

**PART III**

**Invitation to Bid No. 124-2019**

**2019 Capacity Assurance Program Flow Monitoring Field Services**

1. **FORM OF PROPOSAL**

Place: Lexington, Kentucky

Date: 12/13/19

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

This Proposal Submitted by HYDROMAX USA, LLC

11492 BLUEGRASS PKWAY, #106 LOUISVILLE, KY 40299  
(Name and Address of Bidding Contractor)

(Hereinafter called "Bidder"), organized and existing under the laws of the State of INDIANA, doing business as HYDROMAX USA, LLC  
"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 124-2019 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 \$ 400 for each consecutive calendar day thereafter.

The Bidder hereby acknowledges receipt of the following addenda:

Addendum No. \_\_\_\_ Date \_\_\_\_\_

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 HYDROMAX USA, LLC

Date DECEMBER 13, 2019

\* 1. A corporation duly organized and doing business under the laws of the State of INDIANA, for whom JEFFREY GRAHAM, bearing the official title of OWNER, 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)

N/A

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

N/A

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

3. **BIDDERS AFFIDAVIT**

Comes the Affiant, JEFFREY GRAHAM, and after being first duly sworn, states under penalty of perjury as follows:

1. His/her name is JEFFREY GRAHAM and he/she is the individual submitting the bid or is the authorized representative of HYDROMAX USA, LLC, 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.

[Signature]  
(Affiant)

STATE OF Kentucky  
COUNTY OF Jefferson

The foregoing instrument was subscribed, sworn to and acknowledged before me by Jeffrey Graham on this the 16th day of December, 2019.

My Commission expires: April 29, 2023

[Signature]  
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.

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.

Item No.	Description w/Unit Bid Price Written in Words	Estimated Quantity	Unit	Unit Price	Total Bid Amount
1.	Installation, Removal & Calibration of Temporary Flow Meter for <u>SIX HUNDRED SEVENTY</u> Dollars and Cents (per Each)	53	Each	\$ <u>670</u>	\$ <u>35,510</u>
2.	Operation & Maintenance of Temporary Flow Meter for <u>FIVE HUNDRED THIRTY</u> Dollars and Cents (per Meter-month)	212	Meter-month	\$ <u>530</u>	\$ <u>112,360</u>
3.	Installation, Removal & Calibration of Temporary Rain Gage for <u>TWO HUNDRED FIFTY</u> Dollars and Cents (per Each)	12	Each	\$ <u>250</u>	\$ <u>3,000</u>

Item No.	Description w/Unit Bid Price Written in Words	Estimated Quantity	Unit	Unit Price	Total Bid Amount
4.	Operation & Maintenance of Temporary Rain Gage for <u>TWO HUNDRED</u> Dollars and Cents (per Gage-month)	48	Gage-month	\$ <u>200</u>	\$ <u>9,600</u>
5.	Monthly Data Packet for <u>FIVE HUNDRED</u> Dollars and Cents (per Each)	4	Each	\$ <u>500</u>	\$ <u>2,000</u>
6.	Final Report for <u>ONE THOUSAND</u> Dollars and Cents (per Each)	1	Each	\$ <u>1,000</u>	\$ <u>1,000</u>
7.	Kickoff/Progress Meetings for <u>TWO HUNDRED FIFTY</u> Dollars and Cents (per Each)	4	Each	\$ <u>250</u>	\$ <u>1,000</u>

TOTAL OF ALL BID PRICES FOR 127-2019 Project (Items 1 through 30) in words and figures. 77005  
 In case of discrepancy, the amount shown in words will govern.  
ONE HUNDRED SIXTY FOUR THOUSAND FOUR HUNDRED SEVENTY (\$ 164,470).

The quantities indicated in the Bid Schedule reflect those anticipated for the 2020 monitoring season. Estimated quantities may change after the contract is awarded. Final quantities will be at the OWNER's discretion. The CONTRACTOR shall specify the unit price for each item in the Bid Schedule without regard to quantity. The CONTRACTOR will not be permitted to alter the unit price identified in the Bid Schedule for changes in estimated quantities for any Item No.

Additional information regarding the preliminary monitoring sites for 2020 is provided in Section 4.06 of the Technical Specifications.

