

PART III

FORM OF PROPOSAL

**CAPACITY ASSURANCE PROGRAM
FLOW MONITORING FIELD SERVICES
BID #14-2014**

Place: Lexington, Kentucky

Date: 1/30/14

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

This Proposal Submitted by Hydromax USA
11420 Watterson Ct, Suite 1100, Louisville, KY
40299
(Name and Address of Bidding Contractor)

(Hereinafter called "Bidder"), organized and existing under the laws of the State of Indiana, doing business as Hydromax USA, LLC
"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 the **CAPACITY ASSURANCE PROGRAM FLOW MONITORING FIELD SERVICES** having examined the Plans and Specifications with related documents, having examined the site for proposed Work, and being familiar with all of the conditions surrounding the construction of the proposed Project, including the availability of materials and labor, hereby proposes to furnish all labor, materials, and supplies, and to construct the Project in accordance with the Contract Documents, within the time set forth therein, and at the lump sum and/or unit prices stated hereinafter. These prices are to cover all expenses incurred in performing the Work required under the Contract Documents, of which this proposal is a part. The OWNER will issue work orders for work to be performed under this Contract.

BIDDER hereby agrees to commence work under this contract on or before a date to be specified in the Notice to Proceed and to fully complete the project within the time provided in the Purchase Order or Work Orders issued by the OWNER. BIDDER further agrees to pay liquidated damages, the sum of \$400.00 for each consecutive calendar day thereafter.

The Bidder hereby acknowledges receipt of the following addenda:

Addendum No. 1 Date 1/28/14

Addendum No. 2 Date 1/31/14

Addendum No. Date

Addendum No. Date

Addendum No. Date

Addendum No. Date

Addendum No. Date

Addendum No. Date

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



Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Gray
Mayor

William O'Mara
Commissioner

ADDENDUM #1

Request for Bid: **14-2014**

Date: January 28, 2014

Subject: **Capacity Assurance Program**
Flow Monitoring Field Services

Please address inquiries to:
Betty Landrum @
bettyb@lexingtonky.gov
859.258.3329

TO ALL PROSPECTIVE BIDDERS:

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

Questions	Answers
Why is bonding required for flow monitoring services? This appears to be a data collection request. Usually, bonding is required for requests like construction and cleaning. Neither construction nor cleaning are a part of this request. It appears to be better suited for a professional services request which is normally associated with professional liability insurance.	Bonding was required under the prior flow monitoring bid that LFUCG advertised as part of the Groups 2 & 3 Sanitary Sewer Assessments, Bid #51-2009. The current request is for similar work and both bids support Consent Decree initiative; therefore, a Performance Bond and Payment Bond are both required for this project – see pages PP-1 thru PP-7 of the bid packet.
Please confirm the requirement for professional liability insurance. There does not appear to be any design work involved in the project and question the need for an errors & omissions policy.	Upon further review, it has been determined that there is NOT a need for Professional Liability coverage on this bid; therefore, this requirement has been removed from the bid requirements.
Also there appears to be a contradiction about the submittal of the affirmative action plan on pages Ib-6 and AB-4. Is it required with the bid or after the award?	The section as stated on page IB-6 is correct and must be submitted with your bid.
Is a Bid Bond required?	Bid Security is NOT required – see pages AB-3 and IB-4 of the bid packet.




Todd Slatin, Director
Division of Central Purchasing

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

COMPANY NAME: Hydromax USA

ADDRESS: 11420 Watterson Court, Suite 1100, Louisville, KY, 40299

SIGNATURE OF BIDDER: 



Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Gray
Mayor

William O'Mara
Commissioner

ADDENDUM #2

Request for Bid: **14-2014**

Date: January 31, 2014

Subject: **Capacity Assurance Program**
Flow Monitoring Field Services

Please address inquiries to:
Betty Landrum @
bettyvb@lexingtonky.gov
859.258.3329

TO ALL PROSPECTIVE BIDDERS:

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

1. The Table of Contents Page inadvertently referenced the incorrect bid title (Sanitary Sewer Cleaning Program). It should read as follows:

TABLE OF CONTENTS
CONTRACT DOCUMENTS
FOR
CAPACITY ASSURANCE PROGRAM

2. Part III – page numbering. After P-13 (section 6 for list of proposed subcontractors), all documents should be consecutive thereafter within the Form of Proposal. Therefore, section 7 (MWDBE Goals, Forms, and Good Faith Efforts) should be P-14 and etc. There are NO pages missing.



Todd Slatin, Director
Division of Central Purchasing

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

COMPANY NAME: Hydromax USA

ADDRESS: 11420 Watterson Ct, Suite 1100, Louisville, KY, 40299

SIGNATURE OF BIDDER: 

2. LEGAL STATUS OF BIDDER

Bidder Hydromax USA

Date 1/30/14

* 1. A corporation duly organized and doing business under the laws of the State of Indiana, for whom Tony Bischoff, bearing the official title of CIO, 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, Tony Bischoff, and after being first duly sworn, states under penalty of perjury as follows:

1. His/her name is Tony Bischoff and he/she is the individual submitting the bid or is the authorized representative of Hydromax USA, 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.

4. BID SCHEDULE – SCHEDULE OF VALUES

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

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

If a discrepancy between the unit price and the item total exists, the unit price prevails except:

If the unit price is illegible, omitted, or the same as the item total, item total prevails and the unit price is the quotient of the item total and the quantity.

If the unit price and the item total are illegible or are omitted, the bid may be determined nonresponsive. If a lump sum total price is illegible or is omitted, the bid may be determined nonresponsive.

For a lump sum based bid, the item total is the bid amount the Division uses for bid comparison.

For a unit price based bid, the sum of the item totals is the bid amount the Division uses for bid comparison.

The LFUCG's decision on the bid amount is final.

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

The estimated quantities of items of unit price work are not guaranteed and are solely for the purpose of comparison of bids and determining an initial Contract price. Determination of the actual quantities and classification of unit price work performed by the Contractor will be made by the Engineer in accordance with the General Conditions

All Bidders must submit Bid prices for all items below, to be considered.

