

# Document A310™ – 2010

Conforms with The American Institute of Architects AIA Document 310

## Bid Bond

### CONTRACTOR:

(Name, legal status and address)

Davis H. Elliot Construction Company, Inc.  
673 Blue Sky Parkway  
Lexington, KY 40509

### OWNER:

(Name, legal status and address)

Lexington-Fayette Urban County Government  
101 E. Vine Street  
Lexington, KY 40507

### SURETY:

(Name, legal status and principal place of business)

Hartford Fire Insurance Company  
One Hartford Plaza  
Hartford, CT 06155-0001  
**Mailing Address for Notices**  
One Hartford Plaza  
Hartford, CT 06155-0001

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

**BOND AMOUNT:** 5% Five Percent of Amount Bid

### PROJECT:

(Name, location or address, and Project number, if any)

Fiber Optic Expansion Project, Bid Number: 110-2024, Communications

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner 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. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

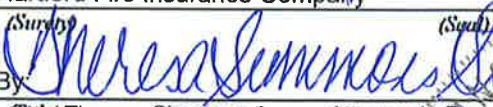
Signed and sealed this 23rd day of August, 2024.

  
\_\_\_\_\_  
(Witness) Julia Bellefleur, Asst. Secretary

Davis H. Elliot Construction Company, Inc.  
\_\_\_\_\_  
(Principal) (Seal)

By:   
\_\_\_\_\_  
(Title) Reather Keith Simpson, Sr. Vice President

  
\_\_\_\_\_  
(Witness) Traci DeGroat, Witness

Hartford Fire Insurance Company  
\_\_\_\_\_  
(Surety) (Seal)  
By:   
\_\_\_\_\_  
(Title) Theresa Simmons Stump, Attorney-in-Fact.



# POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD  
 BOND, T-12  
 One Hartford Plaza  
 Hartford, Connecticut 06155  
[Bond.claims@thehartford.com](mailto:Bond.claims@thehartford.com)

call: 888-266-3488 or fax: 860-757-5835

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Code: 14-730214 (MC), 14-730836, 14-731912

- Hartford Fire Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company**, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois**, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest**, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast**, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of unlimited:**

*Stacey W. Hall, James Jackson Roberts, III of Richmond VA; Clayton T Bruin of Charlotte NC; Robert M Coon of Greensboro NC; Windy D Lovelady, Brooke Gagne of Raleigh NC; Bethany Murphy, Theresa Simmons Stump, Traci J DeGroat of Roanoke VA; Beverly Jones, III, Suzanne Helena Young, Elba Irene McCullough of Franklin TN; Stephen B. Dolin, Joanna M. Carson, Melissa V. Carver, Madeleine Skorcz Ferguson, Brittany B Irby, Cody James McCluskey, Steven Dana Scobey, Benjamin Kenneth Taylor, Alaine Nanette Drane, of Lynchburg VA*

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

**In Witness Whereof**, and as authorized by a Resolution of the Board of Directors of the Companies on May 23, 2016 the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



*Shelby Wiggins*

Shelby Wiggins, Assistant Secretary

*Joelle L. LaPierre*

Joelle L. LaPierre, Assistant Vice President

STATE OF FLORIDA

COUNTY OF SEMINOLE

ss. Lake Mary

On this 20th day of May, 2021, before me personally came Joelle LaPierre, to me known, who being by me duly sworn, did depose and say: that (s)he resides in Seminole County, State of Florida; that (s)he is the Assistant Vice President of the Companies, the corporations described in and which executed the above instrument; that (s)he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that (s)he signed his/her name thereto by like authority.



*Jessica Ciccone*

Jessica Ciccone  
 My Commission HH 122280  
 Expires June 20, 2025

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of August 23, 2024

Signed and sealed in Lake Mary, Florida.



*Keith D. Dozois*

Keith D. Dozois, Assistant Vice President





**ADDENDUM #1**

Bid Number: #110-2024

Date: July 26, 2024

Subject: Fiber Optic Expansion Project

Address Inquiries to:  
Sondra Stone  
[sstone@lexingtonky.gov](mailto:sstone@lexingtonky.gov)

**TO ALL PROSPECTIVE SUBMITTERS:**

**Please be advised of the following clarifications to the above referenced bid:**

1. Bid opening has been extended to August 23, 2024, 2:00 p.m.
2. **Q:** Does the requirement of applying for a Certificate of Eligibility with the KTC still apply to this bid prior to submitting pricing via Ionwave?

**A:** According to KRS you have to have the certificate of eligibility prior to bidding:

176.130 Certificates of eligibility for contractors -- Application -- When necessary. (1) Every person who seeks to procure, bid upon, or offer to bid upon any contract with the department for the construction or maintenance of any public road or any section thereof, before procuring a proposal form or submitting any bid to obtain such contract, shall procure a certificate of eligibility from the department to bid on such work. (2) All applications for a certificate of eligibility shall be made to the department in writing, and the department shall act upon the application within thirty (30) days after the application is filed. (3) A certificate of eligibility is not necessary where the department purchases equipment, material and supplies directly, except in the case of the purchase of crushed stone in lots of more than one thousand (1,000) tons, or bituminous materials in tank car lots.

**All applications for a certificate of eligibility shall be made to the department in writing, and the department shall act upon the application within thirty (30) days after the application is filed.**



Effective: October 1, 1942 History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4356t-18, 4356t-2



Todd Slatin, Director  
Division of Procurement

All other terms and conditions of the bid and specifications are unchanged. This letter should be signed, attached to and become a part of your submittal.

COMPANY NAME: Davis H. Elliot Construction Company, Inc.

ADDRESS: 673 Blue Sky Parkway, Lexington, Ky 40509

SIGNATURE OF BIDDER:   
Reather Keith Simpson, Sr. Vice President





MAYOR LINDA GORTON



**LEXINGTON**

TODD SLATIN  
DIRECTOR  
DIVISION OF PROCUREMENT

**ADDENDUM #2**

Bid Number: #110-2024

Date: July 26, 2024

Subject: Fiber Optic Expansion Project

Address Inquiries to:  
Sondra Stone  
[ssone@lexingtonky.gov](mailto:ssone@lexingtonky.gov)

**TO ALL PROSPECTIVE SUBMITTERS:**

**Please be advised of the following clarifications to the above referenced bid:**

**Q:** "General Notes" indicate 4 Master Splices, bid unit worksheet indicates only 3. Which quantity is correct?

**A:** There should be four (4). The general notes are correct. See attached corrected Plan sheet GN-02A and Corrected Excel bid schedule.

Todd Slatin, Director  
Division of Procurement

All other terms and conditions of the bid and specifications are unchanged. This letter should be signed, attached to and become a part of your submittal.

COMPANY NAME: Davis H. Elliot Construction Company, Inc.

ADDRESS: 673 Blue Sky Parkway, Lexington, Ky 40509

SIGNATURE OF BIDDER:   
Reather Keith Simpson, Sr. Vice President



MAYOR LINDA GORTON



LEXINGTON

TODD SLATIN  
DIRECTOR  
DIVISION OF PROCUREMENT

**ADDENDUM #3**

Bid Number: #110-2024

Date: July 26, 2024

Subject: Fiber Optic Expansion Project

Address Inquiries to:  
Sondra Stone  
[sstone@lexingtonky.gov](mailto:sstone@lexingtonky.gov)

**TO ALL PROSPECTIVE SUBMITTERS:**

**Please be advised of the following clarifications to the above referenced bid:**

Metal sleeves will not be required under roadway (see attached corrected technical specs and sheet GN-01.

Todd Slatin, Director  
Division of Procurement

All other terms and conditions of the bid and specifications are unchanged. This letter should be signed, attached to and become a part of your submittal.

COMPANY NAME: Davis H. Elliot Construction Company, Inc.

ADDRESS: 673 Blue Sky Parkway, Lexington, Ky 40509

SIGNATURE OF BIDDER:   
Reather Keith Simpson, Sr. Vice President



MAYOR LINDA GORTON



**LEXINGTON**

TODD SLATIN  
DIRECTOR  
DIVISION OF PROCUREMENT

**ADDENDUM #4**

Bid Number: #110-2024

Date: July 26, 2024

Subject: Fiber Optic Expansion Project

Address Inquiries to:  
Sondra Stone  
[sstone@lexingtonky.gov](mailto:sstone@lexingtonky.gov)

**TO ALL PROSPECTIVE SUBMITTERS:**

**Please be advised of the following clarifications to the above referenced bid:**

Technical specs contained some unneeded information and more details were added in regards to the HDPE conduit (see attached).

Todd Slatin, Director  
Division of Procurement

All other terms and conditions of the bid and specifications are unchanged. This letter should be signed, attached to and become a part of your submittal.

COMPANY NAME: Davis H. Elliot Construction Company, Inc.

