

**PART III**

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**Invitation to Bid No. 27-2013**

**HVAC and Piping Repair for the Phoenix Building**

**1. FORM OF PROPOSAL**

Place: Lexington, Kentucky

Date: 4-2-13

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

This Proposal Submitted by Triton Services, Inc.

8162 Duke Blvd. Mason, OH 45040  
(Name and Address of Bidding Contractor)

(Hereinafter called "Bidder"), organized and existing under the laws of the State of OH  
doing business as Triton Services, Inc.  
\_\_\_\_\_ "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 **HVAC and Piping Repair for the Phoenix Building Project** having examined the Plans and Specifications with related documents, having examined the site for proposed Work, and being familiar with all of the conditions surrounding the construction of the proposed Project, including the availability of materials and labor, hereby proposes to furnish all labor, materials, and supplies, and to construct the Project in accordance with the Contract Documents, within the time set forth therein, and at the lump sum and/or unit prices stated hereinafter. These prices are to cover all expenses incurred in performing the Work required under the Contract Documents, of which this proposal is a part. The OWNER will issue work orders for work to be performed under this Contract.

BIDDER hereby agrees to commence work under this contract on or before a date to be specified in the Notice to Proceed and to fully complete the project within the time provided in the Purchase Order or Work Orders issued by the OWNER. BIDDER further agrees to pay liquidated damages, the sum of \$ 200.00 for each consecutive calendar day thereafter.

The Bidder hereby acknowledges receipt of the following addenda:

Addendum No. 1 Date 3-26-13

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

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

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

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

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

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

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

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

2. **LEGAL STATUS OF BIDDER**

Bidder Triton Services, Inc.

Date 4-2-13

\* 1. A corporation duly organized and doing business under the laws of the State of Ohio, for whom David B. Deger, 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, David R. Deger, and after being first duly sworn, states under penalty of perjury as follows:

1. His/her name is David R. Deger and he/she is the individual submitting the bid or is the authorized representative of Triton Services, 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.

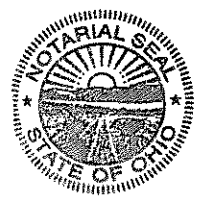
  
\_\_\_\_\_  
(Affiant) David R. Deger

STATE OF Ohio

COUNTY OF Warren

The foregoing instrument was subscribed, sworn to and acknowledged before me by  
David R. Deger on this the 2 day of April,  
20 13.

My Commission expires: 07/19/15



Donna M. Roesch  
Notary Public, State of Ohio  
My Commission Expires 07-19-2015  
Donna M Roesch  
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 lump sum and/or unit prices, if applicable, which shall include the furnishing of all labor, materials, supplies, equipment and/or vehicle usage, services, all items of cost, overhead, taxes (federal, state, local), and profit for the CONTRACTOR and any Subcontractor involved, within the time set forth herein. If unit prices are applicable, Bidder must make the extensions and additions showing the total amount of bid.

The contract, if awarded, will be on the basis of materials and equipment specified in the specifications without consideration of possible substitute or “or equal” items.

Unit prices are solely for the purpose of calculating and negotiating unanticipated, additional work beyond the scope detailed on the plans and specifications. Any additional work by the CONTRACTOR without prior approval from the OWNER shall be at his own expense.

In case of discrepancy, the amount shown in words will govern.

Item No.	Description w/Unit Bid Price Written in Words	Estimated Quantity	Unit	Unit Price	Total Bid Amount
1.	Complete Base Bid Scope of Work <i>Two Hundred Eighteen Thousand Four Hundred Forty</i> <i>10/100</i> Cents (Lump Sum) Dollars	1	LS	<i>\$218,440</i>	<i>\$218,440.00</i>
2.	Complete Add Alternate #1 Scope of Work <i>Forty Nine Thousand Five Hundred</i> <i>00/100</i> Cents (Lump Sum) Dollars	1	LS	<i>\$49,500.00</i>	<i>\$49,500.00</i>
3.	Complete Add Alternate #2 Scope of Work <i>Twenty Four Thousand Five Hundred</i> <i>00/100</i> Cents (Lump Sum) Dollars	1	LS	<i>\$24,500.00</i>	<i>\$24,500.00</i>

Contract award will be made based on the lump sum base bid or lump sum bid with any combination of bid alternatives selected. Bid alternatives will be added or deducted from the lump sum base bid, if they are accepted, prior to Notice of Award being made.

