

SECTION 00410B – BID FORM

Expansion Area 3 Force Main Improvements (Contract No. 2)

Division of Water Quality  
Lexington-Fayette Urban County Government

LFUCG Bid No. 160-2017

1.01 GENERAL

Place: Lexington, Kentucky

Date: 9/26/17

The following Bid Form shall be followed exactly in submitting a Bid for this Work.

This Bid Form Submitted by

HUBERT EXCAVATING & CONTRACTING, LLC  
2590 BUNOVILLE ROAD SALVISA, KY 40372  
(Name and Address of Bidder)

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

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

The Bidder, in compliance with your Advertisement for Bids for the **Expansion Area 3 Force Main Improvements (Contract No. 2)**; Lexington, Kentucky, having examined the Contract Documents including the Plans and Specifications with related documents, having examined the site for proposed Work, and being familiar with all of the conditions and any and all addendums 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 unit prices as stated hereinafter. These prices are to cover all expenses incurred in performing the Work required under the Contract Documents, of which this Bid is a part.

The Bidder hereby agrees to commence Work under this Contract on a date to be specified in a written "Notice to Proceed" of the Owner and to substantially complete the Project within 270 consecutive calendar days. Bidder further agrees to pay liquidated damages, the sum of eight hundred dollars and no cents (\$800.00) for each consecutive day thereafter.

The Bidder hereby acknowledges receipt of the following addenda:

Addendum No. <u>1</u> Date <u>Aug 11, 2017</u> ;	Addendum No. <u>5</u> Date <u>SEPT 15, 2017</u>
Addendum No. <u>2</u> Date <u>Aug 24, 2017</u> ;	Addendum No. <u>6</u> Date <u>SEPT 18, 2017</u>
Addendum No. <u>3</u> Date <u>SEPT 7, 2017</u> ;	Addendum No. <u>7</u> Date <u>SEPT 19, 2017</u>
Addendum No. <u>4</u> Date <u>SEPT 8, 2017</u> ;	Addendum No. <u>8</u> Date <u>SEPT 22, 2017</u>

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.



**ADDENDUM #1**

Bid Number: #106-2017

Date: August 11, 2017

Subject: Expansion Area 3 Pump Station (Contract No.1)  
and Force Main (Contract No. 2) Improvements

Address inquiries to:  
Brian Marcum  
brianm@lexingtonky.gov  
(859) 258-3325

**TO ALL PROSPECTIVE SUBMITTERS:**

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

**1. CLARIFICATIONS**

- a. The pre-bid meeting date has been changed to August 24<sup>th</sup>, 2017. For more details see specifications below.
- b. The pre-bid meeting is now mandatory.
- c. The last day to submit questions to purchasing has been changed to September 8<sup>th</sup>, 2017. For more details see specifications below.
- d. The bid submission and open date has been changed to September 21<sup>st</sup>, 2017. For more details see specifications below.

**2. SPECIFICATIONS**

- a. Section 00100, Advertisement for Bids, page 2: Article 1.08 **SUBMISSION OF BIDS** shall be deleted and replaced with the following:

**"Contractors shall submit their Bids to the Lexington-Fayette Urban County Government, Division of Purchasing, Third Floor, 200 East Main Street, Lexington, Kentucky 40507. Bids shall be submitted in a sealed envelope not later than 2:00 p.m. (local time) September 21, 2017. Sealed proposals shall be marked clearly on the outside of the container **"Sealed Proposal for: Expansion Area 3 Pump Station (Contract No. 1) and Force Main (Contract No. 2) Improvements to be opened at 2:00 p.m. Local Time, September 21, 2017.** Bids received after the scheduled closing time for receipt of Bids will not be considered and will be returned unopened."**





- b. Section 00100, Advertisement for Bids, page 3: Article 1.11 **PRE-BID MEETING** shall be deleted and replaced with the following:

"A Mandatory pre-Bid meeting will be held at 9:00 a.m. local time, August 24, 2017 at 125 Lisle Industrial Avenue, Tate Bldg. 1<sup>st</sup> Floor, Suite 18, Lexington, KY 40511."

- c. Section 00300, Information Available to Bidders, page 3: Article 1.09 **ADDENDA AND INTERPRETATIONS** shall be deleted and replaced with the following:

"No interpretation of the meaning of the Contract Documents will be made to any Bidder orally. Every request for such interpretation should be in writing addressed to the Director of Central Purchasing, in care of Brian Marcum at [brianm@lexingtonky.gov](mailto:brianm@lexingtonky.gov) (859) 258-3320, who in turn will have an addendum issued for the Lexington-Fayette Urban County Government, and to be given consideration must be received prior to close of business September 8th, 2017. Any and all such interpretations and any supplemental instructions will be in the form of written addenda to the specifications. Acknowledgement of the receipt of addenda must be included with all submitted Bids. Failure of any Bidder to receive any such addendum or interpretation shall not relieve such Bidder from any obligation under his Bid as submitted. All addenda so issued shall become part of the Contract Documents."

*Todd Slatin*

Todd Slatin, Director  
Division of Central Purchasing

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

COMPANY NAME: HUBERT EXCAVATING & CONTRACTING, LLC

ADDRESS: 2590 BONDVILLE ROAD SALUISA, KY 40372

SIGNATURE OF BIDDER: *Jim M. Hubert*





**ADDENDUM #2**

**Bid Number: #106-2017**

**Date: August 24, 2017**

**Subject: Expansion Area 3 Pump Station (Contract 1) and Force Main  
(Contract 2) Improvements**

**Address inquiries to:  
Brian Marcum  
(859) 258-3320**

**TO ALL PROSPECTIVE SUBMITTERS:**

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

**"The EPA forms *are* required to be completed with the bid documents. The subcontractor information must be included on the EPA forms".**

**Attached find a list of MBE/DBE & Veteran Owned contractors to contact for this project.**

Todd Slatin, Director  
Division of Central Purchasing

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

COMPANY NAME: HUBERT EXCAVATING & CONTRACTING, LLC

ADDRESS: 2590 BURNSVILLE ROAD SALVISA, KY 40372

SIGNATURE OF BIDDER:







MAYOR JIM GRAY



LEXINGTON

TODD SLATIN  
DIRECTOR  
CENTRAL PURCHASING

**ADDENDUM #3**

Bid Number: #106-2017

Date: September 7, 2017

Subject: Expansion Area 3 Pump Station (Contract 1) and Force Main  
(Contract 2) Improvements

Address inquiries to:  
Brian Marcum  
(859) 258-3320

**TO ALL PROSPECTIVE SUBMITTERS:**

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

The question deadline has been extended to September 12, 2017 at 5:00 PM.

