewalk restoration, H.C. and La Salle Rds for <u>Ten thousand</u> Dollars and <u>no</u> Cents per unit	LS	1	\$ <u>10,000⁰⁰</u>	\$ <u>10,000</u>
18	Milling and Paving - H.C and La Salle Rds for <u>Thirty</u> Dollars and <u>no</u> Cents per unit	SY	580	\$ <u>30⁰⁰</u>	\$ <u>17,400</u>
19	Revegetation - Hydroseeding for <u>Four thousand</u> Dollars and <u>no</u> Cents per unit	AC	4.8	\$ <u>4,000⁰⁰</u>	\$ <u>19,200</u>
20	Tree and Stump Removal for <u>Eighteen thousand</u> Dollars and <u>no</u> Cents per unit	LS	1	\$ <u>18,000⁰⁰</u>	\$ <u>18,000</u>
21	Remove and Replace Chain Link Fence for <u>Five thousand</u> Dollars and <u>no</u> Cents per unit	LS	1	\$ <u>5,000⁰⁰</u>	\$ <u>5,000</u>
22	Install and Remove Temporary Woven Wire Fence for <u>Two thousand five hundred</u> Dollars and <u>no</u> Cents per unit	LS	1	\$ <u>2,500⁰⁰</u>	\$ <u>2,500</u>
23	Miscellaneous Demolition, Clearing and Grubbing for <u>Eight thousand</u> Dollars and <u>no</u> Cents per unit	LS	1	\$ <u>8,000⁰⁰</u>	\$ <u>8,000</u>
24	Excavate and Dispose Offsite Excess Soil (estimated 2,000 CY) for <u>Twenty six thousand</u> Dollars and <u>no</u> Cents per unit	LS	1	\$ <u>26,000⁰⁰</u>	\$ <u>26,000</u>
25	Excavate, Stockpile and Replace 6" Topsoil (estimated 650 CY) for <u>Five thousand five hundred</u> Dollars and <u>no</u> Cents per unit	LS	1	\$ <u>5,500⁰⁰</u>	\$ <u>5,500⁰⁰</u>
26	Erosion and Sediment Control for <u>Twenty five thousand</u> Dollars and <u>no</u> Cents per unit	LS	1	\$ <u>25,000⁰⁰</u>	\$ <u>25,000</u>
27	Remove & Replace Sidewalk (No quantity at time of bidding) for <u>Ninety</u> Dollars and <u>no</u> Cents per unit	SY	0	\$ <u>90⁰⁰</u>	\$ <u>0</u>
Bid Area 1 Subtotal = Total of Bid Items 1 thru 27				<u>494,995</u>	

LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT
 GREEN ACRES/ HOLLOW CREEK SANITARY SEWER REPLACEMENT AND STREAM REHABILITATION
 BID SCHEDULE

BID AREA No.2

Item No.	Description w/ Unit Bid Price Written in Words	Units	Estimated Quantity	Unit Price	Total Bid Amount
28	18" Ductile Iron Pipe (PC 250) for <u>One hundred ten</u> Dollars and <u>00</u> Cents per unit	LF	822	\$ <u>110⁰⁰</u>	\$ <u>90,420</u>
29	Internal Inspection of Pipe: CCTV for <u>Five</u> Dollars and <u>00</u> Cents per unit	LF	822	\$ <u>5⁰⁰</u>	\$ <u>4,110</u>
30	Concrete Encasement at Stream Crossing No.1 for <u>Five thousand five hundred</u> Dollars and <u>00</u> Cents per unit	LS	1	\$ <u>5,500⁰⁰</u>	\$ <u>5,500</u>
31	Stream Crossing No. 2, Aerial for <u>Eighteen thousand five hundred</u> Dollars and <u>00</u> Cents per unit	LS	1	\$ <u>18,500⁰⁰</u>	\$ <u>18,500⁰⁰</u>
32	Sanitary Sewer Manhole (4' dia.) <8' for <u>Three thousand</u> Dollars and <u>00</u> Cents per unit	EA	3	\$ <u>3,000⁰⁰</u>	\$ <u>9,000</u>
33	Sanitary Sewer Manhole, Open Bottom (6' dia.) <8' for <u>Five thousand five hundred</u> Dollars and <u>00</u> Cents per unit	EA	1	\$ <u>5,500⁰⁰</u>	\$ <u>5,500</u>
34	Roadway restoration - Lexmark for <u>Four thousand five hundred</u> Dollars and <u>00</u> Cents per unit	LS	1	\$ <u>4,500⁰⁰</u>	\$ <u>4,500</u>
35	Revegetation - Hydroseeding for <u>Four thousand</u> Dollars and <u>00</u> Cents per unit	AC	0.6	\$ <u>4,000⁰⁰</u>	\$ <u>2,400</u>
36	Miscellaneous Demolition, Clearing and Grubbing for <u>Seven thousand</u> Dollars and <u>00</u> Cents per unit	LS	1	\$ <u>7,000⁰⁰</u>	\$ <u>7,000</u>
37	Excavate, Stockpile and Replace 6" Topsoil (estimated 85 CY) for <u>One thousand eight hundred</u> Dollars and <u>00</u> Cents per unit	LS	1	\$ <u>1,800⁰⁰</u>	\$ <u>1,800⁰⁰</u>
38	Erosion and Sediment Control for <u>Fifteen thousand</u> Dollars and <u>00</u> Cents per unit	LS	1	\$ <u>15,000⁰⁰</u>	\$ <u>15,000⁰⁰</u>
Bid Area 2 Subtotal = Total of Bid Items 28 thru 38				<u>163,730</u>	
Total Base Bid = Bid Area 1 Subtotal + Bid Area 2 Subtotal				<u>658,725</u>	

TOTAL OF ALL BID PRICES FOR 27-2014 Project (Items 1 through 38) in words and figures.
In case of discrepancy, the amount shown in words will govern.

Six hundred fifty eight thousand seven hundred
twenty five Dollars (\$ 658,725.00).

Submitted by:

Grant's Excavating Inc.

Firm

P.O. Box 298

Address

Richmond, KY 40476

City, State & Zip

Bid must be signed:
(original signature)

 President
Signature of Authorized Company Representative – Title

Allen D. Grant
Representative/s Name (Typed or Printed)

859-626-3478
Area Code – Phone – Extension

859-626-1569
Fax #

pat @ grantexcavating.com
E-Mail Address

OFFICIAL ADDRESS:

P.O. Box 298
Richmond, KY
40476

(Seal if Bid is by Corporation)

By signing this form you agree to ALL terms, conditions, and associated forms in this bid package

RESOLUTION OF GRANT'S EXCAVATING, INC.

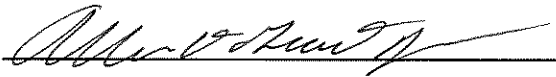
The undersigned, being all the directors of **GRANT'S EXCAVATING, INC.**, a Kentucky corporation, (the "Corporation") does hereby adopt the following resolution, without a meeting: BE IT RESOLVED, as follows:

(i) That the Corporation submit a bid for the **GREEN ACRES/HOLLOW CREEK ROAD SANITARY SEWER REPLACEMENT AND STREAM REHABILITATION** ("Project") in such amount and on such terms as the President of the Corporation, Allen D. Grant Jr., shall determine, in his sole discretion; and

(ii) that the Corporation authorizes and directs Allen D. Grant Jr., President of the Corporation, to execute, acknowledge, and deliver in the name and on behalf of the Corporation any necessary bid documents for the Project, including, but not limited to the bid proposal, and to thereafter enter into a Contract for the Project if the bid should be awarded to the Corporation, on such terms as said President shall determine, in his sole discretion, and other collateral documents, with such changes, additions, and amendments thereto as said President deems advisable and such other documents as may be required on the Project or by the Project's owner.

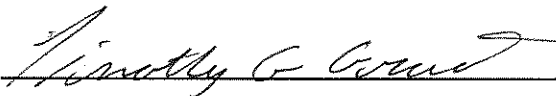
The undersigned, being all the directors of the Corporation, do hereby ratify the actions of the above-named President of the Corporation as of this the date written below.