ADDRESS: 673 Blue Sky Parkway, Lexington, Ky 40509

SIGNATURE OF BIDDER: 

Reather Keith Simpson, Sr. Vice President





**ADDENDUM #5**

Bid Number: #110-2024

Date: August 5, 2024

Subject: Fiber Optic Expansion Project

Address Inquiries to:  
Sondra Stone  
[sstone@lexingtonky.gov](mailto:sstone@lexingtonky.gov)

**TO ALL PROSPECTIVE SUBMITTERS:**

**Please be advised of the following clarifications to the above referenced bid:**

1. The innerduct item has been eliminated. There was a miscommunication during the design phase and no innerduct is needed for any portion of this project.
2. Pull Tape described in Section 1 (HDPE Conduit) of the technical specifications has been updated to prescribe a specific part number or equivalent. Any equivalents must be approved during pre-construction phase.
3. Additional details have been added to Section 5 (Cabinet Drop) of the technical specifications to give more clarity on the equipment required to complete the connection to the cabinet. This update includes part numbers for a Termination Panel and a Splice Case. These items should be included with each cabinet drop.





- 4. Sections 10 (Rock Removal Trench) and Section 11 (Solid Rock Bore) have been added to the technical specifications. These items have also been added to the bid schedule. No Geotech survey has been completed so these items will only be utilized when needed. Contractor to notify project manager if rock is encountered.

Attachments:

- Revised Technical Specs
- Revised General Notes
- Revised Excel Bid Schedule




Todd Slatin, Director  
Division of Procurement

All other terms and conditions of the bid and specifications are unchanged. This letter should be signed, attached to and become a part of your submittal.

COMPANY NAME: Davis H. Elliot Construction Company, Inc.

ADDRESS: 673 Blue Sky Parkway, Lexington, Ky 40509

SIGNATURE OF BIDDER:   
Reather Keith Simpson, Sr. Vice President



MAYOR LINDA GORTON



LEXINGTON

TODD SLATIN  
DIRECTOR  
DIVISION OF PROCUREMENT

**ADDENDUM #6**

Bid Number: #110-2024

Date: August 16, 2024

Subject: Fiber Optic Expansion Project

Address Inquiries to:  
Sondra Stone  
[sstone@lexingtonky.gov](mailto:sstone@lexingtonky.gov)

**TO ALL PROSPECTIVE SUBMITTERS:**

**Please be advised of the following clarifications to the above referenced bid:**

This addendum is being issued to change access to Addendum #5 only . No additional information is provided.

Todd Slatin, Director  
Division of Procurement

All other terms and conditions of the bid and specifications are unchanged. This letter should be signed, attached to and become a part of your submittal.

COMPANY NAME: Davis H. Elliot Construction Company, Inc.

ADDRESS: 673 Blue Sky Parkway, Lexington, Ky 40509

SIGNATURE OF BIDDER: 

Reather Keith Simpson, Sr. Vice President



**PART III**  
**FORM OF PROPOSAL**

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**PART III**

**INVITATION TO BID NO. 110-2024**

**FIBER OPTIC EXPANSION PROJECT**

**1. FORM OF PROPOSAL**

Place: Lexington, Kentucky

Date: 8/23/2024

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

This Proposal Submitted by Davis H. Elliot Construction Company, Inc.

673 Blue Sky Parkway, Lexington, Ky 40509

(Name and Address of Bidding Contractor)

(Hereinafter called "Bidder"), organized and existing under the laws of the State of Virginia \_\_\_\_\_, 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 for the **Fiber Optic Expansion 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.

BIDDER hereby agrees to commence work under this contract as to be specified in the Notice to Proceed and to fully complete the project by **April 16<sup>th</sup>, 2025** thereafter. BIDDER further agrees to pay liquidated damages, the sum of **\$500.00** for each consecutive calendar day thereafter.

The Bidder hereby acknowledges receipt of the following addenda:

Addendum No. <u>1</u>	Date <u>7/26/2024</u>
Addendum No. <u>2</u>	Date <u>7/26/2024</u>
Addendum No. <u>3</u>	Date <u>7/26/2024</u>
Addendum No. <u>4</u>	Date <u>7/26/2024</u>
Addendum No. <u>5</u>	Date <u>8/5/2024</u>
Addendum No. <u>6</u>	Date <u>8/16/2024</u>
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 Davis H. Elliot Construction Company, Inc.

Date 8/23/2024

\* 1. A corporation duly organized and doing business under the laws of the State of Virginia \_\_\_\_\_, for whom Reather Keith Simpson, bearing the official title of Sr. Vice 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)

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

Rev. 9-16-22

**REQUIRED AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS**  
**(KRS 45A.110 & 45A.115)**

**Affidavit Effective for One (1) Year from Date of Execution**

**Instructions:** Pursuant to KRS 45A.110 and 45A.115, a bidder, offeror, or contractor (“Contractor”) is required to submit a Required Affidavit for Bidders, Offerors, and Contractors to be awarded a contract, or for the renewal of a contract. An authorized representative of the contracting party must complete the attestation below, have the attestation notarized, and return the completed affidavit to the Commonwealth.

**Attestation**

As a duly authorized representative for the Contractor, I swear and affirm under penalty of perjury, that the Contractor has not knowingly violated campaign finance laws of the Commonwealth of Kentucky and that the award of a contract will not violate any provision of the campaign finance laws of the Commonwealth. For purposes of this attestation, “Knowingly” means that the bidder or offeror is aware or should have been aware of the existence of a violation. The bidder or offeror understands that the Commonwealth retains the right to request an updated affidavit at any time.

  
Signature

Reather Keith Simpson  
Printed Name

Sr. Vice President  
Title

8/23/2024  
Date

Bidder or Offeror Name: Davis H. Elliot Construction Company, Inc.

Address: 673 Blue Sky Parkway, Lexington, Ky 40509

Commonwealth of Kentucky Vendor Code (If known): 00434

Subscribed and sworn to before me this 23rd day of August, 2024.

State of: Kentucky

Notary:   
Stephanie Lee Allen

County of: Fayette

My Commission Expires: 11/12/2025



**BIDDERS AFFIDAVIT (LFUCG)**

Comes the Affiant, Reather Keith Simpson, Sr. Vice President, and after being first duly sworn, states under penalty of perjury as follows:

1. His/her name is Reather Keith Simpson and he/she is the individual submitting the bid or is the authorized representative of Davis H. Elliot Construction Company, 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 Chapter 25 of the Lexington-Fayette Urban County Government Code of Ordinances, known as the "Ethics Act."

6. 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.

*Reather Keith Simpson*  
Signature

Reather Keith Simpson  
Printed Name

Sr. Vice President  
Title

8/23/2024  
Date

Company Name Davis H. Elliot Construction Company, Inc.

Address 673 Blue Sky Parkway, Lexington, Ky 40509

Subscribed and sworn to before me by Reather Keith Simpson  
(Affiant)

Sr. Vice President  
(Title)

of Davis H. Elliot Construction Company, Inc. this 23rd day of August, 2024.  
(Company Name)

*Stephanie Lee Allen*  
Notary Public Stephanie Lee Allen  
[seal of notary]

My commission expires: 11/12/2025



#### 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.

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 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.

**Payment:**

Accepted quantities for Work shall be paid for at their respective Contract "Unit Price" as quoted (which shall be for all Work required under this Section) and paid per "Unit To Bid On" of specified "Description" satisfactorily placed. All labor, materials, equipment, and excavation shall be incidental to the Work.

**Digital Bid Submittals:**

Bidders shall submit Bid Schedules Excel spreadsheet via Ion Wave. The Bid Schedules must be fully executed and submitted via Ion Wave. The excel spreadsheet is available through the LFUCG's Ionwave website (<https://lexingtonky.ionwave.net>).

**Fiber Optic Expansion Project  
Bid Schedule**

ITEM #	SPEC SECTION	DESCRIPTION	QUANTITY	UNIT
1	1	Provide & Install 2-inch HDPE Conduit	18,826	LF
2	4	Install 1-inch Innerduct (Black)	18,826	LF
3	5	Install Cabinet Drop	6	EA
4	6	Provide & Install Fiber-Optic Cable (72 Count)	24,000	LF
5	7	Provide & Install Junction Box Type C	39.0	EA
6	8	Complete Master Splice (72 strands)	3.0	EA
7	9	Complete Minor Splice (12 strands or less)	6.0	EA
8	B	Maintain and Control Traffic	1.0	LS
9	2	Mobilization (5% max. of total bid)	1.0	LS
10	2	Demobilization (1.5% max. of total bid)	1.0	LS
11		Performance and Payment Bond	1.0	LS

**Add Alternate – Details of Work Can Be Found on Pages 10, 11, 12 of construction plans.**

ITEM #	SPEC SECTION	DESCRIPTION	QUANTITY	UNIT
1	1	Provide & Install 2-inch HDPE Conduit	2654	LF
2	4	Install 1-inch Innerduct (Black)	2654	LF
3	5	Install Cabinet Drop	1	EA
4	6	Provide & Install Fiber-Optic Cable (72 Count)	2800	LF
5	7	Provide & Install Junction Box Type C	3	EA
6	8	Complete Master Splice (72 strands)	0.0	EA
7	9	Complete Minor Splice (12 strands or less)	1.0	EA

**NOTE:**

Should add alternate work not be awarded at the time of initial bid, unit bid prices shall remain applicable in the event the OWNER identifies additional and sufficient funding to complete add alternate work.

