

PART III

Invitation to Bid No. 96-2013

Blue Sky Pumping Station and Force Main
Contract 1—Pump Station

1. **FORM OF PROPOSAL**

Place: Lexington, Kentucky

Date: 8/28/13

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

This Proposal Submitted by Grants Excavating Inc.
P.O. Box 298
(Name and Address of Bidding Contractor)

(Hereinafter called "Bidder"), organized and existing under the laws of the State of Kentucky, 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 Blue Sky Pumping Station and Force Main, Contract 1—Pump Station, having examined the Plans and Specifications with related documents, having examined the site for proposed Work, and being familiar with all of the conditions surrounding the construction of the proposed Project, including the availability of materials and labor, hereby proposes to furnish all labor, materials, and supplies, and to construct the Project in accordance with the Contract Documents, within the time set forth therein, and at the lump sum and/or unit prices stated hereinafter. These prices are to cover all expenses incurred in performing the Work required under the Contract Documents, of which this proposal is a part. The OWNER will issue work orders for work to be performed under this Contract.

BIDDER hereby agrees to commence work under this contract on or before a date to be specified in the Notice to Proceed and to fully complete the project within the time provided in the Purchase Order or Work Orders issued by the OWNER. BIDDER further agrees to pay liquidated damages, the sum of \$750.00 for each consecutive calendar day thereafter.

The Bidder hereby acknowledges receipt of the following addenda:

Addendum No. 1 Date 8/9/13
Addendum No. 2 Date 8/13/13
Addendum No. 3 Date 8/19/13
Addendum No. 4 Date 8/21/13
Addendum No. 5 Date 8/23/13
Addendum No. _____ Date _____
Addendum No. _____ Date _____
Addendum No. _____ Date _____

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

2. LEGAL STATUS OF BIDDER

Bidder Grant's Excavating Inc.

Date 8/28/13

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

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

~~_____

_____~~

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

~~_____
_____~~

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

3. **BIDDERS AFFIDAVIT**

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

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

Allen D. Grant
(Affiant)

STATE OF Kentucky
COUNTY OF Madison

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

Allen D. Grant on this the 28 day of August, 2013.

My Commission expires: 10/17/16

Patricia G. Riley
NOTARY PUBLIC, STATE AT LARGE

4. BID SCHEDULE – SCHEDULE OF VALUES

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

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

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.

CONTRACT 557-12-01
August 13, 2013

BLUE SKY PUMPING STATION AND FORCE MAIN
CONTRACT 1--PUMPING STATION
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY

Addendum No. 2
Attachment No. 1

Item No.	Item	Quantity	Unit	Unit Price	Total
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DIVISION "A" - NEW BLUE SKY WASTEWATER PUMPING STATION

For the complete construction and furnishing of all items necessary to construct a new Blue Sky Wastewater Pumping Station as specified and/or shown on the Drawings, including all equipment and appurtenances, excavation, regrade, piping, wetwells, valve vault, isolation valves, site work, concrete work, electrical and control works, and all other items of work necessary for a complete and functional facility;

THE LUMP SUM OF Four Hundred Eighty Four Thousand Seven Hundred
DOLLARS AND Zero CENTS (\$_____)

SUBTOTAL DIVISION "A"

\$ 484,700⁰⁰

DIVISION "B" - GRAVITY SEWER LINES A, B, AND C

Section 1--Gravity Line A

1. 8-Inch SDR 35 PVC Pipe, Furnishing, Laying and Backfilling, Detectable Tape, Unclassified Excavation, All Depths, Complete
for Fifty Five Dollars and Zero Cents (per Linear Foot)

166 L.F. \$ 55⁰⁰ \$ 9,130⁰⁰

2. Furnish and Install Standard 6-Foot Diameter Diversion Manhole, All Depths, Traffic Type Frame and Cover, with Outside Drop, Complete, Manhole A-1
for Four Thousand Seven Hundred Dollars and Zero Cents (per Each)

