

PART III

Invitation to Bid No. 128-2012

Roland Avenue Bank Stabilization Project

2012

1. FORM OF PROPOSAL

Place: Lexington, Kentucky

Date: 9-17-12

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

This Proposal Submitted by Todd Johnson Contracting, Inc.

497 Dillehay St. Danville, KY 40422

(Name and Address of Bidding Contractor)

(Hereinafter called "Bidder"), organized and existing under the laws of the State of _____,
doing business as a Corporation

"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 related to the Roland Avenue Bank Stabilization 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 \$250.00 for each consecutive calendar day thereafter.

The Bidder hereby acknowledges receipt of the following addenda:

- Addendum No. 1 Date 9-5-12
- Addendum No. 2 Date 9-10-12
- Addendum No. 3 Date 9-12-12
- Addendum No. 4 Date 9-13-12
- Addendum No. 5 Date 9-13-12
- 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 Todd Johnson Contracting, Inc.

Date _____

* 1. A corporation duly organized and doing business under the laws of the State of Kentucky, for whom Ronda Johnson, 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, Linda Johnson, and after being first duly sworn, states under penalty of perjury as follows:

1. His/her name is Linda Johnson and he/she is the individual submitting the bid or is the authorized representative of Todd Johnson Contracting, 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.

Linda Johnson
(Affiant)

STATE OF Kentucky
COUNTY OF Boyle

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

Linda Johnson on this the 17th day of September,
2012.

My Commission expires: 12-01-2014

Cita Harmon 408171
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.

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.

Item No.	Description w/Unit Bid Price Written in Words	Estimated Quantity	Unit	Unit Price	Total Bid Amount
1.	Mobilization/Demobilization for _____ Dollars Cents (per Lump Sum)	1	LS	\$ _____	\$5795. ⁵⁸
2.	Construction Staking for _____ Dollars Cents (per Lump Sum)	1	LS	\$ _____	\$5795. ⁵⁸
3.	Temporary Construction Entrance for _____ Dollars Cents (per Lump Sum)	1	LS	\$ _____	\$1595. ⁰⁰
4.	Project Sign for _____ Dollars Cents (per Lump Sum)	1	LS	\$ _____	\$630. ⁰⁰
5.	SWPPP for _____ Dollars Cents (per Lump Sum)	1	LS	\$ _____	\$367. ⁹⁰
6.	Erosion Control Measures for _____ Dollars Cents (per Lump Sum)	1	LS	\$7230. ⁷²	\$7230. ⁷²
7.	Earthwork/Excavation for _____ Dollars Cents (per Cubic Yard)	2440	CY	\$11. ⁸⁷	\$28902. ⁸⁰
8.	Stripping and Stockpiling Topsoil for _____ Dollars Cents (per Lump Sum)	1	LS	\$ _____	\$490. ⁰⁰
9.	Remove 15" Headwall for _____ Dollars Cents (per Each)	1	EA	\$ _____	\$420. ⁰⁰
10.	Remove 18" Headwall for _____ Dollars Cents (per Each)	1	EA	\$ _____	\$420. ⁰⁰
11.	Remove 27' of 15" RCP for _____ Dollars	27	LF	\$10. ⁵⁰	\$283. ⁵⁰

Item No.	Description w/Unit Bid Price Written in Words	Estimated Quantity	Unit	Unit Price	Total Bid Amount
	_____ Cents (per Linear Foot)				
12.	Remove 13' of 18" RCP for _____ Dollars _____ Cents (per Linear Foot)	13	LF	\$ <u>10.⁵⁰</u>	\$ <u>126.⁵⁰</u>
13.	4' DIA MANHOLE (LFUCG Type A) for _____ Dollars _____ Cents (per Each)	1	EA	\$ _____	\$ <u>2120.⁵⁰</u>
14.	18" RCP Storm Sewer for _____ Dollars _____ Cents (per Linear Foot)	7	LF	\$ <u>74.¹²</u>	\$ <u>518.⁸⁴</u>
15.	Energy Dissipation Blocks for EX 15" Headwall for _____ Dollars _____ Cents (per Each)	1	EA	\$ _____	\$ <u>2098.⁷⁵</u>
16.	15" Impact Stilling Basin for _____ Dollars _____ Cents (per Each)	1	EA	\$ _____	\$ <u>165.⁰⁰</u>
17.	18" Impact Stilling Basin for _____ Dollars _____ Cents (per Each)	1	EA	\$ _____	\$ <u>1425.³⁰</u>
18.	Place 2" Topsoils for _____ Dollars _____ Cents (per Cubic Yard)	87	CY	\$ <u>10.⁵⁰</u>	\$ <u>913.⁵⁰</u>
19.	Permanent TRM (Flex-a-mat) for _____ Dollars _____ Cents (per Square Yard)	17	SY	\$ <u>8.⁴⁰</u>	\$ <u>142.⁸⁰</u>
20.	Permanent Seeding for _____ Dollars _____ Cents (per Square Yard)	4103	SY	\$ <u>1.⁴²</u>	\$ <u>5826.²⁶</u>
21.	4-1/2' Sidewalk Replacement for _____ Dollars _____ Cents (per Square Yard)	4	SY	\$ <u>72.⁷⁵</u>	\$ <u>315.⁰⁰</u>
22.	Remove Tree (1" to 4" dia.) for _____ Dollars _____ Cents (per Each)	9	EA	\$ <u>315.⁰⁰</u>	\$ <u>2935.⁰⁰</u>

