

**PART III**

**Invitation to Bid No. 147-2012**

**Construction of Softball Field**

**2012**

**1. FORM OF PROPOSAL**

Place: Lexington, Kentucky

Date: 10-10-12

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

This Proposal Submitted by BCD, Inc.  
1200 Atkinson Hill Ave., Bardstown, KY 40004  
(Name and Address of Bidding Contractor)

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

To: Lexington-Fayette Urban County Government  
(Hereinafter called "OWNER")  
Office of the Director of Central Purchasing  
200 East Main Street, Room 338  
Lexington, KY 40507

Gentlemen:

The bidder, in compliance with your Invitation for Bids for the Construction of Softball Field Lexington, Kentucky, 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 Bidder hereby agrees to commence Work under this Contract on a date to be specified in a written "Notice to Proceed" of the OWNER and to fully complete the Project within FORTY-FIVE (45) calendar days.

The Bidder hereby acknowledges receipt of the following addenda:

Addendum No.   1   Date   9/26/12  ;      Addendum No.        Date       

Addendum No.   2   Date   10/4/12  ;      Addendum No.        Date       

Addendum No.        Date       ;      Addendum No.        Date       

Addendum No.        Date       ;      Addendum No.        Date       

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

2. LEGAL STATUS OF BIDDER

Bidder BCD, Inc.

Date 10-10-12

\* 1. A corporation duly organized and doing business under the laws of the State of KY, for whom Tim Wensil, bearing the official title of Vice President, whose signature is affixed to this Proposal, is duly authorized to execute contracts.

\* 2. A Partnership, all of the members of which, with addresses are: (Designate general partners as such)

N/A

\* 3. An individual, whose signature is affixed to this Proposal. (Print name)

N/A

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

3. **BIDDERS AFFIDAVIT**

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

1. His/her name is Tim Wensil and he/she is the individual submitting the bid or is the authorized representative of Vice President, 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.

Timothy R. Wensil  
(Affiant)

STATE OF Kentucky

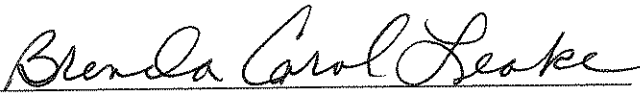
COUNTY OF Nelson

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

Timothy R. Wensil on this the 10th day of October,

20 12 .

My Commission expires: 3/28/15

  
Brenda Carol Seake  
NOTARY PUBLIC, STATE AT LARGE

4. BID SCHEDULE – SCHEDULE OF VALUES

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

The 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 Owner in accordance with the General Conditions.

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

Item No.	Description w/Unit Bid Price Written in Words	Estimated Quantity	Unit	Total Bid Amount
1.	Complete Base Bid Scope of Work: New 225 ft softball field including asphalt trail between new and existing fields, all concrete work and parking lot reconstruction in accordance with the Contract Documents <i>Two hundred sixty one thousand two hundred</i> Dollars Cents (Lump Sum)	1	LS	<i>\$261,200.00</i>
2.	Complete Bid Alternate #1 Scope of Work: Outer Trail Section <i>Twenty three thousand three hundred</i> Dollars Cents (Lump Sum)	1	LS	<i>\$23,300.00</i>
3.	Complete Bid Alternate #2 Scope of Work: Irrigation <i>Sixteen thousand</i> Dollars Cents (Lump Sum)	1	LS	<i>\$16,000.00</i>
4.	Complete Bid Alternate #3 Scope of Work: Drinking Fountain and Hydrant <i>eight thousand nine hundred</i> Dollars Cents (Lump Sum)	1	LS	<i>\$8,900.00</i>
5.	Complete Bid Alternate #4 Scope of Work: Custom Scoreboard Frame and Scoreboard <i>eight thousand seven hundred</i> Dollars Cents (Lump Sum)	1	LS	<i>\$8,700.00</i>
6.	Complete Bid Alternate #5 Scope of Work: Backstop Net <i>Seven thousand</i> Dollars Cents (Lump Sum)	1	LS	<i>\$7,000.00</i>

Item No.	Description w/Unit Bid Price Written in Words	Estimated Quantity	Unit	Total Bid Amount
7.	Complete Bid Alternate #6 Scope of Work: Scoring Booth <u>two thousand one hundred</u> Dollars Cents (Lump Sum)	1	LS	\$ <u>2,100.00</u>
8.	Complete Bid Alternate #7 Scope of Work: Bleachers <u>nine thousand one hundred</u> Dollars Cents (Lump Sum)	1	LS	\$ <u>9,100.00</u>
9.	Complete Bid Alternate #8 Scope of Work: Trash and Recycling Receptacles <u>three thousand six hundred</u> Dollars Cents (Lump Sum)	1	LS	\$ <u>3,600.00</u>
10.	Complete Bid Alternate #9 Scope of Work: New Trees <u>Six thousand</u> Dollars Cents (Lump Sum)	1	LS	\$ <u>6,000.00</u>
11.	Complete Bid Alternate #10 Scope of Work: Removable Bollards <u>two thousand three hundred</u> Dollars Cents (Lump Sum)	1	LS	\$ <u>2,300.00</u>
12.	Complete Bid Alternate #11 Scope of Work: Dumpster Pad and Enclosure <u>Five thousand two hundred</u> Dollars Cents (Lump Sum)	1	LS	\$ <u>5,200.00</u>
13.	Complete Bid Alternate #10 Scope of Work: Field Subdrainage <u>forty thousand two hundred</u> Dollars Cents (Lump Sum)	1	LS	\$ <u>40,200.00</u>