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL COST
1.	Temporary Flow Monitoring				
1a.	Installation, Removal, & Calibration	Each	21	\$500.00	\$10,500.00
1b.	Operation & Maintenance	Meter-month	84	\$1,050.00	\$88,200.00
2.	Temporary Rainfall Monitoring				
2a.	Installation, Removal, & Calibration	Each	3	\$400.00	\$1,200.00
2b.	Operation & Maintenance	Gage-month	12	\$300.00	\$3,600.00
3.	Reporting				
3a.	Monthly Data Packet	Each	4	\$393.75	\$1,575.00
3b.	Final Report	Each	1	_____	_____
4.	Meetings				
4a.	Kickoff/Progress Meetings	Each	4	\$600.00	\$2,400.00
TOTAL BID AMOUNT =					\$107,475.00

The quantities provided in the Bid Schedule reflect those anticipated for the 2014 monitoring season. Additional information regarding the preliminary monitoring sites for 2014 is provided in Section 4.06 of the Technical Specifications. Note that monitoring equipment used to perform the work shall be furnished by the Contractor. Ownership of monitoring equipment remains with the Contractor and no equipment is to be provided to LFUCG as part of this contract.

TOTAL OF ALL BID PRICES in words and figures:

One hundred seven thousand four hundred seventy five and $\frac{00}{100}$ (\$107,475.00).

To ensure that the 90% uptime goal is met, Hydromax USA will visit each site at least once every two weeks to perform maintenance and equipment verification.

Submitted by:

Hydromax USA
Firm

11420 Watterson Ct, Suite 1100
Address

Louisville, KY 40299
City, State & Zip

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

 CIO
Signature of Authorized Company Representative – Title

Anthony W Bischoff
Representative/s Name (Typed or Printed)

502-500-1399 502-371-4777
Area Code – Phone – Extension Fax #

tony.bischoff@hydromaxusa.com
E-Mail Address

OFFICIAL ADDRESS:

(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: Hydromax USA
2. Permanent Place of Business: 11420 Wattersen Ct, Suite 1100, Louisville, KY, 40299
3. When Organized: 2003
4. Where Incorporated: State of Indiana
5. Construction Plant and Equipment Available for this Project:
ISCO 2150's flow meters
Hach 900 series flow meters

(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:

National American Insurance Company (Surety)

Signed: _____ (Representative of Surety)

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

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
LFVCG	Lexington, KY	\$1,000,000 +
Louisville MSD	Louisville, KY	\$700,000
KUB	Knoxville, TN	\$1,000,000 +
Joint Sewer Agency	Paducah, KY	\$150,000
Cincinnati MSD	Cincinnati, OH	\$50,000 / month

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

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
N/A		

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>
Tony Bischoff	CIO	8
Gabriel Stewart	Data Analyst	5
Josiah Anderson	Field Crew Leader	10
Jeff Graham	Partner In Charge	11

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>
N/A			

(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</u>	<u>SUBCONTRACTOR</u>	<u>DBE</u> <u>Yes/No</u>	<u>% of Work</u>
<u>MAJOR ITEM</u> Such as: Grading, bituminous paving, concrete, seeding and protection, construction staking, etc.			
1. <u>Fieldwork Support</u>	Name: <u>Environmental & Safety Solutions</u> <u>10045 Springfield Pike, Suite 7</u> Address: <u>Cincinnati, OH 45215</u>	<u>Yes</u>	<u>3-5%</u>
2. _____	Name: _____	_____	_____
	Address: _____		
3. _____	Name: _____	_____	_____
	Address: _____		
4. _____	Name: _____	_____	_____
	Address: _____		
5. _____	Name: _____	_____	_____
	Address: _____		
6. _____	Name: _____	_____	_____
	Address: _____		
7. _____	Name: _____	_____	_____
	Address: _____		

(Attach additional sheet(s) if necessary.)

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

A. GENERAL

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

B. PROCEDURES

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

C. DEFINITIONS

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

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

D. OBLIGATION OF BIDDER FOR GOOD FAITH EFFORTS

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

E. DOCUMENTATION REQUIRED FOR GOOD FAITH EFFORTS

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

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

- n. Bidder has to submit sound reasons why the quotations were considered unacceptable. The fact that the bidder has the ability and/or desire to perform the contract work with its own forces will not be considered a sound reason for rejecting a MWDBE quote. Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy MWDBE goals.
- o. Made an effort to offer assistance to or refer interested MWDBE firms to obtain the necessary equipment, supplies, materials, insurance and/or bonding to satisfy the work requirements of the bid proposal
- p. Made efforts to expand the search for MWBE firms beyond the usual geographic boundaries.
- q. Other--any other evidence that the bidder submits which may show that the bidder has made reasonable good faith efforts to include MWDBE participation.

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



MINORITY BUSINESS ENTERPRISE PROGRAM

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

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

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

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

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

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

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

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



LFUCG MWDBE PARTICIPATION FORM

Bid/RFP/Quote Reference # 14-2014

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

MWDBE Company, Name, Address, Phone, Email	Work to be Performed	Total Dollar Value of the Work	% Value of Total Contract
1. Environmental & Safety Solutions 10045 Springfield Pike, Suite 7 Cincinnati, OH 45215 513-825-2885 eharris@essinc.info	Fieldwork support	\$3000 - \$5000	3-5%
2.			
3.			
4.			

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

Hydro max USA
Company

1/30/14
Date

[Signature]
Company Representative

CIO
Title



LFUCG MWDBE SUBSTITUTION FORM

Bid/RFP/Quote Reference # _____

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

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

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

Company

Company Representative

Date

Title



MWDBE QUOTE SUMMARY FORM

Bid/RFP/Quote Reference # _____

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

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

MWDBE Company Address	Contact Person	Contact Information (work phone, Email, cell)	Date Contacted	Services to be performed	Method of Communication (email, phone meeting, ad, event etc)	Total dollars \$\$ Do Not Leave Blank (Attach Documentation)	MBE * AA HA AS NA Female

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

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

Company

Company Representative

Date

Title



LFUCG SUBCONTRACTOR MONTHLY PAYMENT REPORT

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

Bid/RFP/Quote # _____

Total Contract Amount Awarded to Prime Contractor for this Project _____

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

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

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

Company

Company Representative

Date

Title

LFUCG STATEMENT OF GOOD FAITH EFFORTS

Bid/RFP/Quote # _____

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

_____ Advertised opportunities to participate in the contract in at least two (2) publications of general circulation media; trade and professional association publications; small and minority business or trade publications; and publications or trades targeting minority, women and disadvantaged businesses not less than fifteen (15) days prior to the deadline for submission of bids to allow MWDBE firms to participate.

