

ATTACHMENT A
to the GRANT AWARD AGREEMENT between
Lexington-Fayette Urban County Government (LFUCG) and
The Living Arts and Science Center, Inc.

GRANT PROGRAM: FY2014 Stormwater Quality Projects Incentive Grant Program
Class B Infrastructure Projects

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

PROJECT TEAM AND CONTACT INFORMATION

Grantee Organization and Property Owner: **The Living Arts & Science Center, Inc.**
362 N. Martin Luther King Blvd.
Lexington, KY 40508
KY Organization #: 0031623

AKL
4-11-16

Project Site Location: **The Living Arts & Science Center, Inc.**
362 N. Martin Luther King Blvd.
Lexington, KY 40508
PVA #12105640

Project Primary Contact and Project Manager: **Heather Lyons**
859-252-5222 (phone)
HLyons@LASCLEX.org (email)

Secondary Project Contact: **Andrea Ooten**
859-252-5222 (phone)
AOoten@LASCLEX. (email)

Design Engineering Firms: **de Leon & Primmer Architecture Workshop**
117 South Shelby Street
Louisville, KY 40202
502-582-6295 (phone)
Lindsey Stoughton – Primary Firm Contact
stoughton@deleon-primmer.com (email)

CARMAN
310 Old Vine Street
Lexington, KY 40507
Chris Howard – Firm Contact
859-254-9803 (phone)
chris@carman-site.com (email)

PROJECT PLAN ELEMENTS

This grant provides supplemental funding of green infrastructures elements related to a redevelopment and expansion of the LASC facilities. LASC received a Class B Incentive Grant in FY2012 for \$60,440.00 to replace a portion of an existing parking lot with permeable pavers (approximately 5,400 sf). This grant provides additional funding toward the paver amount from FY 2012. This grant is a Construction Only Incentive Grant. The Grantee Organization has chosen to perform Feasibility and Design portions of the project using their own funds unrelated to the grant. Realizing there are other significant improvements to the site proposed as part of an overall site restoration and expansion, the items listed below pertain to the grant-funded portions of the project.

1) STORMWATER CONTROL FACILITIES DESIGN:

All improvements shall be located on the property at 362-364 N. Martin Luther King Blvd., Lexington, Kentucky 40508 owned by the Organization. No other property or Right-of-Way shall be disturbed without the written permission from the property owners.

This project element includes design of the grant funded stormwater control facilities at the specified site location. The proposed facilities are listed below. Alterations to these elements can be made in consultation with the LFUCG Grant Manager.

- a. Removal of existing asphalt parking lot and retrofit with approximately 1,240 sf of permeable interlocking concrete pavers.

Design of the grant funded improvements shall also account for the following stipulations:

- Refer to the LFUCG *Stormwater Management Low Impact Development Guidelines for New Development and Redevelopment* for additional guidance.
- The permeable pavement system shall be designed in such a way as to meet the LFUCG definition for an Engineered Pervious Surface (i.e. the design shall follow standard engineering principles and practices for permeable pavements).
- Note that the Grant shall not be used to fund any project element that is required by local, state or federal regulation in relation to any new development occurring on-site in conjunction with this project.
- The permeable pavement system shall not be installed within 10 feet horizontally of any sanitary sewer line.
- Only open-graded (e.g. single-sized), certified washed stone is allowed for the subgrade. The Aggregate specification in the design documents shall meet or exceed the following: *“All Base and Bedding aggregates shall be washed with less than 2% passing the No. 200 sieve and certified as clean. Certifications shall be provided to the Engineer or Owner prior to unloading on site”*
- Water shall not be allowed to discharge onto a public sidewalk either directly via a pipe or from seepage coming from the stone base.
- All existing utilities shall be located and existing utilities easements, adjacent property lines, and Rights-of-Way shall be shown on the design plans. If any work is proposed to occur within any easement (i.e. utility, etc.), whether public or private, the Organization shall obtain all necessary encroachment agreements for the authorized agencies prior to the start of construction.

