

ATTACHMENT A
to the GRANT AWARD AGREEMENT
between Lexington-Fayette Urban County Government (LFUCG) and
Blue Grass Stockyards, LLC

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

- Funded through the LFUCG Water Quality Management Fee
- Administered by the LFUCG Division of Water Quality (DWQ) in the Department of Environmental Quality and Public Works
- Construction Only Grant

PROJECT TEAM AND CONTACT INFORMATION

Organization and Property Owner: Blue Grass Stockyards, LLC
P.O. Box 1023
Lexington, KY 40588
KY Organization #: 0459514

Project Site Location: 4561 Iron Works Pike
Lexington, KY 40511
PVA #22118500

**Primary Project Contact
And Project Manager:** Jim Akers, COO
(859) 255-7701
akersjim@bellsouth.net

Secondary Project Contact: Scott Flannery
859-255-7701
sflannery@bgstockyards.com

Design Consulting Firm: AGE Engineering Services, Inc.
P.O. Box 204
165 Foster Lane
Stanford, KY 40484
Douglas Gooch, PE
dgooch@agcengineering.com
606-365-1097

LFUCG Contacts & Roles:

Thomas Clements, P.E.,
*Division of Engineering, New-Development: Review and approve
site development plans*
Phone: (859) 258-3598, email: tclements@lexingtonky.gov

PROJECT PLAN ELEMENTS

1) STORMWATER CONTROL FACILITIES:

The purpose of this stormwater project is to manage stormwater runoff quality and quantity in order to protect Royal Spring Aquifer. Blue Grass Stockyards, LLC has committed to construct the facility building, adjacent parking lots and storm water controls with techniques to prevent infiltration of groundwater to the Royal Spring Aquifer, an environmentally sensitive area in northern Fayette County.

The ultimate goal provided in the application is to construct and operate a commercial facility, which will use sustainable design, be protective of surface and groundwater resources, be environmentally friendly, and be economical to operate. To that end, the facility will construct and maintain multiple stormwater prevention structures and strategies that *exceed* current stormwater requirements.

a. **Construction of a “Clean Water” Retention Basin:** for stormwater runoff from the facility roof (approximately 5 acres) and adjacent undeveloped pastureland (approximately 16 acres). This retention basin will reduce the quantity of stormwater that would otherwise need to be discharged through the two detention basins. Water from this retention basin will provide a supplemental source of gray water for the inside of the barn facility and will be used as an additional source of water for landscaping activities.

b. **Construction of a Wet Well Pump House:** at the north edge of the “Clean Water” Retention Basin to pump reuse water from the “Clean Water” Basin back to the facility through a main.

c. **Construction of (2) two Detention Basins/Ponds, each with a pre-filter concrete sediment settling basin, sand bed filter, and an oil/water separator at the discharge points from the two detention ponds that exceed the construction requirements for sediment ponds within LFUCG’s jurisdiction.** The pre-filter concrete sediment settling basins and debris inlet filters will be installed to control discharges from the outlet structures by preventing sediment and organic material from passing through the ponds and entering the receiving stream. Outlet structures for the ponds are also designed to provide separation and containment of any residual petroleum products that may come into contact with stormwater runoff. The level of stormwater management and control will be appropriately applied based on the sources of runoff to prevent polluted runoff from entering the receiving stream.

2) **DESIGN DOCUMENTS:**

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

- a. Note the Design Document generation is not part of this agreement; however, the items listed in this section are required to be part of the design.
- b. The stormwater control facilities shall be designed in such a way as to meet the LFUCG definition for an Engineered Wetland/Riparian Buffer Planting Area per the Engineering Stormwater Manual.
- c. All existing utilities shall be located and shown on the design plans.
- d. All existing easements, adjacent property lines, and Rights-of-Way shall be shown on the design plans. If any work is proposed to occur within any easement (i.e. utility, etc.), whether public or private, the Organization shall obtain all necessary encroachment agreements for the authorized agencies prior to the start of construction.
- e. Any work proposed within or on public right-of-way, easement, or LFUCG-owned property will require one or more permits or approvals. This includes installation permits for connection into any existing curb inlet or stormwater manhole located within public right-of-way. Please contact the appropriate staff:

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

- f. All federal, state, and local permits, approvals, and agreements required for construction of the proposed improvements shall be obtained prior to the start of construction. If the timing of construction is such that a permit may expire before construction can be completed, then the Organization shall coordinate with the LFUCG Grant Manager and permitting agencies on appropriate timing for permit submittals. The Organization is fully responsible to determine which approvals, permits, and encroachments are required for the project.

- g. Erosion and sediment control and traffic control measures shall be designed to meet all standards and follow guidelines in the LFUCG Engineering Manuals, and shall be shown on the design plans with appropriate notes.

3) STORMWATER CONTROL FACILITIES:

The following Design Plans for NEW LEXINGTON STOCKYARDS, by *nomi: Architecture, Design, Fabrication*, 1584 Delaware Ave., Lexington, KY 40505 and certification (dated 7/6/16) by Douglas G. Gooch, PE, AGE Engineering Services, included with the Grant Application, are hereby incorporated to this document by reference;

<u>SHEET</u>	<u>TITLE</u>
CD 3.0	GRADING AND DRAINAGE
CD 3.2	STORM FILTRATION BASINS PLAN AND DETAILS
CD 3.4	STORMWATER STANDARD DETAILS
CD 4.0	UTILITY PLAN
CD 4.3	WATER AND SANITARY SEWER DETAILS

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

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

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

final (post punch-list) inspection. This Agreement shall be recorded by LFUCG at the Fayette County Clerk's office.

REPORTING REQUIREMENTS

- 1) Prior to Construction, the Organization shall provide the LFUCG Grant Manager 3 hard copies and one digital copy each of the following deliverables, each sealed by a professional licensed to perform such work in accordance with Kentucky Revised Statutes (KRS):
 - Set of all final design calculations.
 - Set of final construction plans, including erosion and sediment control plans, grading plans, etc. (Including one "half-size" set.)
 - Set of final specifications and bidding documents (if applicable).
 - Final detailed engineer's construction cost estimate including quantities and/or bid(s).
 - All local, state or federal required permits, approvals, public or private encroachment agreements etc. received to date for the project.
 - Inspection, Operation, and Maintenance Plan laying out the plan for regular inspection and maintenance of each proposed facility for design performance and safety in accordance with manufacturer's specifications and LFUCG's Stormwater Manual. The O&M Plan must include prohibitions against storage of certain materials on the permeable pavement.
 - Existing Condition photographs.
- 2) The Organization shall allow LFUCG twenty-one (21) calendar days to review the submittals and provide comments. If revised submittals are required, the Organization shall allow LFUCG ten (10) calendar days for review per submittal. LFUCG may choose to have a third party engineering consultant assist LFUCG in review of these submittals.
- 3) If the project is competitively bid, the selected contractor's unit price contract/bid list shall be provided to the LFUCG Grant Manager prior to the start of construction.
- 4) If the project is not competitively bid, the selected contractor's unit price contract shall be provided to the LFUCG Grant Manager prior to the start of construction, along with a justification for any deviations from the engineer's construction cost estimate.
- 5) **The construction phase shall begin only after the LFUCG Grant Manager gives notice-to-proceed, in writing, for the start of the construction phase of the project.**
- 6) If, during construction, the contractor requests a deviation or addition to the quantities or costs in the construction contract, the LFUCG Grant Manager shall be notified within 2 business days. Additions or modifications to the project that are not directly related to the intended and correct function of the stormwater control project elements as described in the Project Plan Elements listed above and in original incentive grant application are not eligible for Grant reimbursement. Therefore, the Organization is advised that it should coordinate closely with the LFUCG Grant Manager during construction to ensure the work being performed is in compliance with this Agreement. **Note that per the Grant Award Agreement all over-runs that result in the project costs exceeding the Grant amount are the responsibility of the Organization.**
- 7) After construction is completed, the Project Final Report shall include digital and hard copies of the following:
 - Summary of final construction costs and quantities.
 - Copies of all federal, state, and local permits obtained for the project (if not previously provided) and any permit closure documents.
 - 3 copies of a Record Drawing showing all field changes, and signed and sealed by the professional of record certifying the project as shown meets all original design intent.
 - Copies of final inspection minutes, punchlists, etc.
 - Photo documentation of site conditions and improvements before, during, and after construction.
 - Signed Agreement to Maintain Stormwater Facilities Funded by an LFUCG Stormwater Quality Projects Class B Incentive Grant (Note: There will be collaboration between the organization and LFUCG to complete this form after construction is complete and final costs are determined).
- 8) LFUCG shall make final payment of the 10% retainer after acceptance of the Project Final Report.

