

PART III

Invitation to Bid No. 76-2013

ECTON PARK SANITARY SEWER IMPROVEMENTS

1. **FORM OF PROPOSAL**

Place: Lexington, Kentucky

Date: Thursday, June 20, 2013

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

This Proposal Submitted by Free Contracting, Inc
1620 Old Frankfort Pike, Lex. KY 40504
(Name and Address of Bidding Contractor)

(Hereinafter called "Bidder"), organized and existing under the laws of the State of KY, 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 ECTON PARK SANITARY SEWER IMPROVEMENTS 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.

4. BID SCHEDULE – SCHEDULE OF VALUES

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

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

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.

Item No.	Description w/Unit Bid Price Written in Words	Estimated Quantity	Unit	Unit Price	Total Bid Amount
1.	12" SDR 35	1,865	LF	\$ <u>150</u>	\$ <u>279 750</u>
2.	8" SDR 35 PVC for	687	LF	\$ <u>130</u>	\$ <u>89 310</u>
3.	Cleanout	15	EA	\$ <u>500</u>	\$ <u>7 500</u>
4.	4' Diameter Shallow	1	EA	\$ <u>1500</u>	\$ <u>1 500</u>
5.	4' Diameter Standard Manhole	22	EA	\$ <u>2000</u>	\$ <u>44 000</u>
6.	4' Diameter Manhole Barrel Extension	9.5	VF	\$ <u>100</u>	\$ <u>9 50</u>
7.	5' Diameter Shallow Manhole	1	EA	\$ <u>2500</u>	\$ <u>2 500</u>
8.	6' Diameter Standard Manhole	2	EA	\$ <u>3500</u>	\$ <u>7 000</u>
9.	6' Diameter Manhole Barrel Extension	2.5	VF	\$ <u>150</u>	\$ <u>375</u>
10.	Water Tight Manhole Frame	2	EA	\$ <u>500</u>	\$ <u>1 000</u>
11.	Cut and Cap Existing Sewer Line	20	EA	\$ <u>100</u>	\$ <u>2 000</u>

ADDENDUM NO. 1
ATTACHMENT NO. 2

Item No.	Description w/Unit Bid Price Written in Words	Estimated Quantity	Unit	Unit Price	Total Bid Amount
12.	Mill Turkey Foot Road	32	Ton	\$ <u>135</u>	\$ <u>4320</u>
13.	Abandon Existing Manhole in Place	3	EA	\$ <u>1000</u>	\$ <u>3000</u>
14.	Remove Existing Manhole	7	EA	\$ <u>2000</u>	\$ <u>14000</u>
15.	Class II Channel Lining	15	CY	\$ <u>60</u>	\$ <u>900</u>
16.	Replace Curb and Gutter	50	LF	\$ <u>40</u>	\$ <u>2000</u>
17.	Asphalt Pavement Replacement	425	SY	\$ <u>36</u>	\$ <u>15300</u>
18.	Sidewalk Replacement	20	SY	\$ <u>50</u>	\$ <u>1000</u>
19.	Flowable Fill	38	CY	\$ <u>200</u>	\$ <u>7600</u>
20.	Bypass Pumping	1	LS	\$ <u>10000</u>	\$ <u>10000</u>
21.	Additional Rock Removal From Trench As Ordered by Engineer	10	CY	\$ <u>150</u>	\$ <u>1500</u>
22.	Additional Soil Excavation as Ordered by Engineer	10	CY	\$ <u>25</u>	\$ <u>250</u>
23.	Additional #9 Stone as Ordered by Engineer	10	TON	\$ <u>25</u>	\$ <u>250</u>
24.	Safety Fence	900	LF	\$ <u>5</u>	\$ <u>4500</u>
25.	Seed and Straw Temporary Restoration	9,560	SY	\$ <u>2</u>	\$ <u>19120</u>
26.	Tree Protection Fence	210	LF	\$ <u>5</u>	\$ <u>1050</u>
27.	Erosion Control	1	LS	\$ <u>10000</u>	\$ <u>10000</u>
28.	Mobilization and Demobilization	1	LS	\$ <u>12000</u>	\$ <u>12000</u>

ADDENDUM NO. 1
ATTACHMENT NO. 2

Item No.	Description w/Unit Bid Price Written in Words	Estimated Quantity	Unit	Unit Price	Total Bid Amount
29.	Woven Wire Fence Less Than 4' Tall	45	LF	\$ <u>30</u>	\$ <u>1350</u>
30.	Wooden Privacy Fence	40	LF	\$ <u>40</u>	\$ <u>1600</u>
31.	Chain Link Fence 4' to 6' Tall	190	LF	\$ <u>44</u>	\$ <u>8360</u>
32.	Chain Link Fence Less Than 4' Tall	120	LF	\$ <u>32</u>	\$ <u>3840</u>
33.	Black Metal Fence	200	LF	\$ <u>100</u>	\$ <u>20 000</u>
34.	Remove Gabion and Storm Pipe	1	LS	\$ <u>2 000</u>	\$ <u>2 000</u>
35.	Parking Lot Modifications	1	LS	\$ <u>75 000</u>	\$ <u>75 000</u>
36.	Excavation and Removal of Asphalt/Concrete as Ordered by Engineer	25	CY	\$ <u>35</u>	\$ <u>875</u>
37.	Base Gravel Installed and Compacted as Ordered by Engineer	25	Ton	\$ <u>35</u>	\$ <u>875</u>
38.	Asphalt Base Course Installed as Ordered by Engineer	10	Ton	\$ <u>150</u>	\$ <u>1500</u>
39.	Asphalt Top Coat Installed as Ordered by Engineer	10	Ton	\$ <u>150</u>	\$ <u>1500</u>
40.	Concrete Pad Installed as Ordered by Engineer	10	CY	\$ <u>500</u>	\$ <u>5000</u>
41.	Parking Lot Stripping including Lay-Out as Ordered by Engineer	300	LF	\$ <u>2.50</u>	\$ <u>750</u>
42.	Dumpster Enclosure	1	LS	\$ <u>2 000</u>	\$ <u>2000</u>
43.	Silt Fence as Ordered by Engineer	100	LF	\$ <u>4</u>	\$ <u>400</u>
44.	Seeding/Straw as Ordered by Engineer	100	SY	\$ <u>2</u>	\$ <u>200</u>
45.	Asphalt Surface	55	Ton	\$ <u>1.50</u>	\$ <u>8250</u>
46.	Edge Key	60	LF	\$ <u>75</u>	\$ <u>4500</u>
47.	Temporary Parking	1	LS	\$ <u>1 000</u>	\$ <u>1000</u>
48.	Stream Crossing Pump Around	1	LS	\$ <u>1 000</u>	\$ <u>1000</u>
49.	Streambank Restoration	80	LF	\$ <u>25</u>	\$ <u>2000</u>
50.	Stream Crossing Construction	1	LS	\$ <u>3 000</u>	\$ <u>3000</u>
51.	Seed and Straw Permanent Restoration	1500	SY	\$ <u>2</u>	\$ <u>3000</u>

ADDENDUM NO. 1
ATTACHMENT NO. 2

Item No.	Description w/Unit Bid Price Written in Words	Estimated Quantity	Unit	Unit Price	Total Bid Amount
52.	Tie to Manhole via Core Drill	2	EA	\$1,000	\$2,000
53.	Tie Into Existing Sewer	9	EA	\$500	\$4,500
54.	Tie Into Existing Manhole	1	EA	\$500	\$500

TOTAL OF ALL BID PRICES FOR Eaton Park Project (Items 1 through ~~53~~⁵⁴) in words and figures. In case of discrepancy, the amount shown in words will govern.

