



3009 Atkinson Avenue
Suite 400
Lexington, Kentucky 40509

PART III

FORM OF PROPOSAL

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3009 Atkinson Avenue
Suite 400
Lexington, Kentucky 40509

PART III

Invitation to Bid No. 131-2018

2018 Construction Unit Price Contract

1. FORM OF PROPOSAL

Place: Lexington, Kentucky

Date: October 15, 2018

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

This Proposal Submitted by L-M Asphalt Partners, Ltd. dba ATS Construction
3009 Atkinson Avenue, Suite 400
Lexington, Kentucky 40509
(Name and Address of Bidding Contractor)

(Hereinafter called "Bidder"), organized and existing under the laws of the State of Kentucky, doing business as " A Partnership "
"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 **2018 Construction Unit Price Contract** 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 purchase orders for work to be performed under this Contract.

BIDDER hereby agrees to commence work under agreed-to Purchase Order accepted under this Contract and to complete the Project(s) within the time provided by the Purchase Order.



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The Bidder hereby acknowledges receipt of the following addenda:

- Addendum No. ____ Date **None** _____
- 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.



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2. LEGAL STATUS OF BIDDER

Bidder L-M Asphalt Partners, Ltd. dba ATS Construction

Date October 15, 2018

~~1. A corporation duly organized and doing business under the laws of the State of
for whom bearing the
title of , 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)

- | | |
|----------------------------|-----------------------------|
| 1) L-M Holdings, Inc. | Sole General Partner |
| <hr/> | |
| 2) Steven L. Lawson | Limited Partner |
| <hr/> | |
| 3) Steven Adam Lawson | Limited Partner |
| <hr/> | |
| 4) Tyler George Lawson | Limited Partner |
| <hr/> | |
| 5) Shelby Mary Ann Lawson | Limited Partner |
| <hr/> | |

~~3. All individuals, whose signature is affixed to this Bid/Proposal (please print name)~~

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



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3. BIDDERS AFFIDAVIT

Comes the Affiant, Brian R. Billings, and after being first duly sworn, states under penalty of perjury as follows:

1. His/her name is Brian R. Billings and he/she is the individual submitting the bid or is the authorized representative of L-M Asphalt Partners, Ltd. dba ATS Construction, 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.

Brian R. Billings V.P.

(Affiant)

Brian R. Billings, Vice President

STATE OF Kentucky

COUNTY OF Fayette

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

Brian R. Billings on this the 15th. day of October, 2018.

My Commission expires: April 22, 2020

Richard L. Craycraft
NOTARY PUBLIC, STATE AT LARGE
Richard L. Craycraft



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.

In addition to completing the following schedule of values, Bidders shall enter their unit prices on the attached Excel spreadsheet (Available through the LFUCG IonWave Procurement website), titled **2018 Construction Unit Price Contract Bid Schedule.xls**, and submit it with their bid on a CD or flash drive. Any discrepancies between entries in the table below and the electronic spreadsheet will defer to the unit price as written in the schedule below.

The Bidder is not required to bid on every item listed in the bid schedule. In instances where the Bidder chooses not to bid on a specific item, the Bidder shall enter the phrase “no bid” in the unit price column for that respective item. However, Bidders are cautioned that failure to submit a unit bid price on an item will disqualify the Bidder from any project requiring that item, even if they have submitted unit bid prices for all other work items pertaining to that particular project.

Unit prices shall be clearly written in numerical format to the penny (\$ XX.xx) . Any entries deemed illegible shall be treated as a no-bid.

IN ADDITION TO COMPLETING THE LINE ITEM UNIT PRICES BELOW, BIDDERS MUST COMPLETE THE EXCEL SPREADSHEET AVAILABLE ON THE LFUCG IONWAVE PROCUREMENT at <https://lexingtonky.ionwave.net/Login.aspx> WEBSITE AND RETURN IT WITH THEIR SUBMITTAL ON A CD OR FLASH DRIVE.

#	Item	Unit	Unit Price
1	Excavation and Placement	CY	\$ 12.25
2	Embankment	CY	\$ 12.25
3	Rock Excavation (Mechanical)	CY	\$ 200.00
4	Remove Portland Cement Concrete Pavement	SY	\$ 25.00
5	Remove Curb and Gutter	LF	\$ 7.00
6	Remove Sidewalk, Entrance Pavement	SY	\$ 14.00
7	Remove Bituminous Concrete Pavement	SY	\$ 6.00
8	Remove Pipes less than 24" - up to 8' deep	LF	\$ 16.00
9	Remove Pipes 30"- 48" - up to 8' deep	LF	\$ 20.00
10	Remove Fence	LF	\$ 6.00
11	Remove Headwalls and Inlet Structures	EA	\$ 600.00
12	Remove Tree (5" dia. to 12" dia.)	EA	\$ 425.00
13	Remove Tree (>12" dia. to 24" dia.)	EA	\$ 700.00