EDUCATIONAL OPPORTUNITIES

The project will allow for numerous educational opportunities to which the public will have unprecedented access. These educational opportunities are important to the project and are described below:

1. Educational opportunities are integrally woven into the design and eventual operation of the new Blue Grass Stockyards. Included in the plans for the state-of-the-art complex are a “smart” classroom and an additional 250 seat auditorium. There will be educational signage prominently displayed indoors and outdoors. A portion of the signage will highlight the many stormwater projects on-site. The stormwater signage will walk visitors to the Stockyards through an interactive and informative narrative using state of the art storyboards.
2. The Stockyards will also offer more structured methods of environmental and agricultural education using educational modules that will be developed for both school and business use. The modules will be age-appropriate in order to fully educate all types of visitors about the environmental benefits provided by agricultural operations and the tools used by the Stockyards to control stormwater runoff.
3. The stormwater education program and associated curriculum is being developed exclusively for the Blue Grass Stockyards in association with the University of Kentucky, the Cattlemen’s Association, and Alltech.

PERMANENT FACILITIES/INFRASTRUCTURE

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

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

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

ADDITIONAL GRANT STIPULATIONS

Construction shall meet the following requirements:

1. Any work to be coordinated with personnel in the LFUCG Contacts section is the responsibility of the grantee and shall be done prior to any work being done. The LFUCG contacts listed in this document are listed for informational purposes only and listing does not constitute approval or agreement at this time.
2. All existing utilities shall be located, contacted, and coordinated with prior to any work being performed if within the project vicinity.
3. Organization proposes a larger cost share beyond that required by the grant program. Budget shall reflect the 44% cost share offered in the application (Approximately \$236,082.00).
4. The Operations and Maintenance Plan shall be provided at the conclusion of the project.
5. The project elements shall not be utilized to meet regulatory requirements including LFUCG new/re-development requirements. A final Agreement will not be executed until Stormwater

Management Regulatory requirements are determined by the LFUCG – Division of Engineering.

GRANT PERIOD & PROJECT SCHEDULE

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

TABLE 1 - PROJECT SCHEDULE

Activity	Anticipated Date
Approval of Grant Award Agreement and Notice to Proceed	March 2017
Pre-Construction Meeting	Within 2 week of Notice to Proceed
Construction	April – July 2017
Final Walk-thru	August 2017
Project Final Report	September 2017
Final Payment (10% Retainer)	After acceptance of Final Report

PROJECT BUDGET – GRANT ELIGIBLE EXPENSES & ORGANIZATION MATCH

The Organization has offered to provide a cost share amount above the minimum program requirements of 20% of Project costs. The minimum cost share required for this project shall be \$236,082.00 based on the Water Quality Fees Board Determination. The total project cost estimate and breakdown of grant to cost share is as follows:

Total Grant Share	\$300,000.00 not to exceed
Estimated Cost Share	\$236,082.00
Est. Total Project Cost	\$536,082.00

Table 2 lists the Eligible Expenses for this project. Only properly invoiced items shall be reimbursed with grant monies or counted toward the Organization’s cost share.