_____ Included documentation of advertising in the above publications with the bidders good faith efforts package

_____ Attended LFUCG Central Purchasing Economic Inclusion Outreach event

N/A _____ Attended pre-bid meetings that were scheduled by LFUCG to inform MWDBEs of subcontracting opportunities

_____ Sponsored Economic Inclusion event to provide networking opportunities for prime contractors and MWDBE firms

_____ Requested a list of MWDBE subcontractors or suppliers from LFUCG Economic Engine and showed evidence of contacting the companies on the list(s).

_____ Contacted organizations that work with MWDBE companies for assistance in finding certified MWBDE firms to work on this project. Those contacted and their responses should be a part of the bidder's good faith efforts documentation.

_____ Sent written notices, by certified mail, email or facsimile, to qualified, certified MWDBEs soliciting their participation in the contract not less than seven (7) days prior to the deadline for submission of bids to allow them to participate effectively.

_____ Followed up initial solicitations by contacting MWDBEs to determine their level of interest.

_____ Provided the interested MWBDE firm with adequate and timely information about the plans, specifications, and requirements of the contract.

_____ Selected portions of the work to be performed by MWDBE firms in order to increase the likelihood of meeting the contract goals. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MWDBE participation, even when the prime contractor may otherwise perform these work items with its own workforce

- _____ Negotiated in good faith with interested MWDBE firms not rejecting them as unqualified without sound reasons based on a thorough investigation of their capabilities. Any rejection should be so noted in writing with a description as to why an agreement could not be reached.
- _____ Included documentation of quotations received from interested MWDBE firms which were not used due to uncompetitive pricing or were rejected as unacceptable and/or copies of responses from firms indicating that they would not be submitting a bid.
- _____ Bidder has to submit sound reasons why the quotations were considered unacceptable. The fact that the bidder has the ability and/or desire to perform the contract work with its own forces will not be considered a sound reason for rejecting a MWDBE quote. Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy MWDBE goals.
- _____ Made an effort to offer assistance to or refer interested MWDBE firms to obtain the necessary equipment, supplies, materials, insurance and/or bonding to satisfy the work requirements of the bid proposal
- ✓ _____ Made efforts to expand the search for MWBE firms beyond the usual geographic boundaries.
- _____ Other - any other evidence that the bidder submits which may show that the bidder has made reasonable good faith efforts to include MWDBE participation.

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

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

Hydromax USA
Company

1/31/14
Date


Company Representative

CIO
Title

HYDROMAX USA

Advanced Water and Wastewater Pipeline Data Collection

2/3/2014

Director, Division of Central Purchasing
Lexington-Fayette Urban County Government
200 East Main Street, Third Floor
Lexington, KY 40507

RE: MWDBE Good Faith Effort

To whom it may concern:

Thank you for the opportunity to bid on this Capacity Assurance Program Flow Monitoring Services contract. We have assembled a proven team to perform this work which happens comes up a little short of the 10% LFUCG MWDBE Participation Goal. But we are expecting to achieve a 3%-5% MWDBE Participation Goal for the project, and we would like to explain why this is appropriate for our team. There are several good reasons for this:

- There is a small number of components of this project and to delegate any of them out to an MWDBE company must be carefully done in a way that does not undermine our ability to ensure we achieve a 90% uptime goal for the study. The key components of our team are a project manager, data analyst, and field crew. The only component where we can delegate is support for the field crew efforts and our team member, Environmental & Safety Solutions, will provide labor support to our field crew leader.
- Our team member, Environmental & Safety Solutions, has worked with us in a similar role for flow metering work in the Cincinnati, OH area and we have a proven, successful relationship with them that could be easily translated to this study.
- In order to attempt to achieve the participation goal, we have assigned the field crew support role to our MWDBE team member even though Hydromax USA is fully equipped to provide these services with our own workforce.
- In order to find a team member that could successfully join us, we have looked outside of the LFUCG regional area and chosen a proven team member from the Cincinnati, OH area.
- One MWDBE contractor from Florida selling flow meter equipment, did reach out to us to see if they might supply our equipment needs for this study, but this was not a need for us. Hydromax already owns the equipment needed to successfully complete this project.

If there are any questions or comments LFUCG may have regarding our good faith effort, please reach out to me at your convenience at tony.bischoff@hydromaxusa.com or 502-500-1399.

Sincerely,



Tony Bischoff, PE
CIO

8. **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 _____. 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 _____ 

Firm _____ Hydromax USA

Address _____ 11420 Watterson Ct., Suite 1100

_____ Louisville, KY 40299

Telephone _____ 502-500-1399

Date _____ 1/31/14

9. **STATEMENT OF EXPERIENCE**

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

NAME OF INDIVIDUAL: Tony Bischoff, PE

POSITION/TITLE: Project Manager / CIO

STATEMENT OF EXPERIENCE: Over the past 10 years, Mr. Bischoff
has been the project manager for over 30 flow monitoring
studies ranging size from 5 meters to over
150 meters.

NAME OF INDIVIDUAL: Gabriel Stewart

POSITION/TITLE: Data Analyst

STATEMENT OF EXPERIENCE: Mr Stewart has performed
QAQC on over 500 flow monitoring sites over
the past 5 years.

NAME OF INDIVIDUAL: Josiah Anderson

POSITION/TITLE: Field Crew Leader

STATEMENT OF EXPERIENCE: Over the past 10 years, Mr. Anderson
has performed field services at over 750 flow
monitoring sites.

NAME OF INDIVIDUAL: Jeff Graham, PE

POSITION/TITLE: Partner In Charge / President

STATEMENT OF EXPERIENCE: PM on projects consisting of more than 1000 flow meter installations.

