

PART III

Invitation to Bid No. 21-2012

Wolf Run Pump Station Relocation  
Contract A – Pump Station

2012

1. FORM OF PROPOSAL

Place: Lexington, Kentucky

Date: April 10, 2012

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

This Proposal Submitted by W. Rogers Company

649 Bizzell Drive, Lexington, KY 40510

(Name and Address of Bidding Contractor)

(Hereinafter called "Bidder"), organized and existing under the laws of the State of Kentucky, doing business as a corporation  
"a corporation," "a partnership", or an "individual" as applicable.

To: Lexington-Fayette Urban County Government  
(Hereinafter called "OWNER")  
Office of the Director of Purchasing  
200 East Main Street, 3rd Floor  
Lexington, KY 40507

Gentlemen:

The Bidder, in compliance with your Invitation for Bids for Wolf Run Pump Station Relocation – Contract A Pump Station having examined the Plans and Specifications with related documents, having examined the site for proposed Work, and being familiar with all of the conditions surrounding the construction of the proposed Project, including the availability of materials and labor, hereby proposes to furnish all labor, materials, and supplies, and to construct the Project in accordance with the Contract Documents, within the time set forth therein, and at the lump sum and/or unit prices stated hereinafter. These prices are to cover all expenses incurred in performing the Work required under the

Contract Documents, of which this proposal is a part. The OWNER will issue work orders for work to be performed under this Contract.

BIDDER hereby agrees to commence work under this contract on or before a date to be specified in the Notice to Proceed and to fully complete the project within four hundred eight (480) consecutive calendar days hereafter. BIDDER further agrees to pay liquidated damages, the sum of **\$1,000.00** for each consecutive calendar day thereafter.

The Bidder hereby acknowledges receipt of the following addenda:

Addendum No. 1 Date 3/2/12

Addendum No. 2 Date 3/30/12

Addendum No. 3 Date 4/3/12

Addendum No. 4 Date 4/4/12

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 W. Rogers Company

Date April 10, 2012

\* 1. A corporation duly organized and doing business under the laws of the State of Kentucky, for whom Warren P. Rogers, 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)~~

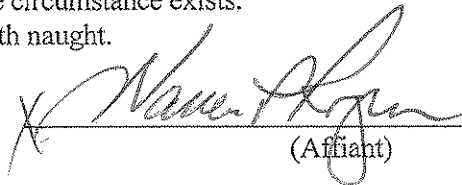
\_\_\_\_\_  
\_\_\_\_\_

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

3. BIDDERS AFFIDAVIT

Comes the Affiant, Warren P. Rogers, and after being first duly sworn, states under penalty of perjury as follows:

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

  
\_\_\_\_\_  
(Affiant)

STATE OF Kentucky

COUNTY OF Fayette

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

Warren P. Rogers on this the 10th day of April,

20 12.

My Commission expires: 5-4-2013



Orville Beckley

NOTARY PUBLIC, STATE AT LARGE

4. LUMP SUM BASE BID

The Bidder agrees to perform all the Work for the "Wolf Run Pump Station Relocation, Contract A - Pump Station" and as described in the Specifications and shown on the Plans for the following lump sum which shall include the furnishing of all labor, materials, supplies, 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.

Contract A - Pump Station (blasting of rock allowed)

The Total Lump Sum Base Bid Amount shall be the total below:

four million, two hundred twenty-one thousand dollars and zero cents  
Dollars (\$ 4,221,000.00 ).

Amount shall be shown in both words and figures. In case of discrepancy, the amount shown in words will govern.

Additive Alternative 1 (no blasting of rock allowed)

The increase in the Total Lump Sum Base Bid Amount provided above, if blasting is not allowed (mechanical rock excavation only) in the amount of:

eight hundred nine thousand dollars and zero cents  
Dollars (\$ 809,000.00 ).

Amount shall be shown in both words and figures. In case of discrepancy, the amount shown in words will govern.

Additive Alternative 2 (alternate access road)

The increase in the Total Lump Sum Base Bid Amount provided above, if the alternate access road shown on drawing C-1A is required in lieu of the base bid access road shown on drawing C-1 in the amount of:

ninety-two thousand dollars and zero cents.  
Dollars (\$ 92,000.00 ).

Amount shall be shown in both words and figures. In case of discrepancy, the amount shown in words will govern.

Submitted by: W. Rogers Company

*Firm*

649 Bizzell Drive

*Address*

Lexington, KY 40510

*City, State & Zip*

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

 , President  
*Signature of Authorized Company Representative – Title*

Warren P. Rogers

*Representative/s Name (Typed or Printed)*

859-231-6290

*Area Code – Phone – Extension*

859-231-6296

*Fax #*

warrenr@wrogers.com

*E-Mail Address*

**OFFICIAL ADDRESS:**

649 Bizzell Drive

Lexington, KY 40510

\_\_\_\_\_  
*(Seal if Bid is by Corporation)*

by signing this form you agree to ALL of the terms and associated forms.

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: W. Rogers Company
- 2. Permanent Place of Business: 649 Bizzell Drive, Lexington, KY 40510
- 3. When Organized: May 14, 1970
- 4. Where Incorporated: Kentucky
- 5. Construction Plant and Equipment Available for this Project:

Please see attached Equipment List.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(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:

Liberty Mutual Insurance Company (Surety)

Signed: Catherine L.M. Miller (Representative of Surety)

- 8. The following is a list of similar projects performed by the Bidder: (Attach separate sheet if necessary). Project: Wolf Run Pump Station, Contract A

Lexington, KY



<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
Deep Springs Pumping Station	Lexington, KY	\$1,786,000.00
Ft. Campbell WWTP	Ft. Campbell, KY	\$11,926,231.00
Mt. Washington WWTP	Mt. Washington, KY	\$12,944,000.00

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

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
Please see attached Current Projects spreadsheet.		

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>
Tom McConathy	Vice President	33
Freddy Gregory	Superintendent	16

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>MAJORITY</u>
<u>Walker &amp; Assoc.</u>	<u>WWTP Screening Facility</u>	<u>33%</u>	<u>67%</u>
<u>Ultra Technic</u>	<u>WWTP</u>	<u>1.2%</u>	<u>98%</u>
<u>Mad River Fence</u>	<u>WWTP</u>	<u>0.1%</u>	<u>98%</u>
<u>Bison Services</u>	<u>WWTP Pump Station</u>	<u>0.7%</u>	<u>98%</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

(USE ADDITIONAL SHEETS IF NECESSARY)