Item No.	Description w/Unit Bid Price Written in Words	Estimated Quantity	Unit	Unit Price	Total Bid Amount
23.	Remove Tree (5" to 9" dia.) for _____ Dollars _____ Cents (per Each)	3	EA	\$ <u>630.00</u>	\$ <u>1890.00</u>
24.	Remove Tree (10" to 15" dia.) for _____ Dollars _____ Cents (per Each)	6	EA	\$ <u>840.00</u>	\$ <u>5040.00</u>
25.	Remove Tree (15" to 24" dia.) for _____ Dollars _____ Cents (per Each)	7	EA	\$ <u>1050.00</u>	\$ <u>7350.00</u>
26.	Replant Trees (<5" dia.) for _____ Dollars _____ Cents (per Each)	10	EA	\$ <u>367.50</u>	\$ <u>3675.00</u>
27.	Retaining Wall 500' for _____ Dollars _____ Cents (per Square Foot)	3000	SF	\$ <u>19.65</u>	\$ <u>58950.00</u>

TOTAL OF ALL BID PRICES FOR Roland Avenue Bank Stabilization Project (Items 1 through 27) in words and figures:

One Hundred Eighty Four Thousand, Six Hundred & Twenty One Dollars & 05 Cents (\$ 184,621.05)

Submitted by:

Todd Johnson Contracting, Inc.
Firm

497 Dillehay Street
Address

Danville, KY 40422
City, State & Zip

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

Linda Johnson
Signature of Authorized Company Representative – Title

Linda Johnson
Representative's Name (Typed or Printed)

859.238.9489 859.236.8977
Area Code – Phone – Extension Fax #

ljeinc@bellsouth.net
E-Mail Address

OFFICIAL ADDRESS:

497 Dillehay St.
Danville, KY 40422

_____ (Seal if Bid is by Corporation)

By signing this form you agree to ALL of the 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: Todd Johnson Contracting, Inc.
2. Permanent Place of Business: 497 Dillehay St. Danville, Ky 40422
3. When Organized: Oct 1, 1993
4. Where Incorporated: Kentucky
5. Construction Plant and Equipment Available for this Project:

<u>Trackhoes</u>	<u>Roller</u>
<u>Backhoes</u>	<u>Shaders</u>
<u>Dozers</u>	<u>Skidsteers</u>
<u>Scrapers</u>	
<u>Trunchers</u>	
<u>Graders</u>	

(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:

Washington International Insurance Company (Surety)

Signed: Paala Teague (will sign if we are low bidder) (Representative of Surety)

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>
South Elkhorn	Lexington	363,000.00
Stoncrest	Georgetown	531,585.00

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

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
Adair Co. Elem. School	Columbia, KY	920,624.00

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>
Jeremy Johnson	Superintendent	19
Rick Mullins	Foreman	4
Sam Johnson	Project Manager	19

11. DBE Participation on current bonded projects under contract:

<u>SUBCONTRACTORS</u> (LIST)	<u>PROJECT</u> (SPECIFIC TYPE)	<u>DBE</u>	<u>MAJORITY</u>
<i>None</i>			

(USE ADDITIONAL SHEETS IF NECESSARY)

12. We acknowledge that, if we are the apparent low Bidder, we will submit to the OWNER within 7 calendar days following the Bid Opening, a sworn statement on the OWNER'S form 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)—all in accordance with the Bid Documents.

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</u>	<u>SUBCONTRACTOR</u>	<u>DBE</u>	<u>% of Work</u>
<u>MAJOR ITEM</u> Such as: Grading, bituminous paving, concrete, seeding and protection, construction staking, etc.		<u>Yes/No</u>	
1. <u>Seed / straw</u>	Name: <u>Cedar Valley Seeding</u>	✓	
	Address: <u>851 Redman Rd Paris KY 40361</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.)