1 Each \$ 4,700 \$ 4,700

3. Furnish and Install Standard 4-Foot Diameter Manhole, All Depths, Traffic Type Frame and Cover, with 2 Outside Drops, Complete, Manhole A-2
for Six Thousand Five Hundred Dollars and Zero Cents (per Each)

1 Each \$ 6,500⁰⁰ \$ 6,500⁰⁰

4. Furnish and Install Standard 4-Foot Diameter Manhole, All Depths, Traffic Type Frame and Cover, with Outside Drop, Complete, Manhole A-3
for Five Thousand Five Hundred Dollars and Zero Cents (per Each)

1 Each \$ 5,500 \$ 5,500⁰⁰

5. Core into Existing Manhole for New Sewer, Seal with Link Pipe Seal, Watertight Core, Complete
for One Thousand Five Hundred Dollars and Zero Cents (per Each)

1 Each \$ 1,500⁰⁰ \$ 1,500⁰⁰

Subtotal--Section 1

\$ 27,330⁰⁰

CONTRACT 557-12-01
August 13, 2013

BLUE SKY PUMPING STATION AND FORCE MAIN
CONTRACT 1--PUMPING STATION
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY

Addendum No. 2
Attachment No. 1

Item No.	Item	Quantity	Unit	Unit Price	Total
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Section 2--Gravity Lines B and C

- 8-inch SDR 35 PVC Pipe, Furnishing, Laying and Backfilling, Detectable Tape, Unclassified Excavation, All Depths, Complete for Sixty Dollars and Zero Cents (per Linear Foot) 579.5 L.F. \$ 60 \$ 34,770
- Furnish and install Standard 4-Foot Diameter Manholes, All Depths, with Watertight Traffic Type Frame and Cover, Complete, Manholes C-1, C-2, C-3, and C-4 for Three Thousand Three Hundred Dollars and Zero Cents (per Each) 4 Each \$ 3,300 \$ 13,200
- Furnish and Install Standard 4-Foot Diameter Manhole, over Existing Sewer and Connect Sewer Lines with Fernco Type Fittings, with Watertight Traffic Type Frame and Cover, Complete, Manhole B-1 for Four Thousand Dollars and Zero Cents (per Each) 1 Each \$ 4,000 \$ 4,000
- Core into Existing Wetwell, Convert Existing Wetwell into New Manhole with New Inverts, Complete, Sewer Line Sta. 5+70, Line C for Six Thousand Dollars and Zero Cents (per Each) 1 Each \$ 6,000 \$ 6,000

Subtotal--Section 2

\$ 57,970⁰⁰
\$ 85,300⁰⁰

SUBTOTAL DIVISION "B," GRAVITY LINES A, B, AND C

SUMMARY

DIVISION "A" - NEW BLUE SKY WASTEWATER PUMPING STATION

DIVISION "B" - GRAVITY SEWER LINES A, B, AND C

TOTAL BID--CONTRACT 557-12-01

\$ 484,700⁰⁰
\$ 85,300⁰⁰
\$ 570,000⁰⁰

Submitted by:

Grant's Excavating Inc.
Firm

P.O. Box 298
Address

Richmond, KY 40476
City, State & Zip

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

Allen D. Grant President
Signature of Authorized Company Representative – Title

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

859-626-3478 859-626-1569
Area Code – Phone – Extension Fax #

pat @ grantsexcavating.com
E-Mail Address

OFFICIAL ADDRESS:

P.O. Box 298
Richmond, KY
40476

(Seal if Bid is by Corporation)

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

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

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

1. Name of Bidder: Grant's Excavating Inc.
2. Permanent Place of Business: 312 Jason Dr Ste 6 Richmond, KY
3. When Organized: 1/17/92
4. Where Incorporated: Kentucky
5. Construction Plant and Equipment Available for this Project:
see attached

(Attach Separate Sheet If Necessary)

6. Financial Condition:

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

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

Berkley Regional Insurance Company (Surety)

Signed: Judy Kinder-Cawley (Representative of Surety)