Date: 3/6/14



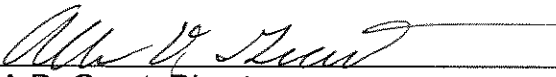
Allen D. Grant, Jr., Director

Date: 3/6/14



Timothy G. Grant, Director

Date: 3/6/14



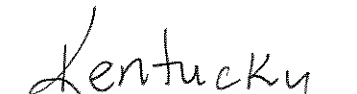
A.D. Grant, Director

Certification

The undersigned hereby certifies and attests that the foregoing Resolution was approved by all the directors of the Corporation on the date of their signatures hereto.



A.D. Grant, Secretary



State of Incorporation

P.O. Box 298

Richmond, KY 40476

5. **STATEMENT OF BIDDER'S QUALIFICATIONS**

The following statement of the Bidder's qualifications is required to be filled in, executed, and submitted with the Proposal:

1. Name of Bidder: Grant's Excavating Inc.
2. Permanent Place of Business: 312 Jason Dr Ste 6 Richmond, KY
3. When Organized: 1/17/92
4. Where Incorporated: Kentucky

5. Construction Plant and Equipment Available for this Project:

see attached

(Attach Separate Sheet If Necessary)

6. Financial Condition:

If specifically requested by the OWNER, the apparent low Bidder is required to submit its latest three (3) years audited financial statements to the OWNER'S Division of Central Purchasing within seven (7) calendar days following the bid opening.

7. In the event the Contract is awarded to the undersigned, surety bonds will be furnished by:

Berkley Insurance Company (Surety)

Signed: Deborah Kay Davis (Representative of Surety)

8. The following is a list of similar projects performed by the Bidder: (Attach separate sheet if necessary).

GRANT'S EXCAVATING INC
EQUIPMENT LIST 2014

UNIT #	YR	DESCRIPTION	MAKE/MODEL	SERIAL #
103		BACKHOE	J D	T0310EX848142
114		LOADER	CAT 963	2DS00467
115		GRADER	GALLION A550E	9705
117		AIR COMPRESSOR	GRIMMER SCHMIDT 125DR	4Y6125DRVF020024
120		ROLLER SOIL COMPACTOR	CAT CS563C	4KN00874
121		TRACKHOE	150 LC-S HITACHI	13KP001470150
122	2001	STRAWBLOWER	FINN B-70	35342A
		80" BUCKET		6716048/C/N 39228
		LOGGING TRACKS	125F1245 873	F100276/C/N 38853A
		LANDSCAPE RAKE		910701558
127		TRACKHOE	CAT 320C	0ANB03629
		COUPLER	CAT 320 C	NO SER. ID#XL148C
	2005	80" BUCKET		CN 53515
132	2005	84" ANGLE BROOM	BOBCAT	231412651 CN54644A
133		TRACKHOE	CAT 345BL II	ALB00337/ ID# UXW430
134		ROLLER SOIL COMPACTOR	CP-563	CATCP563LCNT01289
135		TRACTOR /BUSHHOG	FORD 7740	
137	2007	HYDRAULIC HAMMER	E210A	71416
139	2008	EXCAVATOR	330DL	OMWP01183
141		KUNDEL JOB BOX TRENCHER		#5553
142		4" GORMAN RUPP PUMP		
143		6" WACKER PUMP		
144		SKYTRACK	CATTH83	SHK82015
145		MILLER BOBCAT WELDER		KK258800
146		TARGET WALL BEHIND SAW	PROIII26	288743
		w/ WISCONSIN MOTOR	SPEC# 466521	98031057
147	2008	HONDA GENERATOR	6500	SN#EASJ-1010814
148	2008	CERDA TRENCH SHIELD	C4L816KE	C081105
149		SHORE TECH MANHOLE BOX	906132	888-1
150	2009	CERDA TRENCH SHIELD	13176	C090303
151	1997	John Deere Bulldozer	450	T0451GF835289
152		Wacker Trench Compactor	RT82-SL	5785337
154	2009	Wacker Plate Compactor	WP1550AW	6662333
155	2007	Light Tower	Genie AXT83361	TML07-512
156	2009	Gravel Box	Cerda/Model #015173	Model# 015173 C091110
157	2009	10 Street Plates	Volvo	8' X 10' X 1"
158	2009	Trench Shield	Cerda/Model C4L816KE	SN #C081105

GRANT'S EXCAVATING INC

EQUIPMENT LIST 2014

159	2009	Trench Shield	Cerda/Model C4L616KE	SN# C090303
160	2009	Manhole Box	Shore Tec 8X8X8	SN# 888-1
161		Compaction Wheel	CAT	VIN# 1M1AA13Y52W146130
162	2011	321D LCR Hydraulic Excavator	CAT	MPG00221
163	2011	Rubber Track Dump	C50R	41575
164	2011	Ripper	CAT 330C	08AW01057
165	2012	Milling Head	AQ-4	111563-3
166	2012	Multi Terrain Skid Loader	259B	SN# YYZ02877
167	2012	HYDRAULIC HAMMER	H130E	SN# ACC16515
168	2012	DENIS CIMAF Mulcher	DAH-150Er	SN# 1202HH019
169	2012	Compact Track Loader	289C2	SN# ORT0197
170	2011	Mini Hyraulic Excavator	305DCR	ID#ACC13428
UNIT #	YR	DESCRIPTION	MAKE/MODEL	SERIAL #
201		ARTICULATING TRUCK	D350E	9LR00307
202		ARTICULATING TRUCK	730	OAGF00290 ID# UXD199

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
Otter Creek-Contract 2	Richmond, KY	241,990
South Fork Gunpowder	Ft. Wright, KY	1,229,950
Sunnybrook Sewer	Florence, KY	2,106,777
Rose Hill Sewer	Mt. Vernon, KY	1,727,635
Buckner Force Main	La Grange, KY	1,862,240

9. The Bidder has now under contract and bonded the following projects:

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
Otter Creek Goggins	Richmond, KY	1,563,540
Otter Creek Wilgreen	Richmond, KY	1,582,500
Blue Sky Pump Station	Lexington, KY	570,000

10. List Key Bidder Personnel who will work on this Project.

<u>NAME</u>	<u>POSITION DESCRIPTION</u>	<u>NO. OF YEARS WITH BIDDER</u>
Allen Grant	Owner	21
Tim Grant	Owner	14
Todd Lucas	Owner	14
Scott Douglas	Supervisor	5
Evan King	Supervisor	5

11. DBE Participation on current bonded projects under contract:

6. LIST OF PROPOSED SUBCONTRACTORS

The following list of proposed subcontractors is required by the OWNER to be executed, completed and submitted with the BIDDER'S FORM OF PROPOSAL. All subcontractors are subject to approval of the Lexington-Fayette Urban County Government. Failure to submit this list completely filled out may be cause for rejection of bid.

<u>BRANCH OF WORK - LIST EACH MAJOR ITEM</u> Such as: Grading, bituminous paving, concrete, seeding and protection, construction staking, etc.	<u>SUBCONTRACTOR</u>	<u>DBE</u> <u>Yes/No</u>	<u>% of Work</u>
1. <u>Video & Cleaning of lines</u>	Name: <u>Martin's Pipeline Inspection</u> Address: <u>P.O. Box 5343 Paris, KY</u>	<u>NO</u>	<u>1%</u>
2. <u>Sod & Restoration</u>	Name: <u>Denny Sod Co</u> Address: <u>261 Greens Crossing Richmond, KY</u>	<u>NO</u>	<u>3%</u>
3. <u>Milling & Blacktop</u>	Name: <u>Allen Company</u> Address: <u>3009 Atkinson Av Lexington, KY</u>	<u>NO</u>	<u>3%</u>
4. <u>Concrete work</u>	Name: <u>Stewart Contracting</u> Address: <u>PO Box 402 Richmond, KY</u>	<u>NO</u>	<u>6%</u>
5. <u>Bypass pumping setup</u>	Name: <u>Sunbelt Rental</u> Address: <u>PO Box 409211 Atlanta, Ga</u>	<u>NO</u>	<u>1%</u>
6. <u>stabilize utility poles</u>	Name: <u>Kentucky Utilities</u> Address: <u>200 E Water St Richmond, KY</u>	<u>NO</u>	<u>less than 1%</u>
7. _____	Name: _____ Address: _____	_____	_____

(Attach additional sheet(s) if necessary.)