Todd Slatin, Director  
Division of Central Purchasing

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

COMPANY NAME: HUBERT EXCAVATING & CONTRACTING, LLC

ADDRESS: 2590 BURNSVILLE ROAD SALVISA, KY 40372

SIGNATURE OF BIDDER: Jane M. Hubert



**ADDENDUM #4**Bid Number: #106-2017

Date: September 8, 2017

Subject: Expansion Area 3 Pump Station (Contract No. 1)  
and Force Main (Contract No. 2) ImprovementsAddress inquiries to:  
Brian Marcum  
[brianm@lexingtonky.gov](mailto:brianm@lexingtonky.gov)  
(859) 258-3325**TO ALL PROSPECTIVE SUBMITTERS:**

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

**1. QUESTIONS****\*\*An excel spreadsheet will not be provided for bidding this project please use the bid forms.\*\***

	Questions	Answers
1.	Can a combine bid bond be provided for if bidding both contracts?	No. A separate bid bond is required for the largest bid amount for each contract bid. Two bid bonds are required if bidding both Contract No.1 and No. 2.
2.	What is the Contract No. 2 starting point?	Contract No. 2 starts at Sta. 10+00, erosion and sediment control shall start at Sta. 10+00.
3.	Can Huber Technology and Duperon be listed as an acceptable screen, screen compactor, and screen conveyor?	Contract No. 1 equipment manufacturers list has been revised as attached with the revised bid form to include: 1) Huber and Duperon have been added; 2) Other has been removed and will not be considered
4.	What are SRF Loan Funding wage rate, MBE/WBE, and AIS requirements?	SRF Loan Funding requires inclusion of Davis-Bacon wage rates, EPA MBE/WBE Good Faith Efforts, and American Iron and Steel (AIS) Provisions. Compliance with LFUCG's MBE/WBE Good Faith Efforts is required.





**ADDENDUM #5**

**Bid Number: #106-2017**

**Date: September 15, 2017**

**Subject: Expansion Area 3 Pump Station (Contract 1) and Force Main  
(Contract 2) Improvements**

**Address inquiries to:  
Brian Marcum  
(859) 258-3320**

**TO ALL PROSPECTIVE SUBMITTERS:**

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

The bid opening date has been extended to September 26, 2017 at 2:00 PM EST.

Todd Slatin, Director  
Division of Central Purchasing

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

COMPANY NAME: HUBERT EXCAVATING & CONTRACTING, LLC

ADDRESS: 2590 BONVILLE ROAD SALVISA, KY 40372

SIGNATURE OF BIDDER: [Handwritten Signature]





**ADDENDUM #6**

Bid Number: #106-2017

Date: September 18, 2017

Subject: Expansion Area 3 Pump Station (Contract 1) and Force Main  
(Contract 2) Improvements

Address inquiries to:  
Brian Marcum  
(859) 258-3320

**TO ALL PROSPECTIVE SUBMITTERS:**

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

Please see the attached documents for question responses, clarifications and updated wage rates.

Todd Slatin, Director  
Division of Central Purchasing

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

COMPANY NAME: HUBERT EXCAVATING & CONTRACTING, LLC

ADDRESS: 2590 BUNOVILLE ROAD SALUISA, KY 40372

SIGNATURE OF BIDDER: James M. Hubert



MAYOR JIM GRAY



LEXINGTON

TODD SLATIN  
DIRECTOR  
CENTRAL PURCHASING

**ADDENDUM #7**

Bid Number: #106-2017

Date: September 19, 2017

Subject: Expansion Area 3 Pump Station (Contract 1) and Force Main  
(Contract 2) Improvements

Address inquiries to:  
Brian Marcum  
(859) 258-3320

**TO ALL PROSPECTIVE SUBMITTERS:**

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

The odor control ductwork is PVC, as shown on the drawings, and FRP as specified in 15892 added in Addendum#6. The material for the ductwork, dampers and transition pieces can be either PVC or FRP.

Todd Slatin, Director  
Division of Central Purchasing

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

COMPANY NAME: HUBERT EXCAVATING & CONTRACTING, LLC

ADDRESS: 2590 BONDVILLE ROAD SALVISA, KY 40372

SIGNATURE OF BIDDER: James M. Hubert





**ADDENDUM #8**

**Bid Number: #106-2017**

**Date: September 22, 2017**

**Subject: Expansion Area 3 Pump Station (Contract 1) and Force Main  
(Contract 2) Improvements**

**Address inquiries to:  
Brian Marcum  
(859) 258-3320**

**TO ALL PROSPECTIVE SUBMITTERS:**

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

There is a conflict between the Contract Plans and Contract Specifications with respect to force main pipe material from station 10+00 to station 65+51. The Contract Specifications shall prevail. The following pipe materials are approved equals for force main pipe material from station 10+00 to station 65+51.

- Polyvinyl Chloride (PVC)
- Ductile Iron (DI)
- Fiberglass Reinforced Polymer Mortar (FRPM)
- Prestressed Concrete Cylinder Pipe (PCCP)

Todd Slatin, Director  
Division of Central Purchasing

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

COMPANY NAME: HUBERT EXCAVATING & CONTRACTING, LLC



ADDRESS: 2590 BONDVILLE ROAD SALVISA, KY 40372

SIGNATURE OF BIDDER: Jane M. Hubert



**1.02 LEGAL STATUS OF BIDDER**

Bidder HUBERT EXCAVATING & CONTRACTING, LLC

Date SEPT. 26, 2017

\*A. A corporation duly organized and doing business under the laws of the State of KENTUCKY,  
for whom LANCE HUBERT, bearing the  
official title of PRESIDENT, whose signature is  
affixed to this Bid is duly authorized to execute contracts.