14	Remove Tree (>24" dia. to 36" dia.)	EA	\$ 1,200.00
15	Remove Tree (>36" dia. and up)	EA	\$ 2,200.00
16	Dense Graded Aggregate Base	TN	\$ 26.00
17	No. 2 Stone	TN	\$ 28.00
18	No. 9 Stone	TN	\$ 28.00
19	No. 57 Stone	TN	\$ 26.00
20	Steel Reinforcement for Concrete	LB	\$ 2.25
21	Unfinished Concrete less than 10 CY	CY	\$ 175.00
22	Unfinished Concrete more than 10 CY	CY	\$ 170.00
23	Formed Class A Concrete less than 10 CY	CY	\$ 825.00
24	Formed Class A Concrete more than 10 CY	CY	\$ 700.00
25	4-1/2" Concrete Sidewalk	SY	\$ 50.00
26	6" Concrete Sidewalk	SY	\$ 55.00
27	6" Concrete Entrance Pavement	SY	\$ 60.00
28	Sidewalk Ramp	SY	\$ 55.00
29	Header Curb	LF	\$ 27.00
30	Curb and Gutter, Type 1	LF	\$ 22.00
31	Curb and Gutter, Type 4	LF	\$ 12.00
32	Bituminous Pavement Milling and Texturing	TN	\$ 35.00
33	Bituminous Base	TN	\$ 77.00
34	Class I, Bituminous Surface less than 50 tons	TN	\$ 90.00
35	Class I, Bituminous Surface greater than 50 tons	TN	\$ 84.00
36	Bituminous Material for Tack	TN	\$ 750.00
37	Type A Surface Inlet	EA	\$ 2,500.00
38	Type B Surface Inlet	EA	\$ 2,500.00
39	Curb Box Inlet Type A (LFUCG)	EA	\$ 4,800.00
40	Curb Box Inlet Type B (LFUCG)	EA	\$ 5,100.00
41	Curb Box Inlet Type C (LFUCG)	EA	\$ 5,400.00
42	Curb Box Inlet Type D (LFUCG)	EA	\$ 3,200.00
43	Curb Box Inlet Type B (KDOH)	EA	\$ 5,200.00
44	Drop Box Inlet Type 13 (KDOH)	EA	\$ 2,900.00
45	Drop Box Inlet Type 16 (KDOH)	EA	\$ 3,000.00
46	Lex Storm Sewer Manhole (4' dia.) (0-8' No rock)	EA	\$ 2,900.00



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47	Lex Storm Sewer Manhole (5' dia.) (0-8' No rock)	EA	\$ 3,300.00
48	Lex Storm Sewer Manhole (6' dia.) (0-8' No rock)	EA	\$ 5,250.00
49	Pipe Tie-in into Manhole or Curb Box Inlet	EA	\$ 700.00
50	15" RCP Storm Sewer (0-8' No rock)	LF	\$ 48.00
51	18" RCP Storm Sewer (0-8' No rock)	LF	\$ 52.00
52	24" RCP Storm Sewer (0-8' No rock)	LF	\$ 62.00
53	30" RCP Storm Sewer (0-8' No rock)	LF	\$ 80.00
54	36" RCP Storm Sewer (0-8' No rock)	LF	\$ 105.00
55	42" RCP Storm Sewer (0-8' No rock)	LF	\$ 135.00
56	48" RCP Storm Sewer (0-8' No rock)	LF	\$ 160.00
57	15" HDPE Storm Sewer (0-8' No rock)	LF	\$ 48.00
58	18" HDPE Storm Sewer (0-8' No rock)	LF	\$ 55.00
59	24" HDPE Storm Sewer (0-8' No rock)	LF	\$ 65.00
60	30" HDPE Storm Sewer (0-8' No rock)	LF	\$ 82.00
61	36" HDPE Storm Sewer (0-8' No rock)	LF	\$ 102.00
62	15" PP Storm Sewer (0-8' No rock)	LF	No Bid
63	18" PP Storm Sewer (0-8' No rock)	LF	No Bid
64	24" PP Storm Sewer (0-8' No rock)	LF	No Bid
65	30" PP Storm Sewer (0-8' No rock)	LF	No Bid
66	36" PP Storm Sewer (0-8' No rock)	LF	No Bid
67	15" Elliptical RCP Storm Sewer	LF	\$ 65.00
68	18" Elliptical RCP Storm Sewer	LF	\$ 75.00
69	24" Elliptical RCP Storm Sewer	LF	\$ 85.00
70	30" Elliptical RCP Storm Sewer	LF	\$ 96.00
71	36" Elliptical RCP Storm Sewer	LF	\$ 125.00
72	42" Elliptical RCP Storm Sewer	LF	\$ 160.00
73	48" Elliptical RCP Storm Sewer	LF	\$ 190.00
74	Internal Inspection of Sewer Pipe: CCTV	LF	\$ 12.50
75	15" Straight Headwall - Standard or Raised	EA	\$ 1,600.00
76	18" Straight Headwall - Standard or Raised	EA	\$ 1,700.00
77	24" Straight Headwall - Standard or Raised	EA	\$ 2,225.00
78	15" Pipe Culvert Headwall	EA	\$ 1,700.00
79	18" Pipe Culvert Headwall	EA	\$ 1,800.00