Six Hundred Ninety Seven Thousand Six Hundred Seventy Five Dollars (\$ 697,675).

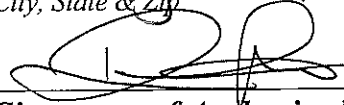
Submitted by:

Free Contracting, Inc
Firm

1620 Old Frankfort Pike
Address

Lexington, KY 40504
City, State & Zip

Bid must be signed:
(original signature)

 / President
Signature of Authorized Company Representative - Title

Rhonda Fister
Representative/s Name (Typed or Printed)

859-255-2236 x222 859-259-0458
Area Code - Phone - Extension Fax #

rhonda@freecontracting.com
E-Mail Address

OFFICIAL ADDRESS:

1620 Old Frankfort Pike
Lexington, KY 40504

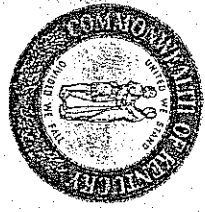
(Seal if Bid is by Corporation)

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

Mike W. Hancock, P.E.
Acting Secretary
Kentucky Transportation Cabinet

Steven L. Beshear
Governor

COMMONWEALTH OF KENTUCKY



Transportation Cabinet
certifies that

FREE CONTRACTING, INC.

1620 Old Frankfort Pike, Lexington, KY 40504

has met all eligibility requirements
to participate in the
Disadvantaged Business Enterprise Program

This certificate is issued pursuant to 49 CFR Part 26 and is subject to suspension or revocation.

April 30, 2013

Renewal Date

Renewal In Process

A handwritten signature in black ink, appearing to be "M. B.", written over a horizontal line.

DBE Liaison Officer



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 \$1000,00 for each consecutive calendar day thereafter.

The Bidder hereby acknowledges receipt of the following addenda:

Addendum No. 1 Date 6-18-13

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 Free Contracting, Inc

Date 6-20-13

* 1. A corporation duly organized and doing business under the laws of the State of KY, for whom Rhonda Fister, 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)

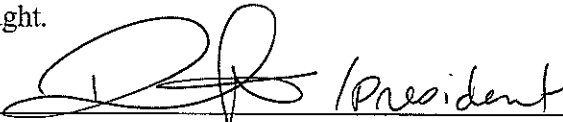
~~_____~~
~~_____~~

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

3. **BIDDERS AFFIDAVIT**

Comes the Affiant, Rhonda Fister, and after being first duly sworn, states under penalty of perjury as follows:

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

 / President
(Affiant)

STATE OF KY
COUNTY OF Fayette

The foregoing instrument was subscribed, sworn to and acknowledged before me by Rhonda Fister on this the 20th day of June, 2013.

My Commission expires: 8-13-15


NOTARY PUBLIC, STATE AT LARGE

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: Free Contracting, Inc
- 2. Permanent Place of Business: 1120 Old Frankfort Pike, Lex. KY 40504
- 3. When Organized: June 1993
- 4. Where Incorporated: KY
- 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:

Ohio Farmers Insurance Company (Surety)

Signed: Mackenzie A. Huston (Representative of Surety)
Mackenzie A. Huston, Attorney-In-Fact

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

FCI Equipment

CODE	VIN #	DESCRIPTION
AC-02	004-127817	Sullair Air Compressor
BD-01	4H00992	Cat D3C Dozer XL
BD-02	7JG00082	Cat D3C Dozer
BD-03	61313	Fiat FD175 Dozer
BD-05	AGG02181	Cat D5N Dozer
BH-02	T0310CA764748	John Deere 310C Backhoe
BH-03	789459	John Deere 310D Backhoe
BH-04	T0310DG818254	John Deere 310D Backhoe
C-01	72222	Grove RT418 Rough Terrain Crane
DT-02	1HTSDTVN6LH258955	1990 International Dumptruck
DT-03	1FDYL90A6MVA12925	1991 Ford Dumptruck
DT-05	4V5K99GFX6N414850	2006 Volvo Triaxle Dumptruck
FT-01	1201010	2002 New Holland Farm Tractor
MG-01	87V7558	Cat 120G Grader
PIT-01	06-06536	Deawoo Lift Truck
PIT-03	2774	Skytrack
PT-03	JT4RN67D3H5052743	1987 Toyota 4x4
PT-12	1FTSX31F6YEA16033	2000 Ford F-350
PT-13	1FTNX21F5YEC98639	2000 Ford F-250
PT-15	1B4HS28N1YF306350	2000 Dodge Durango SLT
PT-16	1FDAF22EB06530	2002 Ford F-550
PT-19	1GCHK292X5E228725	2005 Chevy Silverado
PT-20	1FTSX21PX6EC08958	2006 Ford F-250
PT-21	1FTPW14528FA65062	2008 Ford F-150
RLR-01	2691517	Dynapac Smooth Roller
RLR-02	7BD202	Cat 553 Sheeps Foot Roller
RLR-03	85610	Bomag Roller
RLR-04	5141183	Wacker RT820 Remote Roller
RTL-01	06ZS00463	Cat 906 Rubber Tire Loader
SFP-01	902900-241	Gomaco Curb Machine
SSL-01	509644939	Bobcat Skid Steer Loader
SSL-02	0CNC01311	Cat Skid Steer Loader
TH-01	6JF01167	Cat E120B Trackhoe
TH-02	LE215-3942	Linkbelt 4300Q Trackhoe
TH-03	A86002	Komatsu PC300 Trackhoe
TH-04	40815	Komatsu PC228USLC-3EO Trackhoe
TH-05	6Y5127	Ditch Witch Mini Excavator
TH-06	PC78 MR-6	Komatsu PC-78 MR-6 Trackhoe
TL-01	29Y1667	Cat 931 Track Loader
TR-03	1T9FD2329KJ186104	1989 Flatbed Trailer
TT-01	1FDYA90X9JVA04792	Ford LTL 9000

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
See Attached		

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

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
See Attached		

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>
Martin Fister	General Superintendent	20+
Fletcher Gabbard	Project Manager	1