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

GRANT'S EXCAVATING INC

EQUIPMENT LIST 2013

UNIT #	DESCRIPTION	MAKE/MODEL	SERIAL #
103	1998 BACKHOE	J D	T0310EX848142
114	1999 LOADER	CAT 963	2DS00467
115	GRADER	GALLION A550E	9705
117	1998 AIR COMPRESSOR	GRIMMER SCHMIDT 125DR	4Y6125DRVF020024
120	ROLLER SOIL COMPACTOR	CAT CS563C	4KN00874
121	TRACKHOE	150 LC-S HITACHI	13KP001470150
122	STRAWBLOWER	FINN B-70	35342A
126	BOBCAT LOADER	BOBCAT A-250	521311625/C/N 39245
	80" BUCKET		6716048/C/N 39228
	LOGGING TRACKS	125F1245 873	F100276/C/N 38853A
	LANDSCAPE RAKE		910701558
127	TRACKHOE	CAT 320C	0ANB03629
	COUPLER	CAT 320 C	NO SER. ID#XL148C
131	TRACK LOADER W/ BUCKET	BOBCAT T-300	525415867----- CL 59317
	80" BUCKET		CN 53515
132	84" ANGLE BROOM	BOBCAT	231412651 CN54644A
133	TRACKHOE	CAT 345BL II	ALB00337/ ID# UXW430
134	ROLLER SOIL COMPACTOR	CP-563	CATCP563LCNTO1289
135	TRACTOR /BUSHHOG	FORD 7740	
136	TRACKHOE	CAT 325	08NK00374
137	HYDRAULIC HAMMER	E210A	71416
138			
139	EXCAVATOR	330DL	OMWP01183
141	KUNDEL JOB BOX TRENCHER		#5553
142	4" GORMAN RUPP PUMP		
143	6" WACKER PUMP		
144	SKYTRACK	CATTH83	SHK82015
145	MILLER BOBCAT WELDER		KK258800
146	TARGET WALL BEHIND SAW	PROIII26	288743
	w/ WISCONSIN MOTOR	SPEC# 466521	98031057
147	HONDA GENERATOR	6500	SN#EASJ-1010814
148	CERDA TRENCH SHIELD	12432	C081105
149	MANHOLE BOX	906132	888-1
150	CERDA TRENCH SHIELD	13176	C090303
151	BULLDOZER	JD/450	T0451GF835289
152	TRENCH COMPACTOR	WACKER RT82-SL	5785337
154	PLATE COMPACTOR	WACKER WP1550AW	6662333
155	LIGHT TOWER	Genie AXT83361	TML07-512
156	7 YD Gravel Box	Cerda 015173	C091110

GRANT'S EXCAVATING INC

EQUIPMENT LIST 2013

157	8X10 Street Plates		
158	Trench Shield	Cerda C4L816KE	SNC081105
159	Trench Shield	Cerda C4L816KE	SN C090303
160	Manhole Box Shore Tec		SN 888-1
161	Compaction Wheel	CAT	VIN# 1M1AA13Y52W146130
162	321 Hydraulic Excavator	321D LCR	SN# MPG00221
163	Rubber Track Dump	Yanmar C50R	41575
164	Ripper	CAT 330C	08AW01057
165	Milling Head	AQ-4	111563-3
166	MultiTerrain Skid Loader	259B	YYZ02877
167	HYDRAULIC HAMMER	H130E	HHF00132
168	Mulcher	DAH-150Er	1202HH019
169	Compact Track Loader	289C	ORTDO0197
170	Mini Hydraulic Excavator	305DCR LS	ACC13428
UNIT	DESCRIPTION	MAKE/MODEL	SERIAL #
201	ARTICULATING TRUCK	D350E	9LR00307
202	ARTICULATING TRUCK	730	OAGF00290 ID# UXD199

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

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

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
Walnut Meadow	Berea, KY	1,783,646
Otter Creek-Goggins	Richmond, KY	1,563,540
Otter Creek-Wilgreen	Richmond, KY	1,582,500
_____	_____	_____
_____	_____	_____