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

**6. LIST OF PROPOSED SUBCONTRACTORS**

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

<u>BRANCH OF WORK - LIST EACH MAJOR ITEM</u> Such as: Grading, bituminous paving, concrete, seeding and protection, construction staking, etc.	<u>SUBCONTRACTOR</u>	<u>DBE</u> <u>Yes/No</u>	<u>% of Work</u>
1. <u>Asphalt Paving</u>	Name: <u>ATS Construction</u> Address: <u>Lexington, KY</u>	<u>No</u>	<u>2.6%</u>
2. <u>Painting</u>	Name: <u>JR Horn</u> Address: <u>Harrodsburg, KY</u>	<u>No</u>	<u>0.8%</u>
3. <u>Electrical</u>	Name: <u>Shelburne Electrical and Mechanical</u> Address: <u>Salvisa, KY</u>	<u>No</u>	<u>10.8%</u>
4. <u>HVAC + Plumbing</u>	Name: <u>Prewitt Mechanical Contractors</u> Address: <u>Lexington, KY</u>	<u>No</u>	<u>2.2%</u>
5. <u>Fencing</u>	Name: <u>Wells Fence and Landscaping, LLC</u> Address: <u>Owingsville, KY</u>	<u>No</u>	<u>0.3%</u>
6. <u>Masonry</u>	Name: <u>Carmickle Masonry LLC</u> Address: <u>Dunville, KY</u>	<u>No</u>	<u>1.7%</u>
7. _____	Name: _____ Address: _____		

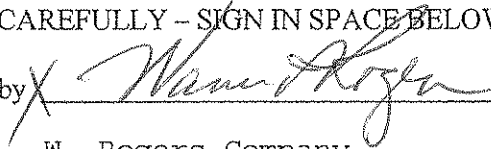
(Attach additional sheet(s) if necessary.)

7. AUTHENTICATION OF BID AND STATEMENT OF NON-COLLUSION AND 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 X. 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.

READ CAREFULLY - SIGN IN SPACE BELOW - FAILURE TO SIGN INVALIDATES BID.

Signed by X 

Firm W. Rogers Company

Address 649 Bizzell Drive

Lexington, KY 40510

Telephone 859-231-6290

Date April 10, 2012

**8. STATEMENT OF EXPERIENCE**

*(this section must be completed or your bid will be considered as non-responsive)*

NAME OF INDIVIDUAL: Warren P. Rogers

POSITION/TITLE: President

STATEMENT OF EXPERIENCE: Please see corresponding resume.

NAME OF INDIVIDUAL: Boyd Rogers

POSITION/TITLE: Vice President

STATEMENT OF EXPERIENCE: Please see corresponding resume.

NAME OF INDIVIDUAL: Tom McConathy

POSITION/TITLE: Vice President

STATEMENT OF EXPERIENCE: Please see corresponding resume.

NAME OF INDIVIDUAL: Sonny Beckley

POSITION/TITLE: Secretary/Treasurer

STATEMENT OF EXPERIENCE: Please see corresponding resume.

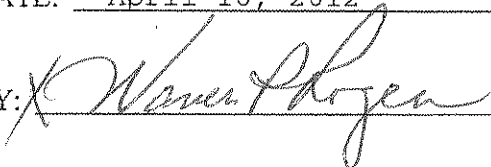
NAME OF INDIVIDUAL: \_\_\_\_\_

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

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

BY: W. Rogers Company  
Name of Firm

DATE: April 10, 2012

BY: 

TITLE: President

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

9. EQUAL OPPORTUNITY AGREEMENT

The Law

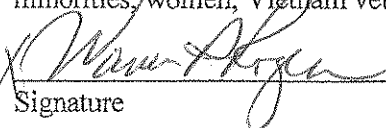
- \* Title VII of the Civil Rights Act of 1964 (amended 1972) states that it is unlawful for an employer to discriminate in employment because of race, color, religion, sex, age (40-70 years) or national origin.
- \* Executive Order No. 11246 on Nondiscrimination under Federal contract prohibits employment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

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

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

Bidders

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

  
\_\_\_\_\_  
Signature

W. Rogers Company  
\_\_\_\_\_  
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.*

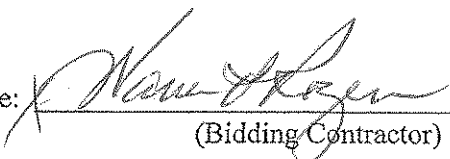
It is recommended that all of the provisions quoted above to be included as special conditions in each contract. In the case of a contract exceeding \$250,000, the contractor is required to furnish evidence that his work-force in Kentucky is representative of the available work-force in the area from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

10. EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION POLICY

It is the policy of W. Rogers Company  
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.

Signature:   
(Bidding Contractor)

Title: President

Date: April 10, 2012

11. WORKFORCE ANALYSIS FORM

Name of Organization: W. Rogers Company

Date: 4 / 10 / 2012

Categories	Total	White		Black		Other		Total	
		M	F	M	F	M	F	M	F
Administrators	4	4						4	
Professionals	5	4	1					4	1
Superintendents	11	11						11	
Supervisors	5	5						5	
Foremen	2	2						2	
Technicians									
Protective Service									
Para-Professionals									
Office/Clerical	8		8						8
Skilled Craft	126	95		7		24		126	
Service/Maintenance	1							1	
Total:	162	122	9	7		24		152	9

Prepared By: Mimi Scott, Controller

**12. EVIDENCE OF INSURABILITY**

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

Names Insured: W. Rogers Company Employee ID: \_\_\_\_\_  
 Address: P.O. Box 11640 Phone: 859-231-6290  
Lexington, KY 40576

Project to be insured: Wolf Run Pump Station - Contract A - Pump Station Bid # 21-2012

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 13.D.1 - see provisions	CCGL	\$1,000,000 per occ. And \$2,000,000 aggregate	\$1,000,000 occ \$2,000,000 agg	Westfield Ins.	002382	A: XIII
SC 13.D.1 - see provisions	AUTO	\$2,000,000/per occ. *	\$1,000,000 occ	Westfield Ins.	002382	A: XIII
SC 13.D.1 - see provisions	WC	Statutory w/ endorsement as noted	\$			

\* Umbrella  
 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.

J. Smith Lanier & Co.  
 Agency or Brokerage  
 360 E. Vine Street  
 Street Address  
 Lexington KY 40507  
 City State Zip  
 859-243-8023  
 Telephone Number  
 Chris Barnett  
 Name of Authorized Representative  
 Agent  
 Title  
 [Signature]  
 Authorized Signature  
 3/23/12  
 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.

13. DEBARRED FIRMS

CONTRACT NUMBER: 21-2012, Contract A

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.

PROJECT NAME: Wolf Run Pump Station

CONTRACT NO.: 21-2012, Contract A

DEBARRED FIRMS

The undersigned hereby certifies that the firm of W. Rogers Company has not and will not award a subcontract, in connection with any contract award to it as the result of this bid, to any firm that has been debarred for noncompliance with the Federal Labor Standards, Title VI of the Civil Rights Act of 1964, Executive Order 11246 as amended or any Federal Law.