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

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

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

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

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

1.03 BIDDERS AFFIDAVIT

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

A. His/her name is President and he/she is the individual submitting the Bid or is the authorized representative of HUBERT EXCAVATING & CONTRACTING, the entity submitting the Bid (hereinafter referred to as "Bidder").

B. 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 Agreement and will maintain a "current" status in regard to those taxes and fees during the life of the Agreement.

C. Bidder will obtain a Lexington-Fayette Urban County Government business license, if applicable, prior to award of the Agreement.

D. 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.

E. 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 an Agreement to the Bidder will not violate any provision of the campaign finance laws of the Commonwealth.

F. 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."

G. 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/her conduct is of that nature or that the circumstance exists.

Further, Affiant sayeth naught.

Lance M. Hubert  
Affiant Signature

STATE OF KENTUCKY  
COUNTY OF ANDERSON

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

Lance Hubert on this the 20th day of Sept, 2017

My Commission expires: December 17, 2019

[Signature]  
NOTARY PUBLIC, STATE AT LARGE

**1.04 BID SCHEDULE**

The Bidder agrees to perform all the Work described in the Specifications and shown on the Plans for the following proposed unit prices, 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 all cases of discrepancies or math errors the amount written in for the unit price of an item shall govern.

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.

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

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

Contractor shall complete both bid forms.

**EA3 FORCE MAIN BID SCHEDULE (Contract No. 2)<sup>1</sup> (SRF Loan Funding):**

Item	Description	Qty	Unit	Unit Price	Item Price
<b>A.</b>	<b>EA3 Force Main:</b>				
A1	24-inch Force Main	5,030	LF	\$ 152.00	\$ 764,560.00
A2	Combination Air Release Valve and Vault	1	EA	\$ 16,000.00	\$ 16,000.00
A3	Existing 48" Encasement Pipe – Installing 24 - Inch Pipe, End Seals, Spacers, & Other Items Required.	220	LF	\$ 60.00	\$ 13,200.00
A4	48-inch Road Bore Under I-64/I-75 Including 24- Inch Pipe, Casing Pipe and Seals, Spacers, and Other Items Required. (Bore and Jack Method)	300	LF	\$ 950.00	\$ 285,000.00
A5	Force Main Site Restoration: Method B	32,200	SY	\$ 1.00	\$ 32,200.00
A6	Mobilization	1	LS	\$ 2,000.00	\$ 2,000.00
A7	Demobilization	1	LS	\$ 2,000.00	\$ 2,000.00
A8	Miscellaneous Site Allowance	1	LS	\$75,000	\$75,000
A9	General Conditions	1	LS	\$ 10,040.00	\$ 10,040.00
<b>TOTAL BID A</b>				<b>\$ 1,200,000.00</b>	

Note: <sup>1</sup> Total Bid A shall be based on a SRF loan which includes Davis-Bacon wage rates, Good Faith Efforts per EPA requirements, and all American Iron and Steel (AIS) provisions.

**TOTAL BID AMOUNT:**

ONE MILLION, TWO HUNDRED THOUSAND Dollars (\$ 1,200,000.00 )

**EA3 FORCE MAIN BID SCHEDULE (Contract No. 2)<sup>1</sup> (Local Funding):**

Item	Description	Qty	Unit	Unit Price	Item Price
<b>A</b>	<b>EA3 Force Main:</b>				
A1	24-inch Force Main	5,030	LF	\$ 148.00	\$ 744,440.00
A2	Combination Air Release Valve and Vault	1	EA	\$ 15,000.00	\$ 15,000.00
A3	Existing 48" Encasement Pipe – Installing 24 - Inch Pipe, End Seals, Spacers, & Other Items Required.	220	LF	\$ 60.00	\$ 13,200.00
A4	48-inch Road Bore Under I-64/I-75 Including 24- Inch Pipe, Casing Pipe and Seals, Spacers, and Other Items Required. (Bore and Jack Method)	300	LF	\$ 950.00	\$ 285,000.00
A5	Force Main Site Restoration: Method B	32,200	SY	\$ 1.00	\$ 32,200.00
A6	Mobilization	1	LS	\$ 2,000	\$ 2,000.00
A7	Demobilization	1	LS	\$ 2,000	\$ 2,000.00
A8	Miscellaneous Site Allowance	1	LS	\$75,000	\$75,000
A9	General Conditions	1	LS	\$ 11,160.00	\$ 11,160.00
<b>TOTAL BID A</b>				\$ 1,180,000.00	

Note: <sup>1</sup> Total Bid A shall be based on local funding which **does not** include Davis-Bacon wage rates, Good Faith Efforts per EPA requirements, and all American Iron and Steel (AIS) provisions.

**TOTAL BID AMOUNT:**

ONE MILLION, ONE HUNDRED EIGHTY THOUSAND Dollars (\$ 1,180,000.00)

Respectfully Submitted,

FIRM: HUBERT EXCAVATING & CONTRACTING, LLC  
 ADDRESS: 2590 BONAVILLE ROAD  
 CITY/STATE/ZIP: SALVISA, KY 40372  
 DATE: SEPT 26, 2017  
 BY: [Signature] (must be original signature)  
 TITLE: President  
 PHONE: 502-680-1281 FAX: NONE  
 (area code, number & extension)  
 EMAIL ADDRESS: hubertexcavating@gmail.com

**OFFICIAL ADDRESS AND PHONE:**

2590 BONSVILLE ROAD

SALVISA, KY 40372

502-680-1281

(Seal if Bid is by Corporation)

By signing this form you agree to all of the terms and associated forms.