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

BY: Hydromax USA
Name of Firm

DATE: 1/30/14

BY: [Signature]

TITLE: CIO

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

10. EQUAL OPPORTUNITY AGREEMENT

The Law

- * Title VII of the Civil Rights Act of 1964 (amended 1972) states that it is unlawful for an employer to discriminate in employment because of race, color, religion, sex, age (40-70 years) or national origin.
- * Executive Order No. 11246 on Nondiscrimination under Federal contract prohibits employment discrimination by contractor and subcontractor doing business with the Federal Government or recipients of Federal funds. This order was later amended by Executive Order No. 11375 to prohibit discrimination on the basis of sex.
- * Section 503 of the Rehabilitation Act of 1973 States:

The Contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap.

- * Section 2012 of the Vietnam Era Veterans Readjustment Act of 1973 requires Affirmative Action on behalf of disabled veterans and veterans of the Vietnam Era by contractors having Federal Contracts.
- * Section 206 (A) of Executive Order 12086, Consolidation of Contract Compliance Functions for Equal Employment Opportunity, states:

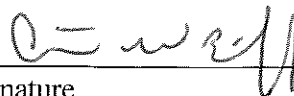
The Secretary of Labor may investigate the employment practices of any Government contractor or sub-contractor to determine whether or not the contractual provisions specified in Section 202 of this order have been violated.

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

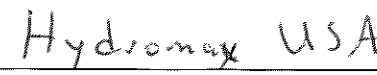
Please sign this statement in the appropriate space acknowledging that you have read and understand the provisions contained herein. Return this document as part of your application packet.

Bidders

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



Signature



Name of Business

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

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

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

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

The Act further provides:

KRS 45.610. Hiring minorities – Information required

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

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

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

KRS 45.630 Termination of existing employee not required, when

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

KRS 45.640 Minimum skills

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


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

11. EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION POLICY

It is the policy of Hydromax USA
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: CIO

Date: 1/30/14

HYDROMAX USA
P.O. Box 70
Chandler, IN 47610

**EQUAL EMPLOYMENT AND
AFFIRMATIVE ACTION PLAN**

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1. PURPOSE OF EQUAL EMPLOYMENT AND AFFIRMATIVE ACTION PLAN AND STATEMENT OF POLICIES

A. Purpose of Plan

The purpose of Hydromax USA's Equal Employment and Affirmative Action Plan is to describe the application of key policies and procedures designed to assure the right of all persons to work and to advance on the basis of ability. This plan has been developed for the following purposes:

1. To achieve full equal treatment of minority groups and women at all levels and in all sectors of the work force;
2. To ensure compliance with applicable equal employment laws and government regulations;
3. To set forth mandatory steps to be taken at all Hydromax USA office locations to maintain and implement equal employment and affirmative action policies throughout Hydromax USA

B. Statement of Policies

Equal Employment – Hydromax USA's employment policy is to make no distinctions in treatment, hiring, or advancement of applicants or employees on the basis of race, religion, color, sex, age, national origin, handicap status, Vietnam era or disabled veterans status, or on any other basis prohibited by law.

Affirmative Action – The Board of Directors, President and all officers of Hydromax USA will affirmatively implement the policies and procedures in this plan with regard to women, minorities, and protected class individuals and will regard those policies and procedures as Baltimore City contract requirements

2. DISSEMINATION OF THE PLAN AND POLICIES

A. Internal

Hydromax USA will communicate to each executive, manager, supervisor, and foreman this Plan and its equal employment and affirmative action policies through the following procedures:

1. Upon request, Hydromax USA will give to any employee a copy of this plan.

2. The existence and requirements of the Plan will be communicated to all employees from time to time through such internal publications as may be appropriate.
3. A copy of the Statement of Policies will be given to all applicants for employment upon their request for an employment application.
4. Implementation of the Plan will be discussed during management and staff meetings.
5. Periodically, the Equal Opportunity Officer will meet with each manager and the manager's immediate staff to give them assistance in implementing the Plan.
6. Hydromax USA will communicate to union officials this plan and its equal employment and affirmative action policies and procedures.
7. Posters and policies relevant to the Plan will be displayed in conspicuous places where employees are located and particularly, in employment areas.

B. External

Hydromax USA will communicate the Plan and the Statement of Policies to the public by the following procedures:

1. Recruiting sources, such as personnel agencies, community organizations, colleges and training institutions, will be informed of the basic aims of the Plan and the Statement of Policies and will be requested to include minorities and females and handicapped persons in their referrals.
2. Advertisements for employment will be placed in news media chosen to reach all qualified applicants, including minorities, women and handicapped persons. All employment advertisements will contain the phrase "An Equal Opportunity Employer".
3. Hydromax USA will, in all solicitations or advertisements for employees placed by or on behalf of Hydromax USA, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, handicap status, Vietnam era or disabled Veterans status.
4. Hydromax USA will send each labor union or representative of workers with which he has a collective bargaining agreement or other contract or

understanding, a notice advising the labor union or worker's representative of the Plan and policies.

5. Hydromax USA's recruitment and hiring practices will include:
 - (a) The avoidance of any help-wanted advertising in sex-segregated columns in newspapers or other publications,
 - (b) the avoidance in recruitment letters, or other materials of any reference to "male" or "female" or any indication of preference for men or women in certain jobs.

3. ADMINISTRATION

A. Responsibility

Hydromax USA's Board of Directors has the overall responsibility for the policies included in the Plan. The President of Hydromax USA has the primary responsibility for the successful implementation of the Plan. The President has appointed Steve Lacy, Vice President, to be Hydromax USA's Equal Opportunity Officer with delegated responsibility for program planning, direction and operation.

B. Duties of the Equal Opportunity Officer

1. Manages, coordinates, supervises and integrates day to day operations and activities in implementing the Plan at all offices of Hydromax USA.
2. Develops programs and policies for securing compliance at all Hydromax USA locations with equal employment opportunity and affirmative action policies of Hydromax USA.
3. Reviews employment practices as required to determine whether any current policies serve to bar handicapped individuals from employment;
4. Review all qualification requirements to assure that they are job related, are consistent with job necessity and safe performance on the job;
5. Directs compliance reviews and investigations of complaints of discrimination;
6. Prepares and issues statistical data and evaluation of progress to measure the success of the program and to identify areas where minorities, women and handicapped persons are underutilized.