Irrent Projects

OWNER	OWNER CONTACT	OWNER ADDRESS	OWNER CONTACT PHONE	ENGINEERING FIRM
Winchester Municipal Utilities	Duke Dryden	150 N Main St., Winchester, KY 40391	(859) 744-5434	Palmer Engineering
Morehead State University	Steve Leitz	Morehead State University, Morehead, KY 40351	(606) 873-5271	Carmen & Associates
Morehead State University	Steve Leitz	Morehead State University, Morehead, KY 40352	(606) 873-5272	Carmen & Associates

ENGINEERS PHONE #	BID DATE	COMPLETION DATE	CONTRACT AMOUNT
(859) 355-1352	7/12/2012	Expected April 2013	\$538,230.00
(859) 254-9803	12/15/2012	Expected June 2013	\$354,000.00
(859) 254-9804	12/15/2012	Expected June 2013	\$480,900.00

IOUS PROJECTS

OWNER	OWNER CONTACT	OWNER ADDRESS	OWNER CONTACT PHONE	ENGINEERING FIRM	ENGINEER
United Conservancy Dist.	Marvin Suit	25 Meadow Lane, Flemingsburg, KY 41041	(606) 845-6291	Schnabel Engineering	Anthony Grubbs
f Cynthiana	Gary Royalty	PO Box 67, Cynthiana, KY 41031	(859) 234-7150	N/A	N/A
Public Schools	Bill Wallace	701 East Main St, Lexington, KY 40502	(859) 381-4100	Tate, Hill & Jacobs Architect	Susan Hill
f Cynthiana	Harry Johnson	PO Box 67, Cynthiana, KY 41031	(859) 234-7159	HDR	Rob Williams
of McKeec	Dwight Bishop	PO Box 455, McKeec, KY 40448	(606)287-8306	N/A	N/A
of McKeec	Dwight Bishop	PO Box 455, McKeec, KY 40447	(606)287-8305	N/A	N/A
: U.C.G.	Rick Day	301 Listie Industrial Ave, Lexington, KY 40511	(859) 425-2400	Fueller Mossbarger, Scott & May	Vince Severance

DATE	COMPLETION DATE	FINAL CONTRACT PRICE
9/26/10	12/31/2011	\$ 3,999,013.76
7/16/10	9/27/2010	\$ 44,514.23
1/15/10	7/24/2010	\$ 179,995.00
7/14/10	6/30/2011	\$ 654,777.50
N/A	12/31/2009	\$ 3,428,846.98
N/A	3/3/2008	\$ 18,384.00
1/21/02	5/1/2003	\$ 687,499.57

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>
FCI is	100% DBE		

(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>	% of Work
1. <u>Paving</u>	Name: <u>ATS</u>	<u>No</u>	_____
	Address: <u>Lexington</u>		
2. _____	Name: _____	_____	_____
	Address: _____		
3. _____	Name: _____	_____	_____
	Address: _____		
4. _____	Name: _____	_____	_____
	Address: _____		
5. _____	Name: _____	_____	_____
	Address: _____		
6. _____	Name: _____	_____	_____
	Address: _____		
7. _____	Name: _____	_____	_____
	Address: _____		

(Attach additional sheet(s) if necessary.)

7. **LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT MWDBE PARTICIPATION GOALS, FORMS, AND GOOD FAITH EFFORTS**

A. GENERAL

- 1) The LFUCG request all potential contractors to make a concerted effort to include Minority-Owned (MBE), Woman-Owned (WBE) and Disadvantaged (DBE) Business Enterprises as subcontractors or suppliers in their bids.
- 2) Toward that end, the LFUCG has established 10% of total procurement costs as a Goal for participation of Minority-Owned, Woman-Owned and Disadvantaged Businesses on this contract.
- 3) **It is therefore a request of each Bidder to include in its bid, the same goal (10%) for MWDBE participation and other requirements as outlined in this section.**

B. PROCEDURES

- 1) The successful bidder will be required to report to the LFUCG, the dollar amounts of all payments submitted to Minority-Owned or Woman-Owned subcontractors and suppliers for work done or materials purchased for this contract. (See Subcontractor Monthly Payment Report)
- 2) Replacement of a Minority-Owned or Woman-Owned subcontractor or supplier listed in the original submittal must be requested in writing and must be accompanied by documentation of Good Faith Efforts to replace the subcontractor / supplier with another MWDBE Firm; this is subject to approval by the LFUCG. (See LFUCG MWDBE Substitution Form)
- 3) For assistance in identifying qualified, certified businesses to solicit for potential contracting opportunities, bidders may contact:
 - a) The Lexington-Fayette Urban County Government, Division of Central Purchasing (859-258-3320)
- 4) The LFUCG will make every effort to notify interested MWDBE subcontractors and suppliers of each Bid Package, including information on the scope of work, the pre-bid meeting time and location, the bid date, and all other pertinent information regarding the project.

C. DEFINITIONS

- 1) A Minority-Owned Business Enterprise (MBE) is defined as a business which is certified as being at least 51% owned and operated by persons of African American, Hispanic, Asian, Pacific Islander, American Indian or Alaskan Native Heritage.
- 2) A Woman-Owned Business Enterprise (WBE) is defined as a business which is certified as being at least 51% owned and operated by one or more Non-Minority Females.

- 3) A Disadvantaged Business (DBE) is defined as a business which is certified as being at least 51% owned and operated by a person(s) that are economically and socially disadvantaged.
- 4) Good Faith Efforts are efforts that, given all relevant circumstances, a bidder or proposer actively and aggressively seeking to meet the goals, can reasonably be expected to make. In evaluating good faith efforts made toward achieving the goals, whether the bidder or proposer has performed the efforts outlined in the Obligations of Bidder for Good Faith Efforts outlined in this document will be considered, along with any other relevant factors.

D. OBLIGATION OF BIDDER FOR GOOD FAITH EFFORTS

- 1) **The bidder shall make a Good Faith Effort to achieve the Participation Goal for MWDBE subcontractors/suppliers. The failure to meet the goal shall not necessarily be cause for disqualification of the bidder; however, bidders not meeting the goal are required to furnish with their bids written documentation of their Good Faith Efforts to do so.**
- 2) Award of Contract shall be conditioned upon satisfaction of the requirements set forth herein.
- 3) The Form of Proposal includes a section entitled "MWDBE Participation Form". The applicable information must be completed and submitted as outlined below.
- 4) **Failure to submit this information as requested may be cause for rejection of bid.**