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

- NONE

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

TABLE 2 - ELIGIBLE EXPENSES

TABLE 2. ELIGIBLE EXPENSES		Activities		Unit Price	Quantity	Funded by Organization	Funded by Grant	Total Expense	Total by Activity
1	Construct Clean Water Basin								
2	Lake Excavation	\$ 10.00	CY	20,000			\$ 200,000.00	\$ 200,000.00	
3	12 inch Stormwater Pipe	\$ 20.00	LF	124	\$ 2,480.00			\$ 2,480.00	
4	15 inch Stormwater Pipe	\$ 24.00	LF	724	\$ 17,376.00			\$ 17,376.00	
5	18 inch Stormwater Pipe	\$ 30.00	LF	241	\$ 7,230.00			\$ 7,230.00	
6	24 inch Stormwater Pipe	\$ 36.00	LF	540	\$ 19,440.00			\$ 19,440.00	
7	36 inch Stormwater Pipe	\$ 48.00	LF	772	\$ 37,056.00			\$ 37,056.00	
8	Storm Manholes	\$ 2,500.00	EA	11	\$ 27,500.00			\$ 27,500.00	
8	Clay Liner	\$ 9.00	CY	6,500			\$ 58,500.00	\$ 58,500.00	
9	Contingency	\$ 1.00	Lump Sum	30,000	\$ 7,500.00			\$ 30,000.00	\$ 399,582.00
10	Construct Clean Water Reuse Pump System								
11	Electrical Service	\$ 1.00	LS	15,000	\$ 15,000.00			\$ 15,000.00	
12	Pump Station (pump/wet well)	\$ 1.00	LS	12,000	\$ 12,000.00			\$ 12,000.00	
13	Pump Building	\$ 1.00	LS	9,000	\$ 9,000.00			\$ 9,000.00	
14	8-inch PVC Intake	\$ 125.00	LF	40			\$ 5,000.00	\$ 5,000.00	
15	2-inch PVC Distribution Pipe	\$ 1,200.00	LF	10			\$ 12,000.00	\$ 12,000.00	
16	Connection to Domestic (Backflow Preventer)	\$ 1.00	LS	7,000	\$ 7,000.00			\$ 7,000.00	
17	Contingency	\$ 1.00	Lump Sum	7,000	\$ 5,000.00		\$ 2,000.00	\$ 7,000.00	\$ 67,000.00
18	Construct Detention Basin Pre-filters*								
19	North - Sediment Settling Basin	\$ 32,500.00	LS	1	\$ 32,500.00			\$ 32,500.00	
20	South - Sediment Settling Basin	\$ 100.00	LF	370	\$ 37,000.00			\$ 37,000.00	\$ 69,500.00
21		TOTAL PROJECT BUDGET:				\$ 236,082.00	\$ 300,000.00	\$ 536,082.00	\$ 536,082.00
22						ORGANIZATION SHARE	GRANT SHARE		
23						44.0%	56.0%		

*Only project elements exceeding the LFUCG Stormwater Regulatory requirements may be eligible for grant funding or cost share.

FIGURE 1 – DESIGN BUDGET INFORMATION FROM APPLICATION

B5. Attach a draft project budget with line items for (a) Equipment and Supplies, (b) Consulting Fees, (c) Construction Costs, (d) Personnel, and (e) Other Project Specific Costs as appropriate. Include as much detail as possible in the budget proposal, breaking out costs for various project phases and types of expenses.

The construction costs and tasks outlined as included in this grant proposal have an estimated cost in excess of \$536,082. This amount does not include construction of the North and South Detention Ponds but does include construction of the Pre-Filter Concrete Sediment Settling Basins and construction of the Clean Water Retention Basin and Water Reuse Distribution System. Blue Grass Stockyards is requesting a grant award in the

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amount of \$300,000 to be dedicated to the construction of the elements described in this proposal.