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

OWNER reserves the right to accept or reject any bid alternatives to the lump sum base bid. Should OWNER wish to consider bid alternatives listed, Bidder is required to provide additional information as listed in Article 6.05 of the General Conditions prior to Notice of Award. Consideration of equipment alternatives of the selected Bidder will be made by OWNER within 60 days after the Effective Date of the Agreement.

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

**BID ALTERNATIVE #1: Outer Trail Section**

CONTRACTOR shall include in the cost of bid alternative ALL work associated with providing the scope listed below. The price of \$ <sup>see</sup> previous shall be added to the contract lump sum base bid if OWNER elects to have CONTRACTOR construct the new Outer Trail Section as indicated on plans. (Demolition of all existing trail as indicated on plans shall be included in Base Bid.)

**BID ALTERNATIVE #2: Irrigation**

CONTRACTOR shall include in the cost of bid alternative ALL work associated with providing the scope listed below. The price of \$ <sup>see</sup> previous shall be added to the contract lump sum base bid if OWNER elects to have CONTRACTOR provide and install irrigation system per plans and specifications.

**BID ALTERNATIVE #3: Drinking Fountain and Hydrant**

CONTRACTOR shall include in the cost of bid alternative ALL work associated with providing the scope listed below. The price of \$ <sup>see</sup> previous shall be added to the contract lump sum base bid if OWNER elects to have CONTRACTOR provide and install the drinking fountain, hydrant and associated drain field. (New water line to hydrant and drinking fountain locations, stubbed up and capped, shall be included in Base Bid.)

**BID ALTERNATIVE #4: Custom Scoreboard Frame and Scoreboard**

CONTRACTOR shall include in the cost of bid alternative ALL work associated with providing the scope listed below. The price of \$ <sup>see</sup> previous shall be added to the contract lump sum base bid if OWNER elects to have CONTRACTOR construct Custom Scoreboard Frame and provide and install Scoreboard. (Conduits from scoreboard location to backstop shall be included in Base Bid.)

**BID ALTERNATIVE #5: Backstop Net**

CONTRACTOR shall include in the cost of bid alternative ALL work associated with providing the scope listed below. The price of \$ <sup>see</sup> previous shall be added to the contract lump sum base bid if OWNER elects to have CONTRACTOR provide and install the Backstop Net per plans and specifications. (Note: All backstop posts and details shall otherwise remain the same and part of the Base Bid.)

**BID ALTERNATIVE #6: Scoring Booth**

CONTRACTOR shall include in the cost of bid alternative ALL work associated with providing the scope listed below. The price of \$ <sup>see</sup> previous shall be added to the contract lump sum base bid if OWNER elects to have CONTRACTOR provide materials for, construct and install Scoring Booth as per plans and specifications.

**BID ALTERNATIVE #7: Bleachers**

CONTRACTOR shall include in the cost of bid alternative ALL work associated with providing the scope listed below. The price of \$ <sup>see</sup> previous shall be added to the contract lump sum base bid if OWNER elects to have CONTRACTOR provide, assemble and install Bleachers per the plans and specifications.

**BID ALTERNATIVE #8: Trash and Recycling Receptacles**

CONTRACTOR shall include in the cost of bid alternative ALL work associated with providing the scope listed below. The price of \$ <sup>see</sup> previous shall be added to the contract lump sum base bid if OWNER elects to have CONTRACTOR provide and install Trash and Recycling Receptacles per plans and specifications.

**BID ALTERNATIVE #9: New Trees**



CONTRACTOR shall include in the cost of bid alternative ALL work associated with providing the scope listed below. The price of \$ <sup>see</sup> previous shall be added to the contract lump sum base bid if OWNER elects to have CONTRACTOR provide and install New Trees per plans and specifications.

**BID ALTERNATIVE #10: Removable Bollards**

CONTRACTOR shall include in the cost of bid alternative ALL work associated with providing the scope listed below. The price of \$ <sup>see</sup> previous shall be added to the contract lump sum base bid if OWNER elects to have CONTRACTOR provide and install Removable Bollards as per plans and specifications.

**BID ALTERNATIVE #11: Dumpster Pad and Enclosure**

CONTRACTOR shall include in the cost of bid alternative ALL work associated with providing the scope listed below. The price of \$ <sup>see</sup> previous shall be added to the contract lump sum base bid if OWNER elects to have CONTRACTOR provide materials for and construct the Dumpster Pad and Enclosure per plans and specifications.