7. **LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT MWDBE PARTICIPATION GOALS, FORMS, AND GOOD FAITH EFFORTS**

A. GENERAL

- 1) The LFUCG request all potential contractors to make a concerted effort to include Minority-Owned (MBE), Woman-Owned (WBE) and Disadvantaged (DBE) Business Enterprises as subcontractors or suppliers in their bids.
- 2) Toward that end, the LFUCG has established 10% of total procurement costs as a Goal for participation of Minority-Owned, Woman-Owned and Disadvantaged Businesses on this contract.
- 3) **It is therefore a request of each Bidder to include in its bid, the same goal (10%) for MWDBE participation and other requirements as outlined in this section.**

B. PROCEDURES

- 1) The successful bidder will be required to report to the LFUCG, the dollar amounts of all payments submitted to Minority-Owned or Woman-Owned subcontractors and suppliers for work done or materials purchased for this contract. (See Subcontractor Monthly Payment Report)
- 2) Replacement of a Minority-Owned or Woman-Owned subcontractor or supplier listed in the original submittal must be requested in writing and must be accompanied by documentation of Good Faith Efforts to replace the subcontractor / supplier with another MWDBE Firm; this is subject to approval by the LFUCG. (See LFUCG MWDBE Substitution Form)
- 3) For assistance in identifying qualified, certified businesses to solicit for potential contracting opportunities, bidders may contact:
 - a) The Lexington-Fayette Urban County Government, Division of Central Purchasing (859-258-3320)
- 4) The LFUCG will make every effort to notify interested MWDBE subcontractors and suppliers of each Bid Package, including information on the scope of work, the pre-bid meeting time and location, the bid date, and all other pertinent information regarding the project.

C. DEFINITIONS

- 1) A Minority-Owned Business Enterprise (MBE) is defined as a business which is certified as being at least 51% owned and operated by persons of African American, Hispanic, Asian, Pacific Islander, American Indian or Alaskan Native Heritage.
- 2) A Woman-Owned Business Enterprise (WBE) is defined as a business which is certified as being at least 51% owned and operated by one or more Non-Minority Females.

- 3) A Disadvantaged Business (DBE) is defined as a business which is certified as being at least 51% owned and operated by a person(s) that are economically and socially disadvantaged.
- 4) Good Faith Efforts are efforts that, given all relevant circumstances, a bidder or proposer actively and aggressively seeking to meet the goals, can reasonably be expected to make. In evaluating good faith efforts made toward achieving the goals, whether the bidder or proposer has performed the efforts outlined in the Obligations of Bidder for Good Faith Efforts outlined in this document will be considered, along with any other relevant factors.

D. OBLIGATION OF BIDDER FOR GOOD FAITH EFFORTS

- 1) **The bidder shall make a Good Faith Effort to achieve the Participation Goal for MWDBE subcontractors/suppliers. The failure to meet the goal shall not necessarily be cause for disqualification of the bidder; however, bidders not meeting the goal are required to furnish with their bids written documentation of their Good Faith Efforts to do so.**
- 2) Award of Contract shall be conditioned upon satisfaction of the requirements set forth herein.
- 3) The Form of Proposal includes a section entitled "MWDBE Participation Form". The applicable information must be completed and submitted as outlined below.
- 4) **Failure to submit this information as requested may be cause for rejection of bid.**

E. DOCUMENTATION REQUIRED FOR GOOD FAITH EFFORTS

- 1) Bidders reaching the Goal are required to submit only the MWDBE Participation Form." The form must be fully completed including names and telephone number of participating MWDBE firm(s); type of work to be performed; estimated value of the contract and value expressed as a percentage of the total Lump Sum Bid Price. The form must be signed and dated, and is to be submitted with the bid.
- 2) Bidders not reaching the Goal must submit the "MWDBE Participation Form", the "Quote Summary Form" and a written statement documenting their Good Faith Effort to do so. If bid includes no MWDBE participation, bidder shall enter "None" on the subcontractor / supplier form). In addition, the bidder must submit written proof of their Good Faith Efforts to meet the Participation Goal:
 - a. Advertised opportunities to participate in the contract in at least two (2) publications of general circulation media; trade and professional association publications; small and minority business or trade publications; and publications or trades targeting minority, women and disadvantaged businesses not less than fifteen (15) days prior to the deadline for submission of bids to allow MWDBE firms to participate.
 - b. Included documentation of advertising in the above publications with the bidders good faith efforts package

- c. Attended LFUCG Central Purchasing Economic Inclusion Outreach event
- ✓ d. Attended pre-bid meetings that were scheduled by LFUCG to inform MWDBEs of subcontracting opportunities
- e. Sponsored Economic Inclusion event to provide networking opportunities for prime contractors and MWDBE firms
- f. Requested a list of MWDBE subcontractors or suppliers from LFUCG Economic Engine and showed evidence of contacting the companies on the list(s).
- g. Contacted organizations that work with MWDBE companies for assistance in finding certified MWDBE firms to work on this project. Those contacted and their responses should be a part of the bidder's good faith efforts documentation.
- h. Sent written notices, by certified mail, email or facsimile, to qualified, certified MWDBEs soliciting their participation in the contract not less than seven (7) days prior to the deadline for submission of bids to allow them to participate effectively.
- i. Followed up initial solicitations by contacting MWDBEs to determine their level of interest.
- j. Provided the interested MWDBE firm with adequate and timely information about the plans, specifications, and requirements of the contract.
- k. Selected portions of the work to be performed by MWDBE firms in order to increase the likelihood of meeting the contract goals. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MWDBE participation, even when the prime contractor may otherwise perform these work items with its own workforce
- l. Negotiated in good faith with interested MWDBE firms not rejecting them as unqualified without sound reasons based on a thorough investigation of their capabilities. Any rejection should be so noted in writing with a description as to why an agreement could not be reached.
- m. Included documentation of quotations received from interested MWDBE firms which were not used due to uncompetitive pricing or were rejected as unacceptable and/or copies of responses from firms indicating that they would not be submitting a bid.
- n. Bidder has to submit sound reasons why the quotations were considered unacceptable. The fact that the bidder has the ability and/or desire to perform the contract work with its own forces will not be considered a sound reason for rejecting a

MWDBE quote. Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy MWDBE goals.

o. Made an effort to offer assistance to or refer interested MWDBE firms to obtain the necessary equipment, supplies, materials, insurance and/or bonding to satisfy the work requirements of the bid proposal

p. Made efforts to expand the search for MWBE firms beyond the usual geographic boundaries.

q. Other--any other evidence that the bidder submits which may show that the bidder has made reasonable good faith efforts to include MWDBE participation.

Failure to submit any of the documentation requested in this section may be cause for rejection of bid. Bidders may include any other documentation deemed relevant to this requirement. Documentation of Good Faith Efforts are to be submitted with the Bid, if the participation Goal is not met.



MINORITY BUSINESS ENTERPRISE PROGRAM

Marilyn Clark
Minority Business Enterprise Liaison
Division of Central Purchasing
Lexington-Fayette Urban County Government
200 East Main Street
Lexington, KY 40507
mclark@lexingtonky.gov
859-258-3323

OUR MISSION: The mission of the Minority Business Enterprise Program is to facilitate the full participation of minority and women owned businesses in the procurement process and to promote economic inclusion as a business imperative essential to the long term economic viability of Lexington-Fayette Urban County Government.

To that end the city council adopted and implemented resolution 167-91—Disadvantaged Business Enterprise (DBE) 10% Goal Plan in July of 1991. The resolution states in part (a full copy is available in Central Purchasing):

"A Resolution supporting adoption of the administrative plan for a ten percent (10%) Minimum goal for disadvantaged business enterprise participation in Lexington-Fayette Urban County Government construction and professional services contracts; Providing that as part of their bids on LFUCG construction contracts, general Contractors shall make a good faith effort to award at least ten percent (10%) of All subcontracts to disadvantaged business enterprises; providing that divisions of LFUCG shall make a good faith effort to award at least ten percent of their Professional services and other contracts to disadvantaged business enterprises..."