4. UTILIZATION AND WORK FORCE ANALYSIS

A. Utilization Analysis

The purpose of the utilization analysis is to identify job classifications within Hydromax USA's work force in which minorities and women are being underutilized. The utilization analysis will include an examination of Hydromax USA's work force and handicapped persons in the job classification and geographic areas where Hydromax USA can recruit.

In determining if minorities and women are underutilized in any of Hydromax USA's classifications, the Equal Opportunity Officer shall evaluate the following factors:

1. The minority and female populations of the area surrounding Hydromax USA and their proportion to the total;
2. The size of the minority and female unemployment force in the area surrounding Hydromax USA;
3. The general availability of minorities and women having requisite skills in an area from which Hydromax USA can recruit;
4. The minorities and women employed by Hydromax USA with the requisite skills for the job classification involved;
5. The number and percentage of minorities and women applying for employment.

B. Work Force Analysis

The Equal Opportunity Officer will develop an analysis of job titles and job classification held by minorities and women which shall include a listing of each job title including the wage rate or salary range, as it appears on Hydromax USA payroll records, ranked from the lowest paid to the highest paid within organizational unit and the total number of incumbents by sex and minority group in each job title.

C. Identification of Problem Areas

The Equal Opportunity Officer will be responsible for the periodic analysis of the entire employment process in order to identify problem areas. Among the subjects covered will be:

1. The recruitment process;
2. Concentration of women and minorities in various job titles and job classifications;

3. Selection standards and procedures;
4. Transfer and promotion policies;
5. Provisions and practices regarding seniority in union contracts;
6. Administration and validity of all tests for employment and promotional purposes;
7. Upward mobility systems, promotions, and training;
8. Termination and disciplinary actions;
9. Utilization of qualified handicapped persons.

5. GOALS AND TIMETABLES

The final process in the utilization and work force analysis is the formulation of goals and timetables for employment of minorities and women. Hydromax USA will use the following process in establishing goals and timetables.

1. A goal will be established when the percentage of total minorities and women in a job classification within Hydromax USA is lower than the total percentage of minorities and women available in that job classification within the surrounding labor market area.
2. The goal will be stated as a percentage of the total employees in the job classification and will be equal to the percentage of minorities and women available for work in the job classification in the surrounding labor market area.
3. For each job classification with a goal, a specific timetable will be established for reaching the goal in the minimum feasible time period.

6. EXECUTION OF THE EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

A. Recruitment

Hydromax USA will actively seek minorities, women and handicapped persons for employment. The following techniques will be used to ensure that personnel practices of Hydromax USA are not discriminatory.

1. Hydromax USA will analyze and review recruitment procedures for each job title to identify and eliminate discriminatory barriers;

2. Hydromax USA will establish objective measures to analyze and monitor the recruitment process. These shall include application records, including for each job applicant; name, race, sex, handicap, status, Vietnam era or disabled veterans status, referral source, date of application, position applied for, and whether a job offer was made;
3. Prior to filling any position for which goals and timetables have been established, the Equal Opportunity Officer will review the number of minority and women applicants who applied for the position;
4. Recruitment sources will be listed to ensure that Hydromax USA is making contact with recruitment sources that provide the widest range of applicants.

B. Selection Standards and Procedures

1. Hydromax USA will carefully review and evaluate every step of its hiring process to ensure that the job requirements, hiring standards, and methods of selection and placement do not discriminate, are job related and contribute toward the goals of this plan.
2. Having identified handicap status, reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant will be made, unless it can be shown that such accommodation would impose an undue hardship for the project.

C. Upward Mobility, Promotions, Training

In order to assure the absence of discrimination against the employment of minorities, women, and handicapped persons in all positions, Hydromax USA will review all practices-both formal and informal-affecting promotions and training opportunities to ensure that minorities, women and handicapped persons are promoted and given training opportunities. The following records and procedures will be used, developed, and implemented in order to ensure compliance:

1. The number and percentage of minorities, women and handicapped persons in all training programs for employees of Hydromax USA;
2. Employees will be informed of all job opportunities.

D. Layoffs, Discharges, Demotions, Disciplinary Action

The standards for deciding when an employee will be terminated, demoted, or disciplined, will be the same for all employees of Hydromax USA and will not be applied differently for minorities, women and handicapped persons. Hydromax USA will keep a record of:

1. All Terminations, indicating total, name, date, number of members of minority group, handicapped persons and women by job category and reason for termination; and
2. All Layoffs and Demotions, indicating total, name, date, number of members of minority group, handicapped persons and women by job category and reasons for action.

7. AUDITS AND REPORTS

Hydromax USA will monitor appropriate personnel records and reports to ensure a policy of equal opportunity and to ensure compliance with Hydromax USA goals and timetables. Hydromax USA will develop and implement a reporting procedure that will provide for the continued auditing, monitoring, and evaluation of Hydromax USA offices. A formal audit of Hydromax USA will be made at least annually with periodic checks as deemed appropriate.

8. SUBCONTRACTORS, CONSULTANTS, SERVICES

Hydromax USA recognizes its responsibilities in the areas of equal opportunity and affirmative action with respect to subcontractors, consultants and companies that supply materials and services to Hydromax USA. The Equal Opportunity Officer will develop and implement policies and procedures to ensure that those responsibilities are being met.

A. Utilization of Women and Minority Business Enterprises

It is the policy of Hydromax USA that women and minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Baltimore City Contracts.

1. Hydromax USA will establish policies and procedures that will enable women and minority business enterprises to be considered fairly as subcontractors and suppliers under City contracts.