**BID ALTERNATIVE #12: Field Subdrainage**

CONTRACTOR shall include in the cost of bid alternative ALL work associated with providing the scope listed below. The price of \$ <sup>see</sup> previous shall be added to the contract lump sum base bid if OWNER elects to have CONTRACTOR provide and install field subdrainage per plans and specifications.

## LIST OF UNIT PRICES

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

DESCRIPTION OF WORK	UNIT PRICE	
1. Asphalt paving, Class 1 base (include excavation and gravel base per specifications)	<u>125.<sup>00</sup></u>	TN
2. Asphalt paving, Class 1 surface (include binder)	<u>127.<sup>00</sup></u>	TN
3. 4" 4000psi Concrete pavement over 6" DGA	<u>45.<sup>00</sup></u>	SY
4. 4000psi Formed Class A Concrete	<u>400.<sup>00</sup></u>	CY
5. Modular Concrete Retaining wall	<u>14.<sup>50</sup></u>	SF face
6. Gravel Drain Field (per specifications for backstop area)	<u>19.<sup>00</sup></u>	LF
7. Site Grading (equipment and operator to relocate on site material)	<u>175.<sup>00</sup></u>	HR
8. Top Soil delivered and placed on site	<u>25.<sup>00</sup></u>	CY
9. Clay (subgrade) delivered and placed on site	<u>20.<sup>00</sup></u>	CY
10. Excavation and removal of unsuitable material	<u>30.<sup>00</sup></u>	CY
11. Seed & cover	<u>1.<sup>00</sup></u>	SY
12. Sod	<u>5.<sup>00</sup></u>	SY
13. Standard concrete header curb (LFUCG drawing # 302)	<u>20.<sup>00</sup></u>	LF
14. #57 crushed stone (supplied and placed)	<u>26.<sup>00</sup></u>	TN
14. Dense grade aggregate (supplied and placed)	<u>25.<sup>00</sup></u>	TN
15. Rock removal (Highly weathered, broken limestone that can be effectively excavated with normal earth trenching equipment will not be classified as rock removal)	<u>200.<sup>00</sup></u>	CY

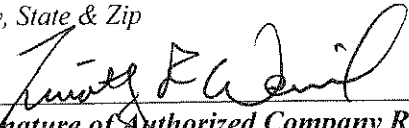
Submitted by:

BCD, Inc.  
*Firm*

1200 Atkinson Hill Avenue  
*Address*

Bardstown, KY 40004  
*City, State & Zip*

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

  
*Signature of Authorized Company Representative - Title*

Timothy R. Wensil  
*Representative/s Name (Typed or Printed)*

(502) 348-2305      (502) 348-2008  
*Area Code - Phone - Extension*                      *Fax #*

twensil@bardstown.com  
*E-Mail Address*

**OFFICIAL ADDRESS:**

1200 Atkinson Hill Ave.

Bardstown, KY 40004

\_\_\_\_\_

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

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

5. STATEMENT OF BIDDER'S QUALIFICATIONS

The following statement of the bidder's qualifications is required to be filled in, executed, and submitted with the Proposal:

- 1. Name of Bidder: BCD, Inc.
- 2. Permanent Place of Business: 1200 Atkinson Hill Ave. Bardstown, KY 40004
- 3. When Organized: May 1979
- 4. Where Incorporated: Kentucky
- 5. Construction Plant and Equipment Available for this Project:

The offices at the above listed address as well as all  
hand tools, electric and gas powered tools, bricks and  
all applicable equipment.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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:

Travelers Casualty & Surety Co. of America (Surety)

Signed: Paul J. Teague (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>
Nelson Co. Athletic Facility	Bardstown, KY	\$1,956,000
Thomas Nelson H.S. Athletic Facility	Bardstown, KY	\$18,026,000
Bardstown Athletic Facilities	Bardstown, KY	\$1,200,000
_____	_____	_____
_____	_____	_____

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

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
Bullitt Co. Library	Brooks, KY	\$1,824,429.00
Scott Co. Elem. School	Georgetown, KY	\$1,323,794.00
Breckenridge Tech Center	Hardinsburg, KY	\$339,100.00
Custer Elementary	Hardinsburg, KY	\$238,900.00
Education Center Kitchen	Frankfort, KY	\$47,988.00
_____	_____	_____

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>
J. Michael Salsman	President	22
Timothy R. Wensil	Vice President	5
Barry Clements	Vice President	2
_____	_____	_____
_____	_____	_____

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>Chambers Painting</u>	<u>Bullitt Co. Library</u>	_____	_____
<u>JABA Construction</u>	<u>Bullitt Co. Library</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.