Monitoring equipment used to perform the work shall be furnished by the CONTRACTOR. Ownership of monitoring equipment remains with the CONTRACTOR. No equipment is to be provided to the OWNER as part of this contract.

Submitted by:

HYDROMAX USA, LLC  
*Firm*

11492 BLUEGRASS PKWY, #106  
*Address*

LOUISVILLE, KY 40299  
*City, State & Zip*

**Bid must be signed:  
(original signature)**

*Jeffrey C. Graham* OWNER  
*Signature of Authorized Company Representative – Title*

JEFFREY GRAHAM  
*Representative/s Name (Typed or Printed)*

502-548-8965  
*Area Code – Phone – Extension* *Fax #*

jeff.graham@hydromaxusa.com  
*E-Mail Address*

**OFFICIAL ADDRESS:**

SAME AS ABOVE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Seal if Bid is by Corporation)

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

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: HYDROMAX USA, LLC
2. Permanent Place of Business: 11492 Bluegrass Pkwy, #106, Louisville, KY 40299
3. When Organized: 2003
4. Where Incorporated: INDIANA
5. Construction Plant and Equipment Available for this Project:  
HACH 900 SERIES FM  
WITH LESS THAN 12 MONTHS OF USE

(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: William Reidinger (Representative of Surety)  
William Reidinger; Attorney-in-Fact

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



<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
45FM CHAPEL HILL, NC W/CDM (2018)	CHAPEL HILL, NC	\$ 160,000
20FM HIGH POINT, NC W/CDM (2018)	HIGH PT, NC	\$ 74,000
LFUCG SHORT TERM FM 2018	LEXINGTON, KY	\$ 260,000
LFUCG SHORT TERM FM 2017	LEXINGTON, KY	\$ 100,000
LFUCG SSA/42	LEXINGTON, KY	\$ 800,000

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

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
KANSAS CITY (CTV)	KANSAS CITY, MO	\$3,300,000
_____	_____	_____
_____	_____	_____
_____	_____	_____

\* HUSA HAS A BONDING CAPACITY OF \$10,000,000

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>
JEFF GRAHAM, PE	PROJECT MANAGER	16+
TONY BISCHOFF, PE	QA/QC	13+
GABE STEWART	DATA ANALYST	11+
GABE ANDERSON	INSTALLATION	16+
_____	_____	_____

11. DBE Participation on current bonded projects under contract:

<u>SUBCONTRACTORS (LIST)</u>	<u>PROJECT (SPECIFIC TYPE)</u>	<u>DBE</u>	<u>% of WORK</u>
<u>TREKK DESIGN</u>	<u>KANSAS CITY, MO</u>	<u>WBE</u>	<u>15%</u>
<u>FOUR STAR CONS.</u>	<u>KANSAS CITY, MO</u>	<u>MBE</u>	<u>5.0%</u>
<u>TALIFERO + BROWN</u>	<u>" "</u>	<u>MBE</u>	<u>5.0%</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

(USE ADDITIONAL SHEETS IF NECESSARY)

12. We acknowledge that, if we are the apparent low Bidder, we may be required to submit to the OWNER within 7 calendar days following the Bid Opening, a sworn statement regarding all current work on hand and under contract, and a statement on the OWNER'S form of the experience of our officers, office management and field management personnel. Additionally, if requested by the OWNER, we will within 7 days following the request submit audited financial statements and loss history for insurance claims for the 3 most recent years (or a lesser period stipulated by the OWNER).

**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 Work</u>	<u>SUBCONTRACTOR</u>	<u>DBE</u>	<u>% of</u>
<u>MAJOR ITEM</u> Such as: Grading, bituminous paving, concrete, seeding and protection, construction staking, etc.		<u>Yes/No</u>	
1. <u>EM DATA ANALYSIS TRAINING</u>	Name: <u>JASMINE, KY</u> Address: <u>1236 LITCHFIELD Lexington, KY 40513</u>	<u>NO</u>	<u>≈ 1%</u>
2. _____	Name: _____ Address: _____	_____	_____
3. _____	Name: _____ Address: _____	_____	_____
4. _____	Name: _____ Address: _____	_____	_____
5. _____	Name: _____ Address: _____	_____	_____
6. _____	Name: _____ Address: _____	_____	_____
7. _____	Name: _____ Address: _____	_____	_____

(Attach additional sheet(s) if necessary.)