In addition to the above-listed costs, the costs of completing stormwater systems for the entire Stockyards facility is estimated at this time to be over \$500,000, not including the design and construction of the controls proposed in this grant application.

A more detailed budget for this project and associated stormwater projects is included in **Appendix C**. The costs represented are estimates, based on information available at this time. Hard costs will be developed as the project proceeds and reported to LFUCG as required.

Project Budget

Project Phase	Category	Budget
Construction Phase (Conceptual Estimate)	Equipment and Supplies	\$ 207,582
	Consulting Fees	\$ 0
	Construction Costs	\$ 291,500
	Personnel	\$ 0
	Other Project Specific Costs	\$ 37,000
TOTAL		\$ 536,082

FIGURE 2 - ACTUAL DESIGN BUDGET FROM APPLICATION (3 PAGES FROM APPLICATION)

P.O. BOX 204
165 FOSTER LANE
STANFORD, KY 40484



PHONE 606.365.8362
FAX 606.365.1097

June 20, 2016

**Bluegrass Stockyards
Cost Estimate
Water Capture and Reuse
Clean Water Basin**

Following is a cost estimate for the cost of the water recovery and reuse plan for the Bluegrass Stockyards.
Please find attached additional information and the plan for the System.

Item	Unit	Quantity	Amount
Lake Excavation	CU Yd	20,000	\$200,000
Electrical Service	LS	1	15,000
Pump Station (pump/wet well)	LS	1	12,000
Pump Building	LS	1	9,000
8-inch PVC Intake	LN FT	125	5,000
2-inch PVC Distribution Pipe	LN FT	1200	12,000
Connection to Domestic (Backflow Preventer)	LS	1	7,000
Storm Water Pipe 12-inch	LN FT	124	2,480
Storm Water Pipe 15-inch	LN FT	724	17,376
Storm Water Pipe 18-inch	LN FT	241	7,230
Storm Water Pipe 24-inch	LN FT	540	19,440
Storm Water Pipe 36-inch	LN FT	772	37,056
Storm Manholes	EACH	11	27,500
Clay Liner	CY	6500	58,500
Miscellaneous	LS	1	<u>37,000</u>
		TOTAL	\$466,582

**Bluegrass Stockyards
Cost Estimate
Storm Water Detention
North Water Basin**

Following is a cost estimate for the cost of North water Basin plan for the Bluegrass Stockyards. Please find attached additional information and the plan for the System.

Item	Unit	Quantity	Amount
Lake Excavation	CU Yd	3,800	\$38,000
Storm outlet Structure	EACH	1	9,500
Sand Filter	LN FT	390	22,620
Storm Water Pipe 18-inch	LN FT	350	10,500
Bollard	EACH	33	8,250
Sediment Settling Basin	LS	1	32,500
Geomembrane Liner	SF	50,000	50,000
Clay Liner	CY	5,555	49,995
Miscellaneous	LS	1	<u>4,500</u>
TOTAL			\$225,865

**Bluegrass Stockyards
Cost Estimate
Storm Water Detention
South Water Basin**

Following is a cost estimate for the cost of South water Basin plan for the Bluegrass Stockyards. Please find attached additional information and the plan for the System.

Item	Unit	Quantity	Amount
Lake Excavation	CU Yd	4,800	\$48,000
Storm outlet Structure	EACH	1	9,500
Sediment Settling Basin	LN FT	370	37,000
Sand Filter	LN FT	400	23,200
Storm Water Pipe 18-inch	LN FT	400	12,000
Bollard	EACH	13	3,250
Geomembrane Liner	SF	32,000	32,000
Clay Liner	CY	3,560	32,040
Miscellaneous	LS	1	<u>9,500</u>
TOTAL			\$206,490