W. Rogers Company  
Name of Firm Submitting Bid

  
Signature of Authorized Official

President  
Title

April 10, 2012  
Date

END OF SECTION

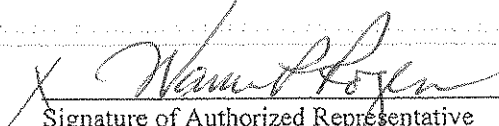
**CERTIFICATION REGARDING DEBARMENT,  
SUSPENSION AND OTHER RESPONSIBILITY MATTERS**

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) 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;
- (c) 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)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

W. Rogers Company  
Typed Name & Title of Authorized Representative

	4/12/12
Signature of Authorized Representative	Date

\_\_\_\_\_ I am unable to certify to the above statements. My explanation is attached.





## EPA DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

EPA's Disadvantaged Business Enterprise Program rule applies to contract procurement actions funded in part by EPA assistance agreements awarded after May 27, 2008. The rule is found at Federal regulation Title 40, Part 33. Specific responsibilities are highlighted below.

### Grant recipient responsibilities:

- Conduct an Availability Analysis and negotiate fair share objectives with EPA (§33.411), or adopt the fair share objectives of the oversight state agency revolving loan fund for comparable infrastructure. (§33.405(b)(3)).
- Include the Appendix A term and condition in each contract with a primary contractor (§3.106). The term and condition is included in the EPA Region 4 contract specifications insert *FEDERAL REQUIREMENTS AND CONTRACT PROVISIONS FOR SPECIAL APPROPRIATION ACT PROJECTS US ENVIRONMENTAL PROTECTION AGENCY, Region III, June 2008*.
- Employ the six Good Faith Efforts during prime contractor procurement (§33.301).
- Require prime contractor to comply with the following prime contractor requirements of Title 40 Part 33:
  - To employ the six Good Faith Efforts steps in paragraphs (a) through (e) of §33.301 if the prime contractor awards subcontracts (§33.301(f)).
  - To provide EPA form 6100-2 – *DBE Subcontractor Participation Form* to all DBE subcontractors (§33.302(e)).
  - To submit EPA forms 6100-3 – *DBE Program Subcontractor Performance Form* and 6100-4 – *DBE Program Subcontractor Utilization Form* with bid package or proposal. (§33.302 (f) and (g)).
  - To pay its subcontractor for satisfactory performance no more than 30 days from the prime contractor's receipt of payment from the recipient (§33.302(a)).
  - To notify recipient in writing by its prime contractor prior to any termination of a DBE subcontractor for convenience by the prime contractor (§33.302(b)).
  - To employ the six good faith efforts described in §33.301 if soliciting a replacement subcontractor after a DBE subcontractor fails to complete work under the subcontract for any reason. (§33.302(c)).
  - To employ the six good faith efforts described in §33.301 even if the prime contractor has achieved its fair share objectives under subpart D of Part 33. (§33.302(d)).

- Semiannually complete and submit to Charles Hayes, EPA Region 4 DBE Coordinator EPA form 5700-52A summarizing DBE participation achieved during the previous six months (§33.502).
- Maintain records documenting its compliance with the requirements of Title 40 Part 33, including documentation of its, and its prime contractors', good faith efforts (§33.501(a)).

**Prime Contractor Responsibilities:**

- Employ the six Good Faith Efforts steps in paragraphs (a) through (e) of §33.301 if the prime contractor awards subcontracts (§33.301(f)).
- Provide EPA form number 6100-2 – *DBE Program Subcontractor Participation Form* and form number 6100-3 – *DBE Program Subcontractor Performance Form* to each DBE subcontractor prior to opening of the contractor's bid or proposal (§33.302(e) and (f)).
- Complete EPA form number 6100-4 – *DBE Program Subcontractor Utilization Form* (§33.302(g)).
- Submit to recipient with its bid package or proposal the completed EPA form number 6100-4, plus an EPA form number 6100-3 for each DBE subcontractor used in the contractor's bid or proposal (§33.302(f) and (g)).
- Pay subcontractors for satisfactory performance no more than 30 days from the prime contractor's receipt of payment from the recipient (§33.302(a)).
- Notify the recipient in writing prior to prime contractor termination of a DBE subcontractor for convenience (§33.302(b)).
- Employ the six good faith efforts described in §33.301 if soliciting a replacement subcontractor after a DBE subcontractor fails to complete work under the subcontract for any reason. (§33.302(c)).
- Employ the six good faith efforts described in §33.301 even if the prime contractor has achieved its fair share objectives under subpart D of Part 33. (§33.302(d)).
- Semiannually inform recipient of DBE participation achieved (§33.502).
- Maintain records documenting its compliance with the requirements of Title 40 Part 33, including documentation of its, and its prime contractors', good faith efforts (§33.501(a)).

**Subcontractor Responsibilities:**

- May submit EPA form 6100-2 – *DBE Subcontractor Participation Form* to Charles Hayes, EPA Region 4 DBE Coordinator (§33.302(e)).
- Must complete EPA form 6100-3 – *DBE Program Subcontractor Performance Form*, and submit it to the prime contractor soliciting services from the subcontractor prior to the opening of bids for the prime contract.

**SPAP Requirements:**

Form	Requirement	Provided By:	Completed By:	Submitted To:
EPA Form 6100-2	Grant Recipients required to have prime contractors provide form to Subcontractors	Prime Contractors	DBE Subcontractors	EPA Region 4 DBE Coordinator Charles Hayes
EPA Form 6100-3	Grant Recipients required to have prime contractors provide form to Subcontractors	Prime Contractors	DBE Subcontractors	Grant Recipients as part of a bid or proposal package
EPA Form 6100-4	Grant Recipients required to have prime contractors complete the form	Grant Recipients	Prime Contractors	Grant Recipients as part of a bid or proposal package

**SRF Requirements:**

Form	Requirement	Provided By:	Completed By:	Submitted To:
EPA Form 6100-2	Recipients required to have prime contractors provide form to Subcontractors	Prime Contractors	DBE Subcontractors	DOW Project Administrator
EPA Form 6100-3	Recipients required to have prime contractors provide form to Subcontractors	Prime Contractors	DBE Subcontractors	Dow Project Administrator w/ATA Package
EPA Form 6100-4	Recipients required to have prime contractors complete the form	Recipients	Prime Contractors	DOW Project Administrator w/ATA Package
Pay Request DBE Form	Recipients required to have prime contractors complete the form	Recipients	Prime Contractors	DOW Project Administrator w/EACH PAYMENT

**DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION POLICY**

PROJECT NAME: Wolf Run Pump Station

BID DATE: April 10, 2012

1. Name, address and telephone number of contact person on all DBE matters:

Prime Contractor's Name: W. Rogers Company  
Contact Person: Boyd Rogers  
Address: 649 Bizzell Drive, Lexington, KY 40510  
Phone: 859-231-6290  
Cell Phone: \_\_\_\_\_  
Email: boydr@wrogers.com  
Total Contract Amount: \_\_\_\_\_