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80	24" Pipe Culvert Headwall	EA	\$ 2,325.00
81	30" Pipe Culvert Headwall	EA	\$ 2,450.00
82	36" Pipe Culvert Headwall	EA	\$ 2,525.00
83	42" Pipe Culvert Headwall	EA	\$ 2,950.00
84	48" Pipe Culvert Headwall	EA	\$ 3,750.00
85	18" Sloped and Flared Box Inlet-Outlet	EA	\$ 2,750.00
86	24" Sloped and Flared Box Inlet-Outlet	EA	\$ 3,450.00
87	30" Sloped and Flared Box Inlet-Outlet	EA	\$ 4,300.00
88	36" Sloped and Flared Box Inlet-Outlet	EA	\$ 4,900.00
89	15" Impact Stilling Basin	EA	\$ 2,225.00
90	18" Impact Stilling Basin	EA	\$ 2,450.00
91	24" Impact Stilling Basin	EA	\$ 2,750.00
92	30" Impact Stilling Basin	EA	\$ 3,025.00
93	36" Impact Stilling Basin	EA	\$ 3,450.00
94	48" Impact Stilling Basin	EA	\$ 4,100.00
95	Bottom Paved Ditch	SY	\$ 60.00
96	Aggregate Channel Lining for Slope Protection	TN	\$ 40.00
97	Seeding and Protection	SY	\$ 3.25
98	Sodding	SY	\$ 9.50
99	Gabion Mattress Channel Lining	CY	\$ 190.00
100	4" HDPE Perforated Pipe	LF	\$ 15.75
101	6" HDPE Perforated Pipe	LF	\$ 16.80
102	4" PVC Pipe	LF	\$ 25.20
103	6" PVC Pipe	LF	\$ 27.30
104	8" PVC Sanitary Sewer (0-8' No Rock)	LF	\$ 39.00
105	10" PVC Sanitary Sewer (0-8' No Rock)	LF	\$ 43.05
106	12" PVC Sanitary Sewer (0-8' No Rock)	LF	\$ 52.50
107	15" PVC Sanitary Sewer (0-8' No Rock)	LF	\$ 54.60
108	18" PVC Sanitary Sewer (0-8' No Rock)	LF	\$ 60.90
109	8" Ductile Iron Sewer Pipe (0-8' No Rock)	LF	\$ 65.00
110	10" Ductile Iron Sewer Pipe (0-8' No Rock)	LF	\$ 68.00
111	12" Ductile Iron Sewer Pipe (0-8' No Rock)	LF	\$ 74.00
112	14" Ductile Iron Sewer Pipe (0-8' No Rock)	LF	\$ 85.00



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113	Sanitary Sewer By-Pass Pumping	DAY	\$ 3,000.00
114	Two Way Sewer Service Cleanout	EA	\$ 682.50
115	4"x 8" Sanitary Sewer Tee & up to 6' of lateral pipe	EA	\$ 68.25
116	6"x 8" Sanitary Sewer Tee & up to 6' of lateral pipe	EA	\$ 84.00
117	Lex Sanitary Sewer Manhole (4' dia.) (0-8' No rock)	EA	\$ 2,900.00
118	Lex Sanitary Sewer Manhole (5' dia.) (0-8' No rock)	EA	\$ 3,500.00
119	Lex Sanitary Sewer Manhole (6' dia.) (0-8' No rock)	EA	\$ 5,600.00
120	Sanitary Sewer Manhole MIC Protection	VF	No Bid
121	Manhole-Additional vertical depth > 8' (4' dia.)	VF	\$ 168.00
122	Manhole-Additional vertical depth > 8' (5' dia.)	VF	\$ 210.00
123	Manhole-Additional vertical depth > 8' (6' dia.)	VF	\$ 252.00
124	Manhole-Additional for adjustable frame and cover	EA	\$ 1,050.00
125	Woven Wire Fence 4' height	LF	\$ 15.00
126	Chain Link Fence 4' height	LF	\$ 26.00
127	Privacy Fence (installation)	LF	\$ 55.00
128	Backhoe (small) with Operator	HR	\$ 105.00
129	Dump Truck (single axle) with driver	HR	\$ 90.00
130	Dump Truck (tri-axle) with driver	HR	\$ 104.00
131	Jackhammer with Operator	HR	\$ 80.00
132	Skid Loader with Operator	HR	\$ 98.00
133	Check Dam	TN	\$ 40.00
134	Sediment Trap	CY	\$ 48.00
135	Sediment Pond	CY	\$ 48.00
136	Silt Fence	LF	\$ 3.50
137	Storm Drain Inlet Protection	EA	\$ 350.00
138	Filter Strip	SY	No Bid
139	Stream Crossing	EA	\$ 9,000.00
140	Pump-Around Flow Diversion	DAY	\$ 400.00
141	Construction Dewatering	DAY	\$ 400.00
142	Geotextile Construction Type I	SY	\$ 2.10
143	Geotextile Construction Type II	SY	\$ 2.25
144	Geotextile Construction Type III	SY	\$ 2.30
145	Geotextile Construction Type IV	SY	\$ 2.25