7. **LFUCG MBE/WBE PARTICIPATION FORM**
 Bid/RFP/Quote Reference # 128-2012

The MBE/WBE 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.

MBE/WBE Company, Name, Address, Phone, Email	Work to be Performed	Total Dollar Value of the Work	% Value of Total Contract
1. Cedar Valley Seeding 851 Redman Rd Paris KY 40361	Seeding/Straw	9231.50	5%
2.			
3.			
4.			

The undersigned company representative submits the above list of MBE/WBE 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.

Sodd Johnson Contracting, Inc.
 Company 9-17-12

Kimber Johnson
 By President

Date

Title



8. **LFUCG MBE/WBE SUBSTITUTION FORM**
Bid/RFP/Quote Reference # _____

The substituted MBE/WBE 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 MBE/WBE Company Name, Address, Phone, Email	MBE/WBE 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. <i>None</i>					
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.

Todd Johnson Contracting

 Company

9-17-12

 Date

Company Representative

Title



9. **MBE QUOTE SUMMARY FORM**

Bid/RFP/Quote Reference # 128-2012

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

Company Name <i>Cedar Valley Seeding</i>	Contact Person <i>Susan Redman</i>
Address/Phone/Email <i>851 Redman Rd Paris KY 40361</i>	Bid Package / Bid Date <i>128-2012</i>

MBE/WBE 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
	<i>Susan</i>	<i>Phone E-mail</i>	<i>9-12-12</i>	<i>Seeding</i>	<i>Phone Email</i>	<i>9231.55</i>	<i>MBE</i>

(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.

Jodd Johnson Contracting Inc

 Company
9-11-12

 Date

Ronida Johnson

 Company Representative
President

 Title



10. **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 MBE/WBE 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 # _____
 Total Contract Amount Awarded to Prime Contractor for this Project _____

Project Name/ Contract #	Work Period/ From: _____ To: _____
Company Name:	Address:
Federal Tax ID:	Contact Person:

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

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.

 Company

 Company Representative

 Date

 Title



11. **LFUCG STATEMENT OF GOOD FAITH EFFORTS**
Bid/RFP/Quote # _____

By the signature below of an authorized company representative, we certify that we have utilized the following methods to obtain the maximum practicable participation by minority and women owned business enterprises on the project. Please indicate which methods you used by placing an X in the appropriate place.

- ___ Attended LFUCG Central Purchasing Economic Inclusion Outreach Event
- ___ Sponsored Economic Inclusion event to provide networking opportunities
- ___ Requested a list of MBE/WBE subcontractors or suppliers from LFUCG Economic Engine
- ___ Advertised for MBE/WBE subcontractors or suppliers in local or regional newspapers
- ___ Showed evidence of written notice of contracting and/or supplier opportunities to MBE/WBE firms at least seven days prior to the bid opening date
- ___ Provided copies of quotations submitted by MBE/WBE firms which were not used and/or responses from firms indicating they would not be submitting a quote
- ___ Provided plans, specifications, and requirements to interested MBE/WBE subcontractors
- Other
Please list any other methods utilized that aren't covered above.
Emailed, phoned

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

Todd Johnson Construction
Company

Kimberly Johnson
Company Representative

9-17-12
Date

President
Title

12. AUTHENTICATION OF BID AND STATEMENT OF NON-COLLUSION AND 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.

READ CAREFULLY – SIGN IN SPACE BELOW – FAILURE TO SIGN INVALIDATES BID.

Signed by Konda Johnson
Firm Todd Johnson Contracting, Inc
Address 497 Dillehay St
Danville, Ky 40422
Telephone 859. 238. 9489
Date 9-17-12

Enclosed

13. **STATEMENT OF EXPERIENCE**

(this section must be completed or your bid will be considered as non-responsive)

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

**LINDA JOHNSON
497 DILLEHAY STREET
DANVILLE, KY 40422
(859) 238-9489**

QUALIFICATIONS:

Thirty five years in office management, administration, accounting, human resources, purchasing, and data processing.