E. DOCUMENTATION REQUIRED FOR GOOD FAITH EFFORTS

- 1) Bidders reaching the Goal are required to submit only the MWDBE Participation Form." The form must be fully completed including names and telephone number of participating MWDBE firm(s); type of work to be performed; estimated value of the contract and value expressed as a percentage of the total Lump Sum Bid Price. The form must be signed and dated, and is to be submitted with the bid.
- 2) Bidders not reaching the Goal must submit the "MWDBE Participation Form", the "Quote Summary Form" and a written statement documenting their Good Faith Effort to do so. If bid includes no MWDBE participation, bidder shall enter "None" on the subcontractor / supplier form). In addition, the bidder must submit written proof of their Good Faith Efforts to meet the Participation Goal:
 - a. Advertised opportunities to participate in the contract in at least two (2) publications of general circulation media; trade and professional association publications; small and minority business or trade publications; and publications or trades targeting minority, women and disadvantaged businesses not less than fifteen (15) days prior to the deadline for submission of bids to allow MWDBE firms to participate.
 - b. Included documentation of advertising in the above publications with the bidders good faith efforts package

- c. Attended LFUCG Central Purchasing Economic Inclusion Outreach event
- d. Attended pre-bid meetings that were scheduled by LFUCG to inform MWDBEs of subcontracting opportunities
- e. Sponsored Economic Inclusion event to provide networking opportunities for prime contractors and MWDBE firms
- f. Requested a list of MWDBE subcontractors or suppliers from LFUCG Economic Engine and showed evidence of contacting the companies on the list(s).
- g. Contacted organizations that work with MWDBE companies for assistance in finding certified MWDBE firms to work on this project. Those contacted and their responses should be a part of the bidder's good faith efforts documentation.
- h. Sent written notices, by certified mail, email or facsimile, to qualified, certified MWDBEs soliciting their participation in the contract not less than seven (7) days prior to the deadline for submission of bids to allow them to participate effectively.
- i. Followed up initial solicitations by contacting MWDBEs to determine their level of interest.
- j. Provided the interested MWDBE firm with adequate and timely information about the plans, specifications, and requirements of the contract.
- k. Selected portions of the work to be performed by MWDBE firms in order to increase the likelihood of meeting the contract goals. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MWDBE participation, even when the prime contractor may otherwise perform these work items with its own workforce
- l. Negotiated in good faith with interested MWDBE firms not rejecting them as unqualified without sound reasons based on a thorough investigation of their capabilities. Any rejection should be so noted in writing with a description as to why an agreement could not be reached.
- m. Included documentation of quotations received from interested MWDBE firms which were not used due to uncompetitive pricing or were rejected as unacceptable and/or copies of responses from firms indicating that they would not be submitting a bid.
- n. Bidder has to submit sound reasons why the quotations were considered unacceptable. The fact that the bidder has the ability and/or desire to perform the contract work with its own forces will not be considered a sound reason for rejecting a

MWDBE quote. Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy MWDBE goals.

o. Made an effort to offer assistance to or refer interested MWDBE firms to obtain the necessary equipment, supplies, materials, insurance and/or bonding to satisfy the work requirements of the bid proposal

p. Made efforts to expand the search for MWBE firms beyond the usual geographic boundaries.

q. Other--any other evidence that the bidder submits which may show that the bidder has made reasonable good faith efforts to include MWDBE participation.

Failure to submit any of the documentation requested in this section may be cause for rejection of bid. Bidders may include any other documentation deemed relevant to this requirement. Documentation of Good Faith Efforts are to be submitted with the Bid, if the participation Goal is not met.



MINORITY BUSINESS ENTERPRISE PROGRAM

Marilyn Clark
Minority Business Enterprise Liaison
Division of Central Purchasing
Lexington-Fayette Urban County Government
200 East Main Street
Lexington, KY 40507
mclark@lexingtonky.gov
859-258-3323

OUR MISSION: The mission of the Minority Business Enterprise Program is to facilitate the full participation of minority and women owned businesses in the procurement process and to promote economic inclusion as a business imperative essential to the long term economic viability of Lexington-Fayette Urban County Government.

To that end the city council adopted and implemented resolution 167-91—Disadvantaged Business Enterprise (DBE) 10% Goal Plan in July of 1991. The resolution states in part (a full copy is available in Central Purchasing):

“A Resolution supporting adoption of the administrative plan for a ten percent (10%) Minimum goal for disadvantaged business enterprise participation in Lexington-Fayette Urban County Government construction and professional services contracts; Providing that as part of their bids on LFUCG construction contracts, general Contractors shall make a good faith effort to award at least ten percent (10%) of All subcontracts to disadvantaged business enterprises; providing that divisions of LFUCG shall make a good faith effort to award at least ten percent of their Professional services and other contracts to disadvantaged business enterprises...”

A Disadvantaged Business Enterprise is defined as a business that has been certified as being at least 51% owned, operated and managed by a U.S. Citizen of the following groups:

- African-American
- Hispanic-American
- Asian/Pacific Islander
- Native American/Native Alaskan
- Non-Minority Female
- Economically and Socially Disadvantaged

We have compiled the list below to help you locate certified MBE, WBE and DBE certified businesses. Below is a listing of contacts for LFUCG Certified MWDBEs in Economic Engine (<https://lfucg.economicengine.com>)

Business	Contact	Email Address	Phone
LFUCG	Marilyn Clark	mclark@lexingtonky.gov	859-258-3323
Commerce Lexington – Minority Business Development	Tyrone Tyra	tyra@commercelexington.com	859-226-1625
Tri-State Minority Supplier Diversity Council	Sonya Brown	sbrown@tsmsdc.com	502-625-0137
Small Business Development Council	Dee Dee Harbut UK SBDC	ddharbut@uky.edu	
	Shiree Mack	smack@uky.edu	
Community Ventures Corporation	James Coles	jcoles@cvcky.org	859-231-0054
KY Department of Transportation	Melvin Bynes	Melvin.bynes@ky.gov	502-564-3601
	Shella Eagle	Shella.Eagle@ky.gov	502-564-3601
Ohio River Valley Women’s Business Council (WBENC)	Rea Waldon	rwaldon@gcul.org	513-487-6534
Kentucky MWBE Certification Program	Yvette Smith, Kentucky Finance Cabinet	Yvette.Smith@ky.gov	502-564-8099
National Women Business Owner’s Council (NWBOC)	Janet Harris-Lange	janet@nwbo.org	800-675-5066
Small Business Administration	Robert Coffey	robertcoffey@sba.gov	502-582-5971
LaVoz de Kentucky	Andres Cruz	lavozdeky@yahoo.com	859-621-2106
The Key News Journal	Patrice Muhammad	paatricem@keynewsjournal.com	859-373-9428



LFUCG MWDBE PARTICIPATION FORM

Bid/RFP/Quote Reference # 710-2013

The MWDBE 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.

MWDBE Company, Name, Address, Phone, Email	Work to be Performed	Total Dollar Value of the Work	% Value of Total Contract
1. FCI is 100% DBE			
2.			
3.			
4.			

The undersigned company representative submits the above list of MWDBE 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.