2. Total dollar amount/percent of contract of MBE participation: \_\_\_\_\_

3. Total dollar amount/percent of contract of WBE participation: \_\_\_\_\_

4. Are certifications\* for each MBE/WBE/DBE subcontractor enclosed; if no, please explain:  Yes  No

5. Are MBE/WBE/DBE subcontracts or letters of intent signed by both parties enclosed; if no, please explain:  Yes  No

6. List of MBE Subcontractors:

Name: \_\_\_\_\_ \*It is not known  
Contact Person: \_\_\_\_\_ prior to bid  
Address: \_\_\_\_\_ whom, if any,  
Phone: \_\_\_\_\_ MBE/WBE will be  
Cell Phone: \_\_\_\_\_ used on this  
Email: \_\_\_\_\_ project. We will  
Type of Contract: \_\_\_\_\_ submit this  
Work to be Done: \_\_\_\_\_ information  
Amount: \_\_\_\_\_ within 24 hours

7. List of WBE Subcontractors:

Name: \_\_\_\_\_ if we are low  
Contact Person: \_\_\_\_\_ bidder and if we  
Address: \_\_\_\_\_ are utilizing a  
Phone: \_\_\_\_\_ MBE/WBE on this  
Cell Phone: \_\_\_\_\_ project.\*  
Email: \_\_\_\_\_  
Type of Contract: \_\_\_\_\_  
Work to be Done: \_\_\_\_\_  
Amount: \_\_\_\_\_

Attach Additional Sheets, If Necessary

\*Self-certification: Self certification of MBE/WBE/DBE firms will NOT be accepted as a valid form of certification of MBE/WBE/DBE status.

8. Information and documentation concerning efforts taken to comply with EPA's "six good faith efforts"

(i). Ensure DBE construction firms or material suppliers are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities; including placing DBEs on solicitation lists and soliciting them whenever they are potential sources. A good source for a list of DBEs is the Kentucky Transportation's website: <http://transportation.ky.gov/Civil-Rights-and-Small-Business-Development/Pages/Certified-DBE-Directory.aspx>.

The prime contractor certifies that a bidders list (see example sheet below) of qualified vendors, including DBEs, was developed for current and future solicitations and that the list will be maintained. *Submit a copy of the list as documentation.*

(ii). Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process; including, whenever possible, posting solicitation for bids or proposals for a sufficient amount of time as to receive a competitive bid or proposal pool.

The prime contractor certifies that every opportunity was provided to a number of DBEs to encourage their participation in the competitive process and that an adequate amount of time was provided for response.

a. List each DBE construction firm or material supplier to which a solicitation was attempted. *Submit copies of letters, emails, faxes, telecommunication logs, certified mail receipts, returned envelopes, certified mail return receipts, etc. as documentation.*

Company name and phone number: \_\_\_\_\_

Area of work expertise: \_\_\_\_\_

Date of any follow-ups and person spoke to: \_\_\_\_\_

b. Advertisements, if applicable: List each publication in which an announcement or notification was placed. *Submit a tear sheet of each announcement from each publication as documentation.*

Name of publication: Herald-Leader; Key NewsJournal

Date(s) of advertisement: 3/25/12 & 4/1/12

Specific subcontract areas announced: Please see attached tear sheets.

c. Other, if applicable: List each notification method in which an announcement or outreach was used; list serve, public meeting, etc. *Submit applicable information to document effort.*

Method of notification: \_\_\_\_\_

Date(s) of notification: \_\_\_\_\_

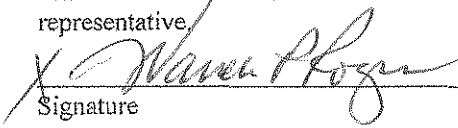
(iii). Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs; including dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.

The prime contractor certifies that the project was broken into its basic elements (i.e., dirt hauling, landscaping, painting, pipe installation, material supplies, etc.) and that a determination was made whether it's economically feasible to bid the elements separately and that the analysis of this effort was documented with a short memo to the project file.

- (iv). Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises.
- The prime contractor certifies that they established delivery schedules which would allow DBEs to participate in the projects.
- (v). Use the services and assistance of the Small Business Administration (SBA) and the Minority Business Development Agency (MBDA) of the U.S. Department of Commerce. The easiest way to utilize the services of SBA and MBDA is to visit their websites: [www.sba.gov](http://www.sba.gov) and [www.mbda.gov](http://www.mbda.gov) and use the electronic tools available there or you may send the nearest SBA and MBDA office a certified letter that generally describes the solicitation, the dates it will be open, the types of vendors you are seeking and applicable SIC or NAIC codes if known. You may also use the services and assistance of the Kentucky Procurement Assistance Program (KPAP). The easiest way to utilize the services of KPAP is to send an email: [ced.kpap@ky.gov](mailto:ced.kpap@ky.gov) and provide information on forthcoming opportunities available to DBEs.
- The prime contractor certifies that the assistance of the SBA, MBDA, and/or KPAP was utilized. *Submit pages printed off the SBA and MBDA websites which evidence efforts to register a solicitation on those sites or submit copies of the letter sent and certified mail receipt as documentation; submit copies of emails with KPAP as documentation.*
- (vi). If a subcontractor awards any subcontracts, require the subcontractor to take the steps in numbers (i) through (v) above.
- The prime contractor certifies that subcontractors used for this project will be required to follow the steps of the "six good faith efforts" as listed above.

9. **Signature and date:**

To the best of my knowledge and belief, all "six good faith efforts" have been met and the information contained in this document is true and correct; the document has been duly authorized by the legal representative.