BECAUSE OF THE SPECIAL NATURE OF THIS WORK AS WELL AS THE SKILL SETS NEEDED TO COMPLETE THIS WORK WE WILL BE SELF PERFORMING ALL FIELD WORK



**LFUCG MWDBE PARTICIPATION FORM**  
**Bid/RFP/Quote Reference # 124-2019**

The MWDBE and/or Veteran 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. Failure to submit a completed form may cause rejection of the bid.

**WE WILL BE SELF PERFORMING ALL FIELD WORK**

MWDBE Company, Name, Address, Phone, Email	Work to be Performed	Total Dollar Value of the Work	% Value of Total Contract
1. JASMINE KY 1236 LITCHFIELD LANE Lexington, KY 859-539-2218	CONTINUED TRAINING ON DATA ANALYSIS	\$2,000	1.47%
2. Linda - xp_wu@yahoo.com			
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.

HYDROMAX USA, LLC  
 Company

[Signature]  
 Company Representative

12/13/19  
 Date

OWNER  
 Title



**MWDBE QUOTE SUMMARY FORM**

Bid/RFP/Quote Reference # 124-2019

The undersigned acknowledges that the minority and/or veteran subcontractors listed on this form did submit a quote to participate on this project. Failure to submit a completed form may cause rejection of the bid.

*N/A SEE BELOW*

Company Name <b>HYDROMAX USA, LLC</b>	Contact Person <b>JEFFREY GRAHAM, PE</b>
Address / Phone / Email <b>11492 BLUEGRASS PKWY, 106 LOUISVILLE, KY 40299 jeff.graham@hydromaxusa.com</b>	Bid Package / Bid Date <b>RFQ 124-2019, 12/13/19</b>

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	Veteran

(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.

HYDROMAX USA, LLC  
Company

*Jeffrey A. Graham*  
Company Representative

12/13/19  
Date

OWNER  
Title

*ALL FIELD WORK IS BEING SELF PERFORMED BY SPECIALIZED FM PERSONEL EMPLOYED BY HUSA.*

**LFUCG STATEMENT OF GOOD FAITH EFFORTS**

Bid/RFP/Quote # 124 - 2019

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 and Veteran-Owned business enterprises on the project and can supply the appropriate documentation.

NO 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 and Veteran-Owned businesses to participate.

NO Included documentation of advertising in the above publications with the bidders good faith efforts package

NO Attended LFUCG Central Purchasing Economic Inclusion Outreach event

NO Attended pre-bid meetings that were scheduled by LFUCG to inform MWDBEs and/or Veteran-Owned Businesses of subcontracting opportunities

NO Sponsored Economic Inclusion event to provide networking opportunities for prime contractors and MWDBE firms and Veteran-Owned businesses

NO Requested a list of MWDBE and/or Veteran subcontractors or suppliers from LFUCG and showed evidence of contacting the companies on the list(s).

NO Contacted organizations that work with MWDBE companies for assistance in finding certified MWDBE firms and Veteran-Owned businesses to work on this project. Those contacted and their responses should be a part of the bidder's good faith efforts documentation.

NO 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.

NO Followed up initial solicitations by contacting MWDBEs and Veteran-Owned businesses to determine their level of interest.

NO Provided the interested MWDBE firm and/or Veteran-Owned business with adequate and timely information about the plans, specifications, and requirements of the contract.

YES Selected portions of the work to be performed by MWDBE firms and/or Veteran-Owned businesses 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 and Veteran

participation, even when the prime contractor may otherwise perform these work items with its own workforce

No Negotiated in good faith with interested MWDBE firms and Veteran-Owned businesses 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.

No Included documentation of quotations received from interested MWDBE firms and Veteran-Owned businesses 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.

No 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 and/or Veteran-Owned business's quote. Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy MWDBE and Veteran goals.

No Made an effort to offer assistance to or refer interested MWDBE firms and Veteran-Owned businesses to obtain the necessary equipment, supplies, materials, insurance and/or bonding to satisfy the work requirements of the bid proposal

No Made efforts to expand the search for MWBE firms and Veteran-Owned businesses 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 and Veteran participation.