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146	Edge Key	LF	\$ 10.00
147	Pipe Plugging for Pipes less than or equal to 24"	EA	\$ 300.00
148	Pipe Plugging for Pipes 30"- 48"	EA	\$ 550.00
149	Flowable Fill	CY	\$ 175.00
150	Fiber Reinforced PCC Pavement	CY	\$ 425.00
151	Single Block Masonry Retaining Wall	SF	\$ 45.00
152	Degradable Erosion Control Mat	SY	\$ 10.00
153	Turf Reinforcement Mat	SY	\$ 10.00
154	Project Sign	EA	\$ 900.00
155	Steel W Beam Guardrail and End Treatments	LF	No Bid
156	Articulating Concrete Block	SY	No Bid
157	Reinf Conc Pipe Crack Repairs and Manhole Rehab	LF	No Bid
158	Saw cutting	LF	\$ 5.25
159	Precast Reinforced Concrete Box Culvert 3' X 2'	LF	\$ 375.00
160	Precast Reinforced Concrete Box Culvert 3' X 3'	LF	\$ 400.00
161	Precast Reinforced Concrete Box Culvert 4' X 2'	LF	\$ 425.00
162	Precast Reinforced Concrete Box Culvert 4' X 3'	LF	\$ 435.00
163	Detectable Warning Surface Tile-Overlay	SF	\$ 44.10
164	Detectable Warning Surface Tile-Imbedded	SF	\$ 44.10
165	Thermoplastic Pavement Striping - White or Yellow	LF	\$ 3.25
166	Removal of Existing Pavement Striping	LF	\$ 10.00
167	Bulb-out: Gutter Cover	LF	\$ 200.00
168	Bulb-out: Asphalt Repair	SF	\$ 100.00
169	Grader with Operator	HR	\$ 200.00
170	Roller/Compactor with Operator	HR	\$ 185.00
171	Furnish and Place Topsoil	CY	\$ 18.00
172	Spreading Stockpiled Topsoil	CY	\$ 8.00
173	2" PVC Conduit Under Non-traffic Surface	LF	\$ 20.00
174	2" PVC Conduit Under Roadway or Driveway	LF	\$ 30.00
175	Junction Box, KYTC Type A	EA	\$ 2,500.00
176	Junction Box, KYTC Type C	EA	\$ 2,500.00
177	Pedestal Base for Pedestrian Pole	EA	\$ 5,000.00



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Payment and Performance Bond Cost, required for Projects over \$50,000 <u>5.0% Allowance of Total Project Cost*</u> * See Special Conditions, Section 6, Payment for Cost of P&P Bonds	5.0 % max.
Unspecified, Incidental Materials at Cost Plus 15% Overhead and Profit (To be submitted as Contract progresses and as needed) * See Special Conditions, Section 7, Payment for Unspecified Materials and Labor. Check if interested	Yes
Unspecified, Incidental Labor at Direct Wages Plus Certified Overhead Plus 15% Profit (To be submitted as Contract progresses and as needed) * See Special Conditions, Section 7, Payment for Unspecified Materials and Labor. Check if interested	Yes
Minimum Project Total For Which Contractor will consider the project. (See Special Conditions, Section 2, Contractors Performance)	\$ <u>25,000.00</u>

Mobilization, Traffic Control, Construction Staking and E&S Permitting will be paid on a sliding percentage scale for increments of the final price for Work, per the table below.

(For example, if the final total of Bid Item Prices for the work is \$24,000, Mobilization would be (\$10,000 X 15%) plus (\$10,000 X 10%) plus (\$4,000 X 5%) = \$2,700)

No additional compensation will be paid beyond a contract price of \$100,000. For example, the mobilization cost for a \$100,000 price of work will be identical to that for a \$110,000 price of work.