EXPERIENCE:

- 1965-1969 Genesco: Office clerk: Duties included data entry of labor, and time studies.**
- 1969-1975 Certified Brakes: Secretary for Plant Manager transferred to Data Processing as Assistant Manager, duties included managing six data entry clerks, monthly and yearly close, physical inventory for entire plant.**
- 1975-1993 E. D. Bullard Company: Assistant Human Resource Manager: Duties included all personnel activities, insurance, safety program seminars, orientations, interviewing and counseling.**
- 1993-2010 Todd Johnson Contracting, Inc.
President**
- Duties Include: Administration: Manage the day to day operations of the business.**

Education:

**Boyle County High School 1964 Graduate
Harrodsburg Vocational Accounting 1990-1991
Somerset Community College
Quest Solutions -Digitizing Classes - 1998**

JEREMY JOHNSON
514 PERKINS AVENUE
DANVILLE, KY 40422
(859) 326-0335

WORK HISTORY

1993-2011 *Vice President of Todd Johnson Contracting, Inc.*

Superintendent

*Responsible for all coordination and management of projects
from startup to completion.*

Responsibilities include but not limited to managing the day to day

*Operation of installing sewer and water force mains, pump stations,
Concrete, excavations and Grade and Drain.*

Competent person for Safety on all projects

Blaster

Responsible for supervision of all subcontractors.

1992-1993

C & W Company

Laborer: Blacktopping, blasting apprentice, layout, operator

1991-1992

Central Rock Company

Road Crew laborer, blasting apprentice, operator

TOM JOHNSON
6645 Lebanon Road
Danville, KY 40422

Todd Johnson Contracting, Inc.
1993-2010

RESPONSIBILITIES

Coordinate and manage all field operations.

**Estimator: Document reviews, estimating, and preparing of bid documents.
scheduling: maintaining project schedules and all reports.**

**Project Manager: In house and field management of projects from startup
to finish.**

**Project Cost Control: Monitor all material, labor and equipment cost of
each project, maintain weekly reports on cost.**

James N. Gray Construction
1970-1993

JOB RESPONSIBILITIES:

Responsible for the coordination and management of onsite construction activities from project startup to completion; and for ensuring that work performed by Gray team members and subcontractors were performed safely, met or exceeded quality standards, and was within budget and on schedule.

EXPERIENCE:

Twenty years experience in highway, bridge, residential, commercial and industrial construction, including warehouses, office complexes, wire and cable mills, steel mills and food processing plants.

GRAY PROJECT EXPERIENCE:

Whirlpool, Kay-Bee Toy & Hobby Shops, American Tokyo Rope, John Hill Bailey Learning Center, Danville, KY.; Litton Industries, Hebron, KY.; Clark Equipment, Lexington, KY.; Topy Industries, Frankfort, KY.; Kobe Steel, Seymour, IN.; Winchester Farms Dairy, Winchester, KY.; Nutrisearch, Winchester, KY.; and TG (USA) Corporation, Perryville, MO.; Amgen, Louisville, KY.; Trim Masters Inc., Harrodsburg, KY.; International Crankshaft, Georgetown, KY.; Roll Forming Inc., Shelbyville, KY.; Pikeville National Bank, Pikeville, KY.

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

BY: Todd Johnson Contracting, Inc.
Name of Firm

DATE: 9-17-12

BY: Linda Johnson

TITLE: President

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

14. 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.

Rinda Johnson
Signature

Rodd Johnson Contracting, Inc.
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.

15. EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION POLICY

It is the policy of Todd Johnson Contracting, 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.

Signature: Linda Johnson
(Bidding Contractor)

Title: President

Date: 9-17-12

16. WORKFORCE ANALYSIS FORM

Name of Organization: Todd Johnson Contracting, Inc.

Date: 9 / 17 / 12

Categories	Total	White		Black		Other		Total	
		M	F	M	F	M	F	M	F
Administrators	2	1	1						
Professionals									
Superintendents	2	2							
Supervisors									
Foremen	3	3							
Technicians									
Protective Service									
Para-Professionals									
Office/Clerical	1		1						
Skilled Craft	15	13	2						
Service/Maintenance									
Total:	23	19	4						

Prepared By: Todd Johnson

17. **EVIDENCE OF INSURABILITY**

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

Names Insured: Todd Johnson Contracting Inc.

Employee ID: 6611246905

Address: 497 Dillehay St.

Phone: 859.338.9489

Danville, KY 40422

Project to be insured: _____

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
SC-3, Section 2, Part 4.1 - see provisions	CGL	\$1,000,000 per occ. And \$2,000,000 aggregate	\$1M Per Occ 2M Gen Agg	FCI/NAI, Jr	000719	A-
SC-3, Section 2, Part 4.1 - see provisions	AUTO	\$2,000,000/per occ.	\$1M Per Occ	FCI/NAI, Jr	000719	A-
SC-3, Section 2, Part 4.1 - see provisions	WC	Statutory w/condemnent as noted	\$4M	KY ABC/SIF	55002	A-

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

Agency or Brokerage: Walter M. Zoller, Inc

Name of Authorized Representative: Walter M. Zoller

Street Address: 950 Breckenridge Ln, Ste

Title: Vice President

City: LOUISVILLE State: KY Zip: 40007-4625

Authorized Signature: [Signature]

Telephone Number: (502) 425-9444

Date: 9/11/12

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.