ALL WORK EXCEPT SOME DATA ANALYST TRAINING WILL BE SELF PERFORMED, IT SHOULD BE NOTED THAT THERE ARE ONLY 7 TASKS ASSOC. WITH THIS WORK

**NOTE: 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 which is subject to approval by the MBE Liaison. Documentation of Good Faith Efforts must 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.

HYDROMAX USA, LLC

Company

12/13/19

Date



Company Representative

OWNER

Title

**8. AUTHENTICATION OF BID AND STATEMENT OF NON-COLLUSION AND 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 N/A 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.

 12/3/19



9. STATEMENT OF EXPERIENCE

NAME OF INDIVIDUAL: JEFFREY GRAHAM, P.E.

POSITION/TITLE: PM / OWNER

STATEMENT OF EXPERIENCE: JEFF HAS PERFORMED  
50+ FM PROJECTS + MORE THAN 1400 FM

NAME OF INDIVIDUAL: TOMY BISCHOFF, P.E.

POSITION/TITLE: DATA INTEGRITY MANAGER

STATEMENT OF EXPERIENCE: MR BISCHOFF HAS BEEN  
RESPONSIBLE FOR THE QA/QC OF 2000+  
FM

NAME OF INDIVIDUAL: GABE ANDERSON

POSITION/TITLE: DEPUTY PM

STATEMENT OF EXPERIENCE: MR ANDERSON HAS  
PERSONALLY INSTALLED MORE THAN  
850 FM. HE UNDERSTANDS WHAT IT TAKES  
IN THE FIELD TO GET QUALITY DATA

NAME OF INDIVIDUAL: GABRIEL STEWART

POSITION/TITLE: SSES DATA MANAGER

STATEMENT OF EXPERIENCE: PERFORMED QA/QC +  
PROCESSED DATA FOR MORE THAN 1,100  
FMS.

NAME OF INDIVIDUAL: \_\_\_\_\_

POSITION/TITLE: \_\_\_\_\_

STATEMENT OF EXPERIENCE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NAME OF INDIVIDUAL: \_\_\_\_\_

POSITION/TITLE: \_\_\_\_\_

STATEMENT OF EXPERIENCE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

**10. EOUAL 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

HYDROMAX USA, LLC 12/13/19  
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 HYDROMAX USA, LLC  
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.

EEO-1 Report For FEIN 200602448 FROM 12/07/2018 TO 12/13/2018

Consolidated

Job Categories	Race/Ethnicity														TOTAL	
	Hispanic Or Latino							Non-Hispanic Or Latino								
	Male	Female	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races		
(1.1) Executive/Senior Level Officials and Managers	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	5
(1.2) First/Mid-Level Officials and Managers	0	0	35	1	0	0	0	2	5	0	0	1	0	0	0	44
(2) Professionals	0	1	7	0	0	0	0	0	2	0	0	0	0	0	0	10
(3) Technicians	0	0	5	0	0	0	0	0	1	0	0	0	0	0	0	6
(4) Sales Workers	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	4
(5) Administrative Support Workers	2	3	22	0	0	1	0	1	21	4	0	1	0	1	1	29
(6) Craft Workers	4	1	31	7	2	0	1	2	6	0	0	0	0	0	0	44
(7) Operatives	11	0	124	32	1	0	1	12	7	1	0	1	2	2	2	203
(8) Laborers and Helpers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
(9) Service Workers	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
<b>Totals</b>	<b>17</b>	<b>4</b>	<b>213</b>	<b>40</b>	<b>3</b>	<b>10</b>	<b>2</b>	<b>17</b>	<b>43</b>	<b>5</b>	<b>0</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>303</b>



**13. EVIDENCE OF INSURABILITY**

**KANAWHA COUNTY GOVERNMENT CONTRACT**  
 (This contract is for the use of Agency or Highway Agency in general coverage)

Name Insured: Hydromax USA LLC Employee ID: 20-0602448  
 Address: 2501 S. Kentucky Ave. Evansville, IN 47714 Phone: 812-925-3930  
 Project to be Insured: BID # 124-2019

In the event of a claim, the insured agrees to provide the above named insured with the minimum coverage listed below. These are outlined in the Insurance and Risk Management Contract (Special Conditions), including all requirements, and conditions.