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

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

11. DBE Participation on current bonded projects under contract:

<u>SUBCONTRACTORS</u> <u>(LIST)</u>	<u>PROJECT</u> <u>(SPECIFIC TYPE)</u>	<u>DBE</u>	<u>% of WORK</u>
SJ Earth boring	Other Creek-Goggins	✓	10%
SJ Earth boring	Other Creek. W. Green	✓	2%
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(USE ADDITIONAL SHEETS IF NECESSARY)

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

6. LIST OF PROPOSED SUBCONTRACTORS

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

<u>BRANCH OF WORK - LIST EACH MAJOR ITEM</u> Such as: Grading, bituminous paving, concrete, seeding and protection, construction staking, etc.	<u>SUBCONTRACTOR</u>	<u>DBE</u> <u>Yes/No</u>	<u>% of Work</u>
1. _____	Name: _____ Address: _____	_____	_____
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. **AUTHENTICATION OF BID AND STATEMENT OF NON-COLLUSION, NON-CONFLICT OF INTEREST**

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

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

8. STATEMENT OF EXPERIENCE

NAME OF INDIVIDUAL: Allen D. Grant

POSITION/TITLE: Owner

STATEMENT OF EXPERIENCE: 21 yrs excavation

NAME OF INDIVIDUAL: Tim Grant

POSITION/TITLE: Owner

STATEMENT OF EXPERIENCE: 14 yrs excavation &
utility installation

NAME OF INDIVIDUAL: Todd Lucas

POSITION/TITLE: Owner

STATEMENT OF EXPERIENCE: 14 yrs excavation
& utility installation.

B.S. Construction management

NAME OF INDIVIDUAL: Scott Douglas
POSITION/TITLE: Supervisor
STATEMENT OF EXPERIENCE: 15 yrs equipment
operator

NAME OF INDIVIDUAL: Evan King
POSITION/TITLE: Supervisor
STATEMENT OF EXPERIENCE: 5 yrs excavation &
utility installation B.S. Construction
Management

NAME OF INDIVIDUAL: Pat Riley
POSITION/TITLE: Office Manager
STATEMENT OF EXPERIENCE: 10 yrs

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

9. 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.

Allen D. Row

Grant's Excavating Inc

Signature

Name of Business

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

The Kentucky equal Employment Opportunity Act of 1978 (KRS 45.560-45.640) requires that any county, 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.

10. EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION POLICY

It is the policy of Grant's Excavating Inc.

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

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

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

11. WORKFORCE ANALYSIS FORM

Name of Organization: Grant's Excavating Inc Date: / /

Categories	Total		White		Black		Other		Total	
	M	F	M	F	M	F	M	F	M	F
Administrators		3							3	
Professionals										
Superintendents		2							2	
Supervisors										
Foremen		1							1	
Technicians										
Protective Service										
Para-Professionals										
Office/Clerical				1						1
Skilled Craft		6							6	
Service/Maintenance		3							3	
Total:		15		1					15	1

Prepared By: Patricia J. Riley

13. EVIDENCE OF INSURABILITY

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

Name Insured: Grants Excavating Inc

Employee ID: 61-1212821

Address: P.O. Box 298 Richmond, KY 40471

Phone: 859-626-3478

Project to be insured: Blue Sky Pumping Station and

Fence Main Contract - Fence Main
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	CGI	\$1,000,000 per occ. And \$2,000,000 aggregate	\$ 1,000,000 2,000,000	Westfield Ins	002382	A
SC-3, Section 2, Part 4.1 - see provisions	AUTO	\$2,000,000/per occ.	\$ 1,000,000	Westfield Ins	002382	A
SC-3, Section 2, Part 4.1 - see provisions	WC	Statutory w/endorsement as noted	\$ 4,000,000	KY RGC	N/R	N/R

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

BBAT Insurance
Agency or Brokerage

Faye Miller

Name of Authorized Representative

200 W. Vine Street
Street Address

Lexington KY 40501
City State Zip

859.224.8809
Telephone Number

Agent Faye Miller
Authorized Signature

8/19/13
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.

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

13. DEBARRED FIRMS

PROJECT NAME: Blue Sky Pumping Station and Force Main Contract-1 Force Main
BID NUMBER: 96-2013

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KY

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

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

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

Grant's Excavating Inc.
Name of Firm Submitting Bid

Allin W. [Signature]
Signature of Authorized Official

President
Title

8/28/13
Date

14. 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: Grant's Excavating Inc.