18. DEBARRED FIRMS

PROJECT NAME: Roland Avenue Bomb Stabilization Project

BID NUMBER: 128-2012

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 Todd Johnson Contracting, 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.

Todd Johnson Contracting, Inc.
Name of Firm Submitting Bid

Todd Johnson
Signature of Authorized Official

President
Title

9-17-12
Date

19. 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: Todd Johnson Contracting

Project: Roland Avenue Bank Stabilization

Printed Name and Title of Authorized Representative: Linda Johnson President

Signature: Linda Johnson

Date: 9-17-12

END OF SECTION

THE AMERICAN INSTITUTE OF ARCHITECTS

AIA Document A310 Bid Bond

KNOW ALL MEN BY THESE PRESENTS, THAT WE Todd Johnson Contracting, Inc.

497 Dillehay Street, Danville, KY 40422

as Principal, hereinafter called the Principal, and Washington International Insurance Company

475 North Martingale Road, Suite 850, Schaumburg, IL 60173

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

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

200 East Main Street, 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 #128-2012 Roland Avenue Bank Stabilization Project

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 17th day of September, 2012

Todd Johnson Contracting, Inc.

(Principal)

(Seal)

By:

Todd Johnson

President

(Title)

Washington International Insurance Company

(Surety)

(Seal)

By:

Paula J. Teague
Attorney-in-Fact Paula J. Teague

(Title)

NAS SURETY GROUP

NORTH AMERICAN SPECIALTY INSURANCE COMPANY
WASHINGTON INTERNATIONAL INSURANCE COMPANY

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, THAT North American Specialty Insurance Company, a corporation duly organized and existing under laws of the State of New Hampshire, and having its principal office in the City of Manchester, New Hampshire, and Washington International Insurance Company, a corporation organized and existing under the laws of the State of New Hampshire and having its principal office in the City of Schaumburg, Illinois each does hereby make, constitute and appoint: Paula J. Teague

Its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its act and deed, the following surety bond:

Principal: Todd Johnson Contracting, Inc. Bond Number: Bid Bond
Obligee: Lexington-Fayette Urban County Government Bond Amount: See Bond Form
Bond Description: #128-2012 Roland Avenue Bank Stabilization Project

Provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed the amount of: FIFTY MILLION (\$50,000,000) DOLLARS

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both North American Specialty Insurance Company and Washington International Insurance Company at meetings duly called and held on the 9th of May, 2012:

"RESOLVED, that any two of the Presidents, any Managing Director, any Senior Vice President, any Vice President, any Assistant Vice President, the Secretary or any Assistant Secretary be, and each or any of them hereby is authorized to execute a Power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings and all contracts of surety, and that each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be binding upon the Company when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached."



By [Signature] Steven P. Anderson, Senior Vice President of Washington International Insurance Company & Senior Vice President of North American Specialty Insurance Company
By [Signature] David M. Layman, Vice President of Washington International Insurance Company & Vice President of North American Specialty Insurance Company

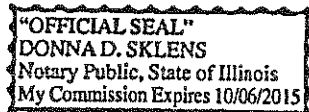


IN WITNESS WHEREOF, North American Specialty Insurance Company and Washington International Insurance Company have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers this 25th day of May 20 12.

North American Specialty Insurance Company
Washington International Insurance Company

State of Illinois
County of Cook ss:

On this 25th day of May 20 12, before me, a Notary Public personally appeared Steven P. Anderson, Senior Vice President of Washington International Insurance Company and Senior Vice President of North American Specialty Insurance Company and David M. Layman, Vice President of Washington International Insurance Company and Vice President of North American Specialty Insurance Company, personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.



[Signature] Donna D. Sklens, Notary Public

I, Jeffrey Goldberg, the duly elected Assistant Secretary of North American Specialty Insurance Company and Washington International Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by said North American Specialty Insurance Company and Washington International Insurance Company, which is still in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 17th day of September, 2012.

[Signature] Jeffrey Goldberg, Vice President & Assistant Secretary of Washington International Insurance Company & Assistant Secretary of North American Specialty Insurance Company