OWNER reserves the right to accept or reject any bid alternatives or equipment alternatives to the lump sum base bid. Consideration of equipment alternatives of the selected Bidder will be made by OWNER within 60 days after the Effective Date of the Agreement.

If bid alternative is selected by OWNER, the awarded Contract price will include the selected alternative(s).

**Bid Alternative #1: Extended Warranty and Preventive Maintenance Contract**

CONTRACTOR shall include in the cost of bid alternative ALL work associated with providing the scope listed below.

Provide a total of four years extended warranty on all work performed and materials installed. Refer to specifications. Provide four years preventive maintenance contract for cooling tower, all accessories and components. Refer to specifications.

**Bid Alternative #2: DDC Controls**

CONTRACTOR shall include in the cost of bid alternative ALL work associated with providing the scope listed below.

Provide new DDC controls for heat pump loop including boiler, pumps, cooling tower and related components. Refer to control schematics, risers, and specifications.

**Unit Prices**

The following List of unit prices is required by the Owner to be completely executed and submitted with each Bidder's Proposal. Each unit price shall include the furnishing of all labor, materials, supplies and services, and shall include all items of cost, overhead and profit for the Contractor and any Sub-Contractors involved, and shall be used uniformly, without modification, for either additions or deductions from the Bid. These unit prices as established shall also be used to determine the equitable adjustment of the Contract Price in connection with changes, or extra work performed under the Contract.

<u>DESCRIPTION OF WORK</u>	<u>UNIT PRICE (INSTALLED)</u>
1. 3" Schedule 40 Steel Pipe	<u>\$105.00</u> \$/L.F.
2. 2" Type L Copper Pipe	<u>\$103.00</u> \$/L.F.
3. 1" Type L Copper Pipe	<u>\$182.00</u> \$/L.F.

Submitted by: Triton Services, Inc.  
*Firm*

8162 Duke Blvd.  
*Address*

Mason, OH 45040  
*City, State & Zip*

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

  
*Signature of Authorized Company Representative – Title*

David R. Deger                      President  
*Representative/s Name (Typed or Printed)*

513-679-6800                      513-679-6807  
*Area Code – Phone – Extension                      Fax #*

ddeger@tritonservicesinc.com  
*E-Mail Address*

**OFFICIAL ADDRESS:**

8162 Duke Blvd.

Mason, OH 45040

\_\_\_\_\_

\_\_\_\_\_ (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: Triton Services, Inc.

2. Permanent Place of Business: 8162 Duke Blvd. Mason, OH 45040

3. When Organized: 1-3-03

4. Where Incorporated: Ohio

5. Construction Plant and Equipment Available for this Project:

Triton operates from a 30,000 sq. ft. office and warehouse facility.

All equipment is either owned or rented.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(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:

Ohio Farmers Insurance (Surety)

Signed: Manly Beth Miller (Representative of Surety)

ATTORNEY-IN-FACT

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

NAME	LOCATION	CONTRACT SUM
LFCUG	Lexington KY	\$1,950.00
Walnut Hills HS	Cincinnati, OH	\$8,926,422.00
MU Armstrong Student	Oxford, OH	\$6,318,000.00

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

NAME	LOCATION	CONTRACT SUM
Walnut Hills HS	Cincinnati, OH	\$8,926,422.00
MU Armstrong	Oxford, OH	\$6,318,000.00
Silverton Paidia Sch	Cincinnati, OH	\$1,632,600.00

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

NAME	POSITION DESCRIPTION	NO. OF YEARS W/BIDDER
TBD	Pipefitters	

11. DBE Participation on current bonded projects under contract:

SUBCONTRACTORS (LIST)	PROJECT (SPECIFY TYPE)	DBE	% OF WORK
None			

(USE ADDITIONAL SHEETS IF NECESSARY)