  
Signature

Warren P. Rogers, President  
Print name and title

April 10, 2012  
Date



Wolf Run PS - Lexington, KY  
Sub Listing

Adam Terry Subs

Bryan Moore Subs

Boyd Rogers Subs

SUBCONTRACTORS	CONTACT NAME	PHONE	PHONE #2	FAX	E-MAIL	Method of Sent Plans	Date Plans Sent		Date		Date		Date	
							# 1 Sent	# 2 Sent	# 1 Sent	# 2 Sent	# 3 Sent	# 4 Sent	# 3 Sent	# 4 Sent
Prewitt Mechanical	David Prewitt				dauid.prewitt@proxitmaschemical.com	YouSendIt	3/14/2012	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Glenwood Electric	Stephen Thaman				sm@glenwoodelectric.com	YouSendIt	3/14/2012	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Odie, Inc.	Jeff Simmons				jsimmons@odies.com	YouSendIt	3/14/2012	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Koehring & Sons	Eric Koehring				eric@koehring@hotmail.com	YouSendIt	3/14/2012	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
JR Horn	Justin Horn				justinhorn@yahoo.com	YouSendIt	3/14/2012	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
PCL - Louisville	Ben Green				ben@greenpcl.com	YouSendIt	3/16/2012	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
W.T. Congleton Ready Mix	Katie Congleton	859-231-9180			katie.congleton@wtrm.com	Emailed Division 3	3/16/2012	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Fluctra of Lexington	Ted Trum				ted@fluctra.com	Emailed Division 3	3/16/2012	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Redmond's Landscaping	Rhicle Bullock	859-312-3853			rhicle_bullock@insightbb.com	YouSendIt	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Bison Services	Bret King	859-224-5367			bret.king@bison.com	YouSendIt	3/19/2012	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
IMF	Tim Condo	859-224-2799			timcondo1@bison.com	Emailed Division 3	3/21/2012	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Harrod Ready Mix Concrete	Virgil Gray	859-533-2769			vmcgray@bison.com	Emailed Division 3	3/21/2012	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Ready Mix Concrete	John Burnett	859-253-0116			johnburnett@bison.com	Emailed Division 3	3/21/2012	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Burnett Sons Roofing, Inc.	Jack Burnay	859-623-3500			jackburnay@bison.com	CD	3/21/2012	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Nuway Roofing	Bill Graves	859-233-4546			billgraves@nuway.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Tri-State Roofing	Michael Hock	502-458-9898			michaelhock@gmail.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Carlon Roofing	Adam Collins	506-477-1620			adamcollins@carlon.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
AMJ Masonry	Brandon Carmiche	859-608-6908			brandoncarmiche@hotmail.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Carmiche Masonry	Gene McGuire	859-352-3426			carmicemason@hotmail.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Huston Barner Masonry	Mike McRibben	859-674-0734			mike.mcribben@hustonbarner.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Mason Structure	Joe Corral	859-253-5011			joecorral@masonstructure.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Tunth Masonry	Willie Turpin Jr.	859-621-4606			willie@tunthmasonry.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Geodes Fence	Doug Geodes	859-231-3178			doug@geodesfence.com	CD	3/21/2012	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Kimberly Pash Fence	Kim Rash	502-744-3136			kim@kimberlypash.com	CD	3/21/2012	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Non-Grande Fence	Tracy Cowart	859-263-7944			tracy@nongrande.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Wells Fence & Landscaping	Eric Wells	859-274-8264			ericwells@wellsfence.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Cardinal Fence	Gene Adams	502-459-1905			gene@cardinalfence.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Fleener Brothers Fence	Scott Braun	270-257-8376			scottbraun@fleener.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
ATS Construction - Paving Division	Bryan Beasley	859-223-7001			bryanbeasley@yahoo.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Handle Davies Company	Ted Randle	502-695-2955			ted@handle.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
OHG of Lexington	Mc Gargo	859-254-6606			mcgargo@ohg.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Talored Team	Jeff Sanhaugh	615-316-7937			jeff@talored.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Alco Caulking	Oris Cantwell	423-587-0638			oriscantwell@alco.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
C&W Specialties	Rick Francis	865-471-5426			rick@cw-specialties.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Lexington Building Supply	Larry Miller	859-509-8557			larrymiller@lexbco.net	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Lexington Backstop	Hi Nuckols	859-533-6626			hi@lexbco.net	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Kinetic	Keith Kinser	502-741-9456			keith@kinetic.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Nonwood Hardware	Shelli Lapa, Craig Chakot	513-738-1175			shelli@nonwoodhardware.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Schiller	Jeff Hardie	859-235-4427			jeff@schiller.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Spec Fen	Andy Tetrault	802-849-9222			andy@specfen.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Vivcon Materials	Steve Southwell	270-268-0753			steves@vivcon.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Lexington Quarry	Charlie Lindsay	859-749-6671			charlie@lexquarry.com	CD	3/21/2012	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Ceiling Concepts	Tony Meadows	859-621-0639			tonymeadows@ceiling.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Carpent Solutions	Patrick Brady, Chris Poulton	859-277-4482			patrickbrady@carpent.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Bennetts Carpet	Brian Thornton, Buddy Cox	270-866-6930			brianthornton@bennetts.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Fast Kentucky Drywall	Corwin Cain	505-521-9022			corwincain@fastky.com	YouSendIt	3/13/2012	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Galkreuth Roofing	Dave Muntean	859-231-7668			dave@galcreuth.com	YouSendIt	3/13/2012	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
C&R Asphalt	Josh Coleman	859-621-1800			josh@crasphalt.com	N/A	N/A	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
Livertt	Myra Trinitite				myra@livertt.com	YouSendIt	3/27/2012	4/2/2012	Email	4/2/2012	Email	4/5/2012	Email	4/5/2012
	Paul Madfis				paullmadfis@bwrct.com	N/A	N/A	4/10/2012	Email	4/10/2012	Email	4/5/2012	Email	4/5/2012
Shelburne Electric	Mark Spelburne, Paul Faust				markspelburne@shelburne.net	N/A	N/A	4/10/2012	Email	4/10/2012	Email	4/5/2012	Email	4/5/2012





Environmental  
Protection Agency

OMB Control No: 2090-0030  
Approved: 05/01/2008  
Approval Expires: 01/31/2011

Disadvantaged Business Enterprise Program  
DBE Subcontractor Participation Form

NAME OF SUBCONTRACTOR <sup>1</sup>	PROJECT NAME
ADDRESS	CONTRACT NO.
TELEPHONE NO.	EMAIL ADDRESS
PRIME CONTRACTOR NAME	

Please use the space below to report any concerns regarding the above EPA-funded project (e.g., reason for termination by prime contractor, late payment, etc.).

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CONTRACT ITEM NO.	ITEM OF WORK OR DESCRIPTION OF SERVICES RECEIVED FROM THE PRIME CONTRACTOR	AMOUNT SUBCONTRACTOR WAS PAID BY PRIME CONTRACTOR
	This information will be provided at the appropriate time.	
Subcontractor Signature _____		Title/Date _____

<sup>1</sup>Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.



Environmental  
Protection Agency

OMB Control No: 2090-0030  
Approved: 05/01/2008  
Approval Expires: 01/31/2011

**Disadvantaged Business Enterprise Program  
DBE Subcontractor Participation Form**

The public reporting and recordkeeping burden for this collection of information is estimated to average fifteen (15) minutes. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed EPA DBE Subcontractor Participation Form to this address.



Environmental  
Protection Agency

OMB Control No: 2090-0030  
Approved: 05/01/2008  
Approval Expires: 01/31/2011

Disadvantaged Business Enterprise Program  
DBE Subcontractor Performance Form

NAME OF SUBCONTRACTOR		PROJECT NAME
ADDRESS		BID/PROPOSAL NO.
TELEPHONE NO.		E-MAIL ADDRESS
PRIME CONTRACTOR NAME		
CONTRACT ITEM NO.	ITEM OF WORK OR DESCRIPTION OF SERVICES BID TO PRIME	PRICE OF WORK SUBMITTED TO PRIME CONTRACTOR
	This information will be provided at the appropriate time.	
Currently certified as an MBE or WBE under EPA's DBE Program? <input type="checkbox"/> Yes <input type="checkbox"/> No		
_____ Signature of Prime Contractor		_____ Date
_____ Print Name		_____ Title
_____ Signature of Subcontractor		_____ Date
_____ Print Name		_____ Title

\*Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.



