

**PART III**

**Invitation to Bid No. 125-2020**

**2021 Capacity Assurance Program Flow Monitoring Field Services**

1. **FORM OF PROPOSAL**

Place: Lexington, Kentucky

Date: 12/8/20

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

This Proposal Submitted by HYDROMAX USA, LLC

11492 BLUEGRASS PKWY #106 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  
125-2020 "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 Temporary Flow Monitoring 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 for each consecutive calendar day thereafter.

The Bidder hereby acknowledges receipt of the following addenda:

- Addendum No. \_\_\_\_ Date \_\_\_\_\_
- Addendum No. \_\_\_\_ Date \_\_\_\_\_
- Addendum No. \_\_\_\_ Date \_\_\_\_\_
- Addendum No. \_\_\_\_ Date \_\_\_\_\_
- Addendum No. \_\_\_\_ Date \_\_\_\_\_
- Addendum No. \_\_\_\_ Date \_\_\_\_\_
- Addendum No. \_\_\_\_ Date \_\_\_\_\_
- Addendum No. \_\_\_\_ Date \_\_\_\_\_

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

**2. LEGAL STATUS OF BIDDER**

Bidder HYDROMAX USA, LLC

Date 12/8/20

\* 1. A corporation duly organized and doing business under the laws of the State of INDIANA, for whom JEFFREY A. GRAHAM, bearing the official title of FOUNDER/BD, 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)

N/A

\* 3. An individual, whose signature is affixed to this Bid/Proposal (please print name)

N/A

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

3. **BIDDERS AFFIDAVIT**

Comes the Affiant, JEFFREY A. GRAHAM, and after being first duly sworn, states under penalty of perjury as follows:

1. His/her name is JEFFREY A. GRAHAM and he/she is the individual submitting the bid or is the authorized representative of HYDROMAX USA, LLC, 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.

*Jeffrey A. Graham*  
(Affiant)

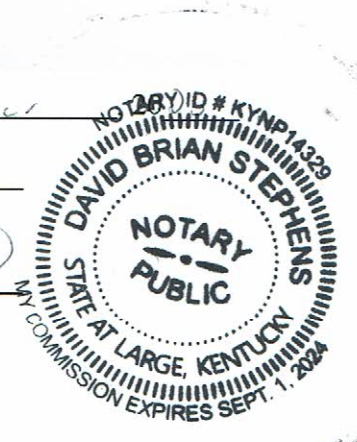
STATE OF Kentucky  
COUNTY OF Jefferson

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

Jeffrey Graham on this the 7<sup>th</sup> day of December

My Commission expires: 9/1/2024

*Brian Stephens*  
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 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. ALSO INSERTED INTO IONWARE

Item No.	Description w/Unit Bid Price Written in Words	Estimated Quantity	Unit	Unit Price	Total Bid Amount
1.	Installation, Removal & Calibration of Temporary Flow Meter for <u>SIX HUNDRED SEVENTY</u> Dollars and <u>ZERO</u> Cents (per Each)	98	Each	\$ Ionwave <u>\$670</u>	\$ Ionwave <u>\$65,660</u>
2.	Operation & Maintenance of Temporary Flow Meter for <u>FOUR HUNDRED NINETY</u> Dollars and <u>ZERO</u> Cents (per Meter-month)	392	Meter-month	\$ Ionwave <u>\$490</u>	\$ Ionwave <u>\$192,080</u>
3.	Installation, Removal & Calibration of Temporary Rain Gage for <u>TWO HUNDRED FIFTY</u> Dollars and <u>ZERO</u> Cents (per Each)	16	Each	\$ Ionwave <u>\$250</u>	\$ Ionwave <u>\$4,000</u>