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

**6. LIST OF PROPOSED SUBCONTRACTORS**

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

BRANCH OF WORK- LIST EACH MAJOR ITEM (e.g., electrical, carpentry, HVAC, etc.)	SUBCONTRACTOR	DBE? Yes/No	% of WORK
1.  Insulation	Name: R. Kelly  Address: Cincinnati, OHio	No	10%
2.	Name:  Address:		
3.	Name:  Address:		
4.	Name:  Address:		
5.	Name:  Address:		
6.	Name:  Address:		
7.	Name:  Address:		

(Attach additional sheet(s) if necessary.)



**7. LFUCG MBE/WBE PARTICIPATION FORM**

Bid/RFP/Quote Reference # 27-2013


The MBE/WBE subcontractors listed have agreed to participate on this Bid/RFP/Quote. If any substitution is made or the total value of the work is changed prior to or after the job is in progress, it is understood that those substitutions must be submitted to Central Purchasing for approval immediately.

MBE/WBE Company, Name, Address, Phone, Email	Work to be Performed	Total Dollar Value of the Work	% Value of Total Contract
1. Ray Kelly R. Kelly, Inc. 7645 Production Dr. Cincinnati, OH	Insulation	\$22,000.00	10%
2.			
3.			
4.			

The undersigned company representative submits the above list of MBE/WBE firms to be used in accomplishing the work contained in this Bid/RFP/Quote. Any misrepresentation may result in the termination of the contract and/or be subject to applicable Federal and State laws concerning false statements and false claims.

Triton Services, Inc.  
Company

4-2-13  
Date

  
David R. Deger  
Company Representative

President  
Title



**8. LFUCG MBE/WBE SUBSTITUTION FORM**

Bid/RFP/Quote Reference # 27-2013

The substituted MBE/WBE subcontractors listed below have agreed to participate on this Bid/RFP/Quote. These substitutions were made prior to or after the job was in progress. These substitutions were made for reasons stated below and are now being submitted to Central Purchasing for approval. By the authorized signature of a representative of our company, we understand that this information will be entered into our file for this project.

SUBSTITUTED MBE/WBE Company Name, Address, Phone, Email	MBE/WBE Formally Contracted/ Name, Address, Phone, Email	Work to Be Performed	Reason for the Substitution	Total Dollar Value of the Work	% Value of Total Contract
1.					
2.					
3.					
4.					

The undersigned acknowledges that any misrepresentation may result in termination of the contract and/or be subject to applicable Federal and State laws concerning false statements and false claims.

\_\_\_\_\_  
Company

\_\_\_\_\_  
Company Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title



9. MBE/WBE QUOTE SUMMARY FORM

Bid/RFP/Quote Reference # 27-2013

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

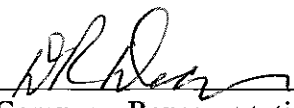
Company Name <u>TRITON SERVICES INC</u>	Contact Person <u>DAVID R. DEGER</u>
Address/Phone/Email <u>8162 DUKE BLVD 513 MASON OH 45040 679 6800</u>	Bid Package / Bid Date <u>27-2013 4/2/13</u>

MBE/WBE Company Address	Contact Person	Contact Information (work phone, Email, cell)	Date Contacted	Services to be performed	Method of Communication (email, phone meeting, ad, event etc)	Total dollars \$\$ Do Not Leave Blank (Attach Documentation)	MBE * AA HA AS NA Female
R. Kelly	Ray Kelly	Phone	4-1-13	Insulation	Phone	\$22,000.00	AA

(MBE designation / AA=African American / HA= Hispanic American/AS = Asian American/Pacific Islander/ NA= Native American)

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

Triton Services, Inc.  
Company

  
David R. Deger  
Company Representative

4-2-13  
Date

President  
Title



**10. LFUCG MBE/WBE SUBCONTRACTOR MONTHLY PAYMENT REPORT**

The LFUCG has a 10% goal plan adopted by city council to increase the participation of minority and women owned businesses in the procurement process. In order to measure that goal LFUCG will track spending with MBE/WBE vendors on a monthly basis. By the signature below of an authorized company representative, you certify that the information is correct, and that each of the representations set forth below is true. Any misrepresentation may result in termination of the contract and/or prosecution under applicable Federal and State laws concerning false statements and false claims. Please submit this form monthly to the Division of Central Purchasing/ 200 East Main Street / Room 338 / Lexington, KY 40507.