A Disadvantaged Business Enterprise is defined as a business that has been certified as being at least 51% owned, operated and managed by a U.S. Citizen of the following groups:

- African-American
- Hispanic-American
- Asian/Pacific Islander
- Native American/Native Alaskan
- Non-Minority Female
- Economically and Socially Disadvantaged

We have compiled the list below to help you locate certified MBE, WBE and DBE certified businesses. Below is a listing of contacts for LFUCG Certified MWDBEs in Economic Engine (<https://lfucg.economicengine.com>)

Business	Contact	Email Address	Phone
LFUCG	Marilyn Clark	mclark@lexingtonky.gov	859-258-3323
Commerce Lexington – Minority Business Development	Tyrone Tyra	tyra@commercelexington.com	859-226-1625
Tri-State Minority Supplier Diversity Council	Sonya Brown	sbrown@tsmsdc.com	502-625-0137
Small Business Development Council	Dee Dee Harbut UK SBDC	ddharbut@uky.edu	
	Shirree Mack	smack@uky.edu	
Community Ventures Corporation	James Coles	jcoles@cyckv.org	859-231-0054
KY Department of Transportation	Melvin Bynes	Melvin.bynes@ky.gov	502-564-3601
	Shella Eagle	Shella.Eagle@ky.gov	502-564-3601
Ohio River Valley Women's Business Council (WBENG)	Rea Waldon	rwaldon@gcul.org	513-487-6534
Kentucky MWBE Certification Program	Yvette Smith, Kentucky Finance Cabinet	Yvette.Smith@ky.gov	502-564-8099
National Women Business Owner's Council (NWBOC)	Janet Harris-Lange	janet@nwbo.org	800-675-5066
Small Business Administration	Robert Coffey	robertcoffey@sba.gov	502-582-5971
LaVoz de Kentucky	Andres Cruz	lavozdeky@yahoo.com	859-621-2106
The Key News Journal	Patrice Muhammad	paatricem@keynewsjournal.com	859-373-9428

**LFUCG MWDBE PARTICIPATION FORM**Bid/RFP/Quote Reference # 27-2014

The MWDBE subcontractors listed have agreed to participate on this Bid/RFP/Quote. If any substitution is made or the total value of the work is changed prior to or after the job is in progress, it is understood that those substitutions must be submitted to Central Purchasing for approval immediately.

MWDBE Company, Name, Address, Phone, Email	Work to be Performed	Total Dollar Value of the Work	% Value of Total Contract
1. NA			
2.			
3.			
4.			

The undersigned company representative submits the above list of MWDBE firms to be used in accomplishing the work contained in this Bid/RFP/Quote. Any misrepresentation may result in the termination of the contract and/or be subject to applicable Federal and State laws concerning false statements and false claims.

Grant's Excavating Inc
Company3/6/13
DateAllen V. [Signature]
Company RepresentativePresident
Title



LFUCG MWDBE SUBSTITUTION FORM

Bid/RFP/Quote Reference # 27-2014

The substituted MWDBE subcontractors listed below have agreed to participate on this Bid/RFP/Quote. These substitutions were made prior to or after the job was in progress. These substitutions were made for reasons stated below and are now being submitted to Central Purchasing for approval. By the authorized signature of a representative of our company, we understand that this information will be entered into our file for this project.

SUBSTITUTED MWDBE Company Name, Address, Phone, Email	MWDBE Formally Contracted/ Name, Address, Phone, Email	Work to Be Performed	Reason for the Substitution	Total Dollar Value of the Work	% Value of Total Contract
1. NA					
2.					
3.					
4.					

The undersigned acknowledges that any misrepresentation may result in termination of the contract and/or be subject to applicable Federal and State laws concerning false statements and false claims.

Grant's Excavating Inc
Company
3/6/14
Date

Allen V. Reed Jr
Company Representative
President
Title



MWDBE QUOTE SUMMARY FORM

Bid/RFP/Quote Reference # Bid No. 27-2014

The undersigned acknowledges that the minority subcontractors listed on this form did submit a quote to participate on this project.

Company Name <u>Grant's Excavating</u>	Contact Person <u>Pat Riley</u>
Address/Phone/Email <u>70 Box 298, Richmond, KY 40476</u> <u>(859) 626-3478 pat@grantsexcavating.com</u>	Bid Package / Bid Date <u>Bid # 27-2014</u> <u>3/6/14</u>

MWDBE Company Address	Contact Person	Contact Information (work phone, Email, cell)	Date Contacted	Services to be performed	Method of Communication (email, phone meeting, ad, event etc)	Total dollars \$\$ Do Not Leave Blank (Attach Documentation)	MBE * AA HA AS NA Female
<u>Something Bloomin</u>	<u>Cindy England</u>	<u>859 536-7568</u>	<u>2/20/14</u>	<u>seed straw</u>	<u>fax</u>	<u>\$1.30 pcr 54</u>	<u>DBE</u>
<u>Geco Enterprises</u>	<u>Q. G. Bacon</u>	<u>606 864-7550</u>	<u>3/7/14</u>	<u>materials</u>	<u>Fax</u>	<u>114,502.03</u>	<u>MBE/ DBE/ WBE</u>
<u>Walter Martin Excavating</u>	<u>Lisa Johnson</u>	<u>859 368-0380</u>	<u>3/7/14</u>	<u>materials</u>	<u>Fax</u>	<u>\$7,950</u>	<u>MWBE</u>

(MBE designation / AA=African American / HA= Hispanic American/AS = Asian American/Pacific Islander/ NA= Native American)

The undersigned acknowledges that all information is accurate. Any misrepresentation may result in termination of the contract and/or be subject to applicable Federal and State laws concerning false statements and claims.

Grant's Excavating Inc.
Company

3/6/14
Date

Ally V. Smith
Company Representative

President
Title

Rejected MWDBE Quotes:

Somethin Bloomin was rejected due to higher cost than another contractor

Geco Enterprises was rejected due to higher price than another supplier

Walter Martin Excavating was rejected due to higher price than another supplier

Somethin Bloomin

859-536-7568

DBE

Green Acres/Hollow Road Sanitary Sewer Replacement

Bid

Seed and Straw

\$1.30 Per SY

Cindy England, Owner

B.S. Horticulture

3/5/14

GECO ENTERPRISES, INC.

P.O. Box 46J

London, KY 40741

Gigi Bacon, President

Re: **GREEN ACRES
HOLLOW**

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXX
PHONE (606) 864-7550
cell (606) 682-2210
FAX (606) 864-6390

Gentlemen/Gentlewomen:

We are pleased to quote the following prices for the above referenced project as a DBE/WBE MATERIAL SUPPLIER/SUBCONTRACTOR/MINORITY BUSINESS

QUANTITY	DESCRIPTION & SPECIFICATION	UNIT PRICE	EXTENDED PRICE
MATERIALS PER MANUF/QUOTE/FER/SON DATED 2/27/14/MH			\$114,502.03
TAX INCLUDED			

DELIVERY IS INCLUDED IN DELIVERED PRICES FULL LOAD-SALES TAX NOT INCLUDED

THANK YOU AND GOOD LUCK

"DO YOU KNOW THAT BY USING GECO ENTERPRISES AS YOUR MATERIAL SUPPLIER YOU CAN SATISFY YOUR MINORITY PARTICIPATION GOAL!!!"

MBE/DBE/WBE CERTIFIED

AN EQUAL OPPORTUNITY EMPLOYER



501 Darby Creek Road Suite 18, Lexington, KY 40509

Phone: 859-368-0380 Fax 859-368-0382

Certified Women Business Enterprise by the Commonwealth of Kentucky

Bid to:

Attention: All Prime Contractors

Project: Green Acres Sanitary Sewer and Stream Rehabilitation

BID

ITEM#	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL
14	Articulating Concrete Block	30.00	SY	\$265.00	\$7,950.00
				\$0.00	\$0.00
				\$0.00	\$0.00
				\$0.00	\$0.00
				\$0.00	\$0.00
				\$0.00	\$0.00
				\$0.00	\$0.00
				\$0.00	\$0.00
Total Bid					\$7,950.00

Our price Includes the purchase of materials and initial installation of blocks

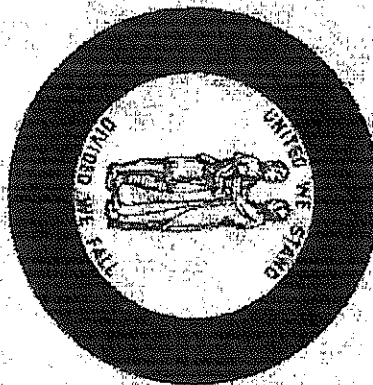
This Proposal excludes the following:

- Grading and Excavation
- Demolition
- Backfill
- Staking
- Performance and Payment Bond
- Dewatering
- Maintenance
- Permits

Lisa Martin Johnson, Owner

Walter Martin Excavating

STEVEN L. BESHEAR
GOVERNOR



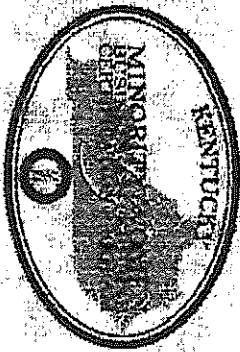
LORI H. FLANERY
SECRETARY
FINANCE AND ADMINISTRATION CABINET

M W B E MINORITY & WOMEN BUSINESS ENTERPRISE

This certificate acknowledges that

Walter Martin Excavating, Inc.

has been certified as a Women Business Enterprise
by the Commonwealth of Kentucky.