Applicability of Traffic Control, Construction Staking and E&S Permitting will be agreed upon individually for each Purchase Order.

Table of Incremental Costs for Mobilization and Additional Services

Increment Price for Work	(a) Mobilization Cost %	(b) Traffic Control Cost %	(c) Construction Staking Cost %	(d) SWPP Etc. Cost %
\$0 - 10,000	15.0	7.5	7.5	5.0
\$10,000 - 20,000	10.0	4.5	4.5	0.5
\$20,000 - 30,000	5.0	3.0	3.0	0.5
\$30,000 - 50,000	5.0	2.5	2.5	0.5
\$50,000 - 75,000	5.0	2.5	2.5	0.5
\$75,000 - 100,000	4.0	2.0	2.0	0.5



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Submitted by:

L-M Asphalt Partners, Ltd. dba ATS Construction

Firm

3009 Atkinson Avenue, Suite 400

Address

Lexington, Kentucky 40509

City, State & Zip

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

Brian R. Billings V.P.

Signature of Authorized Company Representative – Title

Brian R. Billings, Vice President

Representative/s Name (Typed or Printed)

(859) 223-7001

Area Code – Phone – Extension

(859) 231-0946

Fax #

bbillings@atsconstruction.com

E-Mail Address

OFFICIAL ADDRESS:

L-M Asphalt Partners, Ltd. dba ATS Construction

3009 Atkinson Avenue, Suite 400

Lexington, Kentucky 40509

(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: L-M Asphalt Partners, Ltd. dba ATS Construction
2. Permanent Place of Business: 3009 Atkinson Avenue, Suite 400
Lexington, Kentucky 40509
3. When Organized: April 3, 1992
4. Where Incorporated: Kentucky
5. Construction Plant and Equipment Available for this Project:

See Attachment " A "

(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:

Hartford Fire Insurance Company (Surety)

Signed: Kim Watson (Representative of Surety)



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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>
	See Attachment " B "	

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

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
	See Attachment " C "	

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>
	See Attachment " D "	

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>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(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).



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6. LIST OF PROPOSED SUBCONTRACTORS

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

<u>BRANCH OF WORK - LIST EACH MAJOR ITEM</u> Such as: Grading, bituminous paving, concrete, seeding and protection, construction staking, etc.	<u>SUBCONTRACTOR</u>	<u>DBE</u> <u>Yes/No</u>	<u>% of Work</u>
1. _____	Name: _____	_____	_____
	Address: _____		
2. _____	Name: _____	_____	_____
	Address: _____		
3. _____	Name: _____	_____	_____
	Address: _____		
4. _____	Name: _____	_____	_____
	Address: _____		
5. _____	Name: _____	_____	_____
	Address: _____		
6. _____	Name: _____	_____	_____
	Address: _____		
7. _____	Name: _____	_____	_____
	Address: _____		

(Attach additional sheet(s) if necessary.)



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

A. GENERAL

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

B. PROCEDURES

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

C. DEFINITIONS

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



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

D. OBLIGATION OF BIDDER FOR GOOD FAITH EFFORTS

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

E. DOCUMENTATION REQUIRED FOR GOOD FAITH EFFORTS

- 1) Bidders reaching the Goal are required to submit only the MWDBE Participation Form." The form must be fully completed including names and telephone number of participating MWDBE firm(s); type of work to be performed; estimated value of the contract and value expressed as a percentage of the total Lump Sum Bid Price. The form must be signed and dated, and is to be submitted with the bid.
- 2) Bidders not reaching the Goal must submit the "MWDBE Participation Form", the "Quote Summary Form" and a written statement documenting their Good Faith Effort to do so. If bid includes no MWDBE and/or Veteran participation, bidder shall enter "None" on the subcontractor / supplier form). In addition, the bidder must submit written proof of their Good Faith Efforts to meet the Participation Goal:



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- a. Advertised opportunities to participate in the contract in at least two (2) publications of general circulation media; trade and professional association publications; small and minority business or trade publications; and publications or trades targeting minority, women and disadvantaged businesses not less than fifteen (15) days prior to the deadline for submission of bids to allow MWDBE firms and Veteran-Owned businesses to participate.
- b. Included documentation of advertising in the above publications with the bidders good faith efforts package
- c. Attended LFUCG Central Purchasing Economic Inclusion Outreach event
- d. Attended pre-bid meetings that were scheduled by LFUCG to inform MWDBEs and/or Veteran-Owned Businesses of subcontracting opportunities
- e. Sponsored Economic Inclusion event to provide networking opportunities for prime contractors and MWDBE firms and Veteran-Owned businesses.
- f. Requested a list of MWDBE and/or Veteran subcontractors or suppliers from LFUCG Economic Engine and showed evidence of contacting the companies on the list(s).
- g. Contacted organizations that work with MWDBE companies for assistance in finding certified MWBDE 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.
- h. Sent written notices, by certified mail, email or facsimile, to qualified, certified MWDBEs soliciting their participation in the contract not less than seven (7) days prior to the deadline for submission of bids to allow them to participate effectively.
- i. Followed up initial solicitations by contacting MWDBEs and Veteran-Owned businesses to determine their level of interest.
- j. Provided the interested MWBDE firm and/or Veteran-Owned businesses with adequate and timely information about the plans, specifications, and requirements of the contract.
- k. Selected portions of the work to be performed by MWDBE firms 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
- l. Negotiated in good faith with interested MWDBE firms and Veteran-Owned businesses not rejecting them as unqualified without sound reasons based on a thorough



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investigation of their capabilities. Any rejection should be so noted in writing with a description as to why an agreement could not be reached.

m. Included documentation of quotations received from interested MWDBE firms 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.

n. Bidder has to submit sound reasons why the quotations were considered unacceptable. The fact that the bidder has the ability and/or desire to perform the contract work with its own forces will not be considered a sound reason for rejecting a MWDBE 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.

o. 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

p. Made efforts to expand the search for MWBE firms and Veteran-Owned businesses beyond the usual geographic boundaries.

q. Other--any other evidence that the bidder submits which may show that the bidder has made reasonable good faith efforts to include MWDBE and Veteran participation.

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 review by the MBE Liaison. Documentation of Good Faith Efforts must be submitted with the Bid, if the participation Goal is not met.



MINORITY BUSINESS ENTERPRISE PROGRAM

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

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

To that end the city council adopted and implemented Resolution 484-2017 – A Certified Minority, Women and Disadvantaged Business Enterprise ten percent (10%) minimum goal and a three (3%) minimum goal for Certified Veteran-Owned Small Businesses and Certified Service Disabled Veteran – Owned Businesses for government contracts.

The resolution states the following definitions shall be used for the purposes of reaching these goals (a full copy is available in Central Purchasing):

Certified Disadvantaged Business Enterprise (DBE) – a business in which at least fifty-one percent (51%) is owned, managed and controlled by a person(s) who is socially and economically disadvantaged as define by 49 CFR subpart 26.

Certified Minority Business Enterprise (MBE) – a business in which at least fifty-one percent (51%) is owned, managed and controlled by an ethnic minority (i.e. African American, Asian American/ Pacific Islander, Hispanic Islander, Native American/Native Alaskan Indian) as defined in federal law or regulation as it may be amended from time-to-time.

Certified Women Business Enterprise (WBE) – a business in which at least fifty-one percent (51%) is owned, managed and controlled by a woman.

Certified Veteran-Owned Small Business (VOSB) – a business in which at least fifty-one percent (51%) is owned, managed and controlled by a veteran who served on active duty with the U.S. Army, Air Force, Navy, Marines or Coast Guard.

Certified Service Disabled Veteran Owned Small Business (SDVOSB) – a business in which at least fifty-one percent (51%) is owned, managed and controlled by a disabled veteran who served on active duty with the U.S. Army, Air Force, Navy, Marines or Coast Guard.

The term “Certified” shall mean the business is appropriately certified, licensed, verified, or validated by an organization or entity recognized by the Division of Purchasing as having the appropriate credentials to make a determination as to the status of the business.



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We have compiled the list below to help you locate certified MBE, WBE and DBE certified businesses. Below is a listing of contacts for LFUCG Certified MWDBEs and Veteran-Owned Small Businesses in (<https://lexingtonky.ionwave.net>)

Business	Contact	Email Address	Phone
LFUCG	Sherita Miller	smiller@lexingtonky.gov	859-258-3323
Commerce Lexington – Minority Business Development	Tyrone Tyra	ttyra@commercelexington.com	859-226-1625
Tri-State Minority Supplier Diversity Council	Susan Marston	smarston@tsmsdc.com	502-365-9762
Small Business Development Council	Shirie Hawkins UK SBDC	smack@uky.edu	859-257-7666
Community Ventures Corporation	Phyllis Alcorn	palcorn@cvky.org	859-231-0054
KY Transportation Cabinet (KYTC)	Melvin Bynes	Melvin.bynes2@ky.gov	502-564-3601
KYTC Pre-Qualification	Shella Eagle	Shella.Eagle@ky.gov	502-782-4815
Ohio River Valley Women’s Business Council (WBENC)	Sheila Mixon	smixon@orwbc.org	513-487-6537
Kentucky MWBE Certification Program	Yvette Smith, Kentucky Finance Cabinet	Yvette.Smith@ky.gov	502-564-8099
National Women Business Owner’s Council (NWBOC)	Janet Harris-Lange	janet@nwbo.org	800-675-5066
Small Business Administration	Robert Coffey	robertcoffey@sba.gov	502-582-5971
LaVoz de Kentucky	Andres Cruz	lavozdeky@yahoo.com	859-621-2106
The Key News Journal	Patrice Muhammad	paaticem@keynewsjournal.com	859-373-9428



LFUCG MWDBE PARTICIPATION FORM
Bid/RFP/Quote Reference # _____

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.