Respectfully submitted:

BCD, Inc.  
(Name of Contracting Firm)

BY:   
Timothy A. Wensil

TITLE: Vice President

DATE October 10, 2012

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>% of Work</u>	<u>Yes/No</u>
1. <u>Earthwork</u>	Name: <u>BCD Inc.</u> Address: _____	<u>0%</u>		<u>No</u>
2. <u>Concrete</u>	Name: <u>BCA, Inc</u> Address: _____	<u>0%</u>		<u>No</u>
3. <u>Asphalt</u>	Name: <u>Randle-Davies</u> Address: _____	<u>0%</u>		<u>No</u>
4. <u>Retaining wall</u>	Name: <u>BCA, Inc</u> Address: _____	<u>0%</u>		<u>No</u>
5. <u>Fencing</u>	Name: <u>Herb Geddes</u> Address: _____	<u>0%</u>		<u>No</u>
6. <u>Irrigation</u>	Name: <u>Hord's Irrigation</u> Address: _____	<u>0%</u>		<u>NO</u>
7. <u>Electrical</u>	Name: <u>Riggs</u> Address: _____	<u>0%</u>		<u>No</u>

(Attach additional sheet(s) if necessary.)



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


Bid/RFP/Quote Reference # 147-2012

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

MBE/WBE Company, Name, Address, Phone, Email	Work to be Performed	Total Dollar Value of the Work	% Value of Total Contract
1.  NA			
2.			
3.			
4.			

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

BCD, Inc.  
Company

  
Company Representative

October 10, 2012  
Date

Vice President  
Title





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

Bid/RFP/Quote Reference # 147-2012

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

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

BCD, Inc.  
Company

Company Representative

October 10, 2012  
Date

Vice President  
Title



9. **MBE/WBE QUOTE SUMMARY FORM**

Bid/RFP/Quote Reference # 147-2012

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

Company Name <u>BCD, Inc.</u>	Contact Person <u>Timothy R. Wensil</u>
Address/Phone/Email <u>1200 Atkinson Hill Ave., Bardstown, KY 40004 (502) 348-2305 msalsman@bardstown.com</u>	Bid Package / Bid Date <u>Construction of Softball Field, Lexington, KY 10-10-12</u>

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

(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.

BCD, Inc.  
Company

*Timothy R. Wensil*  
Company Representative

10/10/12  
Date

Vice President  
Title



10. LFUCG MBE/WBE SUBCONTRACTOR MONTHLY PAYMENT REPORT

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

Bid/RFP/Quote # 147-2012  
 Total Contract Amount Awarded to Prime Contractor for this Project \_\_\_\_\_

Project Name/ Contract # <b>Construction of Softball Field</b>	Work Period/ From: _____ To: _____
Company Name: <b>BCD, Inc.</b>	Address: _____
Federal Tax ID: <b>610960138</b>	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
	N/A						

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.

BCD, Inc.  
 Company

*[Signature]*  
 Company Representative

October 10, 2012  
 Date

Vice President  
 Title



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

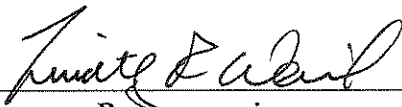
Bid/RFP/Quote # 147-2012

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

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

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

BCD, Inc.  
Company

  
Company Representative

10/10/12  
Date

Vice President  
Title

12. **AUTHENTICATION OF BID AND STATEMENT OF NON-COLLUSION, NON-CONFLICT OF INTEREST**

I hereby swear (or affirm) under the penalty for false swearing:

1. That I am the Bidder (if the Bidder is an individual), a partner of the Bidder (if the Bidder is a partnership), or an officer or employee of the bidding corporation having authority to sign on its behalf (if the Bidder is a corporation);
2. That the attached bid has been arrived at by the Bidder independently, and has been submitted without collusion with, and without any agreement, understanding or planned common course of action, with any other contractor, vendor of materials, supplies, equipment or services described in the Invitation to Bid, designed to limit independent bidding or competition;
3. That the contents of the bid or bids have not been communicated by the Bidder or its employees or agents to any person not an employee or agent of the Bidder or its surety on any bond furnished, with the bid or bids, and will not be communicated to any such person, prior to the official opening of the bid or bids;
4. That the Bidder is legally entitled to enter into the contracts with the Lexington-Fayette Urban County Government, and is not in violation of any prohibited conflict of interest;
5. (Applicable to corporation only) That as a foreign corporation, we are registered with the Secretary of State, Commonwealth of Kentucky, and authorized to do business in the State \_\_\_\_\_ or, that as a domestic corporation, we are in good standing with the Secretary of State, Commonwealth of Kentucky   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.
8. That I certify that Subcontractors have not and will not be awarded to any firm(s) that have been debarred from noncompliance with the Federal Labor Standards, Title VI of the Civil Rights Act of 1964 As Amended, Executive Order 11246 As Amended or any other Federal Law.

13. STATEMENT OF EXPERIENCE

NAME OF INDIVIDUAL: J. Michael Salsman

POSITION/TITLE: President

STATEMENT OF EXPERIENCE: Michael is the President of BCD, Inc. He has been a licensed Civil Engineer since 1983. His responsibilities include supervising a team of over 50 members in various positions in the organization.