Environmental  
Protection Agency

OMB Control No: 2090-0030  
Approved: 05/01/2008  
Approval Expires: 01/31/2011

**Disadvantaged Business Enterprise Program  
DBE Subcontractor Performance Form**

The public reporting and recordkeeping burden for this collection of information is estimated to average fifteen (15) minutes. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed EPA DBE Subcontractor Performance Form to this address.



Environmental  
Protection Agency

OMB Control No: 2090-0030  
Approved: 05/01/2008  
Approval Expires: 01/31/2011


Disadvantaged Business Enterprise Program  
DBE Subcontractor Utilization Form

BID/PROPOSAL NO. 21-2012, Contract A	PROJECT NAME Wolf Run Pump Station
NAME OF PRIME BIDDER/PROPOSER W. Rogers Company	E-MAIL ADDRESS boydr@wrogers.com
ADDRESS 649 Bizzell Drive, Lexington, KY 40510	
TELEPHONE NO. 859-231-6290	FAX NO. 859-231-6296

The following subcontractors will be used on this project:

COMPANY NAME, ADDRESS, PHONE NUMBER, AND E-MAIL ADDRESS	TYPE OF WORK TO BE PERFORMED	ESTIMATED DOLLAR AMOUNT	CURRENTLY CERTIFIED AS AN MBE OR WBE?
None	None	None	None

I certify under penalty of perjury that the forgoing statements are true and correct. In the event of a replacement of a subcontractor, I will adhere to the replacement requirements set forth in 40 CFR Part 33 Section 33.302(c).

  
 Signature of Prime Contractor

April 10, 2012  
 Date

Warren P. Rogers  
 Print Name

President  
 Title

Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.



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**156 COMMUNITY CLUB NOTICES**  
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**FOUND** - black cat in Collinsburg  
 859-233-7355

**LOST** - Sheriff's Office  
 A.P. # 11-11-11  
 859-233-7355

**166 PERSONALS**  
**NEED TO FIND A DATE?**  
 859-233-7355

**174 LEGAL NOTICES**  
**ATTORNEY'S OFFICES**  
 W. Rogers Curran, P.C. Ben Pump Station Rehabilitation Contract & Project in Lexington, KY.  
 859-233-7355

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## MERCHANDISE

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**Power Lift & Resine Chair**  
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**1 ANTIQUE VINTAGE**  
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**PAID US WELL**  
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**442 ODD JOBS**  
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**446 WINDY TREE**  
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**WARREN P. ROGERS**



**Education:** Bachelor of Business Administration  
University of Kentucky  
Lexington, Kentucky  
Graduated: May 1979

**Employment:**

Feb. 1992 - Present	President Oversee Corporate Officers who manage Estimating, Purchasing, Project Management, Accounting and Risk Management Departments. Directly supervise Corporate Safety Director. Focus on market development and strategic alliances for the long-term success of W. Rogers Company
May 1985 - Feb. 1992	Vice President
Sept. 1979 - May 1985	Project Manager
May 1979 - Sept. 1979	Superintendent
1976 - 1977	Shop Manager
1972 - 1975	Summer Field Worker

**Extra-Curricular Activity**

Graduate - AGC Advanced Management Program, February 1987

President of Kentuckiana Chapter of Associated Builders and Contractors (ABC) - 1991

ABC Board Member 1990 – 1992  
KY Associated General Contractors (AGC) – Board Member 2003

Region 6 Trustee of Construction Legal Rights Foundation 1999 to 2002 (Region 6 includes Kentucky, Indiana, Michigan and Ohio)  
ABC Affiliated

Instructor at Mayor's (Lexington) Training Program for Minority and Women's Contracting Firms, 2001 – Present

Elder – Crestwood Christian Church, 1998 to Present

Chairman of Building Committee - Crestwood Christian Church

Member - Board of Trustees and the Executive Committee of the Lexington Theological Seminary

**WILLIAM BOYD ROGERS, JR.**



**Education:**

Bourbon County High School  
Paris, Kentucky  
Graduated: May 1975

University of Kentucky  
Attended: September 1975 to December 1976  
September 1977 to May 1978  
Major: Business Administration

Lexington Technological Institute  
Attended: September 1978 to May 1979  
Major: Engineering Technology

**Employment:**

W. Rogers Company  
Vice President -February 1992 - Present

Duties: Duties: Responsible for procurement of new projects for the Company and directing the Estimating department staff. This includes identifying potential markets, qualifying projects for acceptability and evaluating potential Owners. Oversight of estimating staff during solicitation of projects, including MBE & WBE solicitation. Directly involved in solicitation and estimating of process equipment for all projects.

Responsible for negotiating to reduce cost on acceptable terms and arrangements with Owners and Engineers when projects are over-budget or changes are desired for other reasons.

Cooperate with and assist Project Managers when negotiating change orders on active projects with Owners and Engineers.

Assist Owners and Consulting Engineers with evaluating estimated cost, constructability issues and schedule requirements during design phase.

Oversight responsibility for Company construction equipment operations working with Company Equipment Manager to determine long term and short term equipment needs, equipment acquisitions and liquidations.

Cooperate with other Corporate Officers in determining Company policy, operations and business direction.

W. Rogers Company, 1976 - 1992

Held various positions as follows:

Purchasing Manager - 1983 to January 1992, Buyer – 1982 to 1983,  
Assistant Buyer - 1980-1982, Shop Laborer – 1976 to 1980.

**THOMAS R. MCCONATHY**  
**VICE PRESIDENT**



**Education:** B.S. Degree in Civil Engineering  
University of Kentucky  
December 1978

**Employment:** W. Rogers Company  
Vice President  
September 1996 - Present

Responsible for directing a staff of three (3) Project Managers and three (3) departmental support staff as well as high level oversight of all field managers and trade labor. Assist Project Managers with construction and other project related matters. Collaborate with other Corporate Officers on determining Company policy. Directly manage select projects due to either size or complexity. Recent examples of directly managed projects include:

Pool 3 Water Treatment Plant – Kentucky American Water – Owenton, KY  
Contract Amount: 27,796,524 (WRC Portion of Joint Venture)

Strodes Creek Wastewater Treatment Plant - Winchester, Kentucky  
Contract Amount: \$20,118,000

McCroskey Island Water Treatment Plant - Sevierville, Tennessee  
Contract Amount: \$20,417,895

Raw Water Intake Facility - Bowling Green, Kentucky  
WRC Served as Completion Contractor after Prior Contractor Terminated  
for Convenience by Owner  
Final Contract Amount: \$3,196,000

W. Rogers Company  
Project Manager  
September 1985 to September 1996

Project Manager for over 100 projects.