In this connection:

(a). Hydromax USA will develop and implement policies and procedures to recruit and give equal consideration to women and minority firms and consultants to provide personal services to supplies to Hydromax USA;

(b). Hydromax USA will develop a listing of women and minority firms and consultants that provide services for which Hydromax USA normally contracts;

(c). The Equal Opportunity Officer will periodically review and monitor Hydromax USA's use of subcontractors, suppliers, consultants, and services in order to assure fair use, consideration, and treatment of women and minority suppliers, subcontractors, consultants and services;

(d). Hydromax USA will notify all subcontractors and suppliers that its affirmative action plan is on file with the City of Baltimore and that their affirmative action plans must also be filed with contracting City agency at or prior to bidding on the contract;

(e). Hydromax USA will endeavor to cause non-discrimination clauses in collective bargaining agreements and endeavor to discover any present discriminatory provisions in collective bargaining agreements and to modify and delete same;

(f). When Hydromax USA contemplates subcontracting activities, a good faith effort will be made to utilize women and minority firms or subcontractors;

(g). Hydromax USA will not use a facility or any portion thereof that segregates because of race, religion, color, age, national origin, or sex. Further, Hydromax USA will not sponsor, endorse, or contribute to any association or establishment that excludes minorities, women and handicapped persons.

9. STATEMENT OF COMMITMENT

It is the policy of Hydromax USA to provide equal employment opportunity in all employment practices, including but not limited to, recruitment, advertising, hiring, layoff, rate of pay, training, termination, upgrading, demotion, transfer, fringe benefits, and use of facilities; without discrimination because of race, color, sex, age, religion, national origin, handicap status, Vietnam era or disabled veteran status, or on any other basis prohibited by law. This Plan will be updated and revised to reflect experience, changes in laws and regulations, and better understanding of effective approaches that will assure equal employment opportunities for all.

12. WORKFORCE ANALYSIS FORM

Name of Organization: Hydromax USA, LLC

Date: 01, 31, 14

Categories	Total	White		Black		Other		Total	
		M	F	M	F	M	F	M	F
Administrators	2	2						2	
Professionals	16	16						16	
Superintendents									
Supervisors	6	6						6	
Foremen									
Technicians	50	46		1		3		50	
Protective Service									
Para-Professionals									
Office/Clerical	4		3				1		4
Skilled Craft									
Service/Maintenance									
Total:	78	70	3	1	3	1	3	74	4

Prepared By: Sam Snowles

Sam Snowles

~~P-33~~
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R2

13. EVIDENCE OF INSURABILITY

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

Names Insured: Hydromax USA, LLC

Employee ID: _____

Address: PO Box 70

Phone: 912 925 3930

Chandler, IN 47710

Project to be insured: _____

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 1.A.D.1 - see provisions	CGI	\$1,000,000 per occ. AND \$2,000,000 aggregate	\$ 1,000,000 / 2,000,000	Cincinnati Ins.		A+
SC 1.A.D.1 - see provisions	AUTO	\$2,000,000/per occ.	\$ 1,000,000	Cincinnati Ins.		A+
SC 1.A.D.1 - see provisions	WC	Suitably w/endorsement as implied	\$ 1,000,000	Cincinnati Casualty		A+

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

Torian Hoffman and Dillow

Randal Albin

Agency or Brokerage

Name of Authorized Representative

3000 Division Street

Agent

Street Address

Title

Evansville IN

47711

State

Zip

912 424 5503

Authorized Signature

01-31-14

Telephone Number

Date

NOTE: Authorized signatures may be the agents 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.

P-44
BS

14. DEBARRED FIRMS

PROJECT NAME: CAPACITY ASSURANCE PROGRAM
 FLOW MONITORING FIELD SERVICES

BID NUMBER: 14-2014

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KY

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

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

The undersigned hereby certifies that the firm of Hydromax USA 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.

Hydromax USA
Name of Firm Submitting Bid

[Signature]
Signature of Authorized Official

CIO
Title

1/30/14
Date

15. DEBARMENT CERTIFICATION

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

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

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

- 2) Where the contractor is unable to certify to any of the statements in this certification, such prospective contractors shall attach an explanation to this certification form.

Firm Name: Hydromax USA

Project: Bid No. 14-2014

Printed Name and Title of Authorized Representative: Anthony W Bischoff, CIO

Signature: 

Date: 1/30/14

END OF SECTION

15. DEBARMENT CERTIFICATION

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

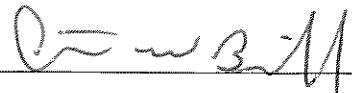
The contractor/subcontractor certifies in accordance with Executive Order 12549 (Debarment and Suspension 2/18/86) that to the best of its knowledge and belief, that it and its principals:

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

Firm Name: Hydromax USA

Project: Bid No. 14-2014

Printed Name and Title of Authorized Representative: Anthony W Biscioff, CIO

Signature: 

Date: 1/30/14

END OF SECTION

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PART II
INFORMATION FOR BIDDERS

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4. QUALIFICATION OF BIDDER

The OWNER may make such investigations as the OWNER deems necessary to determine the ability of the bidder to perform the Work, and the bidder shall furnish to the OWNER all such information and data for this purpose as the OWNER may request. The OWNER reserves the right to reject any bid if the evidence submitted by, or investigation of, such bidder fails to satisfy the OWNER that such bidder is properly qualified to carry out the obligations of the Contract and to complete the Work contemplated therein. Conditional bids will not be accepted.

In evaluating Bids, OWNER shall consider the qualifications of the BIDDERS, whether or not the Bids comply with the prescribed requirements, and alternatives and unit prices, as requested. OWNER may consider maintenance requirements, performance data, and disruption or damage to private property. It is OWNER'S intent to accept alternatives, if requested by the bid forms, in the order in which they are listed in the Bid Form but OWNER may accept or decline them in any order or combination. The contract, if awarded, will be awarded to the lowest, qualified, responsible BIDDER based upon OWNER'S evaluation which indicates that the award will be in the best interest of OWNER and the general public.

In the event there is any question as to the bidder's qualifications and ability to complete the work, a final determination will be made in accordance with a fair evaluation by the Urban County Government of the above listed elements.