Bid/RFP/Quote # \_\_\_\_\_  
 Total Contract Amount Awarded to Prime Contractor for this Project \_\_\_\_\_

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

Subcontractor Vendor ID (name, address, phone, email)	Description of Work	Total Subcontract Amount	% of Total Contract Awarded to Prime for this Project	Total Amount Paid for this Period	Purchase Order number for subcontractor work (please attach PO)	Scheduled Project Start Date	Scheduled Project End Date

By the signature below of an authorized company representative, you certify that the information is correct, and that each of the representations set forth below is true. Any misrepresentations may result in the termination of the contract and/or prosecution under applicable Federal and State laws concerning false statements and false claims.

\_\_\_\_\_  
 Company

\_\_\_\_\_  
 Company Representative

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Title





**11. LFUCG STATEMENT OF GOOD FAITH EFFORTS**

**Bid/RFP/Quote #** \_\_\_\_\_

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

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

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

\_\_\_\_\_  
**Company**

\_\_\_\_\_  
**Company Representative**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Title**

**12. 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.

  
David R. Deger President

13. STATEMENT OF EXPERIENCE

NAME OF INDIVIDUAL: Majid H. Samarghandi

POSITION/TITLE: CEO

STATEMENT OF EXPERIENCE: Please see attached resume

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NAME OF INDIVIDUAL: David R. Deger

POSITION/TITLE: President

STATEMENT OF EXPERIENCE: Please see attached resume

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NAME OF INDIVIDUAL: Hamid H. Samarghandi

POSITION/TITLE: Sr. HVAC Mech Eng

STATEMENT OF EXPERIENCE: Please see attached resume

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

14. EQUAL OPPORTUNITY AGREEMENT

The Law

- \* Title VII of the Civil Rights Act of 1964 (amended 1972) states that it is unlawful for an employer to discriminate in employment because of race, color, religion, sex, age (40-70 years) or national origin.
- \* Executive Order No. 11246 on Nondiscrimination under Federal contract prohibits employment discrimination by contractor and subcontractor doing business with the Federal Government or recipients of Federal funds. This order was later amended by Executive Order No. 11375 to prohibit discrimination on the basis of sex.
- \* Section 503 of the Rehabilitation Act of 1973 States:  
*The Contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap.*
- \* Section 2012 of the Vietnam Era Veterans Readjustment Act of 1973 requires Affirmative Action on behalf of disabled veterans and veterans of the Vietnam Era by contractors having Federal Contracts.
- \* Section 206 (A) of Executive Order 12086, Consolidation of Contract Compliance Functions for Equal Employment Opportunity, states:  
*The Secretary of Labor may investigate the employment practices of any Government contractor or sub-contractor to determine whether or not the contractual provisions specified in Section 202 of this order have been violated.*

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

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

Bidders

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

  
Signature David R. Deger

Triton Services, Inc.  
Name of Business

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

The Kentucky equal Employment Opportunity Act of 1978 (KRS 45.560-45.640) requires that any count, city, town, school district, water district, hospital district, or other political subdivision of the state shall include in directly or indirectly publicly funded contracts for supplies, materials, services, or equipment hereinafter entered into the following provisions:

During the performance of this contract, the contractor agrees as follows:

- (1) *The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age or national origin;*
- (2) *The contractor will state in all solicitations or advertisements for employees placed by or on behalf of the contractors that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age or national origin;*
- (3) *The contract will post notices in conspicuous places, available to employees and applicants for employment, setting forth the provisions of the non-discrimination clauses required by this section; and*
- (4) *The contractor will send a notice to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding advising the labor union or workers' representative of the contractor's commitments under the nondiscrimination clauses.*