Section Item	Coverage	Minimum Limits and Policy Requirements	Limits Provided To Insured	Name of Insurer	A.M. Best's Code
SC1, Section 2, Part A1 - see provisions	CEL	\$1,000,000 per occ. And \$2,000,000 aggregate	\$ 1,000,000	Ducklows	A124110
SC2, Section 2, Part A1 - see provisions	AUTO	\$2,000,000 per occ.	\$ 1,000,000	Ducklows	A124110
SC3, Section 2, Part A1 - see provisions	WC	\$2,000,000 per occ. and annual	\$1,000,000	Ducklows	A124110

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

Agency or Brokerage: Raymond J. Klein Name of Authorized Signatory: [Signature]  
 Street Address: 3000 E. Division St  
 City: Evansville State: IN Zip: 47711  
 Authorizer of Signature: [Signature]  
 Date: 12-6-19

NOTE: Authority is granted to the agent to sign this proof of insurance through an agency agreement with Insurer. If insurance is to be issued, authorized signature must be that of official representative of Insurer.



# Request for Taxpayer Identification Number and Certification

**Give Form to the requester. Do not send to the IRS.**

▶ Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Print or type. See Specific Instructions on page 3.

**1** Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.  
**Hydromax USA LLC**

**2** Business name/disregarded entity name, if different from above

**3** Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

Individual/sole proprietor or single-member LLC      C Corporation      S Corporation      Partnership      Trust/estate

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ P

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

Other (see Instructions) ▶

**4** Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) \_\_\_\_\_

Exemption from FATCA reporting code (if any) \_\_\_\_\_

(Applies to accounts maintained outside the U.S.)

**5** Address (number, street, and apt. or suite no.) See instructions.  
**2501 S Kentucky Ave**

**6** City, state, and ZIP code  
**Evansville, IN 47714**

**7** List account number(s) here (optional)

Requester's name and address (optional)

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
OR									
Employer identification number									
2	0	-	0	6	0	2	4	4	8

**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

**Sign Here**

Signature of U.S. person ▶ *Debra R. Dementchuk*     Date ▶ *Dec. 06, 2019*

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
  - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
  - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
  - Form 1099-S (proceeds from real estate transactions)
  - Form 1099-K (merchant card and third party network transactions)
  - Form 1099 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
  - Form 1099-C (canceled debt)
  - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.*

- Form 1099-INT (interest earned or paid)

**14. DEBARRED FIRMS**

**PROJECT NAME:** 2019 CAPACITY ASSURANCE Program FM

**BID NUMBER:** 124-2019

**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 HYDROMAX USA, LLC 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.

HYDROMAX USA, LLC  
Name of Firm Submitting Bid

[Signature]  
Signature of Authorized Official

OWNER  
Title

12/13/19  
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.

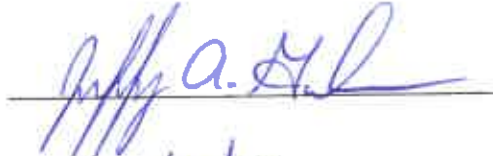
Firm Name: HYDROMAX USA, LLC

Project: 2019 CAPACITY ASSURANCE PROGRAM  
FM FIELD SERVICES

Printed Name and Title of Authorized Representative:

JEFFREY GRAHAM / OWNER

Signature:



Date:

12/13/19

END OF SECTION



**OLD NATIONAL BANK**

**1837157**

REMITTER

BRANCH # 3

Your bank. For lfe.

DATE

71-1863

HYDROMAX USA LLC / 124-2019

December 9, 2019

PAY TO THE

ORDER OF

\*\*LEXINGTON FAYETTE URBAN CO GVMT\*\*

\$8,223.50

\*\*Eight Thousand Two Hundred Twenty Three Dollars and Fifty Cents\*\*

VOID AFTER 90 DAYS

**CASHIER'S CHECK**

*Shannon Moesner*  
 NAME AND TITLE  
*Shannon Moesner*  
 PRINTED NAME AND TITLE  
 CSE

⑈ 1837157⑈ ⑆ 086300012⑆ ⑈ 902000705⑈

THIS DOCUMENT HAS A COLORED BACKGROUND, NOT A WHITE BACKGROUND