- A. If the OWNER requires filling out a detailed financial statement, the bidder may provide its current certified financial statement(s) for the required time interval.
- B. Corporate firms are required to be registered and in good standing with the requirements and provisions of the Office of the Secretary of State, Commonwealth of Kentucky.
- C. Good standing with Public Works Act - any CONTRACTOR and/or subcontractors in violation of any wage or work act provisions (KRS 337.510 to KRS 337.550) are prohibited by Statutory Act (KRS 337.990) from bidding on or working on any and all public works contracts, either in their name or in the name of any other company, firm or other entity in which he might be interested. No bid from a prime contractor in violation of the Act can be considered, nor will any subcontractor in violation of the Act be approved and/or accepted. The responsibility for the qualifications of the subcontractor is solely that of the prime contractor.
- D. Documents Required of CONTRACTOR - (1) A sworn statement signed by the President or owner of the Company regarding all current work in progress anywhere; (2) A document showing the percent of completion of each project and the total worth of each project; and (3) Documentation showing the percentage of the DBE employment levels on each project of the Bidder's current work force, and DBE participation levels for Subcontractors.

- E. Optional OWNER Requirements - The OWNER, at its discretion, may require the BIDDER/CONTRACTOR to provide: (1) A current detailed financial statement for a period including up to 3 prior years. (2) Financial security or insurance in amounts and kinds acceptable to the OWNER to meet the financial responsibility requirements for the CONTRACTOR to indemnify the OWNER. (3) Additional information and/or DBE work force data, as well as DBE participation data.

Each bidder agrees to waive any claim it has or may have against the Owner, the Architect/Engineer, and their respective employees, arising out of or in connection with the administration, evaluation, or recommendation of any bid.

5. BID SECURITY

Non-Applicable for this Contract

6. LIQUIDATED DAMAGES FOR FAILURE TO ENTER INTO CONTRACT

The successful bidder, upon his failure or refusal to execute and deliver the Contract and bonds required within ten (10) days after he has received notice of the acceptance of his bid, shall forfeit to the OWNER, as liquidated damages for such failure or refusal, the security deposited with his bid.

7. TIME OF COMPLETION AND LIQUIDATED DAMAGES

Bidder must agree to commence work on or before a date to be specified in a written "Notice to Proceed" from the OWNER and to fully complete the Project within the time as specified in the Contract. Bidder must agree also to pay \$400.00 per day as liquidated damages, or the sum as specified in the Contract for each consecutive calendar day thereafter as hereinafter provided in the General Conditions.

8. EXAMINATION OF CONTRACT DOCUMENTS AND SITE

- A. It is the responsibility of each Bidder before submitting a Bid, to (a) examine the Contract Documents thoroughly, (b) visit the site(s) to become familiar with local conditions that may affect cost, progress, performance or furnishing of the work, (c) consider Federal, State and Local laws and regulations that may affect cost, progress, performance or furnishing of the work, (d) study and carefully correlate Bidder's observations with the Contract Documents, and (e) notify Engineer of all conflicts, errors or discrepancies in the Contract Documents.
- B. Bidders should examine the requirements of section 4 of the General Conditions for information pertaining to subsurface conditions, underground structures, underground facilities, and availability of lands, easements, and rights-of-way. The completeness of data, presented in the Contract Documents, pertaining to subsurface conditions, underground structures, and underground facilities for the purposes of bidding or construction is not assured. The Bidder will, at Bidder's own expense, make or obtain any additional examinations, investigations, explorations, tests and studies and obtain any additional information and data which pertain to the physical

conditions (surface and subsurface) which may affect cost, progress, performance or furnishing of the Work and which Bidder deems necessary to determine its Bid for performing and furnishing the Work in accordance with the time, price, and other terms and conditions of the Contract Documents. On request in advance, OWNER will provide access to the site to conduct such explorations and tests as each Bidder deems necessary for submission of a bid. Bidder shall fill all holes, clean up and restore the site to its former condition upon completion of such explorations.

- C. The submission of a Bid will constitute an incontrovertible representation by the Bidder that Bidder has complied with every requirement of this paragraph 8; that without exception the Bid is premised upon furnishing and performing the Work required by the Contract Documents and such means, methods, techniques, sequences or procedures of construction as may be indicated in or required by the Contract Documents; and that the Contract Documents are sufficient in scope and detail to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

9. ADDENDA AND INTERPRETATIONS

No interpretation of the meaning of the Contract Documents will be made to any bidder orally. Every request for such interpretation should be in writing addressed to the Director of Central Purchasing, who in turn will have an addendum issued under signature of the Engineer for the Lexington-Fayette Urban County Government, and to be given consideration must be received prior to the date fixed for the opening of bids. Any and all such interpretations and any supplemental instructions will be in the form of written addenda to the specifications which, if issued, will be mailed by certified mail with return receipt requested or faxed to all prospective bidders. Failure of any bidder to receive any such addendum or interpretation shall not relieve such bidder from any obligation under his bid as submitted. All addenda so issued shall become part of the Contract Documents.

10. SECURITY FOR FAITHFUL PERFORMANCE

- A. Simultaneously with his delivery of the executed Contracts, the CONTRACTOR shall furnish a surety bond or bonds as security for the faithful performance of this Contract and for payment of all persons performing labor on the Project under this Contract and furnishing materials in connection with this Contract, as specified in the General Conditions. The surety on such bond or bonds shall be a duly authorized surety company satisfactory to the OWNER and authorized to do business in the Commonwealth of Kentucky.
- B. All bonds required by this Contract and laws of this State shall be placed with agents licensed in the State of Kentucky. When the premium is paid for such coverage's, the full commission shall be paid to such local agent who shall not divide such commission with any person other than a duly licensed resident local agent.

- C. Contractor shall use standard Performance and Payment Bond forms such as documents provided with this contract book or AIA form A312-1984 (or later). Each document shall be for 100% of the Contract Bid Amount.

11. POWER OF ATTORNEY

Attorney-in-fact who signs bid bonds or contract bonds must file with each bond a certified and effectively dated copy of their power of attorney.

12. TAXES AND WORKMEN'S COMPENSATION

The CONTRACTOR and subcontractor will be required to accept liability for payment of all payroll taxes, sales and use tax, and all other taxes or deductions required by local, state or federal law, such as old age pension, social security, or annuities measured by wages. Each shall carry Workmen's Compensation Insurance to the full amounts as required by Statutes and shall include the cost of all foregoing items in the proposal. The CONTRACTOR will not otherwise be reimbursed or compensated for such tax payments. The CONTRACTOR is urged to ascertain at his own risk his actual tax liability in connection with the execution or performance of his Contract.