Attest
STEVEN L. BESHEAR
GOVERNOR

Expiration: August 30, 2015



LFUCG SUBCONTRACTOR MONTHLY PAYMENT REPORT

The LFUCG has a 10% goal plan adopted by city council to increase the participation of minority and women owned businesses in the procurement process. In order to measure that goal LFUCG will track spending with MWDBE vendors on a monthly basis. By the signature below of an authorized company representative, you certify that the information is correct, and that each of the representations set forth below is true. Any misrepresentation may result in termination of the contract and/or prosecution under applicable Federal and State laws concerning false statements and false claims. Please submit this form monthly to the Division of Central Purchasing/ 200 East Main Street / Room 338 / Lexington, KY 40507.

Bid/RFP/Quote # 27-2014 \$
Total Contract Amount Awarded to Prime Contractor for this Project \$58,725

Project Name/ Contract # <u>Green Acres / Hollow Creek Rd</u>	Work Period/ From: _____ To: _____
Company Name: <u>Grant's Excavating Inc.</u>	Address: <u>P.O. Box 298 Richmond, KY 40475</u>
Federal Tax ID: <u>61-1212821</u>	Contact Person: <u>Pat Riley</u>

Subcontractor Vendor ID (name, address, phone, email)	Description of Work	Total Subcontract Amount	% of Total Contract Awarded to Prime for this Project	Total Amount Paid for this Period	Purchase Order number for subcontractor work (please attach PO)	Scheduled Project Start Date	Scheduled Project End Date
N/A							

By the signature below of an authorized company representative, you certify that the information is correct, and that each of the representations set forth below is true. Any misrepresentations may result in the termination of the contract and/or prosecution under applicable Federal and State laws concerning false statements and false claims.

Grant's Excavating Inc. Patricia Riley
Company _____ Company Representative _____
3/6/14 Office Manager
Date _____ Title _____

LFUCG STATEMENT OF GOOD FAITH EFFORTS

Bid/RFP/Quote # 27-2014

By the signature below of an authorized company representative, we certify that we have utilized the following Good Faith Efforts to obtain the maximum participation by MWDBE business enterprises on the project and can supply the appropriate documentation.

- ☒ Advertised opportunities to participate in the contract in at least two (2) publications of general circulation media; trade and professional association publications; small and minority business or trade publications; and publications or trades targeting minority, women and disadvantaged businesses not less than fifteen (15) days prior to the deadline for submission of bids to allow MWDBE firms to participate.
- ☒ Included documentation of advertising in the above publications with the bidders good faith efforts package
- ☐ Attended LFUCG Central Purchasing Economic Inclusion Outreach event
- ☐ Attended pre-bid meetings that were scheduled by LFUCG to inform MWDBEs of subcontracting opportunities
- ☐ Sponsored Economic Inclusion event to provide networking opportunities for prime contractors and MWDBE firms
- ☒ Requested a list of MWDBE subcontractors or suppliers from LFUCG Economic Engine and showed evidence of contacting the companies on the list(s).
- ☒ Contacted organizations that work with MWDBE companies for assistance in finding certified MWDBE firms to work on this project. Those contacted and their responses should be a part of the bidder's good faith efforts documentation.
- ☒ Sent written notices, by certified mail, email or facsimile, to qualified, certified MWDBEs soliciting their participation in the contract not less than seven (7) days prior to the deadline for submission of bids to allow them to participate effectively.
- ☒ Followed up initial solicitations by contacting MWDBEs to determine their level of interest.
- ☐ Provided the interested MWDBE firm with adequate and timely information about the plans, specifications, and requirements of the contract.
- ☒ Selected portions of the work to be performed by MWDBE firms in order to increase the likelihood of meeting the contract goals. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MWDBE participation, even when the prime contractor may otherwise perform these work items with its own workforce

____ Negotiated in good faith with interested MWDBE firms not rejecting them as unqualified without sound reasons based on a thorough investigation of their capabilities. Any rejection should be so noted in writing with a description as to why an agreement could not be reached.

✓
____ Included documentation of quotations received from interested MWDBE firms which were not used due to uncompetitive pricing or were rejected as unacceptable and/or copies of responses from firms indicating that they would not be submitting a bid.

____ Bidder has to submit sound reasons why the quotations were considered unacceptable. The fact that the bidder has the ability and/or desire to perform the contract work with its own forces will not be considered a sound reason for rejecting a MWDBE quote. Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy MWDBE goals.

____ Made an effort to offer assistance to or refer interested MWDBE firms to obtain the necessary equipment, supplies, materials, insurance and/or bonding to satisfy the work requirements of the bid proposal

____ Made efforts to expand the search for MWBE firms beyond the usual geographic boundaries.

____ Other - any other evidence that the bidder submits which may show that the bidder has made reasonable good faith efforts to include MWDBE participation.

Failure to submit any of the documentation requested in this section may be cause for rejection of bid. Bidders may include any other documentation deemed relevant to this requirement. Documentation of Good Faith Efforts are to be submitted with the Bid, if the participation Goal is not met.

The undersigned acknowledges that all information is accurate. Any misrepresentations may result in termination of the contract and/or be subject to applicable Federal and State laws concerning false statements and claims.

Grants Excavating Inc
Company
3/7/14
Date

Allen W. Grant
Company Representative
President
Title

Pat Riley

From: Pat Riley
Sent: Monday, February 24, 2014 1:37 PM
To: 'Marilyn Clark'
Subject: MWDBE Subcontractors

Need list of MWDBE subcontractors for Seed and Straw restoration for Green Acres/Hollow Creek Road Sanitary Sewer Replacement and Stream Rehabilitation that bids 3/6/14.

Thanks

Pat Riley



312 Jason Dr. Suite 6
P.O. Box 298
Richmond, KY 40476-0298
Telephone (859)626-3478
Fax (859)626-1569
Email pat@grantexcavating.com

21 suppliers were found matching your search criteria
MWBE Classification: All MWBE's

Commodity/Service Category: Landscaping Specialists/Architects

Search Results

Company	Address1	City	State	Zip
DLZ Kentucky, Inc	201 Brighton Park Blvd	Frankfort	KY	40601
Somethin' Bloomin'	416 West Maxwell	Lexington	KY	40508
Barrett Partners, Inc.	209 E High Street	Lexington	KY	40507
ClassSickle, Inc.	288 Twelve Oaks Drive	Mt. Washington	KY	40047
EHI Consultants	333 West Vine Street, Suite 300	Lexington	KY	40507
Envirocons Inc.	1402-B Evergreen Road	Louisville	KY	40223
Four Water LLC	1081 Andover Forest Drive	Lexington	KY	40509
GeelMX Technologies	851 Woodlawn Road	Lincoln	IL	62656
Integrated Engineering, PLLC	1716 Sharkey Way, Suit 200	Lexington	KY	40511
Landstory	901 N. East Street	Indianapolis	IN	46202
Messier & Associates Inc.	P. O. Box 21293	Louisville	KY	40221
Mike Osbourn Lawn Care, Inc.	206 Bells Mill Rd	Shepherdsville	KY	40165
Minnifield Enterprize, Inc. dba All Pro Electric	3364 Leestown Road	Lexington	KY	40511
Moody Nolan, Inc.	434 Madison Avenue	Covington	KY	41011
RLR Associates	1302 N. Illinois St.	Indianapolis	IN	46202
TAS Development LLC	1450 North Broadway	Lexington	KY	40505
Third Rock Consultants, LLC	2526 Regency Rd, Suite 180	Lexington	KY	40503
Thoroughbred Mowing & Ag Services	671 Burgess Smith Rd	Sadleville	KY	40370
U.S. Lawns of Lexington	3070 Lakecrest Circle, Suite 400 PMB 160	Lexington	KY	40513
Vivian Llambi & Associates, Inc.	2312 Park Avenue	Cincinnati	OH	45206
Vivian Llambi & Associates, Inc.	101 North 7th Street	Louisville	KY	40202