Submitted by: Davis H. Elliot Construction Company, Inc.  
*Firm*

673 Blue Sky Parkway  
*Address*

Lexington, Ky 40509  
*City, State & Zip*

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

  
*Signature of Authorized Company Representative – Title*

Reather Keith Simpson, Sr. Vice President  
*Representative/s Name (Typed or Printed)*

859-263-5148                      859-263-5486  
*Area Code – Phone –Fax #*

ksimpson@dhec.com  
*E-Mail Address*

**OFFICIAL ADDRESS:**

673 Blue Sky Parkway

Lexington, Ky 40509

(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: Davis H. Elliot Construction Company, Inc.
  
- 2. Permanent Place of Business: 673 Blue Sky Parkway, Lexington, Ky 40509
  
- 3. When Organized: January 4th, 1946
  
- 4. Where Incorporated: Roanoke, Virginia
  
- 5. Construction Plant and Equipment Available for this Project:  
Please see attached.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach Separate Sheet If Necessary)

6. Financial Condition:

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

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

Hartford Fire Insurance Company (Surety)

Signed: Theresa Simmons Stump (Representative of Surety)

Theresa Simmons Stump  
Attorney-In-Fact  
August 23, 2024





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>
TDOT - CNX333	Hickman/Humphries County TN	\$9,410,800.00
LFUCG Fiber Contract	Lexington, KY	N/A
TDOT - CNV281	Robertson, TN	\$4,990,550.00
IMOVE	Louisville, KY	\$4,434,130.85

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

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
TDOT - CNX913	Tennessee	\$8,142,397.00
KYTC 241306	Breathitt County, KY	\$1,685,595.00
TDOT - CNX139	Sullivan, TN	\$1,605,299.99
KYTC - CID 244300	Lexington, KY	\$737,315.00
LFUCG Maintenance Contract	Lexington, KY	N/A

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>
Noah Keeton	Operations Manager	12
Coty Troxell	Superintendent	9
Matt Watts	Project Manager	9
Justin Gaffney	General Foreman	12
Andrew Fogg	Assistant Project Manager	2

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>
Mid -Atlantic Maintenance	Signals	Traffic Control	11%
TKM Inc.	ITS	Pavement Markings	8.5%
TKM Inc.	ITS	Pavement Markings	3.63%

(USE ADDITIONAL SHEETS IF NECESSARY)

12. We acknowledge that, if we are the apparent low Bidder, we will submit to the OWNER within seven (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 seven (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.

Respectfully submitted:

Davis H. Elliot Construction Company, Inc.  
(Name of Contracting Firm)

BY:   
Reather Keith Simpson

TITLE: Sr. Vice President

DATE 8/23/2024

**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</u> <u>EACH MAJOR ITEM</u> Such as:	<u>SUBCONTRACTOR</u>	<u>DBE</u> <u>Yes/No</u>	<u>% of</u> <u>Work</u>
Concrete, bituminous paving, construction staking, etc.	1. <u>Supplier</u> Name: <u>Toni Levy &amp; Associates, Inc</u> Address: <u>1608 West Broadway, Suite 100 Louisville, KY 40203</u>	<u>Yes</u>	<u>7.22%</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. LIST OF MATERIALS/ SUPPLIERS

Bidders are hereby advised that this list must be complete and submitted with the Bid.

Listing "as per plans and specifications", will not be considered as sufficient identification. Where more than one "Make or Brand" is listed for any one item, the Owner has the right to select the one to be used.

<b>Item</b>	<b>Brand Name, Manufacturer and/or Supplier</b>
1. Concrete Supplier	<u>None anticipated.</u>
2. Asphalt Supplier	<u>None anticipated.</u>

## 8. DBE SUB-CONTRACTOR BIDDERS LIST

The Department of Transportation Federal Regulations requires that the Kentucky Transportation Cabinet provide a bidders list to be maintained in the Office of Personnel Management, Small Business Development Branch (49CFR 26:11) for each federally funded project awarded.

Project No.

List all quotes/bids received on this project.

DBE (Disadvantaged Business Enterprise) Contractors, Consultants, and Suppliers submitting quotes/bids for this project:

1. Toni Levy & Associates, Inc
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

DBE (Disadvantaged Business Enterprise) Contractors, Consultants, and Suppliers contacted who did NOT submit quotes/bids for this project.

1. None.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

Non-DBE (Disadvantaged Business Enterprise) Contractors, Consultants, and Suppliers submitting quotes/bids for this project:

1. Eckart Supply.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

If you need additional space, please attach a separate page. If you need assistance regarding this form, please contact Melvin Bynes or Anita Hall at (502)564-3601.



**9. CERTIFICATION FOR FEDERAL-AID CONTRACT**

The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agent.
2. If any funds other than the Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participation also agrees by submitting his or her bid proposal that he or she shall require the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

Davis H. Elliot Construction Company, Inc.

(Name of Individual, Co-Partnership, or Corporation submitting bid)

Reather Keith Simpson

(Printed Name of officer signing certification)



(Signature)

Sr. Vice President

(Title)

8/23/2024

(Date)

**10. CERTIFICATION OF PERFORMANCE**

Certification with regard to the Performance of Previous Contracts or Subcontracts subject to the Equal Opportunity Clause and the filing of Required Reports.

The Sr. Vice President \_\_\_\_\_, hereby certifies that he/she Reather Keith Simpson, participated in previous contract or subcontract subject to the equal opportunity clause, as required by Executive Orders 10925, 11114, or 11246, and that he, filed with the Joint Reporting committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the Former President’s Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.

Davis H. Elliot Construction Company, Inc.  
(Name of Individual, Co-Partnership, or Corporation submitting bid)

Reather Keith Simpson Sr. Vice President  
(Name of Officer or Authorized Agent) (Title)

  
(Signature)

8/23/2024  
(Date)

NOTE: The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR 60-1.7 (b) (1) ), and must be submitted by bidders and proposed subcontractors only in connection with the contracts and subcontracts which are subject to the equal opportunity clause. Contracts and subcontracts which are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5. (Generally only contracts or subcontracts of \$10,000 or under are exempt.)

Currently, Standard Form 100 (EE0-1) is the only report required by the Executive Orders of their implementing regulation.

Proposed prime contractors and subcontractors who have participated in a previous contract or subcontract subject to the Executive Orders and have not filed reports should note that 41 CFR 60-1.7 (b) (1) prevents the award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director or by the Director, Office of Federal Contract Compliance, U.S. Department of Labor.

**11. CERTIFICATION OF ORGANIZATION(S)**

COMMONWEALTH OF KENTUCKY

COUNTY: FAYETTE

FED PROJECT NO: **TBD**

I, Reather Keith Simpson, Sr. Vice President  
(Name of officer or Authorized Agent) (Title)

under penalty of perjury under the laws of the United States, do hereby certify that, except as noted below,

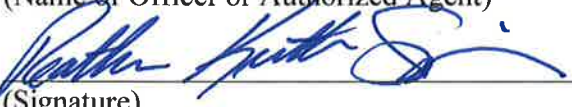
Davis H. Elliot Construction Company, Inc.  
(Name of Individual, Co-Partnership, or Corporation submitting bid)

any person associated therewith in the capacity of (owner, partner, director, officer, principal investigator, project director, manager, auditor, or any position involving the Administration of Federal Funds): is not currently under suspension, debarment, voluntarily exclusion, or determination of ineligibility by any federal agency; has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past 3 years; does not have a proposed debarment pending; and has not been indicted, convicted, or had a civil judgment rendered against (it) by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

Please list below any exceptions to the foregoing, to whom it applies, initiating agency and dates of action.

Exceptions:

Davis H. Elliot Construction Company, Inc.  
(Name of Individual, Co-Partnership, or Corporation submitting bid)

Reather Keith Simpson Sr. Vice President  
(Name of Officer or Authorized Agent) (Title)  
 8/23/2024  
(Signature) (Date)

**12. CERTIFICATION OF BID PROPOSAL/DBE**

We (I) proposed to furnish all labor, equipment and material necessary to construct and/or improve the subject project in accordance with the plans, the Transportation Cabinet’s Standard Specifications for Road and Bridge Construction, current edition, special provisions, notes applicable to the project as indicated herein and all addenda issued on this project subsequent to purchase of proposal.

We (I) attach a bid guaranty as provided in the special provisions in an amount not less than 4% of the total bid. We agree to execute a contract in accordance with this proposal within fifteen (15) calendar days after the receipt of the notice of award for the project.

We (I) have examined the site of proposed work, project plans, specifications, special provisions, and notes applicable to the project referred to herein. We understand that the quantities shown herein are estimated quantities subject increase or decrease as provided in the specifications.

We (I) acknowledge receipt of all addendum(s) (if applicable) and have made necessary revisions to the bid proposal. We have considered all addendum(s) in calculation of the submitted bid and applied the updated bid items, which are included.