NAME OF INDIVIDUAL: Timothy R. Wensil

POSITION/TITLE: Vice President

STATEMENT OF EXPERIENCE: Since joining BCD, Inc. Tim has been very successful at cost estimating for construction, contract negotiations, and managing and monitoring construction projects throughout conception to completion.

NAME OF INDIVIDUAL: Barry Clements

POSITION/TITLE: Vice President

STATEMENT OF EXPERIENCE: Barry has been President of PCM Masonry Contracting for 13 years. In March of 2010 he became a partner with BCD, Inc. His responsibilities include managing projects, obtaining sub-contractor bids to establish a GMP, contract negotiations, field management and supervising all safety coordination for our projects.

NAME OF INDIVIDUAL: Mary Culver

POSITION/TITLE: Controller/Affirmative Action

STATEMENT OF EXPERIENCE: Since becoming Controller for BCD, Inc.  
in 1996, Mary has provided administrative oversight on all BCD, Inc.  
projects

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

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

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

BY: BCD, Inc.  
Name of Firm

DATE: 10-10-12

BY: Timothy R. Wensil

TITLE: Vice President

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

14. EQUAL OPPORTUNITY AGREEMENT

The Law

\* Title VII of the Civil Rights Act of 1964 (amended 1972) states that it is unlawful for an employer to discriminate in employment because of race, color, religion, sex, age (40-70 years) or national origin.

\* Executive Order No. 11246 on Nondiscrimination under Federal contract prohibits employment discrimination by contractor and subcontractor doing business with the Federal Government or recipients of Federal funds. This order was later amended by Executive Order No. 11375 to prohibit discrimination on the basis of sex.

\* Section 503 of the Rehabilitation Act of 1973 States:

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

\* Section 2012 of the Vietnam Era Veterans Readjustment Act of 1973 requires Affirmative Action on behalf of disabled veterans and veterans of the Vietnam Era by contractors having Federal Contracts.

\* Section 206 (A) of Executive Order 12086, Consolidation of Contract Compliance Functions for Equal Employment Opportunity, states:

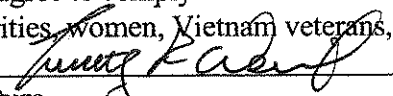
*The Secretary of Labor may investigate the employment practices of any Government contractor or sub-contractor to determine whether or not the contractual provisions specified in Section 202 of this order have been violated.*

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

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

Bidders

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

  
\_\_\_\_\_  
Signature Timothy R. Wensil

BCD, Inc.  
\_\_\_\_\_  
Name of Business



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

The Kentucky Equal Employment Opportunity Act of 1978 (KRS 45.560-45.640) requires that any county, 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 contractor 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 to 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 above quoted 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.

Any project over \$50,000 will require a Performance & Payment Bond in an amount equal to 100% of the contract.

15. EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION POLICY

It is the policy of BCD, Inc.

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

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

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

Mary L. Culver has been appointed Equal Employment Compliance (EEOC) Officer and shall be available for counseling, answering of questions in regards to this company policy, and to hear any complaints of discrimination. The EEOC Officer may be reached by calling 502-348-2305

Signature: BCD, Inc.  
(Bidding Contractor)

Title: Controller  
Date: 10-10-12

**16. WORKFORCE ANALYSIS FORM**

Name of Organization: BCD, Inc.

Date: 10 / 11 / 2012

Categories	Total	White		Black		Other		Total	
		M	F	M	F	M	F	M	F
Administrators									
Professionals		3	1					3	1
Superintendents		10						10	
Supervisors		1						1	
Foremen									
Technicians									
Protective Service									
Para-Professionals									
Office/Clerical			4						4
Skilled Craft		22				6		28	
Service/Maintenance									
Total:		36	5			6		42	5

Prepared By: Mary L. Culver, Controller

**17. EVIDENCE OF INSURABILITY**

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

Name Insured: BCD Inc Employee ID: \_\_\_\_\_  
 Address: 1200 Atkinson Hill Avenue Phone: 502/348-2305  
Bardstown KY 40004  
 Project to be Insured: Constitution Park Softball Field

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	Code	A.M. Best's Rating
(X) SC 4.1	CGL	\$ 1,000,000/per occ \$ 2,000,000/aggregate	\$ 1,000,000/per occ \$ 3,000,000/agg & comp ops	Acutly A Mutual Ins Co	14184	A+
(X)	AUTO	\$ 1,000,000/per occ	\$ 1,000,000/per occ	Acutly A Mutual Ins Co	14184	A+
(X)	WC	Statutory	\$			
	Employer's Liability	\$ 1,000,000	\$2,000,000	KESA, The Ky Workers Comp		

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.

Wells Fargo Insurance Services USA Inc  
 Agency or Brokerage  
 950 Breckenridge Lane, Suite 50  
 Street Address  
 Louisville KY 40207  
 City State Zip  
 502/425-9444  
 Telephone Number

Jeffery C Duncan  
 Name of Authorized Representative  
 Senior MCA President  
 Title  
 Authorized Signature  
 October 5, 2012  
 Date

NOTE: Authorized signatures may be the agent's if agent has placed insurance through an agency agreement with the insurer. If insurance is brokered, authorized signature must be that of authorized representative of insurer.