Free Contracting, Inc

Company

6-20-13

Date

Company Representative

President

Title



LFUCG MWDBE SUBSTITUTION FORM

Bid/RFP/Quote Reference # 70-2013

The substituted MWDBE 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 MWDBE Company Name, Address, Phone, Email	MWDBE 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. N/A	FCI	is 100%	DBE		
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.

Free Contracting, Inc
Company

[Signature]
Company Representative

6-20-13
Date

President
Title



MWDBE QUOTE SUMMARY FORM

Bid/RFP/Quote Reference # 76-2013

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

Company Name	Contact Person
Address/Phone/Email	Bid Package / Bid Date

MWDBE 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
FCI is 100% DBE							

(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.

Free Contracting, Inc
 Company
6-20-13
 Date

[Signature]
 Company Representative
President
 Title



LFUCG SUBCONTRACTOR MONTHLY PAYMENT REPORT

The LFUCG has a 10% goal plan adopted by city council to increase the participation of minority and women owned businesses in the procurement process. In order to measure that goal LFUCG will track spending with MWDBE 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

LFUCG STATEMENT OF GOOD FAITH EFFORTS

Bid/RFP/Quote # Eaton Park Sanitary Sewer Imp.

By the signature below of an authorized company representative, we certify that we have utilized the following Good Faith Efforts to obtain the maximum participation by MWDBE business enterprises on the project and can supply the appropriate documentation.

N/A

FCI is
100% DBE

- Advertisised opportunities to participate in the contract in at least two (2) publications of general circulation media; trade and professional association publications; small and minority business or trade publications; and publications or trades targeting minority, women and disadvantaged businesses not less than fifteen (15) days prior to the deadline for submission of bids to allow MWDBE firms to participate.
- Included documentation of advertising in the above publications with the bidders good faith efforts package
- Attended LFUCG Central Purchasing Economic Inclusion Outreach event
- Attended pre-bid meetings that were scheduled by LFUCG to inform MWDBEs of subcontracting opportunities
- Sponsored Economic Inclusion event to provide networking opportunities for prime contractors and MWDBE firms
- Requested a list of MWDBE subcontractors or suppliers from LFUCG Economic Engine and showed evidence of contacting the companies on the list(s).
- Contacted organizations that work with MWDBE companies for assistance in finding certified MWBDE firms to work on this project. Those contacted and their responses should be a part of the bidder's good faith efforts documentation.
- Sent written notices, by certified mail, email or facsimile, to qualified, certified MWDBEs soliciting their participation in the contract not less that seven (7) days prior to the deadline for submission of bids to allow them to participate effectively.
- Followed up initial solicitations by contacting MWDBEs to determine their level of interest.
- Provided the interested MWBDE firm with adequate and timely information about the plans, specifications, and requirements of the contract.
- Selected portions of the work to be performed by MWDBE firms in order to increase the likelihood of meeting the contract goals. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MWDBE participation, even when the prime contractor may otherwise perform these work items with its own workforce

- _____ Negotiated in good faith with interested MWDBE firms not rejecting them as unqualified without sound reasons based on a thorough investigation of their capabilities. Any rejection should be so noted in writing with a description as to why an agreement could not be reached.

- _____ Included documentation of quotations received from interested MWDBE firms which were not used due to uncompetitive pricing or were rejected as unacceptable and/or copies of responses from firms indicating that they would not be submitting a bid.

- _____ Bidder has to submit sound reasons why the quotations were considered unacceptable. The fact that the bidder has the ability and/or desire to perform the contract work with its own forces will not be considered a sound reason for rejecting a MWDBE quote. Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy MWDBE goals.

- _____ Made an effort to offer assistance to or refer interested MWDBE firms to obtain the necessary equipment, supplies, materials, insurance and/or bonding to satisfy the work requirements of the bid proposal


- _____ Made efforts to expand the search for MWBE firms beyond the usual geographic boundaries.

- _____ Other - any other evidence that the bidder submits which may show that the bidder has made reasonable good faith efforts to include MWDBE participation.

Failure to submit any of the documentation requested in this section may be cause for rejection of bid. Bidders may include any other documentation deemed relevant to this requirement. Documentation of Good Faith Efforts are to be submitted with the Bid, if the participation Goal is not met.

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

Free Contracting, Inc
 Company
6-20-13
 Date


 Company Representative
General Superintendent
 Title

8. **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.

9. STATEMENT OF EXPERIENCE

NAME OF INDIVIDUAL: See Attached

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

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.)

Rhonda W. Fister, PE
President

Years of Experience: 28

Years with Firm: 20

Education

B.S., Civil Engineering, University of Kentucky; 1985

B.S., Physics, Eastern Kentucky University; 1984

Registration

Professional Engineer, KY

Experience

Ms. Fister has 28 years of engineering, surveying and construction experience. She has served as project manager, project engineer, and construction project superintendent for a broad range of heavy construction related projects. Ms. Fister has been a senior officer of a construction company for approximately 20 years, President of Free Contracting since its incorporation in 1993. She has been involved in project management for projects involving various local municipalities, governments, engineering firms and the EPA. Projects encompass grade, drain and surfacing, storm sewer construction, sanitary sewer construction and rehab, dam construction and repairs, engineering and design, surveys, construction stakeout and storm sewer design.

Construction

As project engineer or prime contractor, Ms. Fister was involved in the construction of the following projects:

- Nicholasville By-Pass, box culverts, 2 railroad bridges, 5 miles grade, drain and surfacing, new construction, KDOT; Nicholasville, Kentucky
- South Broadway Underpass, railroad bridge, grade, drain and surfacing, storm and sanitary sewer relocation, anchor tie back concrete retaining wall, KDOT; Lexington, KY
- Russell Cave Road Reconstruction, 3 miles grade, drain and surfacing, KDOT; Lexington, KY
- West Hickman Bridge, bridge construction, Man-O-War Boulevard, KDOT; Lexington, KY
- Man-O-War Boulevard Widening, 4 miles grade, drain and surfacing, KDOT; Lexington, KY
- Sungold Ditch Drainage Improvements, MSD; Louisville, Kentucky
- Lexington Community College Drainage Improvement, UK; Lexington, Kentucky
- Watsonville Road Sanitary Collectors, MSD; Louisville, Kentucky
- Irvine Pump Stations, City of Irvine; Irvine, Kentucky
- KY 177 Landslide Correction, KDOT; Morning View, Kentucky
- Blue Lick State Park, retaining wall, grade, drain and surface, KDOT; Robertson Co., KY
- Linkbelt, grade and drain; Lexington, Kentucky
- St. Luke Methodist Church; Lexington, Kentucky
- Suburban Mobile Home Park Expansion; Lexington, Kentucky
- Grant Co., Grade and Drain, KDOT; Dry Ridge, Kentucky
- Crestview Sanitary Sewer; Nicholasville, Kentucky
- Scott Co., Grade and Drain, KDOT; Georgetown, Kentucky
- West Hickman Trunk Sewer, Sanitary Sewer Rehabilitation, LFUCG; Lexington, KY
- Boston Rd./Halifax Drive, Sanitary Sewer, LFUCG; Lexington, KY
- Scott Co., Water Line; Georgetown, KY
- Bluegrass Mental Health, Sanitary Sewer; Lexington, KY
- Coldstream Park, Jogging Path, Lexington, KY.
- Dorseyville, Waterline, Carlisle, KY.
- Miller St. Redevelopment, Grade, Drain, Surface, Millersburg, KY.