“The bidder certifies that it has secured participation by Disadvantaged Business Enterprises (DBE) in amount of 7.22% percent ( 7.22 %) of the total value of this contract and that the DBE participation is in compliance with the requirements of 49 CFR 26 and the policies of the Kentucky Transportation Cabinet pertaining to the DBE Program.”

Davis H. Elliot Construction Company, Inc.  
(Name of Individual, Co-Partnership, or Corporation submitting bid)

Reather Keith Simpson  
(Name of Officer or Authorized Agent)

Sr. Vice President  
(Title)

  
(Signature)

8/23/2024  
(Date)

When two or more organizations bid as a joint venture, enter names of each organization and an authorized agent for each organization must sign above.

### 13. KENTUCKY TRANSPORTATION CABINET – DBE PROVISIONS

#### KENTUCKY TRANSPORTATION CABINET – DISADVANTAGED BUSINESS ENTERPRISE PROVISIONS

##### SECOND TIER SUBCONTRACTS

Second Tier subcontracts on federally assisted projects shall be permitted. However, in the case of DBE's, second tier subcontracts will only be permitted where the other subcontractor is also a DBE. All second tier subcontracts shall have the consent of both the Contractor and the Engineer.

##### DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

It is the policy of the Lexington-Fayette Urban County Government ("LFUCG") that Disadvantaged Business Enterprises ("DBE") shall have the opportunity to participate in the performance of highway construction projects financed in whole or in part by Federal Funds in order to create a level playing field for all businesses who wish to contract with the LFUCG. To that end, the LFUCG will comply with the regulations found in 49 CFR Part 26, and the definitions and requirements contained therein shall be adopted as if set out verbatim herein.

The LFUCG, contractors, subcontractors, and sub-recipients shall not discriminate on the basis of race, color, national origin, or sex in the performance of work performed pursuant to LFUCG contracts. The contractor shall carry out applicable requirements of 49 CFR 26 in the award and administration of federally assisted highway construction projects. The contractor will include this provision in all its subcontracts and supply agreements pertaining to contracts with the LFUCG.

Failure by the contractor to carry out these requirements is a material breach of its contract with the LFUCG, which may result in the termination of the contract or such other remedy as the LFUCG deems necessary.

##### DBE GOAL

The Disadvantaged Business Enterprise (DBE) goal established for this contract by the Kentucky Transportation Cabinet and LFUCG is a three percent (3%) goal of the total value of the contract.

The contractor shall exercise all necessary and reasonable steps to ensure that Disadvantaged Business Enterprises participate in a least the percent of the contract as set forth above as goals for this contract.

##### OBLIGATION OF CONTRACTORS

If a formal goal has not been designated for the contract, all contractors are expected to meet LFUCG 8% MWDBE goal, unless otherwise stated. Contractor shall also consider DBEs for subcontract work as well as for the supply of material and services needed to perform this work.

Contractors are encouraged to use the services of banks owned and controlled by minorities and women.

##### CERTIFICATION OF CONTRACT GOAL

Contractors shall include the following certification in bids for projects for which a DBE goal has been established. BIDS SUBMITTED WHICH DO NOT INCLUDE CERTIFICATION OF DBE PARTICIPATION WILL NOT BE ACCEPTED. These bids will not be considered for award by the LFUCG and they will be returned to the bidder.

"The bidder certifies that it has secured participation by Disadvantaged Business Enterprises ("DBE") in the amount of KYTC 7.22% percent (7.22 %) of the total value of this contract and that the DBE participation is in compliance with the requirements of 49 CFR 26 and the policies of the Lexington-Fayette Urban County Government related to participation and **Kentucky Transportation Cabinet** pertaining to the DBE Program."

DBEs utilized in achieving the DBE goal must be certified and pre-qualified for the work items at the time the bid is submitted.

### DBE PARTICIPATION PLAN

Lowest responsive bidders must submit the *DBE Plan/ Subcontractor Request*, form TC 63-35 DBE, within five (5) days of the letting. This is necessary before the LFUCG Division of Central Purchasing will review and make a recommendation. The project will not be considered for award prior to submission and approval of the apparent low bidder's DBE Plan/Subcontractor Request.

The DBE Participation Plan shall include the following:

1. Name and address of DBE Subcontractor(s) and/or supplier(s) intended to be used in the proposed project;
2. Description of the work each is to perform including the work item, unit, quantity, unit price and total amount of the work to be performed by the individual DBE and the project bid number.
3. The dollar value of each proposed DBE subcontract and the percentage of total project contract value this represents. DBE participation may be counted as follows:
  - a) If DBE suppliers and manufactures assume actual and contractual responsibility, the dollar value of materials to be furnished will be counted toward the goal as follows:
    - The entire expenditure paid to a DBE manufacturer;
    - 60 percent of expenditures to DBE suppliers that are not manufacturers provided the supplier is a regular dealer in the product involved. A regular dealer must be engaged in, as its principal business and in its own name, the sale of products to the public, maintain an inventory and own and operate distribution equipment; and
    - The amount of fees or commissions charged by the DBE firms for a bona fide service, such as professional, technical, consultant, or managerial services and assistance in the procurement of essential personnel, facilities, equipment, materials, supplies, delivery of materials and supplies or for furnishing bonds, or insurance, providing such fees or commissions are determined to be reasonable and customary.
  - b) The dollar value of services provided by DBEs such as quality control testing, equipment repair and maintenance, engineering, staking, etc;
  - c) The dollar value of joint ventures. DBE credit for joint ventures will be limited to the dollar amount of the work actually performed by the DBE in the joint venture;
4. Written and signed documentation of the bidder's commitment to use a DBE contractor whose participation is being utilized to meet the DBE goal; and
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment.

### UPON AWARD AND BEFORE A WORK ORDER WILL BE ISSUED

Contractors must submit the signed subcontract between the contractor and the DBE contractor, the DBE's certificate of insurance, and the Required Affidavit of Bidders, Offerors, and Contractors from the DBE to the LFUCG Division of Central Purchasing. The Required Affidavit of Bidders, Offerors and Contractors is included with these bid documents and should be returned with your bid. If the DBE is a supplier of materials for the project, a signed purchase order and a Required Affidavit for Bidders, Offerors, and Contractors must be submitted to the LFUCG Division of Central Purchasing.

Changes to DBE Participation Plans or DBE substitutions must be approved by the LFUCG Division of Central Purchasing. The LFUCG may consider extenuating circumstances including, but not limited to, changes in the nature or scope of the project, the inability or unwillingness of a DBE to perform the work in accordance with the bid, and/or other circumstances beyond the control of the prime contractor.

### CONSIDERATION OF GOOD FAITH EFFORTS REQUESTS

If the DBE participation submitted in the bid by the apparent lowest responsive bidder does not meet or exceed the DBE contract goal, the apparent lowest responsive bidder must submit a Good Faith Effort documentation to satisfy the LFUCG that sufficient good faith efforts were made to meet the contract goals prior to submission of the bid. Efforts to increase the goal after bid submission will not be considered in justifying the good faith effort, unless the contractor can show that the proposed DBE was solicited prior to the bid date. DBEs utilized in achieving the DBE goal must be certified and pre-qualified for the work items at the time the bid is submitted. One complete set of this information must be received in the office of the LFUCG Division of Central Purchasing no later than 12:00 noon of the tenth calendar day after receipt of notification that they are the apparent low bidder.

Where the information submitted includes repetitious solicitation letters it will be acceptable to submit a sample representative letter along with a distribution list of the firms solicited. Documentation of DBE quotations shall be a part of the good faith effort submittal as necessary to demonstrate compliance with the factors listed below which the LFUCG considers in judging good faith efforts. This documentation may include written subcontractors' quotations, telephone log notations of verbal quotations, or other types of quotation documentation.

The Good Faith Efforts documentation shall include, but may not be limited to information showing evidence of the following:

1. Whether the bidder attended any pre-bid meetings that were scheduled by LFUCG to inform DBEs of subcontracting opportunities;
2. Whether the bidder provided solicitations through all reasonable and available means;
3. Whether the bidder provided written notice to all DBEs listed in the DBE directory at the time of the letting that are pre-qualified in the areas of work that the bidder will be subcontracting;
4. Whether the bidder followed up initial solicitations of interest by contacting DBEs to determine with certainty whether they were interested. If a reasonable amount of DBEs within the targeted districts do not provide an intent to quote or no DBEs are pre-qualified in the subcontracted areas, the bidder must notify the Minority Business Enterprise Liaison in the Division of Central Purchasing to give notification of the bidder's inability to get DBE quotes;
5. Whether the bidder selected portions of the work to be performed by DBEs 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 DBE participation, even when the prime contractor might otherwise perform these work items with its own forces;
6. Whether the bidder provided interested DBEs with adequate and timely information about the plans, specifications, and requirements of the contract;
7. Whether the bidder negotiated in good faith with interested DBEs 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;
8. Whether quotations were received from interested DBE firms but were rejected as unacceptable without sound reasons why the quotations were considered unacceptable. The fact that the DBE firm's quotation for the work is not the lowest quotation received will not in itself be considered as a sound reason for rejecting the quotation as 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 DBE quote. Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy DBE goals;
9. Whether the bidder specifically negotiated with subcontractors to assume part of the responsibility to meet the contract DBE goal when the work to be subcontracted includes potential DBE participation;
10. Whether the bidder made any efforts and/or offered assistance to interested DBEs in obtaining the necessary equipment, supplies, materials, insurance and/or bonding to satisfy the work requirements of the bid proposal; and
11. Any other evidence that the bidder submits which may show that the bidder has made reasonable good faith efforts to include DBE participation.