**IMPORTANT: CONTRACT MAY NOT BE AWARDED IF A COMPLETED AND SIGNED COPY OF THIS FORM FOR ALL COVERAGES LISTED ABOVE IS NOT PROVIDED.**

18. DEBARRED FIRMS

PROJECT NAME: Construction of Softball Field, Lexington, KY

BID NUMBER: 147-2012

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  
BCD, Inc. has not and will not award a subcontract, in connection with any contract award to it as the result of this bid, to any firm that has been debarred for noncompliance with the Federal labor Standards, Title VI of the civil Rights Act of 1964, Executive Order 11246 as amended or any Federal Law.

BCD, Inc.  
Name of Firm Submitting Bid

  
Signature of Authorized Official Timothy R. Wensil

Vice President  
Title

10-10-12  
Date

## 19. DEBARMENT CERTIFICATION

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

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

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

Firm Name: BCD, Inc.

Project: Construction of Softball Field

Printed Name and Title of Authorized Representative: Timothy R. Wensil, Vice President

Signature: 

Date: 10-10-12

END OF SECTION



Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Gray  
Mayor

Jane C. Diskell  
Commissioner

**ADDENDUM #1**

Bid Number: 147-2012

Date: September 26, 2012

Subject: Construction of Softball Field

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

**TO ALL PROSPECTIVE BIDDERS:**

Wage rates are attached.

Todd Slain, Acting 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: BCD Inc.

ADDRESS: 1200 Atkinson Hill Ave., Bardstown, KY 40004

SIGNATURE OF BIDDER:





Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Gray  
Mayor

Jane C. Driskell  
Commissioner

ADDENDUM #2

Bid Number: 147-2012

Date: October 4, 2012

Subject: Construction of Softball Field

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

**TO ALL PROSPECTIVE BIDDERS:**

1) **Clarification:** The Murdock Drinking fountain (Model M43-AVAF) described on the Plumbing Plan, Sheet 13 of 16 has been modified from what is shown in the drawing and is a new style fountain. Attached to this Addendum is a cut sheet showing the installation diagram of the new style fountain. The fountain requires setting one (1) meter box for the fountain mechanics and one (1) meter box to contain a brass curb stop, in-line check valve, and pressure regulator. Each valve box is to receive a cast iron lockable water meter cover (a description of the valve box contents is referenced in detail 1/13 on the Plumbing page). Note: the fountain specified in this plan does not include a "street washer".

2) **Clarification:** Please note on the Site Plan a Murdock Model M-175 post water hydrant is to be installed next to the water fountain. It is not shown on the Plumbing Plan (page 13 of 16), but is to be included.

3) **Clarification:** The bollards shown on the Site Plan (page 2 of 16) and detailed on page 11 of 16 can be obtained from Madrax, contact Andrea Clausen, 800-448-7931, email: [andreac@thomas-steele.com](mailto:andreac@thomas-steele.com). The item # is **BOL450-IG-R-LEX, Removable bollard with locking tabs and protective collar**. If an "equal" product is offered the contractor must submit a shop drawing to the owner for approval.

4) **Clarification:** The electrical conduit shown on the Electrical Plan (page 12 of 16) is to contain wiring as follows:

The 1 ½ " PVC conduit shall contain wiring for:

- One (1) 20 amp power circuit to serve the irrigation system
- One (1) 20 amp power circuit to serve the scoreboard
- One (1) 20 amp power circuit to serve the pitching machine

The 1 ¼ " PVC conduit shall contain wiring for:

Scoreboard control panel only

Note: There shall be no "butt" splices of wiring within the conduit and all conduit joints shall be glued.

5) **Clarification:** The handrails noted as part of the New Concrete Steps on the Site Plan (page 2 of 16) is not detailed. The handrail shall be constructed of schedule 40 steel pipe primed and painted black. The O.D. pipe diameter shall be 2". The handrail must meet the current Ky Building Code standard for exterior handrails and have a minimum of a top rail and middle rail. The handrail joints may be fillet welded or fastened with approved brackets. A shop drawing of the handrail layout and design must be submitted to the owner prior to construction.

6) **Change:** Qualifications of Bidder: Contractors who wish to submit bids for this project must have successfully completed no fewer than three (3) ballfield or sports field construction or ballfield or sports field re-construction projects within the last ten (10) years.

7) **Clarification:** The roofing for the scorer's stand may be the same material as the dugout roofing, "pre-finished ribbed steel" rather than standing seam as note on the Scorers Stand Plan, page 9 of 16.

8) **Clarification:** The concrete paving, typical (excluding the concrete stairway) does not require reinforcement mesh or re-bar.

9) **Clarification:** The "Pitcher Warm-Up Area" noted on the Site Plan, page 2 of 16 is a turf area and is to be seeded per the seeding specification.