**1.05 STATEMENT OF BIDDER'S QUALIFICATIONS**

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

- A. Name of Bidder: HUBERT EXCAVATING & CONTRACTING, LLC
- B. Permanent Place of Business: 2590 BONVILLE ROAD SALUISA, KY 40372
- C. When Organized: JAN, 2000
- D. Where Incorporated: KENTUCKY
- E. 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.

- F. In the event the Agreement is awarded to the undersigned, Performance, Payment, Erosion and Sediment Control, and Warranty bonds will be furnished by:

\_\_\_\_\_ (Surety)

Signed: \_\_\_\_\_ (Representative of Surety)

- G. 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>
<u>BLUE SKY FORCE MAIN</u>	<u>LEXINGTON, KY</u>	<u>\$1.1 M</u>
<u>LOUISVILLE TRANS MAIN - 24" D.I.</u>	<u>ELIZABETHTOWN, KY</u>	<u>\$6 M</u>
<u>MASSAC FORCE MAIN &amp; PUMP STATION</u>	<u>PADUCAH, KY</u>	<u>\$2.2 M</u>
<u>MASSAC 24" SEWER INTERCEPTOR</u>	<u>PADUCAH, KY</u>	<u>\$2.7 M</u>
<u>16" D.I. TRANS. MAIN</u>	<u>VERSAILLES, KY</u>	<u>\$1.1 M</u>

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

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
<u>NONE</u>	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I. List Key Bidder Personnel who will work on this Project.

<u>NAME</u>	<u>POSITION DESCRIPTION</u>	<u>NO. OF YEARS WITH BIDDER</u>
LANCE HUBERT	OPERATOR / SUPERINTENDENT	17
SHANNON HUBERT	OPERATOR	17
JAMES WHITTAKER	LABORER	5
BLAKE HUBERT	LABORER	4

J. MWDBE Participation on current bonded projects under contract:

<u>SUBCONTRACTORS (LIST)</u>	<u>PROJECT (SPECIFIC TYPE)</u>	<u>MWDBE</u>	<u>% of WORK</u>
NONE			

(USE ADDITIONAL SHEETS IF NECESSARY)

K. We acknowledge that, if we are the apparent low Bidder, we may be required to submit to the Owner within seven (7) calendar days following the Bid Opening, a sworn statement regarding all office management and field management personnel. Additionally, if requested by the Owner, we will within seven (7) days following the request submit audited financial statements and loss history for insurance claims for the three (3) most recent years (or a lesser period if stipulated by the Owner)

**1.06 LIST OF PROPOSED SUBCONTRACTORS**

The following list of proposed subcontractors is required by the Owner to be executed, completed and submitted with the Bid Form. 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**</u> (List each major item)	<u>SUBCONTRACTOR</u>	<u>MWDBE (yes/no)</u>	<u>% of WORK</u>
1. <u>Erosion Control, RESTORATION</u>	Name: <u>SUMMERS GRADING</u>	<u>YES</u>	<u>2.2%</u>
	Address: <u>8703 High Jackson Rd</u> <u>Charlestown, IN 47111</u>		
2. <u>Material Supplier</u>	Name: <u>GECO Enterprises, Inc</u>	<u>YES</u>	<u>7.8%</u>
	Address: <u>P.O. Box 463</u> <u>London, KY 40743-0463</u>		
3. <u>Horizontal Bore Jack</u>	Name: <u>R&amp;J Boring</u>	<u>NO</u>	<u>14%</u>
	Address: <u>175 Jessel Dr.</u> <u>Lexington, KY</u>		
4. _____	Name: _____	_____	_____
	Address: _____		
5. _____	Name: _____	_____	_____
	Address: _____		
6. _____	Name: _____	_____	_____
	Address: _____		

\*\* Such as: Grading, bituminous paving, concrete, seeding and protection, construction staking, etc.



COMMONWEALTH OF KENTUCKY  
TRANSPORTATION CABINET

Frankfort, Kentucky 40622  
www.transportation.ky.gov/

Matthew G. Bevin  
Governor

Greg Thomas  
Secretary

September 8, 2017

Charlene Summers, Managing Member  
SUMMERS GRADING SERVICE, LLC  
8703 High Jackson Road  
Charlestown, IN 47111

Subject: DBE Certification Renewal

Dear Ms. Summers:

The Kentucky Transportation Cabinet's DBE Certification Committee, has determined that **SUMMERS GRADING SERVICE, LLC** continues to meet the eligibility requirements of a woman-owned Disadvantaged Business Enterprise (DBE) and remains program-eligible pursuant to 49 CFR Part 26.

**SUMMERS GRADING SERVICE, LLC is DBE certified to perform the below NAICS code(s), which include the following item(s) of work:**

NAICS code(s) for which DBE status is recognized: 561730

**Item(s) of Work: *Landscaping Services***

Absent a finding of regulatory non-compliance, a change in the majority ownership and/or control, or a successful third party challenge, **this certification will be eligible for review on September 30, 2020.**

In accordance with 49 CFR §26.83(j), this firm will be required to submit an affidavit annually to determine whether your firm continues to meet the standards as set forth in 49 CFR Part 26.

Sincerely,

Tony Youssef  
DBE Administrative Branch Manager  
Small Business Development Branch

MRT/TY



An Equal Opportunity Employer M/F/D

## Indiana DBE Certification Program

In accordance with 49 CFR Part 26 as published in the code of federal regulations, the Indiana Department of Transportation acknowledge

Summers Grading Service, LLC

as a certified DBE.

**Date Issued:** September 8, 2014      **Annual Renewal Due:** September 30 (each year)

Reference the Indiana Department of Transportation's DBE Public Search at <http://www.in.gov/indot/2674.htm> for the most current information regarding this certification

**This certificate is valid through: December 31, 2017**



Heather Kennedy, Economic Opportunity  
Director



Derrick Casson, DBE Certification  
Manager





WWW.NWBOC.ORG

RWBE17287

CERTIFICATION NUMBER

5/14/18

EXPIRATION DATE

Certifies that:

### Summers Grading Service, LLC

has successfully met the requirements of the NWBOC national certification program for certification as a woman-owned and woman-controlled business.