#### FAILURE TO MEET GOOD FAITH REQUIREMENT

**Where the apparent lowest responsive bidder fails to submit sufficient participation by DBE firms to meet the contract goal and upon a determination by the LFUCG Division of Central Purchasing based upon the information submitted that the apparent lowest responsive bidder failed to make sufficient reasonable efforts to meet the contract goal, the bidder will be offered the opportunity to meet in person with representatives from the Division of Central Purchasing. The bidder will be notified of the Division of Central Purchasing's decision within 24 hours of its decision. The bidder will have 24 hours to request reconsideration of Central Purchasing's decision. The reconsideration meeting will be held within two days of the receipt of a request by the bidder for reconsideration.**

**The request for reconsideration will be heard by Central Purchasing. The bidder will have the opportunity to present written documentation or argument concerning the issue of whether it met the goal or made an**



adequate good faith effort. The bidder will receive a written decision on the reconsideration explaining the basis for the finding that the bidder did or did not meet the goal or made adequate Good Faith efforts to do so.

The result of the reconsideration process is not administratively appealable to the LFUCG Division of Central Purchasing.

The LFUCG Division of Central Purchasing reserves the right to award the contract to the next lowest responsive bidder or to rebid the contract in the event that the contract is not awarded to the low bidder as the result of a failure to meet the good faith requirement.

#### SANCTIONS FOR FAILURE TO MEET DBE REQUIREMENTS OF THE PROJECT

Failure by the prime contractor to fulfill the DBE requirements of a project under contract or to demonstrate good faith efforts to meet the goal constitutes a breach of contract. When this occurs, the Cabinet will hold the prime contractor accountable, as would be the case with all other contract provisions. Therefore, the contractor's failure to carry out the DBE contract requirements shall constitute a breach of contract and as such the Cabinet reserves the right to exercise all administrative remedies at its disposal including, but not limited to the following:

- Disallow credit toward the DBE goal;
  - Withholding progress payments;
  - Withholding payment to the prime in an amount equal to the unmet portion of the contract goal;
- and/or
- Termination of the contract.

#### PROMPT PAYMENT

- The prime contractor will be required to pay the DBE within seven (7) working days after he or she has received payment from the LFUCG Division of Central Purchasing for work performed or materials furnished

#### CONTRACTOR REPORTING

All Contractors must report on their progress in meeting the DBE requirement on any construction contracts. These records may include, but shall not be limited to payroll, lease agreements, cancelled payroll checks, executed subcontracting agreements, etc. Prime contractors will be required to submit certified reports on monies paid to each DBE subcontractor or supplier utilized to meet a DBE goal.

Payment information that needs to be reported includes date the payment is sent to the DBE, check number, Contract ID, amount of payment and the check date. Before Final Payment is made on this contract, the Prime Contractor will certify that all payments were made to the DBE subcontractor and/or DBE suppliers and show the documented proof.

The Prime Contractor should supply the payment information at the time the DBE is compensated for their work. Form to use is located at:

<http://transportation.ky.gov/Construction/Pages/Subcontracts.aspx>

**Photocopied payments and completed form to be submitted to:**

**Office of Civil Rights and Small  
Business Development 6<sup>th</sup> Floor  
West 200 Mero Street Frankfort, KY 40622**

#### DEFAULT OR DECERTIFICATION OF THE DBE

If the DBE subcontractor or supplier is decertified or defaults in the performance of its work, and the overall goal cannot be credited for the uncompleted work, the prime contractor may utilize a substitute DBE or elect to fulfill the DBE goal with another DBE on a different work item. If after exerting good faith effort in



**accordance with the LFUCG Division of Central Purchasing policies and procedures, the prime contractor is unable to replace the DBE, then the unmet portion of the goal may be waived at the discretion of the LFUCG Division of Central Purchasing.**

**LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC – CARGO PREFERENCE ACT (CPA). (REV 12-17-15) (1-16)**

SECTION 7 is expanded by the following new Article:

**102.10 Cargo Preference Act – Use of United States-flag vessels.**

Pursuant to Title 46CFR Part 381, the Contractor agrees

- To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels.
- To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, ‘on-board’ commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph 1 of this section to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590.
- To insert the substance of the provisions of this clause in all subcontracts issued pursuant to this contract.

Prime contractor payment to subcontractors and material suppliers must be made within a minimum of 30 days from the receipt of payment from LFUCG.

**BUILD AMERICA, BUY AMERICA ACT (BABA)**

On November 15, 2021, President Biden signed into law the Infrastructure Investment and Jobs Act (IIJA), Pub. L. No. 117-58, includes the Build America, Buy America Act (“the Act”). Pub. L. No. 117-58, §§70901-52. The Act strengthens the Buy America preference to include “construction materials.” The current temporary waiver for **“construction materials”** will expire on November 10, 2022.

The Act will apply to construction materials as outlined in the guidance issued in OMB [M-22-11](#).

Construction Materials – Includes an article, material, or supply – other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives – that is or consists primarily of:

- Non-ferrous metals
- Plastic/polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- Glass (including optic glass);
- Lumber; or
- Drywall.

Construction Materials only applies to items, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project.

Construction Materials does not apply to tools, equipment or supplies brought to the jobsite and removed before completion.

### BOYCOTT PROVISIONS

If applicable, the contractor represents that, pursuant to KRS 45A.607, they are not currently engaged in, and will not for the duration of the contract engage in, the boycott of a person or an entity based in or doing business with a jurisdiction with which Kentucky can enjoy open trade. **Note:** The term Boycott does not include actions taken for bona fide business or economic reasons, or actions specifically required by federal or state law.

If applicable, the contractor verifies that, pursuant to KRS 41.480, they do not engage in, and will not for the duration of the contract engage in, in energy company boycotts as defined by KRS 41.472.

### LOBBYING PROHIBITIONS

The contractor represents that they, and any subcontractor performing work under the contract, have not violated the agency restrictions contained in KRS 11A.236 during the previous ten (10) years, and pledges to abide by the restrictions set forth in such statute for the duration of the contract awarded.

The contractor further represents that, pursuant to KRS 45A.328, they have not procured an original, subsequent, or similar contract while employing an executive agency lobbyist who was convicted of a crime related to the original, subsequent, or similar contract within five (5) years of the conviction of the lobbyist.

February 1, 2023

**KENTUCKY TRANSPORTATION CABINET  
DEPARTMENT OF HIGHWAYS  
DIVISION OF CONSTRUCTION PROCUREMENT  
DBE Plan/SUBCONTRACT REQUEST**

CONTRACT ID (CONTID) \_\_\_\_\_  
Subcontract # : \_\_\_\_\_  
TO : Rachel Mills, Director  
Division of Construction Procurement  
FROM : Davis H. Elliot Construction Company, Inc. 1st Tier Subcontractor: Toni Levy & Associates, Inc  
Prime Contractor (if applicable)  
SUBJECT : Fayette Bid: # 110-2024 Fiber Optic Expansion Project  
County Project Number

I hereby request to utilize for DBE participation a portion of the subject project to:  
Toni Levy & Associates, Inc of \_\_\_\_\_

DBE Employer Identification Numbers: Federal 61-1397099 KY 253627  
The amount to be subcontracted by this request is DBE \$26,696.31 or 4.27% Contract \$625,768.00 or \_\_\_\_\_ of the  
(original contract ) or a subcontract amount of Worth

I have previously requested approval for subcontracts or agreements with other DBE as follows:

Name of DBE firm	DBE Amount	DBE %	Contract "Worth" Amount	Contract %
Toni Levy & Associates, Inc	\$44,493.85	7.12%	\$26,696.31	4.27%

Totals based on original contract Amounts

P-27

This section applicable if DBE firm is also a Subcontractor of work on Project:

This subcontractor has been furnished a copy of Appendix B of 49 CFR Part 29 and advised to include the Certification in all lower tier covered transactions and in all solicitations for lower tier transactions (Federal Aid Contracts only).

To be signed if awarded contract.