The Act further provides:

KRS 45.610. Hiring minorities – Information required

- (1) *For the length of the contract, each contractor shall hire minorities from other sources within the drawing area, should the union with which he has collective bargaining agreements be unwilling to supply sufficient minorities to satisfy the agreed upon goals and timetable.*
- (2) *Each contractor shall, for the length of the contract, furnish such information as required by KRS 45.560 to KRS 45.640 and by such rules, regulations and orders issued pursuant thereto and will permit access to all books and records pertaining to his employment practices and work sites by the contracting agency and the department for purposes of investigation to ascertain compliance with KRS 45.560 to 45.640 and such rules, regulations and orders issued pursuant thereto.*

KRS 45.620. Action against contractor – Hiring of minority contractor or subcontractor

- (1) *If any contractor is found by the department to have engaged in an unlawful practice under this chapter during the course of performing under a contract or subcontract covered under KRS 45.560 to 45.640, the department shall so certify to the contracting agency and such certification shall be binding upon the contracting agency unless it is reversed in the course of judicial review.*
- (2) *If the contractor is found to have committed an unlawful practice under KRS 45.560 to 45.640, the contracting agency may cancel or terminate the contract, conditioned upon a program for future compliance approved by the contracting agency and the department. The contracting agency may declare such a contractor ineligible to bid on further contracts with that agency until such time as the contractor complies in full with the requirements of KRS 45.560 – 45.640.*
- (3) *The equal employment provisions of KRS 45.560 to 45.640 may be met in part by a contractor by subcontracting to a minority contractor or subcontractor. For the provisions of KRS 45.560 to 45.640, a minority contractor or subcontractor shall mean a business that is owned and controlled by one or more persons disadvantaged by racial or ethnic circumstances.*

KRS 45.630 Termination of existing employee not required, when

*Any provision of KRS 45.560 to 45.640 notwithstanding, no contractor shall be required to terminate an existing employee upon proof that that employee was employed prior to the date of the contract.*

KRS 45.640 Minimum skills

*Nothing in KRS 45.560 to 45.640 shall require a contractor to hire anyone who fails to demonstrate the minimum skills required to perform a particular job.*

It is recommended that all of the provisions quoted above to be included as special conditions in each contract. In the case of a contract exceeding \$250,000, the contractor is required to furnish evidence that his work-force in Kentucky is representative of the available work-force in the area from which he draws employees, or to supply an Affirmative Action plan which will achieve such representation during the life of the contract.

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

It is the policy of Triton Services, 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.



**16. WORKFORCE ANALYSIS FORM**

Name of Organization: Triton Services, Inc. Date: 4 / 2 / 13

Categories	Total		White		Black		Other		Total	
	M	F	M	F	M	F	M	F	M	F
Administrators	4	1					3		7	1
Professionals										
Superintendents	6								6	
Supervisors										
Foremen	15	1							15	1
Technicians										
Protective Service										
Para-Professionals										
Office/Clerical	2	6							2	6
Skilled Craft	71			7					78	
Service/Maintenance										
Total:	98	8		7					108	8

Prepared By: Kim Rosendahl

**17. EVIDENCE OF INSURABILITY**

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

Names Insured: Titon Services, Inc. Employee ID: \_\_\_\_\_  
 Address: 816a Duke Dr, Mason OH, 45040 Phone: 513-679-6800

Project to be insured: LFUCG HVAC & Piping Repair Phoenix Bldg

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 per occ. \$2,000,000 agg.	Cincinnati INS. Company	A++	10677
SC-3, Section 2, Part 4.1 - see provisions	AUTO	\$2,000,000/per occ.	\$1,000,000 per occ.	Cincinnati INS. Company	A++	10677
SC-3, Section 2, Part 4.1 - see provisions	WC	Statutory w /endorsement as noted	\$ STATUTORY	Cincinnati INS. Company	A++	10677

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

Agency or Brokerage: Dakin-Berry Insurance  
706 Indian Hill Rd  
 Street Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Terrace Park, OH 45174  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
513-932-4010  
 Telephone Number: \_\_\_\_\_  
 Name of Authorized Representative: Phil R. Hines  
 Title: Vice-President  
 Authorized Signature: [Signature]  
 Date: 4-1-13

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.