- Any work proposed within or on public right-of-way, easement, or LFUCG-owned property will require one or more permits or approvals. This includes installation permits for connection into any existing curb inlet or stormwater manhole located within public right-of-way. Please contact the appropriate staff:

Environmental Policy (street trees), Tim Queary – tqueary@lexingtonky.gov
Engineering, Hillard Newman – hnewman@lexingtonky.gov (New Development); Dan Kiser – dkiser2@lexingtonky.gov (right-of-way)
Sanitary Sewers, Rod Chervus – rchervus@lexingtonky.gov
Stormwater, Greg Lubbeck – glubbeck@lexingtonky.gov

- The Design Professional shall meet with the LFUCG Grant Manager and Grant Program Administrator for at least three meeting during the design phase:

- Prior to the start of the design
- At the completion of approximately 50% design
- At the 95% completion of the design documents

The Design Professional shall provide a copy of the preliminary plans (working drawings) and specifications (if available) representing 50% and 95% completion. These submittals shall be used to assist LFUCG staff in understanding the project components and allow for feedback to ensure the Government’s funds shall be utilized for sustainable and effective infrastructure.

- All federal, state, and local permits, approvals, and agreements required for construction of the proposed improvements shall be obtained prior to the start of construction. If the timing of construction is such that a permit may expire before construction can be completed, then the Organization shall coordinate with the LFUCG Grant Manager and permitting agencies on appropriate timing for permit submittals. The Organization is fully responsible to determine which approvals, permits, and encroachments are required for the project.
- Erosion and sediment control and traffic control measures shall be designed to meet all standards and follow guidelines in the LFUCG Engineering Manuals, and shall be shown on the design plans with appropriate notes.
- Care shall be taken not to direct areas with high sediment loads onto the pavement, as this could result in blockages and reduced performance.
- Area draining into the pervious pavement area shall be maximized while ensuring the design does not cause groundwater seepage into the basement.

2) STORMWATER CONTROL FACILITIES CONSTRUCTION:

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

- Construction of grant funded improvements shall not begin until all permits, approvals, agreements, etc. are obtained and copies provided to the LFUCG Grant Manager.
- All existing utilities shall be located, contacted, and coordinated with prior to any work being performed.
- The Erosion and Sediment Control Plan shall be provided to LFUCG for review and comment. The LFUCG Land Disturbance Permit shall be obtained by the contractor after placement of the ESC and traffic control measures.
- Failure to place acceptable erosion and sediment control measures into service prior to start of construction will result in shut-down of the job site until the measures are put in place. Construction practices shall be put in place to prevent the illicit discharge of sediment, dirt, sand, fluids, trash, and any other pollutant into the Municipal Separate Storm Sewer System or Waters of the Commonwealth.
- The Organization shall host a pre-construction meeting with all parties. The LFUCG Grant Manager shall be invited to this inspection and given 5 days notice.
- The Organization is responsible to provide all construction oversight, administration, and daily inspection. LFUCG shall not provide these services.
- The Organization shall document construction by taking before, during, and after photographs.
- Once construction is complete, a final walk-thru inspection shall be performed. The LFUCG Grant Manager shall be invited to this inspection and given 5 days notice. If punch-list items are identified, a second inspection shall be performed once those items are resolved, and the LFUCG Grant Manager shall be invited to this inspection and given 3 days notice.
- The Organization agrees to enter into the *Maintenance Agreement* included in Attachment B of the Grant Award Agreement within 21 calendar days of the final (post punch-list) inspection. This Agreement shall be recorded by LFUCG at the Fayette County Clerk's office.