W. Rogers Company  
Superintendent  
January 1979 to August 1985

Superintendent for 8 projects.



**Education:**

Bachelor of Science, University of Kentucky, 1976  
Certified Management Accountant, 1987  
Member of Institute of Management Accountants  
President, Lexington Habitat for Humanity Board 2008

**Employment:**

W. Rogers Company  
February, 2009 to Present

General Contractor specializing in Water and Waste Water Treatment Plants.

Chief Financial Officer, Secretary & Treasurer  
Responsible for the Company's Finance, Accounting, Information Technology, Human Resources and Risk Management functions. Perform all duties of the office of the Secretary and Treasurer.

Thomas and King, Inc., Lexington, KY  
1989 - 2008  
Franchisee of Applebee's Neighborhood Grill & Bar and Carino's Italian Grill, a \$250 M company.

Executive Vice President, CFO and Treasurer  
1993 - 2008  
Directed a team of 40 employees responsible for all Finance, Accounting, Tax and Benefit Administration activities of a \$250 MM company. Created and monitored all budgets and forecasts for restaurant operations and corporate overhead.

Other Positions held:  
VP Accounting & Finance 1992 - 1993  
Director of Accounting 1989 - 1991

Jerrico, Lexington, KY  
1976 - 1989  
Franchisor of 800+ Long John Silver's restaurants and other smaller restaurant chains, a \$500MM company.

Director of Restaurant Accounting  
1986 - 1989  
Directed the activities of 8 Regional Accounting offices, a team of 60, responsible for all restaurant level accounting and analysis. Supported Operations in food cost, labor and other P&L management.

Other Positions held:  
Regional Controller 1984 - 1986  
Manager of Marketing Analysis 1981 - 1983  
Supervisor - Fixed Assets 1978 - 1980  
Staff Accountant 1976 - 1977



Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Gray  
Mayor

Jane C. Driskell  
Commissioner

**ADDENDUM #1**

Bid Number: 21-2012

Date: March 2, 2012

Subject: Wolf Run Pukmp Station Relocation – Contract A

Please address inquiries to:  
Betty Landrum (859) 258-3320

**TO ALL PROSPECTIVE BIDDERS:**

Please be advised of the following DATE CHANGES to the above referenced bid:

- 1) Pre-Bid Meeting date & time has been changed to March 14, 2012 @ 10:00 AM
- 2) Deadline for Questions is March 23, 2012 @ 4:00 PM
- 3) Post Answers to Questions by March 30, 2012 @ 5:00 PM
- 4) Open Bid on April 6, 2012 @ 2:00 PM

Brian Marcum, Director  
Division of Central Purchasing

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

COMPANY NAME: W. Rogers Company

ADDRESS: 649 Bizzell Drive, Lexington, KY 40510

SIGNATURE OF BIDDER:



Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Gray  
Mayor

Jane C. Driskell  
Commissioner

**ADDENDUM #2**

Bid Number: 21-2012

Date: March 30, 2012

Subject: Wolf Run Pump Station Relocation – Contract A

Please address inquiries to:  
Betty Landrum (859) 258-3320

**TO ALL PROSPECTIVE BIDDERS:**

Please be advised of the following DATE CHANGES to the above referenced bid:

- 1) Post answers to Questions by April 3, 2012 @ 5:00 PM
- 2) Open Bid on April 10, 2012 at 2:00 PM local time.

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

Questions	Answers
The geotechnical report contains language about rock anchors. We did not see any anchors called out in the plans or specifications. Will rock anchors be required, and if yes, will details be issued?	Rock anchors are not required per the structural design.
Will there be a tap fee for the new 2" water service?	Contractor is responsible for the KAWC tap fee for 2" water meter – per KAWC cost is \$3,536.00 (Contractor to confirm). Application for service takes 20 to 25 days to process and install installation. State inspection must be conducted prior to connection.
The S-drawing shows flowable fill backfill at varying heights. Sheet S-7 also has a note about the elevation varies. Please clarify flowable backfill limits.	Provide flowable fill as shown on drawings. Amount of flowable fill depends on blasting and excavation operations by the contractor.
We could not locate any specifications for the proposed metal siding. Did we miss it or will an addendum include this?	Metal siding specification is part of this addendum.
Is a building permit required?	Yes, Contractor shall submit for building permit and shall pay application fee,
Please clarify what MBE/WBE/DBE agencies and/or certifications are recognized by LFUCG.	Contact Marilyn Clark at 859-258-3323 or <a href="mailto:mclark@lexingtonky.gov">mclark@lexingtonky.gov</a>
What is the static head?	Static head for pumps is approximately 60 feet with high point being at WWTP site.

Drawing C-1, Overall Site Plan – add the following general notes to this drawing:

General Notes:

1. Along the first 400 ft of the access drive, the following items shall be included in this work; remove existing trees at back fenceline, remove existing chain link fence at back fence line, and relocate power pole guide wire (coordinate with power company).
2. The access easement is 30 ft wide and follows the property line. The property line is not the fence line. The closest edge of the easement is about 10 ft from the water valves and vault.
3. The drive generally will follow the existing grade from Frankfort Court to the pump station site.
4. The contractor staging area outside the fence line at the pump station site shall be limited to 300 ft by 300 ft area adjacent to the pump station (generally north).
5. Excess excavated material shall be removed from the site and not disposed of on LFUCG property. Contractor may use neighboring properties for disposal but must work out details with those property owners and must not impact LFUCG property.

Drawing C-1A – Overall Site Plan (alternate access) – Add this drawing to the bid documents to describe the alternate access to the pump station through the solid waste property off Byrd Thurman Drive in lieu of the base access road (drawing C-1) off Frankfort Court.

Drawing C-4 – Standard Details – Security Fence and Swing Gate Detail shall show the general layout for the fence and gate. However, the detailed materials of construction such as post diameter, material thicknesses, wire mesh, etc. shall be per the chain link fence specification.

Drawing A-3 – Elevations and Details – add the attached East Elevation drawing to this sheet.

Drawing E-1 – Electrical Symbol Legend and Light Fixture Schedule – Revise the light fixture schedule to use T5 lamps fro LF-1 and LF-2. The light fixture model numbers shall be: LF-1 – 73004ALL42EPU-SA-T5LP841; LF-2 – HXPL24U-XPL9-MH05.