13. LAWS AND REGULATIONS

The bidder's attention is directed to the fact that all applicable state laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over construction of the Project shall apply to the Contract throughout, and they will be deemed to be included in the contract, the same as though herein written out in full.

14. EROSION AND SEDIMENT CONTROL AND PERMITS

The CONTRACTOR and Subcontractors performing work on projects on behalf of the OWNER shall also comply with all applicable federal, state, and local environmental regulations and all requirements and conditions set forth in "special" permits including but not limited to Corp of Engineers 404 permits, 401 Water Quality Certifications, Stream Crossing and Floodplain Encroachment Permits as described in Part 4 General Conditions Paragraph 5.17.

15. PREVAILING WAGE LAW AND MINIMUM HOURLY RATES

Federal or state wage rates and regulations, if required for this Project, will be as described in the Special Conditions.

16. AFFIRMATIVE ACTION PLAN

The successful Bidder must submit with their bid, the following items to the Urban County Government:

1. Affirmative Action Plan for his/her firm – see Part II ✓ See page after P.32
2. Current Work Force Analysis Form – see Part III

3. Good Faith Effort Documentation – see Part III See page after P-25
4. List of Disadvantaged Business Enterprise Subcontractors and the Dollar Value of each Subcontract – see Part III ✓

A Work Force Analysis Form shall be submitted for each Contract. Failure to submit these items as required herein may result in disqualification of the Bidder from award of the Contract.

All submissions should be directed to:

Director, Division of Central Purchasing
Lexington-Fayette Urban County Government
200 East Main Street, Third Floor
Lexington, KY 40507

17. CONTRACT TERM AND CONDITIONS

The terms of this agreement shall be for one (1) year ONLY from the date of acceptance of this contract by the Lexington-Fayette Urban County Government.

18. SUBSTITUTE OR "OR-EQUAL" ITEMS

The Contract, if awarded, will be on the basis of materials and equipment described in the Drawings or specified in the Specifications without consideration of possible substitute or "or-equal" items. Whenever it is indicated in the Drawings or specified in the Specifications that a substitute or "or-equal" item of material or equipment may be furnished or used by the CONTRACTOR if acceptable to the ENGINEER and OWNER, application for such acceptance will not be considered by the ENGINEER and OWNER until after the effective date of the Agreement. The procedure for submission of any such application by the CONTRACTOR and consideration by the ENGINEER and OWNER is set forth in the General Conditions.

19. ALTERNATE BIDS

Bidders shall submit alternate bids/proposals only if and when such alternate bids/proposals have been specifically requested in an Invitation for Bids. If alternate bids/proposals are requested in an Invitation for Bids, the form of submission of such alternate bid and the conditions under which such alternate bids will be considered for award of a contract will be established in the Invitation.

Any Bidder who submits a bid incorporating an alternate proposal when alternate bids/proposals have not been requested in the Invitation for Bids shall have his/her bid rejected as non-responsive.

Any Bidder who submits a bid incorporating two (2) or more prices for an item or groups of items (unless such method of pricing is requested in the Invitation for Bids), or which imposes conditions for acceptance other than those established in the Invitation for Bids, shall have their bid rejected as non-responsive.

20. SIGNING OF AGREEMENT

When OWNER gives a Notice of Award to the successful Bidder, it will be accompanied by the required number of unsigned counterparts of the Agreement with all other written Contract Documents attached. Within ten days thereafter, CONTRACTOR shall sign and deliver the required number of counterparts of the Agreement and attached documents to OWNER with the required Bonds, Certificate of Insurance, and Power of Attorney. The OWNER will deliver one fully signed counterpart to CONTRACTOR at such time as it has been signed by the Mayor.

21. ASSISTANCE TO BE OFFERED TO DISADVANTAGED BUSINESS ENTERPRISE (DBE) CONTRACTORS

I. Outreach

The Lexington-Fayette Urban County Government (LFUCG) maintains a mailing list of DBE contractors and organizations. When a LFUCG construction project is advertised for bidding, notices are sent to the entire mailing list. The notices describe the project, indicate the deadline for submitting bids, and review the bonding assistance which is available.

If you wish to be added to the LFUCG DBE contractor mailing list, please contact:

Marilyn Clark
Division of Central Purchasing
Lexington-Fayette Urban County Government
200 East Main Street, Room 338
Lexington, Kentucky 40507

II. Bid Bond Assistance

For those DBE contractors who wish to bid on LFUCG project, bid bond assistance is available. This bid bond assistance is in the form of a "Letter of Certification" which is accepted by the LFUCG's Division of Purchasing, in lieu of a bid bond. The "Letter of Certification" must be included in the bid package when it is submitted to the Division of Purchasing. The "Letter of Certification" will reference the specific project for which the bid is being submitted, and the time and date on which the bid is due. Bid bond assistance must be requested from the Lexington-Fayette Urban County Government's Division of Central Purchasing.

III. Eligibility for Bid Bonding Assistance

In order to be eligible for any bid bonding assistance, a DBE construction company must be owned or controlled at the level of 51% or more, by a member or members of a minority group or females. Prior to receiving assistance, a statement providing evidence of ownership and control of the company by a member or members of a minority group or females must be signed by the OWNER or corporate officer and by an attorney or accountant and submitted to:

Marilyn Clark
Division of Central Purchasing
Lexington-Fayette Urban County Government
200 East Main Street, Room 338
Lexington, Kentucky 40507

IV. Subcontractors

The LFUCG will, upon request, assist prime contractors in the procurement of eligible DBE subcontractors in an effort to achieve the 10% minimum DBE goal.

For a list of eligible DBE subcontractors please contact:

Marilyn Clark
Division of Central Purchasing
Lexington-Fayette Urban County Government
200 East Main Street, Room 338
Lexington, Kentucky 40507

V. Questions

If you have questions or wish to have additional information, please contact:

Betty Landrum, Buyer Senior
Division of Central Purchasing
Lexington-Fayette Urban County Government
200 East Main Street, 3rd Floor
Lexington, Kentucky 40507
(859) 258-3320