The identified business has qualified as an eligible Women Business Enterprise (WBE) as set forth in NWBOC standards and procedures.

PHYLLIS HILL BLATTER  
Board Chair, NWBOC

561730, 484220

NAICS Code(s)

5/15/17

Date

WWW.NWBOC.ORG

INFO@NWBOC.ORG | 800-754-6340 | 4321 PDA Blvd., #242, Palm Beach Gardens, Florida 33418

TAMPERING OR ALTERING THIS CERTIFICATE IS, IN THE DISCRETION OF NWBOC, GROUNDS FOR TERMINATION OF CERTIFICATION.



**1.08 STATEMENT OF EXPERIENCE**

NAME OF INDIVIDUAL: LANCE M. HUBERT

POSITION/TITLE: OWNER

STATEMENT OF EXPERIENCE: 17 yrs in underground utility construction

NAME OF INDIVIDUAL: SHANNON HUBERT

POSITION/TITLE: OWNER / OPERATOR

STATEMENT OF EXPERIENCE: 17 yrs in underground utility construction

NAME OF INDIVIDUAL: JAMES WHITAKER

POSITION/TITLE: PIPE LAYER, LABORER

STATEMENT OF EXPERIENCE: 5 yrs in underground utility construction

NAME OF INDIVIDUAL: BLAKE HUBERT

POSITION/TITLE: PIPE LAYER, LABORER

STATEMENT OF EXPERIENCE: 4 yrs in underground utility construction

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

## 1.09 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:

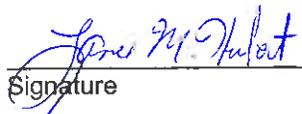
*The Secretary of Labor may investigate the employment practices of any Government contractor or sub-contractor to determine whether or not the contractual provisions specified in Section 202 of this order have been violated.*

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 an Agreement to be canceled and the contractor may be declared ineligible for future consideration.

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

### Bidders

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

  
Signature

  
Name of Business

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

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

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

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

The Act further provides:

#### KRS 45.610. Hiring minorities - Information required

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

#### KRS 45.620. Action against contractor - Hiring of minority contractor or subcontractor

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

**KRS 45.630 Termination of existing employee not required, when**

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

**KRS 45.640 Minimum skills**

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

In the case of an Agreement exceeding \$250,000, the Contractor will be required within seven (7) days following the Bid Opening to furnish evidence that its work-force in Kentucky is representative of the available work-force in the area from which it draws employees, or to supply an Affirmative Action plan which will achieve such representation during the life of the Contract.

1.10 MWDBE SUBCONTRACTOR PARTICIPATION FORM



OMB Control No: 2090-0030  
 Approved: 8/13/2013  
 Approval Expires: 8/31/2015

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

An EPA Financial Assistance Agreement Recipient must require its prime contractors to provide this form to its DBE subcontractors. This form gives a DBE<sup>1</sup> subcontractor<sup>2</sup> the opportunity to describe work received and/or report any concerns regarding the EPA-funded project (e.g., in areas such as termination by prime contractor, late payments, etc.). The DBE subcontractor can, as an option, complete and submit this form to the EPA DBE Coordinator at any time during the project period of performance.

Subcontractor Name <i>Summers Grading Service, LLC</i>		Project Name <i>LFUGG - Expansion Area 3 Force Main</i>	
Bid/ Proposal No.	Assistance Agreement ID No. (if known)	Point of Contact	
Address <i>8703 High Jackson Road Charlestown, IN 47111</i>			
Telephone No. <i>812 - 246 - 4839</i>	Email Address <i>Summersgrading@yahoo.com</i>		
Prime Contractor Name		Issuing/Funding Entity:	

Contract Item Number	Description of Work Received from the Prime Contractor Involving Construction, Services, Equipment or Supplies	Amount Received by Prime Contractor
<i>5</i>	<i>Services</i>	<i>25,895.00</i>

<sup>1</sup> A DBE is a Disadvantaged, Minority, or Woman Business Enterprise that has been certified by an entity from which EPA accepts certifications as described in 40 CFR 33.204-33.205 or certified by EPA. EPA accepts certifications from entities that meet or exceed EPA certification standards as described in 40 CFR 33.202.

<sup>2</sup> Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.

EPA FORM 6100-2 (DBE Subcontractor Participation Form)



1.11 MWDBE SUBCONTRACTOR PERFORMANCE FORM



OMB Control No: 2090-0030  
 Approved: 8/13/2013  
 Approval Expires: 8/31/2015

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

This form is intended to capture the DBE<sup>1</sup> subcontractor's<sup>2</sup> description of work to be performed and the price of the work submitted to the prime contractor. An EPA Financial Assistance Agreement Recipient must require its prime contractor to have its DBE subcontractors complete this form and include all completed forms in the prime contractors bid or proposal package.

Subcontractor Name <i>Summers Grading Services LLC</i>		Project Name <i>LFUGG - Expansion Area 3 Force Main</i>	
Bid/ Proposal No.	Assistance Agreement ID No. (if known)	Point of Contact	
Address <i>8703 High Jackson Road Charlestown, IN 47111</i>			
Telephone No. <i>812-246-4839</i>		Email Address <i>Summersgrading@yahoo.com</i>	
Prime Contractor Name <i>Hubert Excavating &amp; Contracting</i>		Issuing/Funding Entity:	

Contract Item Number	Description of Work Submitted to the Prime Contractor Involving Construction, Services, Equipment or Supplies	Price of Work Submitted to the Prime Contractor
<i>5</i>	<i>Services</i>	<i>25,095.00</i>
DBE Certified By: <input checked="" type="checkbox"/> DOT <input type="checkbox"/> SBA		Meets/ exceeds EPA certification standards? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Unknown
<input checked="" type="checkbox"/> Other: <i>NWBOC</i>		

<sup>1</sup> A DBE is a Disadvantaged, Minority, or Woman Business Enterprise that has been certified by an entity from which EPA accepts certifications as described in 40 CFR 33.204-33.205 or certified by EPA. EPA accepts certifications from entities that meet or exceed EPA certification standards as described in 40 CFR 33.202.