18. DEBARRED FIRMS

PROJECT NAME: HVAC and Piping Repair for Phoenix Building

BID NUMBER: 27-2013

**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 Triton Services, 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.

Triton Services, Inc.  
Name of Firm Submitting Bid

  
David R. Deger  
Signature of Authorized Official

President  
Title

4-2-13  
Date

**19. DEBARMENT CERTIFICATION**

All contractors/subcontractors shall complete the following certification and submit it with the bid proposal.

The contractor/subcontractor certifies in accordance with Executive Order 12549 (Debarment and Suspension 2/18/86) that to the best of its knowledge and belief, that it and its principals:

- 1) Are not presently debarred, suspended, proposed for debarment, declared negligible, or voluntarily excluded from covered transactions or contract by any Federal department or agency for noncompliance with the Federal Labor Standards, Title VI of the Civil Rights Act of 1964 as amended, Executive Order 11246 as amended or any other Federal law;
  - a) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - b) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(a) of this certification; and
  - c) Have not within a three year period preceding this bid has one or more public (Federal, State or local) transactions or contracts terminated for cause or default.
- 2) Where the contractor is unable to certify to any of the statements in this certification, such prospective contractors shall attach an explanation to this certification form.

Firm Name: Triton Services, Inc.

Project: HVAC and Piping Repair for Phoenix Building

Printed Name and Title of Authorized Representative: David R. Deger President

Signature: 

Date: 4-2-13

END OF SECTION

THE AMERICAN INSTITUTE OF ARCHITECTS



AIA Document A310

**Bid Bond**

KNOW ALL MEN BY THESE PRESENTS, that we Triton Services, Inc.  
8162 Duke Boulevard, Mason, OH 45040

as Principal, hereinafter called the Principal, and Ohio Farmers Insurance Company

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

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

as Oblige, hereinafter called the Oblige, in the sum of Five Percent (5%) of the Total Bid Amount

Dollars (\$ -----5%-----),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our  
heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for HVAC Piping Repair - Phoenix Building

NOW, THEREFORE, if the Oblige shall accept the bid of the Principal and the Principal shall enter into a Contract  
with the Oblige in accordance with the terms of such bid, and give such bond or bonds as may be specified in the  
bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for  
the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the  
Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Oblige the difference  
not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the  
Oblige may in good faith contract with another party to perform the Work covered by said bid, then this obligation  
shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 2nd day of April, 2013

Kim Rosendahl  
(Witness)

Triton Services, Inc. David R. Decker  
(Principal) DAVID R. DECKER  
PRESIDENT  
(Title)

Sarah Spriggs  
(Witness)

Ohio Farmers Insurance Company  
(Surety) (Seal)  
Mary Beth Milling  
Mary Beth Milling, Attorney-in-Fact (Title)

General Power of Attorney

Westfield Insurance Co. Westfield National Insurance Co. Ohio Farmers Insurance Co. Westfield Center, Ohio

CERTIFIED COPY

Know All Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint

MARK NELSON, MARY BETH MILLING, RANDAL T. NOAH, MICHAEL WARD, STELLA A. ADAMS, ROBERT T. VOGEL, CAROLINE NICHOLSON, G. DALE DERR, TIFFIANY GOBICH, JOINTLY OR SEVERALLY

of CINCINNATI and State of OH its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings, or other instruments or contracts of suretyship-

LIMITATION: THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY:

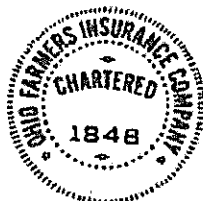
"Be it Resolved, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"Be it Further Resolved, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000).

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their National Surety Leader and Senior Executive and their corporate seals to be hereto affixed this 25th day of SEPTEMBER A.D., 2012 .