- Limestone/Short Street Redevelopment, Lexington, KY.
- Water Service for Indoor Recreation Center, Georgetown, KY.
- 2000 Sanitary Sewer Manhole Rehab, Georgetown, KY
- Cherry Blossom Pump Station, Georgetown, KY
- North Elkhorn Watershed Sanitary Trunk Sewer, Lexington, KY
- Laco Drive Roadway Improvements, Lexington, KY
- Quality Dr./McClellan Circle Entrance Improvements and Signalization, Georgetown, KY
- Nelson, Co., KDOT, Grade and Drain, New Haven, KY
- Logston Lane Roadway Improvements, Berea, KY
- Winburn Estates Sewer Addition, Lexington, KY
- Boyd Co., US 60, Grade, Drain and Asphalt Surface, Ashland, KY
- Mammoth Cave National Park, Storm Filters, Mammoth Cave, KY
- Bourbon/Montgomery Co., Scour Mitigation, Jeffersonville, KY
- Frankfort Wastewater Treatment Plant Improvements, Frankfort, KY 40601
- Emergency Guide Walls Repairs Lock & Dam #6 – Kentucky River; Woodford County, KY
- Emergency Abutment Repairs Kentucky River Lock & Dam #3; Owen County, KY
- Morehead - Olive Hill Road (US 60) Replace Bridge and Approaches at Fleming Fork - Grade, Drain, and surfacing, KDOT; Carter County, KY
- Water Treatment Plant Improvements Lagoon Expansion and Effluent Relocation; Augusta, KY
- Pump Station Improvements Southwestern Bracken County Water Project; Bracken County, KY
- Emergency Guide Wall Repair on KY river at Lock #6 Woodford, KY
- Lock and Dam #3 Owen, KY
- Evans Mill Drainage Improvements Lexington, KY
- Stoney Point Road Bridge Replacement North Middletown, KY
- Huguelet Drive Extension at UK Lexington, KY
- Lower Glendover West Drainage Improvements Lexington, KY
- KY Horse Park Utility Relocation Lexington, KY
- Lake Dredging at Natural Bridge State Park Powell Co, KY
- Woodford Co. Rockfall Correction, KDOT Versailles, KY
- Pigeon Roost Creek Watershed FRS #3 McKee, KY
- Fox Creek MPS #4 Flemingsburg, KY
- Mammoth Cave Filter Replacement Mammoth Cave, KY
- Culvert Extension, MSU Morehead, KY
- Bel-Air Sanitary Sewer Winchester, KY
- Soccer Field & Access Rd., MSU Morehead, KY

Design

As project engineer or project manager, Ms. Fister was involved with preliminary and final design and construction plans, final right of way, field surveys, cost estimates, specifications, and/or reports for the following projects:

- 14 miles of AA Highway, Kentucky
- Various I-75 Slope Stabilizations, Kentucky
- Various I-71 Slope Stabilizations, Kentucky
- Bridge Replacement, Berry, Kentucky
- Bridge Replacement, 1132 Eagle Creek, Grant Co., Kentucky

Materials

As project engineer, Ms. Fister was involved with the inspection, testing and approval of all materials and their suppliers used in KDOT projects.

- Bituminous materials, plant inspection, mix design, laboratory and field testing of asphalt mixtures
- Concrete materials testing and approval
- Cement materials testing and approval
- Aggregate materials testing and approval
- Soils testing

Martin D. Fister, PE, PLS
General Superintendent
Years of Experience: 39
Years with Firm: 19

Education

B.S., Civil Engineering, University of Kentucky, 1977

Registration

Professional Engineer, KY
Professional Land Surveyor, KY

Experience

Mr. Fister has 39 years of engineering, surveying and construction experience throughout the southeastern United States. He has served as project manager, project engineer, project surveyor, and construction project superintendent for a broad range of projects. His responsibilities have also included preliminary engineering design; evaluation of design alternatives; construction cost estimates; engineering surveys; final engineering design; planning; construction stakeout; site development; Projects have ranged upwards of \$5,000,000.

As prime contractor or project superintendent, Mr. Fister was deeply involved in the construction phase of the following projects:

- Man-O-War Gabion Drainage Improvements Lexington, KY
- 1990 Sanitary Sewer Rehabilitation Lexington, KY
- Phillips Lighting Storm Sewer Rehabilitation Danville, KY
- Thoroughbred Park Storm Sewers Lexington, KY
- Masterson Station Park Equipment Installation Lexington, KY
- Southland Drive Sanitary Sewers Lexington, KY
- Versailles Road Sanitary Sewers Lexington, KY
- Parkers Mill Road Grade and Drain Lexington, KY
- 1991 Sanitary Sewer Rehabilitation Lexington, KY
- Higbee Mill Sewage Treatment Plant Lexington, KY
- 1992 Sanitary Sewer Rehabilitation Lexington, KY
- Group 'B' Storm Sewers Construction Lexington, KY
- Coldstream Farm Pump Station Rehabilitation Lexington, KY
- Roll Call Center Pump Station, Force Main, Lexington, KY
- Henry Clay Boulevard Storm Sewers Lexington, KY
- Clays Mill Pump Station Lexington, KY
- 1993 Sanitary Sewer Rehabilitation Lexington, KY
- 1993 Lexington Manhole Rehabilitation Lexington, KY
- Stadium Bleacher Replacement Richmond, KY
- Alumni Drive Storm Drainage Lexington, KY
- Gainsborough Farm Phase III Waterlines Versailles, KY
- Sungold Ditch Drainage Improvements Louisville, KY
- Kentucky 144 Interceptor Sanitary Sewer Relocation Lawrenceburg, KY
- Lexington Community College Drainage Improvements Lexington, KY
- Watsonville Road Sanitary Collectors Louisville, KY
- HWEA Waterline Extension Hopkinsville, KY
- Irvine Kentucky Pump Stations Irvine, KY
- Kenton County, Grade and Drain, KDOT Morning View, KY