<sup>2</sup> Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.

EPA FORM 6100-3 (DBE Subcontractor Performance Form)

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

I certify under penalty of perjury that the forgoing statements are true and correct. Signing this form does not signify a commitment to utilize the subcontractors above. I am aware of that in the event of a replacement of a subcontractor, I will adhere to the replacement requirements set forth in 40 CFR Part 33 Section 33.302 (c).

<b>Prime Contractor Signature</b>	<b>Print Name</b>
<i>Lance M. Hugert</i>	LANCE M. HUGERT
<b>Title</b>	<b>Date</b>
president	9/26/17

<b>Subcontractor Signature</b>	<b>Print Name</b>
<b>Title</b>	<b>Date</b>

The public reporting and recordkeeping burden for this collection of information is estimated to average three (3) hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

**EPA FORM 6100-3 (DBE Subcontractor Performance Form)**

1.12 MWDBE SUBCONTRACTOR UTILIZATION FORM



OMB Control No: 2090-0030  
 Approved: 8/13/2013  
 Approval Expires: 8/31/2015

Disadvantaged Business Enterprise (DBE) Program  
 DBE Subcontractor Utilization Form

This form is intended to capture the prime contractor's actual and/or anticipated use of identified certified DBE<sup>1</sup> subcontractors<sup>2</sup> and the estimated dollar amount of each subcontract. An EPA Financial Assistance Agreement Recipient must require its prime contractors to complete this form and include it in the bid or proposal package. Prime contractors should also maintain a copy of this form on file.

Prime Contractor Name <i>HUBERT EXCAVATING CONTRACTING, LLC</i>		Project Name <i>Expansion Area 3 FORCE MAIN</i>	
Bid/ Proposal No. <i>CONTRACT 2</i>	Assistance Agreement ID No. (if known)	Point of Contact <i>LANCE HUBERT</i>	
Address <i>2590 BONDVILLE ROAD SALVISA, KY 40372</i>			
Telephone No. <i>502-680-1281</i>		Email Address <i>hubertexcavating@gmail.com</i>	
Issuing/Funding Entity:			

I have identified potential DBE certified subcontractors	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
If yes, please complete the table below. If no, please explain:			
Subcontractor Name/ Company Name	Company Address/ Phone/ Email	Est. Dollar Amt	Currently DBE Certified?
<i>Summers Grading Service</i>	<i>8703 High Jackson Rd Charlestown, IN 47111 812-246-4839 summersgrading@yahoo.com</i>	<i>25,895.00</i>	<i>YES</i>

Continue on back if needed

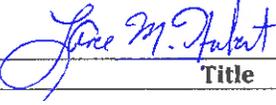
<sup>1</sup> A DBE is a Disadvantaged, Minority, or Woman Business Enterprise that has been certified by an entity from which EPA accepts certifications as described in 40 CFR 33.204-33.205 or certified by EPA. EPA accepts certifications from entities that meet or exceed EPA certification standards as described in 40 CFR 33.202.

<sup>2</sup> Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.

EPA FORM 6100-4 (DBE Subcontractor Utilization Form)

**Disadvantaged Business Enterprise (DBE) Program  
DBE Subcontractor Utilization Form**

I certify under penalty of perjury that the forgoing statements are true and correct. Signing this form does not signify a commitment to utilize the subcontractors above. I am aware of that in the event of a replacement of a subcontractor, I will adhere to the replacement requirements set forth in 40 CFR Part 33 Section 33.302 (c).

<b>Prime Contractor Signature</b>	<b>Print Name</b>
	LANCE M. HUBERT
<b>Title</b>	<b>Date</b>
PRESIDENT	SEPT 26, 2017

The public reporting and recordkeeping burden for this collection of information is estimated to average three (3) hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

**EPA FORM 6100-4 (DBE Subcontractor Utilization Form)**

1.10 MWDBE SUBCONTRACTOR PARTICIPATION FORM



OMB Control No: 2090-0030  
 Approved: 8/13/2013  
 Approval Expires: 8/31/2015

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

An EPA Financial Assistance Agreement Recipient must require its prime contractors to provide this form to its DBE subcontractors. This form gives a DBE<sup>1</sup> subcontractor<sup>2</sup> the opportunity to describe work received and/or report any concerns regarding the EPA-funded project (e.g., in areas such as termination by prime contractor, late payments, etc.). The DBE subcontractor can, as an option, complete and submit this form to the EPA DBE Coordinator at any time during the project period of performance

Subcontractor Name <b>GECO Enterprises, Inc.</b>		Project Name <b>LFUCG - EXPANSION AREA 3 PUMP STATION AND FORCE MAIN</b>	
Bid/ Proposal No.	Assistance Agreement ID No. (if known)	Point of Contact	
Address P O Box 463, London, KY 40743-0463			
Telephone No. 606-864-7550		Email Address gigibacon@windstream.net	
Prime Contractor Name		Issuing/Funding Entity:	

Contract Item Number	Description of Work Received from the Prime Contractor Involving Construction, Services, Equipment or Supplies	Amount Received by Prime Contractor
1	Supplies	92,000.00

<sup>1</sup> A DBE is a Disadvantaged, Minority, or Woman Business Enterprise that has been certified by an entity from which EPA accepts certifications as described in 40 CFR 33.204-33.205 or certified by EPA. EPA accepts certifications from entities that meet or exceed EPA certification standards as described in 40 CFR 33.202

<sup>2</sup> Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance

**EPA FORM 6100-2 (DBE Subcontractor Participation Form)**

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

I certify under penalty of perjury that the forgoing statements are true and correct. Signing this form does not signify a commitment to utilize the subcontractors above. I am aware of that in the event of a replacement of a subcontractor, I will adhere to the replacement requirements set forth in 40 CFR Part 33 Section 33.302 (c).