10) **Clarification:** The "Deduct Water Meter" shown on the Plumbing Plan, page 13 of 16 and on the Irrigation Plan, Sheet I-1 is to be deleted from the project.

11) **Clarification:** All waterlines shown in the irrigation plan including the 2" waterline shown tied into the 4" existing water line to the backflow preventer and to the water fountain and hydrant on the Plumbing Plan, page 13 of 16 and the Irrigation Plan, Sheet I-1 are to be provided and installed by the contractor.

12) Pre-bid sign-in sheet is attached.



Todd Slatin, Acting 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: BCD Inc.

ADDRESS: 1200 Atkinson Hill Ave., Bardstown, KY 40004

SIGNATURE OF BIDDER: Tweety R Adams

# THE AMERICAN INSTITUTE OF ARCHITECTS

## AIA Document A310 Bid Bond

KNOW ALL MEN BY THESE PRESENTS, THAT WE BCD, Inc.

1200 Atkinson Hill Avenue, Bardstown, KY 40004

as Principal, hereinafter called the Principal, and Travelers Casualty and Surety Company of America

One Tower Square, Hartford, CT 06183

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

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

200 E. Main Street, 3rd Flt, Rm 338, Lexington, KY 40507

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

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

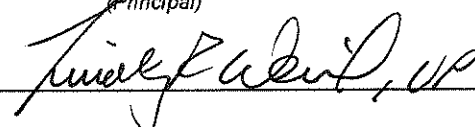
for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

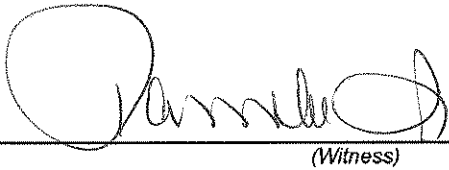
WHEREAS, the Principal has submitted a bid for 147-2012 - Construction of Softball Field

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.

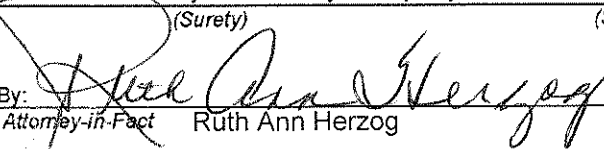
Signed and sealed this 10th day of October, 2012

  
(Witness)

BCD, Inc. \_\_\_\_\_  
(Principal) (Seal)  
By:  \_\_\_\_\_  
(Title)

  
(Witness)



Travelers-Casualty and Surety Company of America \_\_\_\_\_  
(Surety) (Seal)  
By:  \_\_\_\_\_  
Attorney-in-Fact Ruth Ann Herzog (Title)



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Surety Bond No. Bid Bond

Principal: BCD, Inc.

OR

Project Description: 147-2012 - Construction of Softball Field

Obligee: Lexington Fayette Urban County Government

KNOW ALL MEN BY THESE PRESENTS: That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, are corporations duly organized under the laws of the State of Connecticut, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint Ruth Ann Herzog of the City of Louisville, State of KY, their true and lawful Attorney-in-Fact, to sign, execute, seal and acknowledge the surety bond(s) referenced above.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 10th day of September, 2012.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut

City of Hartford ss.

By:

Signature of Robert L. Raney
Robert L. Raney, Senior Vice President

On this the 10th day of September, 2012, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires the 30th day of June, 2016.



Signature of Marie C. Tetreault
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

**RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

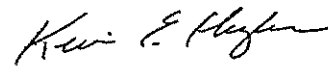
**FURTHER RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

**FURTHER RESOLVED**, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

**FURTHER RESOLVED**, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seals of said Companies this 10th day of October, 2012



Kevin E. Hughes, Assistant Secretary



**To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at [www.travelersbond.com](http://www.travelersbond.com). Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.**

1200 Atkinson Hill Avenue  
Bardstown, Kentucky 40004

Phone: 502-348-2305  
Fax: 502-348-2008



**PROJECT:**

Lexington Fayette Urban County Government  
Invitation to Bid #147-2012  
Construction of Softball Field

**GOOD FAITH MINORITY EFFORT**

BCD, Inc. has on file a list of minority subcontractors that was obtained from Marilyn Clark, Minority Business Enterprise Liaison with LFUCG Division of Central Purchasing. Attached are copies of the bid notifications that were sent to minority subcontractors.

BCD, Inc. normally contacts all subcontractors regarding projects out for bid by way of email. If the subcontractor does not have an email address, then our bid request is sent to them by fax. BCD, Inc. has a list of hundreds of subcontractors that we contact regularly about projects out for bid. Several minority contractors are included in this list and were contacted through this method as well.

Please accept the attached documentation and know that BCD, Inc. made a "good faith effort" to employ minority and women owned businesses for this project.

1200 Atkinson Hill Avenue  
Bardstown, Kentucky 40004

Phone: 502-348-2305  
Fax: 502-348-2008



October 1, 2012

Wildcat Fence  
4617 Illinois Avenue  
Louisville, KY 40213

RE: Constitution Park Softball Park

To Whom It May Concern:

BCD, Inc. is soliciting bids for the above referenced project. We have attached information regarding where plans are available for review and the bid date and time.