Item No.	Description w/Unit Bid Price Written in Words	Estimated Quantity	Unit	Unit Price	Total Bid Amount
4.	Operation & Maintenance of Temporary Rain Gage for <u>ONE HUNDRED FIFTY</u> Dollars and <u>ZERO</u> Cents (per Gage-month)	64	Gage-month	\$ Ionwave <u>\$150</u>	\$Ionwave <u>\$9,600</u>
5.	Monthly Data Packet for <u>FIVE HUNDRED</u> Dollars and <u>ZERO</u> Cents (per Each)	4	Each	\$ Ionwave <u>\$500</u>	\$ Ionwave <u>\$2,000</u>
6.	Final Report for <u>ONE THOUSAND</u> Dollars and <u>ZERO</u> Cents (per Each)	1	Each	\$ Ionwave <u>\$1,000</u>	\$ Ionwave <u>\$1,000</u>
7.	Kickoff/Progress Meetings for <u>TWO HUNDRED FIFTY</u> Dollars and <u>ZERO</u> Cents (per Each)	4	Each	\$ Ionwave <u>\$250</u>	\$ Ionwave <u>\$1,000</u>

TOTAL OF ALL BID PRICES FOR Submit in Ionwave Project (Items 1 through 30) in words and figures. In case of discrepancy, the amount shown in words will govern.

TWO HUNDRED SEVENTY FIVE THOUSAND Submit in Ionwave  
THREE HUNDRED FORTY DOLLARS (\$ 275,340)  
AND ZERO CENTS

The quantities indicated in the Bid Schedule reflect those anticipated for the 2021 monitoring season. Estimated quantities may change after the contract is awarded. Final quantities will be at the OWNER's discretion. The CONTRACTOR shall specify the unit price for each item in the Bid Schedule without regard to quantity. The CONTRACTOR will not be permitted to alter the unit price identified in the Bid Schedule for changes in estimated quantities for any Item No.

Additional information regarding the preliminary monitoring sites for 2021 is provided in Section 4.06 of the Technical Specifications.

Monitoring equipment used to perform the work shall be furnished by the CONTRACTOR. Ownership of monitoring equipment remains with the CONTRACTOR. No equipment is to be provided to the OWNER as part of this contract.

Submitted by:

HYDROMAX USA, LLC  
Firm

11492 BLUEGRASS PKWY #106  
Address

LOUISVILLE, KY 40299  
City, State & Zip

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

*[Handwritten Signature]*  
Signature of Authorized Company Representative – Title

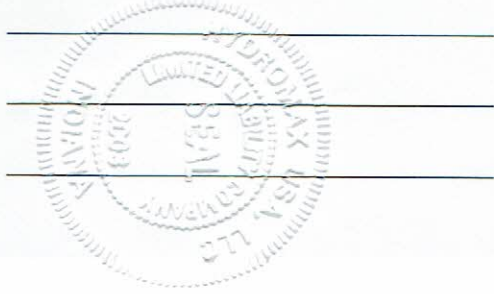
JEFFREY A. GRAHAM  
Representative/s Name (Typed or Printed)

502-548-8965  
Area Code – Phone – Extension Fax #

jeff.graham@hydromaxusa.com  
E-Mail Address

OFFICIAL ADDRESS:

SAME AS ABOVE



(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

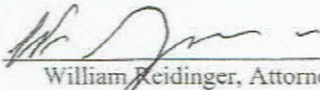
The following statement of the Bidder's qualifications is required to be filled in, executed, and submitted with the Proposal:

- 1. Name of Bidder: HYDROMAX USA, LLC
- 2. Permanent Place of Business: 11492 BLUEGRASS PKWY, #106 LOUISVILLE, KY 40299
- 3. When Organized: 2003
- 4. Where Incorporated: INDIANA
- 5. Construction Plant and Equipment Available for this Project:  
HACH 900 SERIES FM  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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:  
Berkley Insurance Company (Surety)

Signed:  (Representative of Surety)  
William Reidinger, Attorney-in-Fact

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



POWER OF ATTORNEY  
BERKLEY INSURANCE COMPANY  
WILMINGTON, DELAWARE

No. BI-SurePath-a

NOTICE: The warning found elsewhere in this Power of Attorney affects the validity thereof. Please review carefully.

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Greenwich, CT, has made, constituted and appointed, and does by these presents make, constitute and appoint: William Reidinger

Surety Bond No.:  
Principal: Hydromax USA, LLC  
Obligee: Lexington-Fayette Urban County Government  
Amount of Bond: See Bond Form

its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed Fifty Million and 00/100 U.S. Dollars (U.S.\$50,000,000.00), to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on January 25, 2010:



RESOLVED, that, with respect to the Surety business written by Berkley Surety, the Chairman of the Board, Chief Executive Officer, President or any Vice President of the Company, in conjunction with the Secretary or any Assistant Secretary are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and said officers may remove any such attorney-in-fact and revoke any power of attorney previously granted; and further

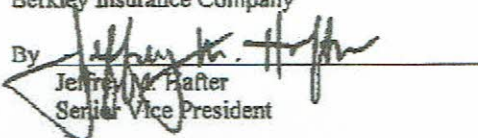
RESOLVED, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

RESOLVED, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and further

RESOLVED, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 25<sup>th</sup> day of July, 2019.