<b>Prime Contractor Signature</b>	<b>Print Name</b>
<i>Lance M. Hubert</i>	LANCE M. HUBERT
<b>Title</b>	<b>Date</b>
President	9/26/17

<b>Subcontractor Signature</b>	<b>Print Name</b>
<i>Gigi Bacon</i>	Gigi Bacon
<b>Title</b>	<b>Date</b>
PRESIDENT	09/26/2017

The public reporting and recordkeeping burden for this collection of information is estimated to average three (3) hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

**EPA FORM 6100-3 (DBE Subcontractor Performance Form)**

1.13 MWDBE PARTICIPATION POLICY

PROJECT NAME: Expansion Area 3 Force Main  
Lexington-Fayette Urban County Government

LFUCG BID NO. 106-2017 BID DATE: SEPT 26, 2017

A. Name, address and telephone number of contact person on all MWDBE matters:

Prime Contractor's Name: HUBERT EXCAVATING & CONTRACTING, LLC  
Contact Person: LANCE HUBERT  
Address: 2590 BONVILLE ROAD SPANISH, KY 40372  
Phone: 502-680-1281 Cell: 502-680-1281  
Email: hubertexcavating@gmail.com  
Total Contract Amount:

B. Total dollar amount/percent of contract of DBE participation: 25,095.00 / 22%

C. Total dollar amount/percent of contract of MBE participation: 92,000.00 / 7.8%

D. Total dollar amount/percent of contract of WBE participation:

E. Are certifications\* for each MWDBE subcontractor enclosed; if no, please explain:

Yes  No Did not receive

F. Are MWDBE subcontracts or letters of Intent signed by both parties enclosed; if no, please explain:

Yes  No Did not receive

G. List of DBE Subcontractors:

Name: Summers Grading Services, LLC  
Contact Person: Charlene Summers  
Address: 8703 High Jackson Road Charlestown, IN 47111  
Phone: 812-246-4839 Cell:  
Email: Summersgrading@yahoo.com  
Type of Contract: Services  
Work to be Done: Restoration  
Amount: 25,095.00

H. List of MBE Subcontractors:

Name: GECO Enterprises, Inc  
Contact Person: Gigi Bacon  
Address: P.O. Box 463 London, KY 40743  
Phone: 606-864-7550 Cell: 606-682-2210  
Email: gigibacon@windstream.net  
Type of Contract: Supplies  
Work to be Done: Provide piping material  
Amount: 92,000.00

I. List of WBE Subcontractors:

Name \_\_\_\_\_  
 Contact Person: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Cell: \_\_\_\_\_  
 Email: \_\_\_\_\_  
 Type of Contract: \_\_\_\_\_  
 Work to be Done: \_\_\_\_\_  
 Amount: \_\_\_\_\_

**Attach additional sheets, if necessary.**

\*Self-certification: Self-certification of MWDBE firms will NOT be accepted as a valid form of certification of MWDBE status.

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

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

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

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

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

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

Company Name and Phone Number: \_\_\_\_\_

Area of Work Expertise: \_\_\_\_\_

Date of any Follow-Ups and Person Spoke to: \_\_\_\_\_

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

Name of Publication: \_\_\_\_\_

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

Specific Subcontract Areas Announced: \_\_\_\_\_

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

Method of Notification: \_\_\_\_\_

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

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

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

4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises.

The prime contractor certifies that they established delivery schedules which would allow MWDBEs to participate in the projects.

5. Use the services and assistance of the Small Business Administration (SBA) and the Minority Business Development Agency (MBDA) of the U.S. Department of Commerce. The easiest way to utilize the services of SBA and MBDA is to visit their websites: [www.sba.gov](http://www.sba.gov) and [www.mbda.gov](http://www.mbda.gov) and use the electronic tools available there or you may send the nearest SBA and MBDA office a certified letter that generally describes the solicitation, the dates it will be open, the types of vendors you are seeking and applicable SIC or NAIC codes if known. You may also use the services and assistance of the Kentucky Procurement Assistance Program (KPAP). The easiest way to utilize the services of KPAP is to send an email: [ced.kpap@ky.gov](mailto:ced.kpap@ky.gov) and provide information on forthcoming opportunities available to MWDBEs.

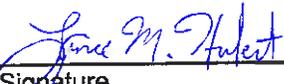
The prime contractor certifies that the assistance of the SBA, MBDA, and/or KPAP was utilized. *Submit pages printed off the SBA and MBDA websites which evidence efforts to register a solicitation on those sites or submit copies of the letter send and certified mail receipt as documentation; submit copies of emails with KPAP as documentation.*

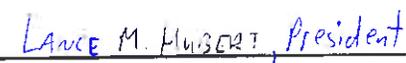
6. If a subcontractor awards any subcontracts, require the subcontractor to take the steps in numbers 1 and 5 above.

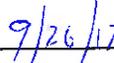
The prime contractor certifies that subcontractors used for this project will be required to follow the steps of the "six good faith efforts" as listed above.

**Signature and Date:**

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

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Print Name and Title

  
\_\_\_\_\_  
Date

**1.14 EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION POLICY**

It is the policy of HERBERT EXCAVATING & CONTRACTING, LLC  
(Name of Bidder)

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.



Lance Hubert &lt;hubertexcavating@gmail.com&gt;

---

**Request for quote**

2 messages

---

**Lance Hubert** <hubertexcavating@gmail.com>  
To: talan@hausners.com

Thu, Sep 14, 2017 at 11:14 AM

I am requesting quotations for an Air Release Valve Vault on the "Expansion Area 3 Force Main " project in Lexington, KY bidding 9/21/17. Please respond to this mailing whether interested or not in quoting.

Thank you,

**Lance M. Hubert**

Owner, Hubert Excavating & Contracting

p:502-680-1281 | e:hubertexcavating@gmail.com | a:2590 Bondville Road  
Salvisa, KY 40372

Get your own  email signature

---

**Talan Weaver** <talan@hausners.com>  
To: Lance Hubert <hubertexcavating@gmail.com>

Thu, Sep 14, 2017 at 11:31 AM

Decline, but thank you.