Corporate Seals Affixed



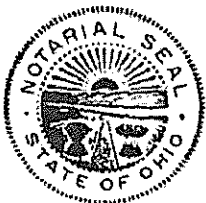
WESTFIELD INSURANCE COMPANY WESTFIELD NATIONAL INSURANCE COMPANY OHIO FARMERS INSURANCE COMPANY

By: Dennis P. Baus, National Surety Leader and Senior Executive

State of Ohio County of Medina ss.:

On this 25th day of SEPTEMBER A.D., 2012 , before me personally came Dennis P. Baus to me known, who, being by me duly sworn, did depose and say, that he resides in Wooster, Ohio; that he is National Surety Leader and Senior Executive of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Boards of Directors of said Companies; and that he signed his name thereto by like order.

Notarial Seal Affixed



William J. Kahelin, Attorney at Law, Notary Public My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

State of Ohio County of Medina ss.:

I, Frank A. Carrino, Secretary of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; and furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this 2nd day of April A.D., 2013 .



Frank A. Carrino, Secretary



Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Gray  
Mayor

William O'Mara  
Commissioner

**ADDENDUM #1**

Bid Number: 27-2013

Date: March 26, 2013

Subject: HVAC and Piping Repair for Phoenix Building

Please address inquiries to:  
Sondra Stone, Buyer  
(859) 258-3324

**TO ALL PROSPECTIVE BIDDERS:**

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

- 1) Review Section 230501 for Extended Warranty and Preventative Maintenance Requirements of Base Bid and Alternate #1. Note the Preventative Maintenance requirements include HVAC water treatment as defined in Contract Documents.
- 2) There is a vacant room on the 5th floor for the storage of ceiling tiles while piping work is on-going. The penthouse level may also be used for materials storage so long as egress and equipment access is not impeded. All other storage must be provided by the Contractor.
- 3) Separate Contracts for roof and elevator projects may be occurring simultaneously, but are not anticipated to interfere with this project's scope of work.
- 4) Pre-bid sign-in sheet attached.

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: Triton Services, Inc.

ADDRESS: 8162 Duke Blvd. Mason, OH 45040

SIGNATURE OF BIDDER: David R. Deger



**David R. Deger**  
President  
Triton Services, Inc.  
8162 Duke Boulevard  
Mason, OH 45040  
513-679-6800

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## **Education**

Mr. Deger earned a B.S. Degree in Mechanical Engineering in 1979 from the University of Cincinnati. In 1981 he received his MBA in Business Management from Xavier University.

## **Experience**

Mr. Deger started his career in 1976 at Armco Steel in Middletown, Ohio. He designed and ran various projects at the Coke Plant, Blast Furnace and Continuous Caster. In 1980 he was in charge of a \$44 Million Blast Furnace Rebuild Project.

In 1982 Mr. Deger joined a National Mechanical Contractor. He was the project manager for a 32 story downtown Cincinnati high rise along with two manufacturing plants in Northern Kentucky.

Mr. Deger spent from 1984 through 1999 as a manufacturer's representative in the HVACR industry. He participated in the plan and spec market as well as design/build. His primary focus was on the design/build projects with emphasis on large scale industrial ventilation as well as HVAC for commercial and institutional buildings. Projects included General Motors, WPAFB, Cincinnati Financial, Honda, GE, various hotels, commercial buildings and industrial plants.

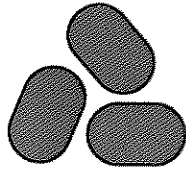
From late 1999 through the end of 2009, Mr. Deger was series 7, 63 and 65 registered with the SEC and FINRA as a Wealth Manager. He built his business from nothing to a total of \$82 million under his investment management. His gross production revenue was in the top quintile.

Beginning January of 2010 Mr. Deger assumed the current responsibility as President of Triton Services.