Please advise whether or not you will be bidding this project by signing the attached form.

We hope to receive a price from your company.

If you have any questions, please do not hesitate to call.

Very truly yours,

BCD, Inc.

A handwritten signature in cursive script that reads "Brenda Leake".

Brenda Leake  
Contract Administrator

Attachment

BCD, INC.  
1200 Atkinson Hill Avenue  
Bardstown, KY 40004  
Phone: 502-348-2305  
Fax: 502-348-2008

---

**INVITATION TO BID**

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**BCD, INC. IS SOLICITING BIDS FOR CONSTITUTION PARK SOFTBALL FIELD – LFUCG PARKS AND RECREATION, LEXINGTON, KENTUCKY WHICH BIDS ON THURSDAY, SEPTEMBER 10, 2012 AT 2:00 PM. THIS IS A PREVAILING WAGE PROJECT.**

PLANS AND SPECIFICATIONS MAY BE REVIEWED AT THE FOLLOWING LOCATIONS:

- BCD, Inc., 1200 Atkinson Hill Avenue, Bardstown, Kentucky
- Builders Exchange, 2300 Meadow Drive, Louisville, Kentucky

A complete set of plans and specifications is available for a non-refundable purchase of \$42.93, payable to **Lynn Imaging**.

There will be a \$22.00 shipping charge for each set shipped UPS Ground. There will be a \$9.00 handling fee for the use of shipper numbers (Fed-Ex or UPS). Please note we only ship Fed-Ex on a customer's shipper number and that delivery surcharges are subject to change.

Mail checks to Lynn Imaging, Attn: Distribution, 328 Old Vine Street, Lexington KY 40507

SHOULD YOU HAVE ANY QUESTIONS, PLEASE FAX TIM WENSIL @ (502) 348-2008 OR BRENDA LEAKE OR EMAIL QUESTIONS TO [twensil@bardstown.com](mailto:twensil@bardstown.com)

**PLEASE LET US KNOW IF YOU ARE INTERESTED IN BIDDING THIS PROJECT BY FAXING THIS BACK TO US. THANK YOU.**

**IF BCD, INC. IS THE SUCCESSFUL BIDDER ON THIS PROJECT AND YOU ARE THE SUCCESSFUL SUBCONTRACTOR WITH BCD, INC., YOU MUST LIST BCD, INC. AS AN ADDITIONAL INSURED ON YOUR INSURANCE COVERAGE. PLEASE INCLUDE THIS COST IN YOUR BID.**

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

Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_  
**Signature**



1200 Atkinson Hill Avenue  
Bardstown, Kentucky 40004

Phone: 502-348-2305  
Fax: 502-348-2008



October 1, 2012

Charles Electric Service, Inc. (DBE)  
P. O. Box 353  
Franklin, KY 42135

RE: Constitution Park Softball Park

To Whom It May Concern:

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If you have any questions, please do not hesitate to call.

Very truly yours,

BCD, Inc.

A handwritten signature in cursive script that reads 'Brenda Leake'. The signature is written in black ink and is positioned above the printed name and title.

Brenda Leake  
Contract Administrator

Attachment

BCD, INC.  
1200 Atkinson Hill Avenue  
Bardstown, KY 40004  
Phone: 502-348-2305  
Fax: 502-348-2008

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\_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_  
Company Name

\_\_\_\_\_  
Signature

1200 Atkinson Hill Avenue  
Bardstown, Kentucky 40004

Phone: 502-348-2305  
Fax: 502-348-2008



October 1, 2012

Advanced Electrical Systems, Inc. (DBE)  
P. O. Box 36503  
Louisville, KY 40233

RE: Constitution Park Softball Park

To Whom It May Concern:

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Very truly yours,

BCD, Inc.

A handwritten signature in cursive script that reads 'Brenda Leake'.

Brenda Leake  
Contract Administrator

Attachment

BCD, INC.  
1200 Atkinson Hill Avenue  
Bardstown, KY 40004  
Phone: 502-348-2305  
Fax: 502-348-2008

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**INVITATION TO BID**

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\_\_\_\_\_  
Company Name

Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_  
Signature

1200 Atkinson Hill Avenue  
Bardstown, Kentucky 40004

Phone: 502-348-2305  
Fax: 502-348-2008



October 1, 2012

Professional Fence Company  
2506 Allen Lane  
LaGrange, KY 40031

RE: Constitution Park Softball Park

To Whom It May Concern:

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Very truly yours,

BCD, Inc.

A handwritten signature in black ink that reads "Brenda Leake". The signature is written in a cursive style with a large, looped "B" and "L".

Brenda Leake  
Contract Administrator

Attachment

BCD, INC.  
1200 Atkinson Hill Avenue  
Bardstown, KY 40004  
Phone: 502-348-2305  
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Yes \_\_\_\_\_ No \_\_\_\_\_

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

\_\_\_\_\_  
**Signature**