Website	Contact	Title	Phone	Fax
www.dlz.com	Marcelyn Mathews	Vice President	Phone: 502-695-2300 Ext. 3130	Fax: 502-695-1497
SBloomin@aol.com	Cindy	owner	Phone: 859-296-1624	Fax: 859-296-1625
www.classickle.com	Tony Barrett	Secretary/Treasurer	Phone: 859-381-9697	Fax: 859-381-0292
www.ethiconsultants.org	Anthony Sickles	President	Phone: 502-493-2722	Fax: --
www.environsinc.com	Ed Holmes	President	Phone: 859-425-4881	Fax: --
4waterllc.com	Jodi Smiley	President	Phone: 502-243-1091	Fax: 502-415-7347
	Mitzi Bender	Owner/Partner	Phone: 859-619-9288	Fax: 859-263-9288
	Andrew	Stevens	Phone: 217-000-1811 Ext. 155	Fax: 217-000-1541
www.int-engineering.com	Harsha Wijesiri	President	Phone: 859-368-0145	Fax: --
www.landstoryla.com	Chrissy Koenig	Business Manager	Phone: 317-951-0000 Ext. 101	Fax: --
www.messainc.com	Fernando Messier	CEO	Phone: 502-533-4573	Fax: 502-213-9040
www.mikeosbournlawncare.com	Mike Osbourn	Owner	Phone: 502-419-2626	Fax: 502-277-1040
www.moodynolan.com	Keith Jones	Project Manager	Phone: 859-276-3488	Fax: 859-277-8442
www.rlr.biz	Vincent Terry	Director of Operations	Phone: 859-957-1277	Fax: 859-957-1280
www.TASDevelopmentLLC.com	Ryan Scott	Director of Marketing	Phone: 317-632-1300 Ext. 200	Fax: 317-632-1302
www.thirdrockconsultants.com	Emmanuel Smith	CEO	Phone: 859-433-7181	Fax: 859-231-0179
www.uslawns.com	Molly F. Davis	President	Phone: 859-977-2000	Fax: 859-977-2001
www.via.net	Levi Courtney	registered agent	Phone: 502-370-5535	Fax: 502-857-2026
www.via.net	Jamie Jackson	Owner	Phone: 859-219-1806	Fax: 859-422-5907
www.via.net	Vivian Liambi	President	Phone: 513-559-9444	Fax: 513-559-0164
www.via.net	Vivian Liambi	President	Phone: 502-409-0479	Fax: 502-561-3444

Email

mmathews@dlz.com
Sbloomin@aol.com
tony@barrettpartnersinc.com
asickles@classicke.com
holmes@ehiconsultants.org
jodi@environsinc.com
mbender@insightbb.com
andrews.steve@gmx.com
harsha@int-engineering.com
ckoenig@landstoryla.com
fermessier@messainc.com
mikeosboumlawncare@yahoo.com
kjones@minifield.net
vterry@moodynolan.com
ryan@rlr.biz
esmith5136@sbcglobal.net
mforree@thirtrockconsultants.com
thoroughbredag@yahoo.com
jamie.jackson@uslawns.net
vivian.lambi@via.net
Vivian.Lambi@via.net

Pat Riley

From: Pat Riley
Sent: Monday, February 24, 2014 2:33 PM
To: mmathews@diz.com
Cc: 'tony@barrettpartnersinc.com'; asickles@classickle.com; holmes@ehiconsultants.org; jodi@environsinc.com; mbender@insightbb.com; andrews.steve@gmx.com; 'harsha@int-engineering.com'; ckoenig@landstoryla.com; fermessier@messainc.com; mikeosbournlawncare@yahoo.com; kjones@minnifield.net; vterry@moodynolan.com; ryan@rlr.biz; esmith5136@sbcglobal.net; mforee@thirdrockconsultants.com; thoroughbredag@yahoo.com; jamie.jackson@uslawns.net; vivian.llambi@via.net
Subject: MWDBE Subcontractors

Need bids for seed & straw restoration for Green Acres/Hollow Creek Road Sanitary Sewer Replacement and Stream Rehabilitation. Job bids 3/6/14. Email bids to pat@grantexcavating.com

Pat Riley



312 Jason Dr. Suite 6
P.O. Box 298
Richmond, KY 40476-0298
Telephone (859)626-3478
Fax (859)626-1569
Email pat@grantexcavating.com

Pat Riley

From: Pat Riley
Sent: Monday, February 24, 2014 1:34 PM
To: 'LeBourveau, Marilyn (CED)'
Subject: MWDBE

Need to advertise for MWDBE subcontractors for seed & straw restoration for Green Acres/Hollow Creek Road Sanitary Sewer Replacement and Stream Rehabilitation. Job bids 3/6/2014.

Pat Riley



312 Jason Dr. Suite 6
P.O. Box 298
Richmond, KY 40476-0298
Telephone (859)626-3478
Fax (859)626-1569
Email pat@grantexcavating.com

Pat Riley

From: Back, Tim (CED)
Sent: Tuesday, February 25, 2014 2:44 PM
To: 'pat@grantexcavating.com'
Subject: RE: MWDBE - Grant's Excavating

As per your request, here is a copy of the notice that was distributed to potential subcontractors through the bid match system of the Kentucky Procurement Assistance Program.

Thanks,
Tim Back
Kentucky Cabinet for Economic Development
Old Capitol Annex
300 West Broadway
Frankfort, KY 40601
P (502) 782-1967
tim.back@ky.gov
www.thinkkentucky.com

Grant's Excavating, 312 Jason Drive, Suite 6, P.O. Box 298, Richmond, KY 40476-0298

Z -- POTENTIAL CONSTRUCTION SUBCONTRACTING OPPORTUNITIES. Phone: (859) 626-3478; Fax: (859) 626-1569; E-mail: pat@grantexcavating.com MWDBE subcontractors needed for seed & straw restoration for Green Acres/Hollow Creek Road Sanitary Sewer Replacement and Stream Rehabilitation. Job bids 3/6/2014 This notice is provided courtesy of the **Kentucky** Procurement Assistance Program. The information is believed to be correct, but should be verified with the issuing agency/organization.

From: Pat Riley [<mailto:pat@grantexcavating.com>]
Sent: Monday, February 24, 2014 1:34 PM
To: LeBourveau, Marilyn (CED)
Subject: MWDBE

Need to advertise for MWDBE subcontractors for seed & straw restoration for Green Acres/Hollow Creek Road Sanitary Sewer Replacement and Stream Rehabilitation. Job bids 3/6/2014.

Pat Riley



312 Jason Dr. Suite 6
P.O. Box 298
Richmond, KY 40476-0298
Telephone (859)626-3478
Fax (859)626-1569
Email pat@grantexcavating.com

8. **AUTHENTICATION OF BID AND STATEMENT OF NON-COLLUSION, NON
CONFLICT OF INTEREST**

I hereby swear (or affirm) under the penalty for false swearing:

1. That I am the Bidder (if the Bidder is an individual), a partner of the Bidder (if the Bidder is a partnership), or an officer or employee of the bidding corporation having authority to sign on its behalf (if the Bidder is a corporation);
2. That the attached bid has been arrived at by the Bidder independently, and has been submitted without collusion with, and without any agreement, understanding or planned common course of action, with any other contractor, vendor of materials, supplies, equipment or services described in the Invitation to Bid, designed to limit independent bidding or competition;
3. That the contents of the bid or bids have not been communicated by the Bidder or its employees or agents to any person not an employee or agent of the Bidder or its surety on any bond furnished, with the bid or bids, and will not be communicated to any such person, prior to the official opening of the bid or bids;
4. That the Bidder is legally entitled to enter into the contracts with the Lexington-Fayette Urban County Government, and is not in violation of any prohibited conflict of interest;
5. (Applicable to corporation only) That as a foreign corporation, we are registered with the Secretary of State, Commonwealth of Kentucky, and authorized to do business in the State _____ or, that as a domestic corporation, we are in good standing with the Secretary of State, Commonwealth of Kentucky ☒. Check the statement applicable.
6. This offer is for 60 calendar days from the date this bid is opened. In submitting the above, it is expressly agreed that, upon proper acceptance by the Lexington-Fayette Urban County Government of any or all items bid above, a contract shall thereby be created with respect to the items accepted.
7. That I have fully informed myself regarding the accuracy of the statements made in this statement.
8. That I certify that Subcontractors have not and will not be awarded to any firm(s) that have been debarred from noncompliance with the Federal Labor Standards, Title VI of the Civil Rights Act of 1964 As Amended, Executive Order 11246 As Amended or any other Federal Law.