\_\_\_\_\_  
Prime Contractor's Signature  
\_\_\_\_\_  
1st Tier Subcontractor's Signature(if applicable)  
\_\_\_\_\_  
DBE Participant Signature

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Date  
\_\_\_\_\_  
Date

**KENTUCKY TRANSPORTATION CABINET  
DEPARTMENT OF HIGHWAYS  
DIVISION OF CONSTRUCTION PROCUREMENT  
DBE Plan/SUBCONTRACT REQUEST**

Contract ID (ContID) \_\_\_\_\_ Prime \_\_\_\_\_ DBE Firm \_\_\_\_\_

(\* ) When description is limited by such as "Laying Only" "Erection Only" "Manipulation Only" etc. it should be so indicated and explained.  
 (\*\* ) When the quantity is not the entire amount of (Contract) or (Sub-Contract) estimate, limitations by stations must be shown or definitely designated in some suitable, positive manner.  
 Unit prices using Contract Unit Price should be for Bid Unit Price for work to be performed by Sub Contractor. DBE Unit price should be for the agreed upon price for item or portion of item of contract work.

**DBE Participation Non-Pay Estimates Work Items**

Description	Total Contract Quantity	Unit	DBE Unit Price	Dollar Amount based on DBE Price	Comments
None.					
Page Total					

**KENTUCKY TRANSPORTATION CABINET**  
**DEPARTMENT OF HIGHWAYS**  
**DIVISION OF CONSTRUCTION PROCUREMENT**  
**DBE Plan/SUBCONTRACT REQUEST**

**TC 14-35**  
 Rev. 07/07/16

Page 3 of 3

Contract ID (ContID) \_\_\_\_\_ DBE Firm \_\_\_\_\_

(\*) When description is limited by such as "Laying Only" "Erection Only" "Manipulation Only" etc. it should be so indicated and explained.

(\*\*) When the quantity is not the entire amount of (Contract) or (Sub-Contract) estimate, limitations by stations must be shown or definitely designated in some suitable, positive manner.

Unit prices using Contract "worth" Unit Price should be for Bid Unit Price for work to be performed by Sub Contractor. If partial work item ie "laying only" then use agreed to price for Contract "worth" Unit Price. DBE Unit price should be for the agreed upon price for item or portion of item of contract work.

**The Items to be subcontracted are as follows:**

Supplier 60% Y/N	Project Control (PCN) Number	Category Number	Project Line Number	Description	Unit	Contract Quantity	Contract "Worth" Unit Price	Dollar Amount based on Contract Price	DBE Quantity	DBE Unit Price	Dollar Amount based on DBE Price
Y				Junction Box - Type C	Each	39	\$658.15	\$25,667.85	39 -	\$394.89	\$15,400.71
Y				2-Inch HDPE Conduit	LF	18826	\$1.00	\$18,826.00	18826 -	\$0.60	\$11,295.60
									-		
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<b>Page Total</b>								\$44,493.85			\$26,696.31
Comments:											

**14. NON-COLLUSION CERTIFICATION**

COMMONWEALTH OF KENTUCKY

COUNTY: FAYETTE

FED PROJECT NO: 3003-3374

I, Reather Keith Simpson, Sr. Vice President,  
(Name of officer or Authorized Agent) (Title)

under penalty of perjury under the laws of the United States, do hereby certify that

Davis H. Elliot Construction Company, Inc.  
(Name of Individual, Co-Partnership, or Corporation submitting bid)

Its agent, officers or employees have not directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken action in restraint of free competitive bidding in connection with this proposal.

Reather Keith Simpson Sr. Vice President  
(Name of Officer or Authorized Agent) (Title)

  
(Signature)

8/23/2024  
(Date)

**15. STATEMENT OF EXPERIENCE**

NAME OF INDIVIDUAL: Matthew Watts

POSITION/TITLE: Project Manager

STATEMENT OF EXPERIENCE: Manages Various DOT projects for KYTC, TDOT, WVDOT

Specific job references attached in Resume.

Work includes: Traffic Signals, ITS, and Lighting

NAME OF INDIVIDUAL: Justin Gaffney

POSITION/TITLE: General Foreman

STATEMENT OF EXPERIENCE: Currently managing projects for the LFUCG Signal &

Lighting Maintenance, and Fiber Maintenance contracts. Manages various project for KYTC &

TDOT relating to signal, lighting and ITS work.

NAME OF INDIVIDUAL: Noah Keeton

POSITION/TITLE: Operations Manager

STATEMENT OF EXPERIENCE:

Over 11 years of experience in the electrical/communications industry. Overseen various

types of projects from LED lighting to Fiver optic 5G communication towers. Proficient in

signal installation, roadway lighting and fiver/optic cmmuincation installations.

NAME OF INDIVIDUAL: Coty Troxell

POSITION/TITLE: General Foreman

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

Coty manages our General Foreman as well as overseeing all of DHE's fiber optic projects.

He is responsibly for meeting deadlines, along with complete over sighh of the jobs.

NAME OF INDIVIDUAL: Lawrence A. Noort Jr.

POSITION/TITLE: General Foreman

STATEMENT OF EXPERIENCE: I have 13 years of experience pulling copper cable as well

as indoor and outdoor fiber. Terminating on several brands of jacks and splicing fiber in cassettes

and fusion splicing in splice cases. I have been bisci certified, as well I have terminated phone cable on 110 and 66 blocks.

NAME OF INDIVIDUAL: N/A

POSITION/TITLE: N/A

STATEMENT OF EXPERIENCE: N/A

\_\_\_\_\_

\_\_\_\_\_

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



## 16. EQUAL OPPORTUNITY AGREEMENT

### The Law

\* Title VII of the Civil Rights Act of 1964 (amended 1972) states that it is unlawful for an employer to discriminate in employment because of race, color, religion, sex, age (40-70 years) or national origin.

\* Executive Order No. 11246 on Nondiscrimination under Federal contract prohibits employment discrimination by contractor and subcontractor doing business with the Federal Government or recipients of Federal funds. This order was later amended by Executive Order No. 11375 to prohibit discrimination on the basis of sex.

\* Section 503 of the Rehabilitation Act of 1973 States:

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

\* Section 2012 of the Vietnam Era Veterans Readjustment Act of 1973 requires Affirmative Action on behalf of disabled veterans and veterans of the Vietnam Era by contractors having Federal Contracts.

\* Section 206 (A) of Executive Order 12086, Consolidation of Contract Compliance Functions for Equal Employment Opportunity, states:

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

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

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

### Bidders

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

  
Signature Heather Keith Simpson, Sr. Vice President

Davis H. Elliot Construction Company, 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.

**17. EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION POLICY**

It is the policy of Davis H. Elliot Construction Company, 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.

Clint Lester has been appointed Equal Employment Compliance (EEOC) Officer and shall be available for counseling, answering of questions in regards to this company policy, and to hear any complaints of discrimination. The EEOC Officer may be reached by calling 859-263-5148 Ext: 1148.

Signature:   
Heather Keith Simpson (Bidding Contractor)

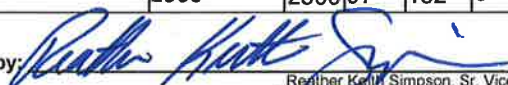
Title: Sr. Vice President

Date: 8/23/2024

**18. WORKFORCE ANALYSIS FORM**

Name of Organization: Davis H. Elliot Construction Company, Inc.

Categories	Total	White (Not Hispanic or Latino)		Hispanic or Latino		Black or African-American (Not Hispanic or Latino)		Native Hawaiian and Other Pacific Islander (Not Hispanic or Latino)		Asian (Not Hispanic or Latino)		American Indian or Alaskan Native (not Hispanic or Latino)		Two or more races (Not Hispanic or Latino)		Total	
		M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Administrators	54	48	2	1		1						2				52	2
Professionals	96	74	17	3						1				1		78	18
Superintendents																	
Supervisors																	
Foremen																	
Technicians																	
Protective Service																	
Para-Professionals																	
Office/Clerical	106	33	57	2	3	3	4					1	1	2	39	67	
Skilled Craft	2541	2252	16	73		28		1		2		102	2	64	1	2522	19
Service/Maintenance	196	93	5	53		2				1				41	1	190	6
<b>Total:</b>	<b>2993</b>	<b>2500</b>	<b>97</b>	<b>132</b>	<b>3</b>	<b>34</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>104</b>	<b>3</b>	<b>107</b>	<b>4</b>	<b>2881</b>	<b>112</b>

Prepared by:   
 Reather Kelvin Simpson, Sr. Vice President  
 (Name and Title)

Date: 8 / 23 / 2024

**19. EVIDENCE OF INSURABILITY**

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

Names Insured: Davis H. Elliot Construction Co., Inc.

Employee ID: 54-0458233

Address: P.O. Box 12108, Lexington, KY

Phone: 859-263-5148

Project to be insured: 110-2024 Fiber Optic Expansion Project

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	\$1,000,000 Occurrence 2,000,000 Aggregate	The Travelers Indemnity Company	25658	A ++
SC-3, Section 2, Part 4.1 – see provisions	AUTO	\$2,000,000/per occ.	\$2,000,000 Combined Single Limit	The Travelers Indemnity Company	25658	A ++
SC-3, Section 2, Part 4.1 – see provisions	WC	Statutory w /endorsement as noted	\$Statutory	Travelers Casualty Company of Connecticut	36170	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.