- Blue Lick State Park Parking Lot Construction, KDOT Carlisle, KY
- Linkbelt Factory Expansion Lexington, KY
- Suburban Mobile Home Park Expansion; Lexington, KY
- Grant County, Grade and Drain, KDOT Dry Ridge, KY
- Crestview Sanitary Sewer Construction Nicholasville, KY
- US 25 in Scott Co.; road reconstruction Georgetown, KY
- KY Turf Irrigation Lake Construction Lexington, KY
- West Hickman Sanitary Trunk Sewer, LFUCG Lexington, KY
- Boston Road/Halifax Drive Sanitary Sewers, LFUCG Lexington, KY
- Scott County Water Line Georgetown, KY
- Bluegrass Mental Health; Sanitary, asphalt, curb Lexington, KY
- Coldstream Park Jogging Path Lexington, KY
- Indoor Recreation Center, water 16" DIP Georgetown, KY
- Cherry Blossom Pump Station Georgetown, KY
- Dorseyville; waterline, asphalt, curb Carlisle, KY
- Limestone/Short Street Renovations; Lexington, KY
- 2000 San. Sewer Rehab Georgetown, KY
- North Elkhorn Watershed San. Sewer Lexington, KY
- Laco Dr. Roadway Improvements Lexington, KY
- Quality Dr./McClellan Circle Entrance and Signals Georgetown, KY
- Nelson Co., KDOT; sanitary, storm, asphalt, curbs, walls New Haven, KY
- Logston Lane Roadway Improvements; Sanitary, storm, asphalt, curb Berea, KY
- Winburn Estates Sewer Addition; Lexington, KY
- Boyd Co., KDOT; sanitary, storm, asphalt, curbs, walls Ashland, KY
- Mammoth Cave National Park, Stormfilters Mammoth Cave, KY
- Bourbon/Montgomery Co, Scour Mitigation Jeffersonville, KY
- Frankfort Wastewater Treatment Plant Improvements Frankfort, KY
- Emergency Guide Wall Repairs Lock & Dam #6 Versailles, KY
Kentucky River, Woodford County
- Emergency Abutment Repairs Kentucky River Monterey, KY
Lock & Dam #3, Owen County
- Morehead - Olive Hill Road (US 60) Replace Bridge Morehead, KY
And Approaches at Fleming Fork, KDOT; Carter County
- Water Treatment Plant Improvements Lagoon Expansion Augusta, KY
And Effluent Relocation
- Pump Station Improvements Southwestern Bracken Brooksville, KY
County Water Project
- Morehead-Olive Hill Rd at Fleming Fork Creek Carter, KY
- Emergency Guide Wall Repair on KY river at Lock #6 Woodford, KY
- The Downs Subdivision Boone, KY
- Evans Mill Drainage Improvements Lexington, KY
- Stoney Point Road Bridge Replacement North Middletown, KY
- Huguelet Drive Extension at UK Lexington, KY
- Lower Glendover West Drainage Improvements Lexington, KY
- KY Horse Park Utility Relocation Lexington, KY
- Lake Dredging at Natural Bridge State Park Powell Co, KY
- Temporary Emergency Entrance at UK Lexington, KY
- Woodford Co. Rockfall Correction Versailles, KY
- Pigeon Roost Creek Watershed FRS #3;earthfill dam McKee, KY
- Old Frankfort Pike Roundabout Lexington, KY
- Main Licking River Raw Water Intake Improvements Cynthiana, KY
- Locust Trace Agri-Science Farm Lexington, KY

- Perimeter Fencing Capital City Airport Frankfort, KY
- Fox Creek MPS #4 Flemingsburg, KY
- Mammoth Cave Filter Replacement Mammoth Cave, KY
- Culvert Extension, MSU Morehead, KY
- Bel-Air Sanitary Sewer Winchester, KY
- Soccer Field & Access Rd., MSU Morehead, KY

Work Related Education

Work Zone Flagger
KY Erosion Prevention and Sediment Control Program
Inspector and Testing Course
OSHA 30 hour General Industry Course
Fire Extinguisher Education
Jobsite Accident Prevention
Proper Lifting Techniques
Proper Selection, Use and Maintenance of PPE
Competent Person Training
Construction Quality Management for Contractors with the
U.S. Army Corps of Engineers
CPR
First Aid
Bloodborne Pathogens

Amy L. Frebis
Business Manager

Years of Experience: 23

Years with Firm: 16

Education

B.A., Middle School Education, Morehead State University, 1995

A.S., Maysville Community College, 1991

Experience

Ms. Frebis has 22 years of experience in business and management positions. She has been Business Manager for Free Contracting Inc. for the past 15 years. Her experience is varied and involves business, financial and project management. She is experienced in acquisition of applicable permits, coordination with governing agencies, material suppliers, subcontractors and engineering firms. Her role is key from project startup to completion.

Project Experience

- Lexington Community College Drainage Improvement, UK; Lexington, Kentucky
- Watsonville Road Sanitary Collectors, MSD; Louisville, Kentucky
- Irvine Pump Stations, City of Irvine; Irvine, Kentucky
- KY 177 Landslide Correction, KDOT; Morning View, Kentucky
- Blue Lick State Park, retaining wall, grade, drain and surface, KDOT; Robertson Co., KY
- Linkbelt, grade and drain; Lexington, Kentucky
- St. Luke Methodist Church; Lexington, Kentucky
- Suburban Mobile Home Park Expansion; Lexington, Kentucky
- Grant Co., Grade and Drain, KDOT; Dry Ridge, Kentucky
- Crestview Sanitary Sewer; Nicholasville, Kentucky
- Scott Co., Grade and Drain, KDOT; Georgetown, Kentucky
- West Hickman Trunk Sewer, Sanitary Sewer Rehabilitation, LFUCG; Lexington, KY
- Boston Rd./Halifax Drive, Sanitary Sewer, LFUCG; Lexington, KY
- Scott Co., Water Line; Georgetown, KY
- Bluegrass Mental Health, Sanitary Sewer; Lexington, KY
- Coldstream Park, Jogging Path, Lexington, KY.
- Dorseyville, Waterline, Carlisle, KY.
- Miller St. Redevelopment, Grade, Drain, Surface, Millersburg, KY.
- Limestone/Short Street Redevelopment, Lexington, KY.
- Water Service for Indoor Recreation Center, Georgetown, KY.
- 2000 Sanitary Sewer Manhole Rehab, Georgetown, KY
- Cherry Blossom Pump Station, Georgetown, KY
- North Elkhorn Watershed Sanitary Trunk Sewer, Lexington, KY
- Laco Drive Roadway Improvements, Lexington, KY
- Quality Dr./McClellan Circle Entrance Improvements and Signalization, Georgetown, KY
- Nelson, Co., KDOT, Grade and Drain, New Haven, KY
- Logston Lane Roadway Improvements, Berea, KY
- Winburn Estates Sewer Addition, Lexington, KY
- Boyd Co., US 60, Grade, Drain and Asphalt Surface, Ashland, KY
- Mammoth Cave National Park, Storm Filters, Mammoth Cave, KY
- Bourbon/Montgomery Co., Scour Mitigation, Jeffersonville, KY
- Frankfort Wastewater Treatment Plant Improvements, Frankfort, KY 40601
- Emergency Guide Walls Repairs Lock & Dam #6 – Kentucky River; Woodford County, KY
- Emergency Abutment Repairs Kentucky River Lock & Dam #3; Owen County, KY