9. STATEMENT OF EXPERIENCE

NAME OF INDIVIDUAL: Allen D. Grant

POSITION/TITLE: Owner

STATEMENT OF EXPERIENCE: 21 yrs in excavating

NAME OF INDIVIDUAL: Timothy G. Grant

POSITION/TITLE: Owner

STATEMENT OF EXPERIENCE: 14 years excavation &
utility installation

NAME OF INDIVIDUAL: Todd Lucas

POSITION/TITLE: Owner

STATEMENT OF EXPERIENCE: 14 years excavation &
utility installation.

B.S. Construction Management

NAME OF INDIVIDUAL: Scott Douglas

POSITION/TITLE: Supervisor

STATEMENT OF EXPERIENCE: 15 yrs equipment

NAME OF INDIVIDUAL: Evan King

POSITION/TITLE: Supervisor

STATEMENT OF EXPERIENCE: 5 yrs excavation &
utility installation
BS Construction Management

NAME OF INDIVIDUAL: Pat Riley

POSITION/TITLE: Office Manager

STATEMENT OF EXPERIENCE: 10 yrs

* Include all officers, office management's, Affirmative Action officials, and field management personnel. (Attach separate sheets if necessary.)

10. EQUAL OPPORTUNITY AGREEMENT

The Law

- * Title VII of the Civil Rights Act of 1964 (amended 1972) states that it is unlawful for an employer to discriminate in employment because of race, color, religion, sex, age (40-70 years) or national origin.
- * Executive Order No. 11246 on Nondiscrimination under Federal contract prohibits employment discrimination by contractor and subcontractor doing business with the Federal Government or recipients of Federal funds. This order was later amended by Executive Order No. 11375 to prohibit discrimination on the basis of sex.
- * Section 503 of the Rehabilitation Act of 1973 States:

The Contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap.

- * Section 2012 of the Vietnam Era Veterans Readjustment Act of 1973 requires Affirmative Action on behalf of disabled veterans and veterans of the Vietnam Era by contractors having Federal Contracts.
- * Section 206 (A) of Executive Order 12086, Consolidation of Contract Compliance Functions for Equal Employment Opportunity, states:

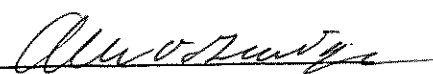
The Secretary of Labor may investigate the employment practices of any Government contractor or sub-contractor to determine whether or not the contractual provisions specified in Section 202 of this order have been violated.


The Lexington-Fayette Urban County Government practices Equal Opportunity in recruiting, hiring and promoting. It is the Government's intent to affirmatively provide employment opportunities for those individuals who have previously not been allowed to enter into the mainstream of society. Because of its importance to the local Government, this policy carries the full endorsement of the Mayor, Commissioners, Directors, and all supervisory personnel. In following this commitment to Equal Employment Opportunity and because the Government is the benefactor of the Federal funds, it is both against the Urban County Government policy and illegal for the Government to let contracts to companies which knowingly or unknowingly practice discrimination in their employment practices. Violation of the above mentioned ordinances may cause a contract to be canceled and the contractor may be declared ineligible for future consideration.

Please sign this statement in the appropriate space acknowledging that you have read and understand the provisions contained herein. Return this document as part of your application packet.

Bidders

I/We agree to comply with the Civil Rights Laws listed above that govern employment rights of minorities, women, Vietnam veterans, handicapped, and aged persons.


Signature


Name of Business

The Entity (regardless of whether construction contractor, non-construction contractor or supplier) agrees to provide equal opportunity in employment for all qualified persons, to prohibit discrimination in employment because of race, color, creed, national origin, sex or age, and to promote equal employment through a positive, continuing program from itself and each of its sub-contracting agents. This program of equal employment opportunity shall apply to every aspect of its employment policies and practices.

The Kentucky equal Employment Opportunity Act of 1978 (KRS 45.560-45.640) requires that any count, city, town, school district, water district, hospital district, or other political subdivision of the state shall include in directly or indirectly publicly funded contracts for supplies, materials, services, or equipment hereinafter entered into the following provisions:

During the performance of this contract, the contractor agrees as follows:

- (1) *The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age or national origin;*
- (2) *The contractor will state in all solicitations or advertisements for employees placed by or on behalf of the contractors that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age or national origin;*
- (3) *The contract will post notices in conspicuous places, available to employees and applicants for employment, setting forth the provisions of the non-discrimination clauses required by this section; and*
- (4) *The contractor will send a notice to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding advising the labor union or workers' representative of the contractor's commitments under the nondiscrimination clauses.*

The Act further provides:

KRS 45.610. Hiring minorities – Information required

- (1) *For the length of the contract, each contractor shall hire minorities from other sources within the drawing area, should the union with which he has collective bargaining agreements be unwilling to supply sufficient minorities to satisfy the agreed upon goals and timetable.*
- (2) *Each contractor shall, for the length of the contract, furnish such information as required by KRS 45.560 to KRS 45.640 and by such rules, regulations and orders issued pursuant thereto and will permit access to all books and records pertaining to his employment practices and work sites by the contracting agency and the department for purposes of investigation to ascertain compliance with KRS 45.560 to 45.640 and such rules, regulations and orders issued pursuant thereto.*

KRS 45.620. Action against contractor – Hiring of minority contractor or subcontractor

- (1) *If any contractor is found by the department to have engaged in an unlawful practice under this chapter during the course of performing under a contract or subcontract covered under KRS 45.560 to 45.640, the department shall so certify to the contracting agency and such certification shall be binding upon the contracting agency unless it is reversed in the course of judicial review.*
- (2) *If the contractor is found to have committed an unlawful practice under KRS 45.560 to 45.640, the contracting agency may cancel or terminate the contract, conditioned upon a program for future compliance approved by the contracting agency and the department. The contracting agency may declare such a contractor ineligible to bid on further contracts with that agency until such time as the contractor complies in full with the requirements of KRS 45.560 – 45.640.*
- (3) *The equal employment provisions of KRS 45.560 to 45.640 may be met in part by a contractor by subcontracting to a minority contractor or subcontractor. For the provisions of KRS 45.560 to 45.640, a minority contractor or subcontractor shall mean a business that is owned and controlled by one or more persons disadvantaged by racial or ethnic circumstances.*

KRS 45.630 Termination of existing employee not required, when

Any provision of KRS 45.560 to 45.640 notwithstanding, no contractor shall be required to terminate an existing employee upon proof that that employee was employed prior to the date of the contract.

KRS 45.640 Minimum skills

Nothing in KRS 45.560 to 45.640 shall require a contractor to hire anyone who fails to demonstrate the minimum skills required to perform a particular job.

It is recommended that all of the provisions quoted above to be included as special conditions in each contract. In the case of a contract exceeding \$250,000, the contractor is required to furnish evidence that his work-force in Kentucky is representative of the available work-force in the area from which he draws employees, or to supply an Affirmative Action plan which will achieve such representation during the life of the contract.

11. EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION POLICY

It is the policy of Grant's Excavating Inc.

to assure that all applicants for employment and all employees are treated on a fair and equitable basis without regard to their race, religion, sex, color, handicap, natural origin or age.

Such action shall include employment, promotion, demotion, recruitment or recruitment advertising, layoff or termination, rates of pay and other forms of compensation, and selection for training, whether apprenticeship and/or on-the-job-training.

Furthermore, this company agrees to make special recruitment efforts to hire the protected class whenever feasible. This company also agrees to adhere to all applicable federal, state, and local laws relating to Equal Employment Opportunity for all individuals.