**Scott Insurance**

Agency or Brokerage

1301 Old Graves Mill Rd

Street Address

Lynchburg, VA 24502

City State Zip

434-832-2295

Telephone Number

**Melanie Hackworth**

Name of Authorized Representative

**Senior Commercial Account Manager**

Title



Authorized Signature

8/23/2024

Date

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.

**20. DEBARRED FIRMS**

**PROJECT NAME:** Fiber Optic Expansion Project

**BID NUMBER:** 110-2024

**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 Davis H. Elliot Construction Company, 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.

Davis H. Elliot Construction Company, Inc.  
Name of Firm Submitting Bid

  
Signature of Authorized Official Reather Keith Simpson

Sr. Vice President  
Title

8/23/2024  
Date

## 21. 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: Davis H. Elliot Construction Company, Inc.

Project: Fiber Optic Expansion Project

Printed Name and Title of Authorized Representative: Reather Keith Simpson, Sr. Vice President

Signature: 

Date: 8/23/2024



## **22. PROVISIONS RELATIVE TO SENATE BILL 45A.485**

During the performance of the contract, the contractor and all subcontractors agree to comply with the applicable provisions of:

1. KRS 136 Corporation and Utility Tax
2. KRS 139 Sales and Use Taxes
3. KRS 141 Income Taxes
4. KRS 337 Wages and Hours
5. KRS 338 Occupational Safety and Health of Employees
6. KRS 341 Unemployment Compensation
7. KRS 342 Workers Compensation

Any final determinations of a violation by the contractor within the previous (5) years pursuant to the applicable statutes above are revealed as follows:

Please see attached.

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## **23. EXECUTIVE BRANCH CODE OF ETHICS**

In the 1992 regular legislative session, the General Assembly passed and Governor Brereton Jones signed Senate Bill 63 (codified as KRS 11A), the Executive Branch Code of Ethics, which states, in part:

KRS 11A.040 (7) provides:

No present or former public servant shall, within six (6) months of following termination of his office or employment, accept employment, compensation or other economic benefit from any person or business that contracts or does business with, or is regulated by, the state in matters in which he was directly involved during the last thirty-six (36) months of his tenure. This provision shall not prohibit an individual from returning to the same business, firm, occupation, or profession in which he was involved prior to taking office or beginning his term of employment, or for which he received, prior to his state employment, a professional degree or license, provided that, for a period of six (6) months, he personally refrains from working on any matter in which he was directly involved during the last thirty-six (36) months of his tenure in state government. This subsection shall not prohibit the performance of ministerial functions, including, but not limited to, filing tax returns, filing applications for permits or licenses, or filing incorporation papers, nor shall it prohibit the former officer or public servant from receiving public funds disbursed through entitlement programs.

KRS 11A.040 (9) states:

A former public servant shall not represent a person or business before a state agency in a matter in which the former public servant was directly involved during the last thirty-six (36) months of his tenure, for a period of one (1) year after the latter of:

- a) The date of leaving office or termination of employment; or
- b) The date the term of office expires to which the public servant was elected.

This law is intended to promote public confidence in the integrity of state government and to declare as public policy the idea that state employees should view their work as a public trust and not as a way to obtain private benefits.

If you have worked for the executive branch of state government within the past six months, you may be subject to the law's prohibitions. The law's applicability may be different if you hold elected office or are contemplating representation of another before a state agency.

Also, if you are affiliated with a firm which does business with the state and which employs former state executive-branch employees, you should be aware that the law may apply to them.

In case of doubt, the law permits you to request an advisory opinion from the Executive Branch Ethics Commission, 3 Fountain Place, Frankfort, Kentucky 40601; telephone (502) 564-7954.



Signature of Authorized Official Reather Keith Simpson

Sr. Vice President

Title

8/23/2024

Date

**BUY AMERICA/ BUILD AMERICA. BUY AMERICA (ACT) MATERIALS CERTIFICATE OF COMPLIANCE**

The Contractor hereby certifies that it will comply with all relevant provisions of the Build America, Buy America Act, contained within the Infrastructure Investment and Jobs Act, Pub. L. NO. 117-58, §§ 70901-52, the requirements of 23 U.S.C. § 313, 23 C.F.R. § 635.410 and 2 C.F.R § 184.

Date Submitted: 8/23/2024

Contractor: Davis H. Elliot Construction Company, Inc.

Signature: 

Printed Name: Reather Keith Simpson

Title: Sr. Vice President

**NOTE: THIS CERTIFICATION IS IN ADDITION TO ANY AND ALL REQUIREMENTS OUTLINED IN THE CURRENT EDITION OF THE STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION AND/OR SPECIAL NOTES CONTAINED IN THE PROJECT PROPOSAL.**

## EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION POLICY

It is the policy of Davis H. Elliot Construction Company, 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.

Clint Lester has been appointed Equal Employment Compliance (EEOC) Officer and shall be available for counseling, answering of questions in regards to this company policy, and to hear any complaints of discrimination. The EEOC Office may be reached by calling 859-263-5148 Ext: 1148.

Signature:   
(Bidding Contractor) Reather Keith Simpson

Title: Sr. Vice President

Date: 8/23/2024

**PART IX**

**ADDENDA for**  
**LFUCG Bid No 110-2024**

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<u>Addendum Number</u>	<u>Title</u>	<u>Date</u>
1.	<u>Addendum #1</u>	<u>7/26/2024</u>
2.	<u>Addendum #2</u>	<u>7/26/2024</u>
3.	<u>Addendum #3</u>	<u>7/26/2024</u>
4.	<u>Addendum #4</u>	<u>7/26/2024</u>
5.	<u>Addendum #5</u>	<u>8/5/2024</u>
6.	<u>Addendum #6</u>	<u>8/16/2024</u>
7.	<u> </u>	<u> </u>
8.	<u> </u>	<u> </u>
9.	<u> </u>	<u> </u>
10.	<u> </u>	<u> </u>



**December 19, 2023**

**Evidence of Authority to Sign**

This letter serves to certify that the individuals listed below are officers of Davis H. Elliot Company, Incorporated and Davis H. Elliot Construction Company, Inc. and that they have the authority to execute and enter into bids, contracts, bonds, affidavits, and any ancillary documents on behalf of either Company.

David S. Haskins, President – Chief Executive Officer  
Brian T. Briley, Executive Vice President  
Brian L. Sarrett, Senior Vice President  
Reather Keith Simpson, Senior Vice President  
John C. Haskins, Vice President – Region Director  
Tyler S. Haskins, Vice President – Region Director  
James R. Kemper, Vice President  
Donald R. Adkins, Vice President – Safety and Training  
Bryan M. Dowell, Vice President - Studio46 Media  
Robert W. Fronk, Jr., Vice President - Information Technology  
Kenneth D. Keener Jr., Vice President - Operations Administration  
William J. Manning, Vice President - Finance  
Scott A. Navis, Vice President - Chief Financial Officer, Secretary and Treasurer  
Jacob W. Green, Vice President  
Jeffrey R. Zellen, Vice President

Sincerely,

Scott A. Navis  
Vice President - Chief Financial Officer, Secretary and Treasurer



Davis H. Elliot Construction Company, Inc.

**Central Region**

673 Blue Sky Parkway

Lexington, KY 40509

Phone: 859-263-5148

Fax: 859-263-5486

**Lexington-Fayette Urban County Government**  
**Bid: # 110-2024 Fiber Optic Expansion Project**  
**Bid Due Date: August 23rd, 2024, Time Due: 2:00 P.M. Local Time**

Davis H. Elliot Construction Company, Inc. respectfully submits the following information as required for the above-mentioned project:

**II – Bid Conditions – Section U:**

Pursuant to provisions of KRS 45A.343 and KRS 45A.345 - the contractor the following final determinations are revealed for KRS Chapters 136, 139,141, 337, 338, 341, and 342 by the contractor within the previous five (5) years.

Davis H. Elliot Company, Inc. reveals the following violations regarding the Chapters referenced above:

- 136 – Corporation and Utility Taxes - NONE
- 139 – Sales and Use Taxes - NONE
- 141 – Income Taxes - NONE
- 337 – Wages and Hours - NONE
- 338 – OSHA – Please see attached summary. Please note that the information contained in this summary is for our company as a whole, and not reflective of the division performing this work.
- 341 – Unemployment and Compensation - NONE
- 342 – Labor and Human Rights - NONE

Regards,

*Reather Keith Simpson*

Reather Keith Simpson, Sr. Vice President

ksimpson@dhec.com



## **OSHA Citations – 5-Year Summary** **2019 – 2023**

Please note, the information provided below is company-wide, and is not reflective of the division performing work.

### **2023: None**

### **2022: Arkansas**

We received a serious citation for a trench-related shoring violation in Arkansas. There was no event related to the inspection.

Following the event and citation, we retrained the crews on excavation requirements and company expectations and purchased additional shoring and shielding equipment to make for more convenient access to required protective systems.

### **2022: Kentucky**

A single citation involving a subcontractor is currently open and being contested. Additional details to be provided upon resolution.