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

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

Company

Company Representative

Date

Title



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LFUCG MWDBE SUBSTITUTION FORM
Bid/RFP/Quote Reference # _____

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

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

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

Company

Company Representative

Date

Title



MWDBE QUOTE SUMMARY FORM

Bid/RFP/Quote Reference # _____

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

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

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

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

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

Company

Company Representative

Date

Title



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LFUCG SUBCONTRACTOR MONTHLY PAYMENT REPORT

The LFUCG has a 10% goal plan adopted by city council to increase the participation of minority and women owned businesses in the procurement process. The LFUCG also has a 3% goal plan adopted by cited council to increase the participation of veteran owned businesses in the procurement process. In order to measure that goal LFUCG will track spending with MWDBE and Veteran vendors on a monthly basis. By the signature below of an authorized company representative, you certify that the information is correct, and that each of the representations set forth below is true. Any misrepresentation may result in termination of the contract and/or prosecution under applicable Federal and State laws concerning false statements and false claims. Please submit this form monthly to the Division of Central Purchasing/ 200 East Main Street / Room 338 / Lexington, KY 40507.

Bid/RFP/Quote # _____

Total Contract Amount Awarded to Prime Contractor for this Project _____

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

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

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

Company

Company Representative

Date

Title



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LFUCG STATEMENT OF GOOD FAITH EFFORTS
Bid/RFP/Quote # _____

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

- _____ Advertised opportunities to participate in the contract in at least two (2) publications of general circulation media; trade and professional association publications; small and minority business or trade publications; and publications or trades targeting minority, women and disadvantaged businesses not less than fifteen (15) days prior to the deadline for submission of bids to allow MWDBE firms and Veteran-Owned businesses to participate.
- _____ Included documentation of advertising in the above publications with the bidders good faith efforts package
- _____ Attended LFUCG Central Purchasing Economic Inclusion Outreach event
- _____ Attended pre-bid meetings that were scheduled by LFUCG to inform MWDBEs and/or Veteran-Owned Businesses of subcontracting opportunities
- _____ Sponsored Economic Inclusion event to provide networking opportunities for prime contractors and MWDBE firms and Veteran-Owned businesses
- _____ requested a list of MWDBE and/or Veteran subcontractors or suppliers from LFUCG Economic Engine and showed evidence of contacting the companies on the list(s).
- _____ Contacted organizations that work with MWDBE companies for assistance in finding certified MWBDE firms 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.
- _____ Sent written notices, by certified mail, email or facsimile, to qualified, certified MWDBEs soliciting their participation in the contract not less than seven (7) days prior to the deadline for submission of bids to allow them to participate effectively.
- _____ Followed up initial solicitations by contacting MWDBEs and Veteran-Owned businesses to determine their level of interest.
- _____ Provided the interested MWBDE firm and/or Veteran-Owned business with adequate and timely information about the plans, specifications, and requirements of the contract.
- _____ Selected portions of the work to be performed by MWDBE firms 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



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- _____ 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.
- _____ 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.
- _____ 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.
- _____ 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
- _____ 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.

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.

Company

Company Representative

Date

Title



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8. **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 _____. 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.



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9. STATEMENT OF EXPERIENCE

NAME OF INDIVIDUAL: See Attachment " D "

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____



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NAME OF INDIVIDUAL: See Attachment " D "

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.)



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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.

Brian R. Billings V.P.

Signature

Brian R. Billings, Vice President

L-M Asphalt Partners, Ltd. dba ATS Construction

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



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- (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.



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11. **EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION POLICY**

It is the policy of L-M Asphalt Partners, Ltd. dba ATS Construction

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.