12. WORKFORCE ANALYSIS FORM

Name of Organization: Grant's Excavating Inc. Date: 3, 6, 14

Categories	Total	White		Black		Other		Total	
		M	F	M	F	M	F	M	F
Administrators		3						3	
Professionals									
Superintendents		2						2	
Supervisors									
Foremen									
Technicians									
Protective Service									
Para-Professionals									
Office/Clerical			1						1
Skilled Craft		7						7	
Service/Maintenance		1						1	
Total:		13	1					13	1

Prepared By: Patricia J. Riley

13. EVIDENCE OF INSURABILITY

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONSTRUCTION PROJECT
(Use separate form for each Agency or Brokerage agreeing to provide coverage)

Name Insured:

Grant's Excavating, Inc.

Employee ID: 61-1212821

Address:

70. Box 298 Richmond, Ky 40476

Phone: 859 626-3478

Project to be insured:

Green Acres/Hollow Creek Road Sanitary Sewer Replacement & Stream Rehabilitation

In lieu of obtaining certificates of insurance at this time, the undersigned agrees to provide the above Named Insured with the minimum coverage listed below. These are outlined in the Insurance and Risk Management of Part V (Special Conditions), including all requirements, and conditions.

Section	Items	Coverage	Minimum Limits and Policy Requirements	Limits Provided To Insured	Name of Insurer	A.M. Best's Code	Rating
SC3, Section 2, Part 4.1 - sec provisions		CGL	\$1,000,000 per occ. And \$2,000,000 aggregate	\$1,000,000	Westfield Insurance	002382	A-
SC3, Section 2, Part 4.1 - sec provisions		AUTO	\$2,000,000 per occ.	\$1,000,000	Westfield Insurance	002382	A
SC3, Section 2, Part 4.1 - sec provisions		WC	Statutory w/ endorsement as noted	\$4,000,000	KY AGC	N/R	N/R

Section 2 includes required provisions, statements regarding insurance requirements, and the undersigned agrees to abide by all provisions for the coverage checked above unless stated otherwise.

Agency or Brokerage

BBB & T Insurance

Street Address

200 W. Vine Street

City

Lexington, Ky

Telephone Number

859-224-8899

Name of Authorized Representative

Faye Miller

Title

Agent

Authorized Signature

[Signature]

Date

2/24/14

NOTE: Authorized signatures may be the agent's if agent has placed insurance through an agency agreement with the insurer. If insurance is brokered, authorized signature must be that of authorized representative of insurer.

IMPORTANT: Contract may not be awarded if a completed and signed copy of this form for all coverage's listed above is not provided with the bid.

14. DEBARRED FIRMS

PROJECT NAME: Green Acres/Hollow Creek Rd
Sanitary Sewer Replacement & stream Replacement
BID NUMBER: 27-2014

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KY

All prime Contractors shall certify that Subcontractors have not and will not be awarded to any firms that has been debarred for noncompliance with the Federal Labor Standards, Title VI of the Civil Rights Act of 1964 As Amended, Executive Order 11246 As Amended or any other Federal Law.

All bidders shall complete the attached certification in duplicate and submit both copies to the Owner with the bid proposal. The Owner (grantee) shall transmit one copy to the Lexington-Fayette Urban County Government, Division of Community Development, within fourteen (14) days after bid opening.

The undersigned hereby certifies that the firm of Grant's Excavating Inc has not and will not award a subcontract, in connection with any contract award to it as the result of this bid, to any firm that has been debarred for noncompliance with the Federal labor Standards, Title VI of the civil Rights Act of 1964, Executive Order 11246 as amended or any Federal Law.

Grant's Excavating Inc.
Name of Firm Submitting Bid


Signature of Authorized Official

President
Title

3/6/14
Date

15. DEBARMENT CERTIFICATION

All contractors/subcontractors shall complete the following certification and submit it with the bid proposal.

The contractor/subcontractor certifies in accordance with Executive Order 12549 (Debarment and Suspension 2/18/86) that to the best of its knowledge and belief, that it and its principals:

- 1) Are not presently debarred, suspended, proposed for debarment, declared negligible, or voluntarily excluded from covered transactions or contract by any Federal department or agency for noncompliance with the Federal Labor Standards, Title VI of the Civil Rights Act of 1964 as amended, Executive Order 11246 as amended or any other Federal law;
 - a) Have not within a three year period preceding this proposal been convicted of or had 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;
 - b) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(a) of this certification; and
 - c) Have not within a three year period preceding this bid has one or more public (Federal, State or local) transactions or contracts terminated for cause or default.
- 2) Where the contractor is unable to certify to any of the statements in this certification, such prospective contractors shall attach an explanation to this certification form.

Firm Name: Grants Excavating Inc.
Green Acres/Hollow Creek Rd
Project: Sanitary Sewer Replacement & Stream Rehabilitation

Printed Name and Title of Authorized Representative: Allen D. Grant - President

Signature: 

Date: 3/6/14

END OF SECTION

THE AMERICAN INSTITUTE OF ARCHITECTS

AIA Document A310 Bid Bond

KNOW ALL MEN BY THESE PRESENTS, THAT WE Grant's Excavating, Inc.

312 Jason Drive Suite 6, Richmond, KY 40475

as Principal, hereinafter called the Principal, and Berkley Insurance Company

475 Steamboat Road, Greenwich, CT 06830

a corporation duly organized under the laws of the State of DE

as Surety, hereinafter called the Surety, are held and firmly bound unto Lexington Fayette Urban County Government

200 E. Main St., Lexington, KY 40507

as Obligee, hereinafter called the Obligee, in the sum of Five Percent of Amount Bid

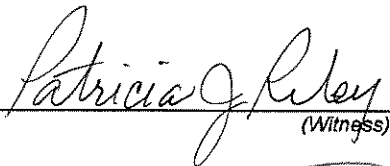
Dollars (\$ 5%),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Green Acres/Hollow Creek Rd. Sanitary Sewer Replacement & Stream Rehabilitation.

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and materials furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.


Signed and sealed this 6th day of March, 2014

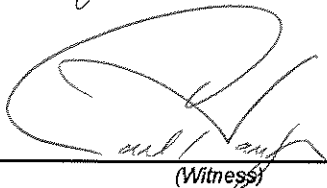

(Witness)

Grant's Excavating, Inc.

(Principal)

(Seal)

By:  President
(Title)


(Witness)

Berkley Insurance Company

(Surety)

(Seal)

By:  Deborah Kay Davis
Attorney-in-Fact (Title)

POWER OF ATTORNEY
BERKLEY INSURANCE COMPANY
WILMINGTON, DELAWARE

NOTICE: The warning found elsewhere in this Power of Attorney affects the validity thereof. Please review carefully.

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Greenwich, CT, has made, constituted and appointed, and does by these presents make, constitute and appoint: *Charles G. Peden, Faye J. Miller, Carol B. Hamby, Deborah Kay Davis, Nick Bauer or Heather Martin Reynolds of BB&T Insurance Services, Inc./BB&T Cromwell Insurance of Lexington, KY* its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed Fifty Million and 00/100 U.S. Dollars (U.S.\$50,000,000.00), to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on January 25, 2010:

RESOLVED, that, with respect to the Surety business written by Berkley Surety Group, the Chairman of the Board, Chief Executive Officer, President or any Vice President of the Company, in conjunction with the Secretary or any Assistant Secretary are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and said officers may remove any such attorney-in-fact and revoke any power of attorney previously granted; and further

RESOLVED, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

RESOLVED, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and further

RESOLVED, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 2 day of January, 2014.

Attest:

Berkley Insurance Company

(Seal)

By

By

Ira S. Lederman
Senior Vice President & Secretary

Jeffrey M. Hafter
Senior Vice President

WARNING: THIS POWER INVALID IF NOT PRINTED ON BLUE "BERKLEY" SECURITY PAPER.

STATE OF CONNECTICUT)

) ss:

COUNTY OF FAIRFIELD)

Sworn to before me, a Notary Public in the State of Connecticut, this 2 day of January, 2014, by Ira S. Lederman and Jeffrey M. Hafter who are sworn to me to be the Senior Vice President and Secretary, and the Senior Vice/President, respectively, of Berkley Insurance Company.

Kathleen Corey
Notary Public, State of Connecticut
KATHLEEN COREY
NOTARY PUBLIC
CONNECTICUT
MY COMMISSION EXPIRES OCTOBER 31, 2017

CERTIFICATE

I, the undersigned, Assistant Secretary of BERKLEY INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attorney is attached, is in full force and effect as of this date.

Given under my hand and seal of the Company, this 6th day of March, 2014.

(Seal)

Andrew M. Tuma