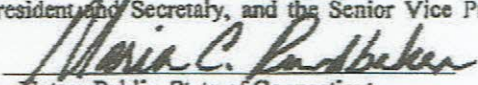
(Seal)  Attest:  
By   
Ira S. Lederman  
Executive Vice President & Secretary

Berkley Insurance Company  
By   
Jeffrey M. Hafter  
Senior Vice President

STATE OF CONNECTICUT )  
  ) ss:  
COUNTY OF FAIRFIELD )

Sworn to before me, a Notary Public in the State of Connecticut, this 25<sup>th</sup> day of July, 2019, by Ira S. Lederman and Jeffrey M. Hafter who are sworn to me to be the Executive Vice President and Secretary, and the Senior Vice President, respectively, of Berkley Insurance Company.

MARIA C RUNDRAKEN  
NOTARY PUBLIC  
CONNECTICUT  
MY COMMISSION EXPIRES  
APRIL 30, 2024

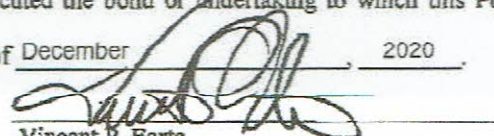
  
Notary Public, State of Connecticut

CERTIFICATE

I, the undersigned, Assistant Secretary of BERKLEY INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attorney is attached, is in full force and effect as of this date.

Given under my hand and seal of the Company, this 16<sup>th</sup> day of December, 2020.

(Seal) 

  
Vincent P. Forte

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
LFUCG 2020	LEXINGTON, KY	\$ 160,000
" 2018	" "	\$ 260,000
" 2017	" "	\$ 100,000
CHAPEL HILL w/CDM 2018	CHAPEL HILL, NC	\$ 160,000

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

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
KANSAS CITY	KANSAS CITY, MO	\$ 3,300,000

\* HUSA HAS A BONDING CAPACITY OF \$10,000,000

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>
JEFF GRAHAM, P.E	CO PROJECT MANAGER	17+
TONY BISCHOFF, P.E	" " "	14+
GABE STEWART	DATA ANALYST	12+
RYAN EASTERDAY	FIELD CREW LEAD	5+

11. DBE Participation on current bonded projects under contract:

<u>SUBCONTRACTORS</u> <u>(LIST)</u>	<u>PROJECT</u> <u>(SPECIFIC TYPE)</u>	<u>DBE</u>	<u>% of WORK</u>
TREKK DESIGN	KANSAS CITY, MO	WBE	15%
FOUR STAR CONST,	" "	MBE	5%
TALIFERO + BROWN	" "	MBE	5%
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(USE ADDITIONAL SHEETS IF NECESSARY)

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

**6. LIST OF PROPOSED SUBCONTRACTORS**

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

<b><u>BRANCH OF WORK - LIST EACH Work</u></b>	<b><u>SUBCONTRACTOR</u></b>	<b><u>DBE</u></b>	<b><u>% of</u></b>
<b><u>MAJOR ITEM</u></b> Such as: Grading, bituminous paving, concrete, seeding and protection, construction staking, etc.		<b><u>Yes/No</u></b>	
1. <u>FM DATA ANALYSIS</u>	Name: <u>JASMINE, KY</u>	<u>NO</u>	<u>21%</u>
	Address: <u>1236 LITCHFIELD LEXINGTON, KY 40513</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.)