- Morehead - Olive Hill Road (US 60) Replace Bridge and Approaches at Fleming Fork - Grade, Drain, and surfacing, KDOT; Carter County, KY
- Water Treatment Plant Improvements Lagoon Expansion and Effluent Relocation; Augusta, KY
- Pump Station Improvements Southwestern Bracken County Water Project; Bracken County, KY
- Emergency Guide Wall Repair on KY river at Lock #6; Woodford, KY
- Lock and Dam #3; Owen, KY
- Evans Mill Drainage Improvements; Lexington, KY
- Stoney Point Road Bridge Replacement; North Middletown, KY
- Huguelet Drive Extension at UK; Lexington, KY
- Lower Glendover West Drainage Improvements; Lexington, KY
- KY Horse Park Utility Relocation; Lexington, KY
- Lake Dredging at Natural Bridge State Park; Powell Co, KY
- Woodford Co. Rockfall Correction, KDOT; Versailles, KY
- Pigeon Roost Creek Watershed FRS #3; McKee, KY
- Old Frankfort Pike Roundabout; Lexington, KY
- Main Licking River Raw Water Intake Improvements; Cynthiana, KY
- Locust Trace Agri-Science Farm; Lexington, KY
- Perimeter Fencing Capital City Airport; Frankfort, KY
- Fox Creek MPS #4; Flemingsburg, KY
- Mammoth Cave Filter Replacement, Mammoth Cave, KY
- Culvert Extension, MSU, Morehead, KY
- Bel-Air Sanitary Sewer, Winchester, KY
- Soccer Field & Access Rd., MSU, Morehead, KY

10. 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

Free Contracting, Inc
Name of Business

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

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

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

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

The Act further provides:

KRS 45.610. Hiring minorities – Information required

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

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

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

KRS 45.630 Termination of existing employee not required, when

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

KRS 45.640 Minimum skills

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

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

11. EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION POLICY

It is the policy of Free Contracting, Inc

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

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

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

12. WORKFORCE ANALYSIS FORM

Name of Organization: Free Contracting, Inc Date: 6/20/13

Categories	Total	White		Black		Other		Total	
		M	F	M	F	M	F	M	F
Administrators	See Attached								
Professionals									
Superintendents									
Supervisors									
Foremen									
Technicians									
Protective Service									
Para-Professionals									
Office/Clerical									
Skilled Craft									
Service/Maintenance									
Total:									

Prepared By: Amy Febbia

Workforce Analysis Form

Free Contracting Inc.	Total	White		Black		Other		Total	
		M	F	M	F	M	F	M	F
Administrators									
Professionals		1	1					1	1
Superintendents		1						1	
Supervisors									
Foreman									
Technicians									
Protective Service									
Para-Professionals									
Office/Clerical		1	1					1	1
Skilled Craft									
Laborer		3						3	
Service/Maintenance		1						1	
Total	0	7	2	0	0	0	0	7	2

14. DEBARRED FIRMS

PROJECT NAME: Eaton Park Sanitary Sewer Improvements
BID NUMBER: 76-2013

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 Free Contracting, Inc has not and will not award a subcontract, in connection with any contract awarded 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.

Free Contracting, Inc
Name of Firm Submitting Bid


Signature of Authorized Official

President
Title

6-20-13
Date

15. 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: Free Contracting, Inc

Project: Ecton Park Sanitary Sewer Improvements

Printed Name and Title of Authorized Representative: Rhonda Fister, President

Signature: 

Date: 6-20-13

END OF SECTION

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: Free Contracting Inc Rhonda Fister President

Employee ID: 61-1245075

Address: 1620 Old Frankfort Pike, Lexington, KY 40504-1014

Phone: (859) 255-2236

Project to be insured: Eaton Park Sanitary Sewer Improvements

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 Aggregate	Cincinnati Insurance	A+	XV
SC-3, Section 2, Part 4.1 - see provisions	AUTO	\$2,000,000/per occ.	\$1,000,000 CSL & \$4,000,000 Umbrella	Cincinnati Insurance	A+	XV
SC-3, Section 2, Part 4.1 - see provisions	WC	Statutory w/ endorsement as noted	\$ STATUTORY EL-\$4,000,000	KY Associated General Contractors	Self Insurer's Fund	N/A

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

PWM a division of J. Smith Lanier & Co.
Agency or Brokerage

Kevin Kelly

Name of Authorized Representative

360 E Vine St
Street Address

Vice-President

Title

Lexington KY 40507
City State Zip

Kevin Kelly
Authorized Signature

(859) 254-8023
Telephone Number

6/12/13
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.



AIA Document A310

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that we **Free Contracting, Inc.**, 1620 Old Frankfort Pike, Lexington KY 40504

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 Obligee, hereinafter called the **Obligee**, in the sum of **Five Percent of Amount Bid**

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. Dollars (\$ 5% of Bid),

WHEREAS, the Principal has submitted a bid for **Ecton Park Sanitary Sewer Improvements Project**

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

Signed and sealed this 20th day of June 2013

Amy Furbis
(Witness)

Ashley Draper
(Witness)

Free Contracting, Inc.
(Principal) (Seal)
M. J. Fitch
(Title) Gen. Supt.

Ohio Farmers Insurance Company
(Surety) (Seal)
Mackenzie A. Huston
Mackenzie A. Huston, Attorney-In-Fact (Title)



AIA Document A310

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that we **Free Contracting, Inc., 1620 Old Frankfort Pike, Lexington KY 40504**

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 Obligee, hereinafter called the Obligee, in the sum of **Five Percent of Amount Bid**

Dollars (**\$ 5% of Bid**),

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 **Ecton Park Sanitary Sewer Improvements Project**

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

Signed and sealed this **20th** day of **June** **2013**

Amy Fiebis
(Witness)

Ashley Draper
(Witness)

Free Contracting, Inc.

{ *M. J. Fiebis* (Principal) (Seal)
Gen. Supt.
(Title)

Ohio Farmers Insurance Company

{ *Mackenzie A. Huston* (Surety) (Seal)
Mackenzie A. Huston, 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
SANDY Q. BLACK, CHRIS P. BARNETT, TERESA L. JOHNS, MACKENZIE A. HUSTON, JOINTLY OR SEVERALLY

of **LEXINGTON** and State of **KY** 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 **06th** day of **NOVEMBER** A.D., **2012**.

Corporate
Seals
Affixed



WESTFIELD INSURANCE COMPANY
WESTFIELD NATIONAL INSURANCE COMPANY
OHIO FARMERS INSURANCE COMPANY

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

State of Ohio
County of Medina ss.:

On this **06th** day of **NOVEMBER** 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
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 **20th** day of **June** A.D., **2013**.



Frank A. Carrino
Frank A. Carrino, Secretary