### **2021: None**

### **2020: Oklahoma**

We received a single citation classified as “other than” for traffic control devices on a roadside short duration project. Specifically, a sub-contractor, concrete truck, in our work zone was not equipped with a strobe light.

We retrained the work group on traffic control requirements from MUTCD Part 6, and company procedures for traffic control. Also, we retrained our crews not to allow improperly equipped sub-contractor equipment within Elliot work zones.

### **2019: None**





**Davis H. Elliot Construction Company, Inc.**

673 Blue Sky Parkway  
Lexington, KY 40509  
Phone: 859-263-5148  
Fax: 859-263-5486  
www.dhec.com

## **Davis H. Elliot Construction Company, Inc.**

### **Subcontractor and Supplier Diversity and Inclusion Policy**

#### **Mission Statement**

The Davis H. Elliot Company, Inc. (Elliot) strives to create an environment that promotes meaningful business opportunities, showcase viable M/W/DBE firm capabilities, build productive partnerships and exercise effective program management, targeted towards successful integration of M/W/DBE firms within the business structure of the Markets where we work.

The vast majority of Elliot's work is self-performed. Our diversity plan includes looking at every "non-labor" component of our cost structure to employ the use of diverse suppliers which will add value without unnecessary cost burden that would increase our cost of service to the Customer. Attached is a current listing of 2nd Tier Diverse Suppliers which Elliot utilizes. Elliot actively seeks opportunities to support disadvantaged and diverse subcontractors. We advertise, recruit, and otherwise encourage participation when project scope and constraints make subcontracting possible. Elliot maintains a list of suppliers, labor and equipment subcontractors, and specialized service providers in order to maximize our diversity participation.

#### **Disabled, Minority and Women Business Enterprises**

The Davis H. Elliot Company strives to maintain an environment that values a diverse supplier base. We believe that by taking the initiative in seeking qualified suppliers, creating, and increasing alliances with and purchasing from M/W/DBEs, and including our customers and consumers in our purchasing strategy, will help build thriving local communities and generate long-term growth, as well as a competitive advantage for us. We do this by offering the greatest possible opportunities for minority and women-owned businesses to contribute as suppliers, contractors, and sub-contractors in our business.



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**Diverse Suppliers:**

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**2nd Tier Diverse Suppliers**

<b>Type of Work</b>	<b>Name of Subcontractor</b>	<b>Classification</b>
Materials	ALH Construction	WBE
Auto Supplies	Baltimore Auto Supply	WBE
Materials	Bluegrass Contracting	VET
Catering	Blume's Catering	MBE
Materials	Captain Construction and Concrete	MBE
Auto Supplies	CBY Enterprises, Inc. (Tire & Tyre Co., LLC.)	MBE
Electrical services	Delta Utility Services, Inc.	WBE
Labor and equipment rental	Eco-Battery	MBE
Materials	Fox Engineering	MBE
Equipment rental	GDM	MBE
Safety consulting	Glenn Smith	WBE
Electrical supply	Gould Electric	MBE
Waste management	Hall Enterprises (dba Logistics Planning Services)	WBE
Traffic Control	Highway Safety Inc.	WBE
Office furniture	Hurst Office Suppliers	WBE
Lodging	Innovative Solutions	WBE
Landscaping	Kimberly Inc.	WBE
Rubber gloves & sleeves	Kinmar	WBE
Equipment rental	Lorenzo Construction Co, LLC	MBE
Materials	Lyndco Inc.	WBE
Security services	Mid-Atlantic Security Agency	MBE
Janitorial services	My Cleaning Service	MBE
Electrical supply	Old Dominion Electric Supply	MBE
Pavement marking	Payne's Parking Designs	MBE
Heating oil	Phoenix Petroleum	MBE
Electrical supply	Precision Contracting	WBE
Office supplies	Rudolph's Office & Computer	WBE
Traffic Control	Safety Caution Equipment	MBE
Materials	ShePaul Enterprises	MBE
Traffic Control	Superior Pavement Markings, Inc.	MBE
Traffic signs	TKM, Inc.	WBE
Equipment rental	TNE Global	MBE
Materials	Toni Levy & Associates (DBA Levy's Construction Building)	MBE
Electrical services	Tucker Construction Group Inc.	MBE
Electrical supply	United American Supply LLC	MBE
Delivery Svcs./Hauling/Fuel/ Equipment rental/Lodging	Xpress Management Solutions	MBE
Delivery Svcs.	Xpress Solutions	MBE



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/19/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Scott Insurance (Knoxville, TN) 10100 Global Way Knoxville TN 37932	<b>CONTACT NAME:</b> Melanie Hackworth <b>PHONE (A/C No. Ext):</b> 434-832-2295 <b>E-MAIL ADDRESS:</b> mhackworth@scottins.com		<b>FAX (A/C, No):</b> 434-455-8851													
	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : The Travelers Indemnity Company (A++)</td> <td>25658</td> </tr> <tr> <td>INSURER B : Markel American Insurance Company (A)</td> <td>28932</td> </tr> <tr> <td>INSURER C : Travelers Property Casualty Company of America (A+)</td> <td>25674</td> </tr> <tr> <td>INSURER D : Travelers Casualty Company of Connecticut (A++)</td> <td>36170</td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>			INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : The Travelers Indemnity Company (A++)	25658	INSURER B : Markel American Insurance Company (A)	28932	INSURER C : Travelers Property Casualty Company of America (A+)	25674	INSURER D : Travelers Casualty Company of Connecticut (A++)	36170	INSURER E :		INSURER F :
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<b>INSURED</b> Davis H. Elliot Company, Inc. and Its Subsidiaries Davis H. Elliot Construction Company, Inc. P.O. Box 12108 Lexington KY 40580	AEWIN-2															

**COVERAGES**

CERTIFICATE NUMBER: 2040898360

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:			VTC2K-CO-4R630946-IND-24	7/1/2024	7/1/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 25,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			VTC2K-CAP-4R630958-TIL-24	7/1/2024	7/1/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			CUP-4R630971-24-25	7/1/2024	7/1/2025	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
D	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	UB-2Y789727-24-25-K	7/1/2024	7/1/2025	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
B	Contractors Equipment			MKLM7IM0055053	7/1/2024	7/1/2025	Per Item \$750,000
B	Installation Floater			MKLM7IM0055053	7/1/2024	7/1/2025	Per Jobsite \$1,500,000

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**

Per policy provisions, notice of cancellation is at least 30 days except for non-payment of premium.

Workers Compensation Coverage for states AL, AR, DE, FL, GA, IL, IN, KS, KY, LA, MD, MI, MO, MS, NC, NJ, NM, NY, OK, PA, SC, TN, TX, VA, WV.

Workers Compensation policy includes Broad Form Employers Liability coverage for West Virginia.  
See Attached...

**CERTIFICATE HOLDER****CANCELLATION**

Sample  
For Bid Purposes  
Only KY xxxxx

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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## ADDITIONAL REMARKS SCHEDULE

AGENCY Scott Insurance (Knoxville, TN)		NAMED INSURED Davis H. Elliot Company, Inc. and Its Subsidiaries Davis H. Elliot Construction Company, Inc. P.O. Box 12108 Lexington KY 40580	
POLICY NUMBER		EFFECTIVE DATE:	
CARRIER	NAIC CODE	(Empty)	

**ADDITIONAL REMARKS**

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,  
 FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE

Sample to show evidence of coverage



## **Equipment List**

Davis H. Elliot Construction Company, Inc. (Elliot) will have the below listed Equipment Available to utilize according to the scope of work for this project.

Equipment intended to be used on this project:

- 12407 - Pickup
- L2660 - Bucket Truck
- 3193 - Digger Derrick
- 4132 - Flatbed Truck
- 5382 - Trailer
- 8044 - Reel Trailer
- 9914 - Directional Boring Machine
- 7086 – Excavator

**Commonwealth of Kentucky**  
**Michael G. Adams, Secretary of State**

Michael G. Adams  
Secretary of State  
P. O. Box 718  
Frankfort, KY 40602-0718  
(502) 564-3490  
<http://www.sos.ky.gov>

**Certificate of Authorization**

Authentication number: 306972  
Visit <https://web.sos.ky.gov/ftshow/certvalidate.aspx> to authenticate this certificate.

I, Michael G. Adams, Secretary of State of the Commonwealth of Kentucky, do hereby certify that according to the records in the Office of the Secretary of State,

**DAVIS H. ELLIOT CONSTRUCTION COMPANY, INC.**

, a corporation organized under the laws of the state of Virginia, is authorized to transact business in the Commonwealth of Kentucky, and received the authority to transact business in Kentucky on February 23, 1950.

I further certify that all fees and penalties owed to the Secretary of State have been paid; that an application for certificate of withdrawal has not been filed; and that the most recent annual report required by KRS 14A.6-010 has been delivered to the Secretary of State.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at Frankfort, Kentucky, this 11<sup>th</sup> day of March, 2024, in the 232<sup>nd</sup> year of the Commonwealth.



*Michael G. Adams*

Michael G. Adams  
Secretary of State  
Commonwealth of Kentucky  
306972/0060852