BECAUSE OF THE SPECIAL NATURE OF THIS WORK AS WELL AS THE SKILL SETS NEEDED TO COMPLETE THIS WORK WE WILL BE SELF PERFORMING ALL FIELDWORK



**LFUCG MWDBE PARTICIPATION FORM**  
 Bid/RFP/Quote Reference # 125-2020

The MWDBE and/or Veteran 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. **Failure to submit a completed form may cause rejection of the bid.**

**WE WILL BE SELF PERFORMING ALL FIELD WORK**

MWDBE Company, Name, Address, Phone, Email	Work to be Performed	Total Dollar Value of the Work	% Value of Total Contract
1. JASMINE KY 1236 LITCHFIELD LN LEXINGTON, KY 859-539-2218	DATA	\$2,500	
2. LINDA_XP_WU@yahoo.com			
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.

HYDROMAX USA, LLC

Company

12/8/20  
Date

[Signature]  
Company Representative

FOUNDBE / BUSINESS Development  
Title



**MWDBE QUOTE SUMMARY FORM**

Bid/RFP/Quote Reference # 125-2020

The undersigned acknowledges that the minority and/or veteran subcontractors listed on this form did submit a quote to participate on this project. **Failure to submit a completed form may cause rejection of the bid.**

*N/A SEE BELOW*

Company Name <b>HYDROMAX USA, LLC</b>	Contact Person <b>JEFFREY A. GRAHAM, P.E.</b>
Address/Phone/Email <b>114928 BLUEGRASS PKWY 106 LOUISVILLE, KY 40299</b>	Bid Package / Bid Date <b>RFQ 125-2020      12/8/2020</b>

*Jeff.graham@hydromaxusa.com*

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	Veteran

(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.

HYDROMAX USA, LLC  
Company

12/8/2020  
Date

*Jeff A. Graham*  
Company Representative

FOUNDER/BUSINESS DEVELOPMENT  
Title

**ALL FIELD WORK TO BE PERFORMED BY  
HYDROMAX USA PERSONEL**

**LFUCG STATEMENT OF GOOD FAITH EFFORTS**

Bid/RFP/Quote # 125-2020

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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 and Veteran-Owned business enterprises on the project and can supply the appropriate documentation.

NO 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 and Veteran-Owned businesses to participate.

NO Included documentation of advertising in the above publications with the bidders good faith efforts package

NO Attended LFUCG Central Purchasing Economic Inclusion Outreach event

NO Attended pre-bid meetings that were scheduled by LFUCG to inform MWDBEs and/or Veteran-Owned Businesses of subcontracting opportunities

NO Sponsored Economic Inclusion event to provide networking opportunities for prime contractors and MWDBE firms and Veteran-Owned businesses

NO Requested a list of MWDBE and/or Veteran subcontractors or suppliers from LFUCG and showed evidence of contacting the companies on the list(s).

NO Contacted organizations that work with MWDBE companies for assistance in finding certified MWDBE firms and Veteran-Owned businesses to work on this project. Those contacted and their responses should be a part of the bidder's good faith efforts documentation.

NO 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.

NO Followed up initial solicitations by contacting MWDBEs and Veteran-Owned businesses to determine their level of interest.

NO Provided the interested MWDBE firm and/or Veteran-Owned business with adequate and timely information about the plans, specifications, and requirements of the contract.

YES Selected portions of the work to be performed by MWDBE firms and/or Veteran-Owned businesses 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 and Veteran

participation, even when the prime contractor may otherwise perform these work items with its own workforce

NO Negotiated in good faith with interested MWDBE firms and Veteran-Owned businesses 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.

NO Included documentation of quotations received from interested MWDBE firms and Veteran-Owned businesses 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.

NO 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 and/or Veteran-Owned business's quote. Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy MWDBE and Veteran goals.

NO Made an effort to offer assistance to or refer interested MWDBE firms and Veteran-Owned businesses to obtain the necessary equipment, supplies, materials, insurance and/or bonding to satisfy the work requirements of the bid proposal

NO Made efforts to expand the search for MWBE firms and Veteran-Owned businesses 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 and Veteran participation.