 BjB

Brian Marcum, Director  
Division of Central Purchasing

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

COMPANY NAME: W. Rogers Company

ADDRESS: 649 Bizzell Drive, Lexington, KY 40510

SIGNATURE OF BIDDER:  \_\_\_\_\_



Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Gray  
Mayor

Jane C. Driskell  
Commissioner

**ADDENDUM #3**

Bid Number: 21-2012

Date: April 3, 2012

Subject: Wolf Run Pump Station Relocation – Contract A

Please address inquiries to:  
Betty Landrum (859) 258-3320

**TO ALL PROSPECTIVE BIDDERS:**

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

**Special Note:**

In Part II Information for Bidders, page IB-19 lists the required submittals (revised in Addendum No. 2). In the bulleted list of KIA funding requirements, the Bidder's list form (for subs) can be provided by the successful bidder after the bids are submitted. The EPA form 6100-2 DBE Subcontractor Participation Form does not need to be submitted with the bids.

**Changes to Specifications**

Form of Proposal – At the bottom of Page P-7, add the following statement: “Additive alternative bids provided above shall be considered in evaluating the bids. All bidders shall provide bids for the Base Bid, Additive Alternative A and Additive Alternative B.”

Section 00830 – Wage Rates – Note that state and federal wage rates apply. Based on input from KIA, the state wage rates are to be heavy/highway and the federal wage rates are to be heavy and building. These are the wage rates that have been provided.

Section 07410 – Metal Roof and Wall Panels – Delete this section which was issued in Addendum No. 2. Metal roof is specified in Section 07412 – Metal Roofing. Metal wall panels shall be similar to metal roofing and shall also be specified in that section (Section 07412)

Section 07412 – Metal Roofing – Modify this specification section to include vertical metal wall panels and add the following as paragraph 2.07:

“2.07 Wall Panels

Metal wall panels shall be Centria TR4-36 or approved equal. Wall panels shall be 22 gauge vertical panels mounted on 16 gauge furring strips attached to the exterior CMU. The finish shall be the same as the metal roof panels. The color for both the roof and wall panels shall be selected by Owner. Other manufacturers that meet the specification will be evaluated during the submittal process. The soffits shall be finished with metal siding similar to the wall panels.”



Drawing M-3 – Section – Note 23 shall include a stop cock and an off-line chemical seal (diaphragm) to protect the pressure gauge.

Drawing M-4 – Sections – Note 34 shall read “Site glass with isolation valves and drain.”

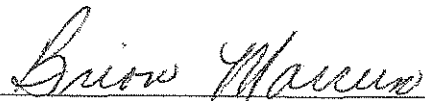
Drawing M-5 – Sections – Note 19 shall include a stop cock and an off-line chemical seal (diaphragm) to protect the pressure gauge.

Drawing M-6 – Details – Manual bar rack clear spacing between bars shall be ¾ inch.

Drawing E-3 – Control Schematics – Replace the Bar Screen Control Schematic with the attached Control Schematic.

Drawing E-5 – Lower & Intermediate Floor – Lighting and Power Plans – Provide 110v, single phase power to non-contacting temperature sensor on 30 inch force main in valve vault. Provide control wiring for 4-20 ma signal from sensor to Bioxide Control Panel in Odor Control Room.

Drawing I-3 – Instrumentation and Control – Odor Control – Provide site glass with isolation valves and drain on each of the bioxide storage tanks.



Brian Marcum, Director  
Division of Central Purchasing

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

COMPANY NAME: W. Rogers Company

ADDRESS: 649 Bizzell Drive, Lexington, KY 40510

SIGNATURE OF BIDDER: 



Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Gray  
Mayor

Jane C. Driskell  
Commissioner

**ADDENDUM #4**

Bid Number: **21-2012**

Date: April 4, 2012

Subject: **Wolf Run Pump Station Relocation – Contract A**

Please address inquiries to:  
Betty Landrum (859) 258-3320

**TO ALL PROSPECTIVE BIDDERS:**

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

Item and Clarification
On both Drawings C-1 and C-1A, the temporary construction access road shall be 15 ft wide (rather than 12 ft in note 1). As described in the notes, at the end of construction this gravel access road will be made into a 12 ft wide asphalt driveway with 1.5 ft shoulders on both sides along the same alignment using the typical road section detail on Drawing C-3. This roadway detail will also be used for the paving around the pump station that is not pervious.
The truss layout shall be as shown on Drawing S-6, Section 6.1 (rafter overhang), rather than shown on Drawing A-4 (cantilever overhang).
On Drawing P-2 in the plumbing fixtures schedule, item X (water heater), the heating element is 8.3 kw not 83 kw.
Bar screen control diagram on Drawing E-3 was replaced in Addendum No. 3 and similar to the original diagram, the new diagram details FCP-110 which is provided by the bar screen manufacturer. Remote start and motor run signals shall go to the RTU and LSH-110 shall also start the screen (both were shown on the original diagram). LCP-111 is shown on drawing E-7 and described in note 4.

Brian Marcum, Director  
Division of Central Purchasing

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

COMPANY NAME: W. Rogers Company

ADDRESS: 649 Bizzell Drive, Lexington, KY 40510

SIGNATURE OF BIDDER:

# THE AMERICAN INSTITUTE OF ARCHITECTS

## AIA Document A310 Bid Bond

KNOW ALL MEN BY THESE PRESENTS, THAT WE W. Rogers Company

649 Bizzell Dr., Lexington, KY 40510

as Principal, hereinafter called the Principal, and Liberty Mutual Insurance Company

175 Berkeley Street, Boston, MA 02116

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

as Surety, hereinafter called the Surety, are held and firmly bound unto LFUCG-Division of Water Quality

, Lexington, KY

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

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

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

WHEREAS, the Principal has submitted a bid for Wolf Run Pump Station - Contract A - Pump Station Bid No. 21-2012

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 materials 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 6th day of April, 2012

Sonny Beckley  
(Witness)

W. Rogers Company

(Principal)

(Seal)

By: Waverly Hagen

PRES  
(Title)

W. H. Gaudley  
(Witness)

Liberty Mutual Insurance Company

(Surety)

(Seal)

By: Catherine L. McMillan

Attorney-in-Fact Catherine L. McMillan

(Title)

AIA DOCUMENT A310 • BID BOND • AIA • FEBRUARY 1995 EDITION  
INSTITUTE OF ARCHITECTS, 1735 N.Y. AVE., N.W., WASHINGTON, D.C. 20006

Countersigned By:

X. Sandy Q. Black  
Resident Agent

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees. To confirm the validity of this Power of Attorney call 610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS:

That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint, Catherine L. McMillan its true and lawful attorney-in-fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any location within the United States, the following surety bond:

Principal Name: W. Rogers Company

Obligee Name: LFUCG-Division of Water Quality

LMS Surety Bond Number: Bid Bond

Bond Amount: See Bond Form

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 28th day of MARCH, 2009.



LIBERTY MUTUAL INSURANCE COMPANY

Garnet W. Elliott

By Garnet W. Elliott, Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 28th day of MARCH, 2009, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2013

By Teresa Pastella
Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, shall be valid and binding upon the company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this 6th day of April, 2012.



By David M. Carey
David M. Carey, Assistant Secretary