Project: Blue Sky Pumping Station and
Force Main - Contract 1 Force Main

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

Signature: Allen D. Grant

Date: 8/28/13

END OF SECTION



Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Gray
Mayor

William O'Mara
Commissioner

ADDENDUM #4

Bid Number: **96-2013**

Date: August 21, 2013

Subject: **Blue Sky Pump Station & Force Main**
Contract 1 – Pump Station

Please address inquiries to:
Betty Landrum @
bettyb@lexingtonky.gov

TO ALL PROSPECTIVE BIDDERS:

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

Questions	Answers
Do any of the ductile iron pipes or fittings need to be 401 Protecto?	Protecto 401 is not required.
The flanged pipe in the wet well and pump station does not have any length dimension.	The vertical elevations shown on sheet 3 and horizontal dimensions shown on sheet 1 are to be used for estimated pipe lengths.

Todd Slatin, Director
Division of Central Purchasing

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 Bid.

COMPANY NAME: Grant's Excavating Inc.

ADDRESS: P.O. Box 298 Richmond KY 40476

SIGNATURE OF BIDDER: Allen D. Grant

RESOLUTION OF GRANT'S EXCAVATING, INC.

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

(i) That the Corporation submit a bid for the **BLUE SKY PUMPING STATION AND FORCE MAIN CONTRACT 1 FORCE MAIN** ("Project") in such amount and on such terms as the President of the Corporation, Allen D. Grant Jr., shall determine, in his sole discretion; and

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

The undersigned, being all the directors of the Corporation, do hereby ratify the actions

of the above-named President of the Corporation as of this the date written below.

Date: 8/28/13

Allen D. Grant Jr.

Allen D. Grant, Jr., Director

Date: 8/28/13

Timothy G. Grant

Timothy G. Grant, Director

Date: 8/28/13

Allen D. Grant

A.D. Grant, Director

Certification

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

Allen D. Grant

A.D. Grant, Secretary

Kentucky

State of Incorporation

P.O. Box 298

Richmond, KY 40476

POWER OF ATTORNEY
BERKLEY REGIONAL INSURANCE COMPANY
WILMINGTON, DELAWARE

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

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY REGIONAL INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Urbandale, Iowa, has made, constituted and appointed, and does by these presents make, constitute and appoint: Charles G. Peden, Faye J. Miller, Carol B. Hamby, Judy Kinder Crawford or Deborah Kay Davis of BB&T Insurance Services, Inc./BB&T Cromwell Insurance of Lexington, KY its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed Thirty Million and 00/100 U.S. Dollars (U.S.\$30,000,000.00), to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on August 21, 2000:

"RESOLVED, that the proper officers of the Company are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and further

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

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

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

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 13 day of June, 2013.

Attest:
By [Signature]
Ira S. Lederman
Senior Vice President & Secretary

Berkley Regional Insurance Company
By [Signature]
Jeffrey M. Hafter
Senior Vice President

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

STATE OF CONNECTICUT)
) ss:
COUNTY OF FAIRFIELD)

Sworn to before me, a Notary Public in the State of Connecticut, this 13 day of June, 2013, by Jeffrey M. Hafter and Ira S. Lederman who are sworn to me to be the Senior Vice President, and the Senior Vice President and Secretary, respectively, of Berkley Regional Insurance Company.

[Signature]
Notary Public, State of Connecticut
KATHLEEN COREY
NOTARY PUBLIC
CONNECTICUT
MY COMMISSION EXPIRES OCTOBER 31, 2017

CERTIFICATE

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

Given under my hand and seal of the Company, this 28th day of August, 2013.

(Seal)
[Signature]
Andrew M. Tuma

WARNING - Any unauthorized reproduction or alteration of this document is prohibited. This power of attorney is void unless seals are readable and the certification seal at the bottom is embossed. The background imprint, warning and confirmation (on reverse) must be in blue ink.