ALL WORK EXCEPT SOME DATA ANALYSIS IT SHOULD BE NOTED THAT THERE ARE ONLY 7 TASKS ASSOCIATED W/ THIS WORK

**NOTE:** 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 which is subject to approval by the MBE Liaison. Documentation of Good Faith Efforts must 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, LLC  
Company  
12/8/2020  
Date

  
\_\_\_\_\_  
Company Representative  
FOUNDER/BUSINESS DEVELOPMENT  
Title



**8. AUTHENTICATION OF BID AND STATEMENT OF NON-COLLUSION AND 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 N/A or, that as a domestic corporation, we are in good standing with the Secretary of State, Commonwealth of Kentucky ✓. Check the statement applicable.
6. This offer is for 60 calendar days from the date this bid is opened. In submitting the above, it is expressly agreed that, upon proper acceptance by the Lexington-Fayette Urban County Government of any or all items bid above, a contract shall thereby be created with respect to the items accepted.
7. That I have fully informed myself regarding the accuracy of the statements made in this statement.
8. That I certify that Subcontractors have not and will not be awarded to any firm(s) that have been debarred from noncompliance with the Federal Labor Standards, Title VI of the Civil Rights Act of 1964 As Amended, Executive Order 11246 As Amended or any other Federal Law.

 12/8/2020

9. STATEMENT OF EXPERIENCE

NAME OF INDIVIDUAL: JEFFREY A. GRAHAM, P.E.

POSITION/TITLE: CO PROJECT MANAGER

STATEMENT OF EXPERIENCE: JEFF HAS BEEN RESPONSIBLE FOR ALL THE WORK HUSA HAS PERFORMED FOR LFUCG THIS INCLUDES THE INSTALLATION + MAINTENANCE OF MORE THAN 450 FM. IN TOTAL MR GRAHAM HAS BEEN RESPONSIBLE FOR 50+ FM PROJECTS

NAME OF INDIVIDUAL: TONY BISCHOFF, P.E.

POSITION/TITLE: CO PM / DATA INTEGRITY MANAGER

STATEMENT OF EXPERIENCE: MR. BISCHOFF HAS BEEN RESPONSIBLE FOR QA/QC OF ALL THE FM WORK HUSA HAS PERFORMED FOR LFUCG (450+) AS WELL AS DATA ASSOCIATED WITH MORE THAN 2,000 ADDITIONAL FM

NAME OF INDIVIDUAL: GABRIEL STEWART

POSITION/TITLE: SSES DATA MANAGER

STATEMENT OF EXPERIENCE: PERFORMED QA/QC + PROCESSED DATA FOR MORE THAN 1,200 FM. INCLUDING THE LAST 5 FM PROJECTS HUSA HAS PERFORMED FOR LFUCG

NAME OF INDIVIDUAL: RYAN EASTERDAY

POSITION/TITLE: FIELD CREW LEAD

STATEMENT OF EXPERIENCE: RYAN HAS BEEN HUSA'S PRIMARY FM INSTALLER FOR THE LAST 5 YEARS. THIS INCLUDES THE INSTALLATION OF MORE THAN 500 FMS

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

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

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

\_\_\_\_\_

\_\_\_\_\_

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

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

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

\_\_\_\_\_

\_\_\_\_\_

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

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

HYDROMAX USA, LLC 12/8/20  
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, LLC

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.

Report for FEIN: 200602448

Name of parent company that owns or controls reported establishments    Evansville Corporate

Address    2501 S. Kentucky Ave/Suite 3

City    Evansville

State and Zip Code    IN, 47714

Section D: Employee Demographic Composition By Job Category

Job Categories	Race/Ethnicity														Total Col A - N			
	Hispanic or Latino		Male							Female								
	A	B	C	D	E	F	G	H	I	J	K	L	M	N				
Executive/Senior Level Officials and Managers 1,1	0	0	6	1	0	0	0	0	0	0	0	0	0	0	0	0	0	8
First/Mid-Level Officials and Managers 1,2	0	0	32	0	0	0	0	1	4	0	0	1	0	0	0	0	0	38
Professionals 2	1	1	6	1	0	1	0	0	1	0	0	0	0	0	0	0	0	11
Technicians 3	14	4	54	23	11	2	0	9	5	2	0	0	0	0	0	0	0	124
Sales Workers 4	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
Administrative Support Workers 5	2	2	28	2	0	1	0	2	25	4	1	0	0	0	0	1	0	68
Craft Workers 6	2	0	19	4	0	0	0	1	0	0	0	0	0	0	0	0	0	26
Operatives 7	6	1	59	12	2	5	0	6	1	1	0	2	0	0	0	0	0	95
Laborers and Helpers 8	1	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
Service Workers 9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	26	8	209	43	13	9	0	19	37	7	1	3	0	0	1	0	0	376