12. WORKFORCE ANALYSIS FORM

Name of Organization: _____

Categories	Total	White (Not Hispanic or Latino)		Hispanic or Latino		Black or African-American (Not Hispanic or Latino)		Native Hawaiian and Other Pacific Islander (Not Hispanic or Latino)		Asian (Not Hispanic or Latino)		American Indian or Alaskan Native (not Hispanic or Latino)		Two or more races (Not Hispanic or Latino)		Total	
		M	F	M	F	M	F	M	F	M	F	M	F	M	F		
Administrators																	
Professionals																	
Superintendents																	
Supervisors																	
Foremen																	
Technicians																	
Protective Service																	
Para-Professionals																	
Office/Clerical																	
Skilled Craft																	
Service/Maintenance																	
Total:																	

Prepared by: *Brian R. Billings V.P.*

(Name and Title)
Brian R. Billings, Vice President

Date: 10 / 15 / 2018

Revised 2015-Dec-15



PR Department of Labor EEO-1 Report

Company: 6 ATS CONSTRUCTION

Job Categories	Number of Employees (Report employees in only one category)														Total Col A - N
	Race/Ethnicity														
	Hispanic or Latino		Not-Hispanic or Latino												
Male	Female	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	Female	Total Col A - N
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
Unassigned	0	0	10	0	0	0	0	2	0	0	0	0	0	0	0
Professionals	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0
Technicians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Laborer	3	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Foremen	0	0	27	0	0	0	0	8	0	0	1	0	0	0	1
Equipment Operators	2	0	62	1	0	0	0	0	0	0	0	0	0	0	0
Mechanics	0	0	8	0	0	1	0	2	1	0	0	0	0	0	0
Truck Drivers	0	0	16	0	0	0	0	0	0	0	0	0	0	0	0
Carpenters	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0
Clerical	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0
Total	5	0	218	1	0	1	0	13	2	0	1	0	0	1	241
Previous Year Total	5	0	339	2	0	1	0	20	1	0	1	0	0	1	369



Date(s) of payroll period used: 09/24/18-09/30/18 (Omit on the Consolidated Report.)



LMASP-2

OP ID: KV

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/09/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
GCH Insurance Group
780 Winchester Road
Lexington, KY 40505
John Hampton

859-254-1836

CONTACT NAME: John Hampton

PHONE (A/C, No, Ext): 859-254-1836

FAX (A/C, No): 859-226-0277

E-MAIL ADDRESS:

INSURED L-M Asphalt Partners LTD
dba ATS Construction
3009 Atkinson Ave., Ste 400
Lexington, KY 40509

INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A:	Charter Oak Fire	25615
INSURER B:	Travelers Property Casualty	25674
INSURER C:	Kentucky Employer's Mutual Ins	10320
INSURER D:	Starr Surplus Lines Insurance	13604
INSURER E:		
INSURER F:		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSP	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	Y	DT CO 3E855071	04/01/2018	04/01/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY	Y	Y	DT 810 3E855071	04/01/2018	04/01/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			CUP 0J675466	04/01/2018	04/01/2019	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
C	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	397322	04/01/2018	04/01/2019	<input checked="" type="checkbox"/> PER STATUTE <input checked="" type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	<input checked="" type="checkbox"/> Pollution Liab			1000066589181	04/01/2018	04/01/2019	Occ/Agg Ded \$ 25,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Invitation to Bid #131-2018 - 2018 Construction Unit Price Contract, Letting
Date: October 15< 2018. Certificate holder is an additional insured in
regards to auto & general liability, the general liability is primary.
Policies contain a 30 day cancellation clause. Waiver of subrogation as
indicated above.

CERTIFICATE HOLDER

LFUCG00

Lexington-Fayette Urban
County Government
Division of Central Purchasing
200 E. Main St.
Lexington, KY 40507

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

John W. Hampton

ACORD 25 (2016/03)

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: _____ Employee ID: _____
 Address: _____ Phone: _____
 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	\$			
SC-3, Section 2, Part 4.1 – see provisions	AUTO	\$1,000,000/per occ.	\$			
SC-3, Section 2, Part 4.1 – see provisions	WC	Statutory w/endorsement as noted	\$			

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.

Agency or Brokerage _____ Name of Authorized Representative _____
 Street Address _____ Title _____
 City _____ State _____ Zip _____ Authorized Signature _____
 Telephone Number _____ 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 coverage's listed above is not provided with the bid.





3009 Atkinson Avenue
Suite 400
Lexington, Kentucky 40509

14. DEBARRED FIRMS

PROJECT NAME: 2018 Construction Unit Price Contract

BID NUMBER: 131-2018

**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 L-M Asphalt Partners, Ltd. dba ATS Construction 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.

L-M Asphalt Partners, Ltd. dba ATS Construction
Name of Firm Submitting Bid

Brian R. Billings V.P.
Signature of Authorized Official

Brian R. Billings, Vice President
Title

October 15, 2018
Date



3009 Atkinson Avenue
Suite 400
Lexington, Kentucky 40509

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: L-M Asphalt Partners, Ltd. dba ATS Construction

Project: LFUCG Bid No.: 131-2018
2018 Construction Unit Price Contract

Printed Name and Title of Authorized Representative: Brian R. Billings, Vice President

Signature: Brian R. Billings V.P.

Date: October 15, 2018

END OF SECTION