REPORTING REQUIREMENTS

- 1) At the end of the Design phase, the Organization shall submit to the LFUCG Grant Manager:
 - Set of all final design calculations;
 - Set of final construction plans, including traffic control, erosion and sediment control, grading plans, etc.;
 - Set of final specifications and bidding documents (if applicable);
 - Final detailed engineer's construction cost estimate including quantities;
 - All required local, state, or federal permit submittals and approvals, public or private encroachments etc.
 - Inspection, Operation, and Maintenance Plan laying out the plan for regular inspection and maintenance of each proposed facility for design performance and safety in accordance with manufacturer's specifications and the Government's Stormwater Manual.
- 2) If the project is to be competitively bid, the selected contractor's unit price contract/bid list shall be provided to the LFUCG Grant Manager prior to the start of construction.
- 3) If the project is not competitively bid, the selected contractor's unit price contract shall be provided to the LFUCG Grant Manager prior to the start of construction, along with a justification for any derivations from the engineer's construction cost estimate.
- 4) If, during construction, the contractor requests a deviation or addition to the quantities or costs in the construction contract, the LFUCG Grant Manager shall be notified within 2 business days. Additions or modifications to the project that are not directly related to the intended and correct function of the stormwater control project elements as described in the Project Plan Elements listed above are not eligible for Grant reimbursement. Therefore, the Organization is advised that it should coordinate closely with the LFUCG Grant Manager during construction to ensure the work being performed is in compliance with this Agreement. Note that per the Grant Award Agreement all over-runs that result in the project costs exceeding the Grant amount are the responsibility of the Organization.
- 5) After construction is completed, the Project Final Report shall include copies of the following:
 - Summary of final construction costs and quantities.
 - Copies of all federal, state, and local permits obtained for the project (if not previously provided).
 - Record Drawing showing all field changes, and signed and sealed by the professional of record certifying the project as shown meets all original design intent.
 - Copies of final inspection minutes, punchlists, etc.
 - Photo documentation of site conditions and improvements before, during, and after construction.
- 6) LFUCG shall make final payment of the 10% retainer after acceptance of the Project Final Report.

EDUCATIONAL OPPORTUNITIES

- 1) On an on-going basis, the LASC is engaged in teaching and demonstrating environmental and ecological education through numerous programs and presentations to over 40,000 individual annually.
- 2) The permeable pavers will provide a functional, demonstrable and visual BMP for the tens of thousands of visitors to the LASC each year. In addition to being used as a parking surface, the permeable pavers will be utilized and accessible for outdoor programming such as for Discovery Night programs, environmental workshops, Fayette County Public Schools Science Explorers and Urban Ecology programs, and field trip programs.

PERMANENT FACILITIES/INFRASTRUCTURE

Ownership: All improvements shall be the property of the owner of 362-364 N. Martin Luther King Blvd., Lexington, Kentucky 40508 (PVA #12105640), currently owned by the Organization. No other property or Right-of-Way shall be disturbed.

Future Inspection and Maintenance: The Organization (and/or Property Owner) agrees to sign and abide by the terms of the *Maintenance Agreement for Stormwater Control Facilities* included as Attachment B to the Grant Award Agreement. This Agreement shall be recorded by LFUCG at the Fayette County Clerk's office.

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

GRANT PERIOD & PROJECT SCHEDULE

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

TABLE 1. PROJECT SCHEDULE

Activity	Anticipated Date
Notice to Proceed	May 2014
Design Phase Submittal to LFUCG	Summer 2014
Site Demo, Clearing & Grading, and Construction	2014-2015
Final walk-thru	2015
Project Final Report	2015
Final Payment (10% retainer)	After receipt final report

PROJECT BUDGET – GRANT ELIGIBLE EXPENSES

The Grant budget is broken into the following components:

- 1. Feasibility Phase: \$ 0.00
 - 2. Design Phase: \$ 0.00
 - 3. Construction Phase: \$ 13,893.00
- \$ 13,893.00 Total Grant Amount**

As a FY2014 Class B Infrastructure Construction Only grant, no match is required.

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

- Due to the critical timing of improvements, eligible expenses may be incurred beginning July 1, 2014.

The Grant is a not-to-exceed amount, and any cost overruns are the responsibility of the Grantee.

Eligible Expenses

The following types of expenses are Eligible Expenses for grant reimbursement:

- 1. Removal of existing impervious asphalt parking lot and retrofit with Permeable Interlocking Concrete Pavers (Approximately 1,240 sf).

Note that the Grant shall not be used to fund any project element that is required by local, state or federal regulation in relation to any new development occurring on-site in conjunction with this project.