**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 Employee ID: \_\_\_\_\_  
 Address: 2501 S Kentucky Ave Evansville, IN 47714 Phone: 812-925-3930

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-3, Section 2, Part 4.1 - see provisions	CGL	\$1,000,000 per occ. And \$2,000,000 aggregate	\$ 2M/1M	Travelers Indemnity	25658	
SC-3, Section 2, Part 4.1 - see provisions	AUTO	\$2,000,000/per occ.	\$ 1,000,000	"	25658	
SC-3, Section 2, Part 4.1 - see provisions	WC	Statutory w /endorsement as noted	\$ 1,000,000	Charter Oak Fire	25615	

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.

Torian Insurance Agency or Brokerage: 3000 Division St.  
 Street Address: \_\_\_\_\_  
Evansville, IN 47711 City State Zip  
812-424-5503 Telephone Number  
 Name of Authorized Representative: Cindy L. Spurlock Title: Account Manager  
 Authorized Signature: Cindy L. Spurlock Date: 12-2-2020

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

**IMPORTANT: Contract may not be awarded if a completed and signed copy of this form for all coverage's listed above is not provided with the bid.**

## Request for Taxpayer Identification Number and Certification

**Give Form to the  
requester. Do not  
send to the IRS.**

Print or type See Specific Instructions on page 2.	<p><b>1</b> Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <b>Hydromax USA LLC</b></p> <p><b>2</b> Business name/disregarded entity name, if different from above</p>	
	<p><b>3</b> Check appropriate box for federal tax classification; check only <b>one</b> of the following seven boxes:</p> <p><input type="checkbox"/> Individual/sole proprietor or single-member LLC      <input type="checkbox"/> C Corporation      <input type="checkbox"/> S Corporation      <input type="checkbox"/> Partnership      <input type="checkbox"/> Trust/estate</p> <p><input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ <b>P</b></p> <p><b>Note.</b> For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.</p> <p><input type="checkbox"/> Other (see instructions) ▶</p>	<p><b>4</b> Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):</p> <p>Exempt payee code (if any) _____</p> <p>Exemption from FATCA reporting code (if any) _____</p> <p><small>(Applies to accounts maintained outside the U.S.)</small></p>
	<p><b>5</b> Address (number, street, and apt. or suite no.) <b>2501 S Kentucky Ave</b></p> <p><b>6</b> City, state, and ZIP code <b>Evansville, IN 47714</b></p> <p><b>7</b> List account number(s) here (optional)</p>	<p>Requester's name and address (optional)</p>

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Note.** If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

<b>Social security number</b>	
[ ] [ ] [ ] - [ ] [ ] - [ ] [ ] [ ] [ ]	or
<b>Employer identification number</b>	
2 0 - 0 6 0 2 4 4 8	

**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

<b>Sign Here</b>	Signature of U.S. person ▶ <i>[Handwritten Signature]</i>	Date ▶ <i>OCTOBER 27, 2020</i>
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**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at [www.irs.gov/fw9](http://www.irs.gov/fw9).

**Purpose of Form**

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.*

By signing the filled-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

14. DEBARRED FIRMS

PROJECT NAME: 2021 CAPACITY ASSURANCE PROGRAM FM

BID NUMBER: 125-2020

**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, LLC 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, LLC  
Name of Firm Submitting Bid

  
Signature of Authorized Official

FOUNDER  
Title

12/8/20  
Date

## 15. DEBARMENT CERTIFICATION

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

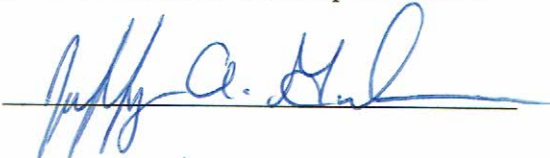
The contractor/subcontractor certifies in accordance with Executive Order 12549 (Debarment and Suspension 2/18/86) that to the best of its knowledge and belief, that it and its principals:

- 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, LLC

Project: 2021 CAPACITY ASSURANCE PROGRAM  
FLOW MONITORING FIELD SERVICES

Printed Name and Title of Authorized Representative: JEFFREY GRAHAM / FOUNDER

Signature: 

Date: 12/8/20

END OF SECTION