## Talan Weaver

**Hausners Precast**

**918-352-3479**

**From:** Lance Hubert [mailto:hubertexcavating@gmail.com]

**Sent:** Thursday, September 14, 2017 10:14 AM

**To:** talan@hausners.com

**Subject:** Request for quote

[Quoted text hidden]

1.15 WORKFORCE ANALYSIS FORM

Name of Organization: HUBERT EXCAVATING & CONTRACTING, LLC

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	M	F	M	F	
Administrators																			
Professionals																			
Superintendents		1															1		
Supervisors																			
Foremen																			
Technicians		1															1		
Protective Service																			
Para-Professionals																			
Office/Clerical																			
Skilled Craft		2		2													2		
Service/Maintenance																			
Total																			

Prepared By: [Signature] Date 9/26/17

1.16 EVIDENCE OF INSURABILITY

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

Names Insured: LEXINGTON FAYETTE SUBURBAN LLC  
 Address: 2510 Louisville Road SAVANNA KY 40372  
 Project to be insured: LFUC Expansion Area 3 Force Main

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 Section 00600 - Bonds and Certifications including all requirements and conditions.

Article Items	Coverage	Minimum Limits and Policy Requirements	Limits Provided to Insured	Name of Insurer	A.M. Best's	
					Code	Rating
1.05 D.1	CGL	\$1,000,000/per occ, \$2,000,000/aggregate or \$2,000,000 combined single limit Requirements (a) through (e)	1,000,000 per occ 2,000,000 aggregate	Hamilton Mutual	A	XIV
1.05 D.1	Auto	Combined single \$1,000,000/per occ aggregate Requirements (a) through (c)	1,000,000	Hamilton Mutual	A	XIV
1.05 D.1	WC	\$ Statutory	Statutory	KY AGC/SIF	A-	VII
1.05 D.1	Employer's Liability	\$500,000	4,000,000/4,000,000 4,000,000	KY AGC/SIF	A-	VII

Section 00600 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

Garrett-Stotz Company  
 Agency or Brokerage: Chris von Allmen  
 Street Address: 1601 Alliant Ave  
 City: Louisville KY  
 Telephone Number: 502-415-7000  
 Name of Authorized Representative: Chris von Allmen  
 Title: Producer  
 Authorized Signature: [Signature]  
 Date: 9-25-2017

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

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

**1.17 DEBARRED FIRMS**

**PROJECT NAME:** Expansion Area 3 Force Main

**LFUCG BID NO.:** 106-2017

**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 Debarment Certification in duplicate and submit both copies to the Owner with the Bid Form. 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 HUBERT EXCAVATING & CONTRACTING, LLC has not and will not award a subcontract, in connection with any Agreement 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.

HUBERT EXCAVATING & CONTRACTING, LLC  
Name of Firm Submitting Bid

James M. Hubert  
Signature of Authorized Official

President  
Title

SEPT. 26, 2017  
Date

1.19 CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty for not less than \$10,000 and not more than \$100,000 for each such failure.

Lance M. Hubert, President  
Typed Name & Title of Authorized Representative

[Signature]  
Signature of Authorized Representative

SEPT. 26, 2017  
Date

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



# Document A310™ – 2010

Conforms with The American Institute of Architects AIA Document 310

## Bid Bond

### CONTRACTOR:

*(Name, legal status and address)*

HUBERT EXCAVATING AND CONTRACTING, LLC  
2590 BONDVILLE ROAD  
SALVISA, KY 40372

### SURETY:

*(Name, legal status and principal place of business)*

The Ohio Casualty Insurance Company  
62 Maple Avenue  
Keene, NH 03431

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

### OWNER:

*(Name, legal status and address)*

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
200 EAST MAIN STREET  
LEXINGTON, KY 40507

### Mailing Address for Notices

The Ohio Casualty Insurance Company  
Attention: Surety Claims Department  
1001 4th Avenue, Suite 1700  
Seattle, WA 98154

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

**BOND AMOUNT:** FIVE PERCENT (5%) OF THE AMOUNT OF THE BID

### PROJECT:

*(Name, location or address, and Project number, if any)*

EXPANSION AREA 3 FORCE MAIN IMPROVEMENTS - CONTRACT NO.2

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

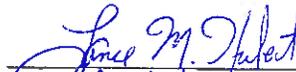
Signed and sealed this 21ST day of SEPTEMBER, 2017

HUBERT EXCAVATING AND CONTRACTING, LLC

*(Principal)*

*(Seal)*

*(Witness)*

  
*(Title) President*

  
*(Witness)* DIANE L. PHELPS

The Ohio Casualty Insurance Company

*(Surety)*

  
*(Title)* CHRISTOPHER E. VON ALLMEN,  
ATTORNEY-IN-FACT



**THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.**

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Certificate No. 7768216

Liberty Mutual Insurance Company  
The Ohio Casualty Insurance Company West American Insurance Company

**POWER OF ATTORNEY**

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Andrea Cortes; Andrew G. Windhorst, Jr.; Christopher E. von Allmen; Diane L. Phelps; Jeffrey A. Brown; Roger A. Neal; Ryan P. Mitchell; Steven M. Garrett; Thomas J. Mitchell; William A. Kantlehner, III

all of the city of Louisville, state of KY each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 16th day of May, 2017.



The Ohio Casualty Insurance Company  
Liberty Mutual Insurance Company  
West American Insurance Company

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

STATE OF PENNSYLVANIA ss  
COUNTY OF MONTGOMERY

On this 16th day of May, 2017, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Teresa Pastella, Notary Public  
Upper Merion Twp., Montgomery County  
My Commission Expires March 28, 2021  
Member, Pennsylvania Association of Notaries

By: Teresa Pastella  
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

**ARTICLE IV – OFFICERS – Section 12. Power of Attorney.** Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

**ARTICLE XIII – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings.** Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

**Certificate of Designation –** The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

**Authorization –** By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 21st day of SEPTEMBER, 20 17.



By: Renee C. Llewellyn  
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.