## **Associations**

Past President Dayton Chapter ASHRAE





*Triton services, inc.*

**Hamid Samarghandi**  
Senior Mechanical Engineer

Triton Services, Inc.  
8162 Duke Boulevard  
Mason, OH 45040  
513-679-6800

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## **Experience**

Thirty (30) years of experience in Engineering / Estimating. His reputation for knowledge and dedication to details not only has opened many doors to some key clients, but has caused many engineers to send him advanced copies of their design drawings prior to going out for public bid. This they do in hopes that Mr. Samarghandi will either address any errors or offer "value engineering". The following is a list of projects:

### **University of Cincinnati, Cincinnati, Ohio**

#### **Over \$30,000,000.00 in Projects including:**

- Center for Molecular Studies
- Teachers College
- Zimmer Hall

### **Miami University, Oxford, Ohio**

#### **Over \$40,000,000.00 in Projects including:**

- School of Engineering
- Psychology Building
- King Library

## **Northern Kentucky University, Highland Heights, KY**

- Student Union – estimated at \$6,000,000
- Bank of Kentucky Center – estimated at \$7,200,000

## **Procter & Gamble, Cincinnati, Ohio**

- Baby Care Skin Laboratory Renovation. Installed system upgrades and expansion inside Procter and Gambles existing research facility. Adjacent labs and offices had to remain undisturbed and operational during all of the construction phases.

## **Lindner Center of Hope, Mason, Ohio**

- A new behavioral health facility consisting of 56 inpatient beds located in four separate patient care units. The project will also contain outpatient and research facilities housed in a common bridge building.

## **Licenses**

- State of Ohio – HVAC Contractors
- State of Ohio – Plumbing Contractors License
- State of Ohio – Hydronics Contractors License



**Majid H. Samarghandi**  
CEO  
Triton Services, Inc.  
8162 Duke Boulevard  
Mason, OH 45040  
513-679-6800

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## **Education**

Mr. Samarghandi completed his B.S. degrees in Mechanical and Civil Engineering in 1976. In 1977 he received his Masters degree in Construction Management, and in 1979 he completed his Doctorate course program in Construction Management. All of his degrees were received from the University of Illinois at Champaign/Urbana, Ill. In addition, he has taken all the course requirements for a Master of business Administration degree.

## **Experience**

Mr. Samarghandi has over thirty (31) years of diversified experience in most aspects of the Construction industry, including Commercial, Industrial, Governmental, Educational, and Institutional segments.

His Construction career started in 1976. While in graduate school, he was hired by the Corps of Engineers, where he developed and co-authored a Construction Cost Guide to be used on governmental projects. In 1979 he started working for a large National Corporation with his last position being their National Operations Manager.

In 1983, he accepted the project manager position for the \$140 million Proctor & Gamble World Headquarters project in Cincinnati. After the successful completion of the project, he joined a local company as its President where he later became owner.

During these past thirty one years, he has managed as small as \$250 per year maintenance contracts to \$68 million nuclear projects.

## **Licenses**

- State of Ohio – HVAC Contractor License
- State of Ohio – Plumbing Contractor License
- State of Ohio – Hydronics Contractor License
- State of Ohio – Refrigeration Contractor License
- State of Kentucky – Master HVAC Contractor License

## **Professional Involvements**

- Chairman: Advisory Board University of Cincinnati's College of Applied Sciences (Construction) – Cincinnati, Ohio
- Instructor: Institute for Project Management, University of Texas, Austin, Texas, in association with Mechanical Contractors Association, and Construction Industry Institute (CII)
- Instructor: Construction Law-Allied Construction Industries, Cincinnati, Ohio
- Guest Lecturer: Operational Aspects of Construction – University of Cincinnati
- Member: Mechanical Contractor's National Institute for Project Management
- Board Member: Mechanical Contractors of Greater Cincinnati
- Past Chairman & Board Member: Plumbers and Pipefitter's Pension Fund
- Board Member: Allied Construction Industry
- Board Member: Loveland School Advisory

## **Civic Involvements**

- Board Member: American Red Cross
- Board Member: United Way/American Red Cross
- Dean: World Citizen Baha'i School
- Active Member: National Coalition for Community and Justice (NCCJ)
- Advisory Board Various School Districts