

PART III
FORM OF PROPOSAL
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PART III

Invitation to Bid No. 11-2017

Newtown Pike Welcome Sign Project

1. FORM OF PROPOSAL

Place: Lexington, Kentucky

Date: 2/10/17

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

This Proposal Submitted by OMNI Commercial, LLC

P.O. Box 34065, Lex. KY 40588
(Name and Address of Bidding Contractor)

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

To: Lexington-Fayette Urban County Government
(Hereinafter called "OWNER")
Office of the Director of Purchasing
200 East Main Street, 3rd Floor
Lexington, KY 40507

Gentlemen:

The Bidder, in compliance with your Invitation for Bids for **Newtown Pike Welcome Sign Project** having examined the Plans and Specifications with related documents, having examined the site for proposed Work, and being familiar with all of the conditions surrounding the construction of the proposed Project, including the availability of materials and labor, hereby proposes to furnish all labor, materials, and supplies, and to construct the Project in accordance with the Contract Documents, within the time set forth therein, and at the lump sum and/or unit prices stated hereinafter. These prices are to cover all expenses incurred in performing the Work required under the Contract Documents, of which this proposal is a part. The OWNER will issue work orders for work to be performed under this Contract.

BIDDER hereby agrees to commence work under this contract on or before a date to be specified in the Notice to Proceed and to fully complete the project within the time provided in the Purchase Order or Work Orders issued by the OWNER. BIDDER further agrees to pay liquidated damages, the sum of **\$200.00** for each consecutive calendar day thereafter.

The Bidder hereby acknowledges receipt of the following addenda:

Addendum No. 1 Date 1/30/17

Addendum No. 2 Date 1/30/17

Addendum No. 3 Date 2/3/17

Addendum No. Date

Addendum No. Date

Addendum No. Date

Addendum No. Date

Addendum No. Date

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

2. **LEGAL STATUS OF BIDDER**

Bidder OMNI Commercial, LLC

Date 2/9/17

* 1. A corporation duly organized and doing business under the laws of the State of Kentucky, for whom Joseph Isaacs, bearing the official title of Project Manager, whose signature is affixed to this Bid/Proposal, is duly authorized to execute contracts.

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

N/A

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

N/A

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

3. **BIDDERS AFFIDAVIT**

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

1. His/her name is Joseph Saacs and he/she is the individual submitting the bid or is the authorized representative of OMNI Commercial, LLC, the entity submitting the bid (hereinafter referred to as "Bidder").
2. Bidder will pay all taxes and fees, which are owed to the Lexington-Fayette Urban County Government at the time the bid is submitted, prior to award of the contract and will maintain a "current" status in regard to those taxes and fees during the life of the contract.
3. Bidder will obtain a Lexington-Fayette Urban County Government business license, if applicable, prior to award of the contract.
4. Bidder has authorized the Division of Central Purchasing to verify the above-mentioned information with the Division of Revenue and to disclose to the Urban County Council that taxes and/or fees are delinquent or that a business license has not been obtained.
5. Bidder has not knowingly violated any provision of the campaign finance laws of the Commonwealth of Kentucky within the past five (5) years and the award of a contract to the Bidder will not violate any provision of the campaign finance laws of the Commonwealth.
6. Bidder has not knowingly violated any provision of Chapter 25 of the Lexington-Fayette Urban County Government Code of Ordinances, known as the "Ethics Act."
7. Bidder acknowledges that "knowingly" for purposes of this Affidavit means, with respect to conduct or to circumstances described by a statute or ordinance defining an offense, that a person is aware or should have been aware that his conduct is of that nature or that the circumstance exists.
Further, Affiant sayeth naught.

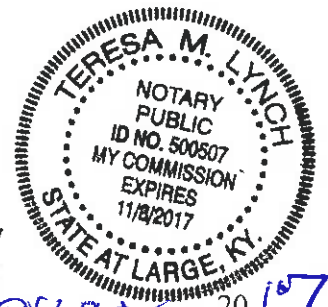
[Signature]
(Affiant)

STATE OF

Kentucky

COUNTY OF

Fayette



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

Joseph Saacs on this the 10 day of February, 2017

My Commission expires: 11-8-17

[Signature]
NOTARY PUBLIC, STATE AT LARGE

4. BID SCHEDULE – SCHEDULE OF VALUES

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

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

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

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

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

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

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

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

Item No.	Description w/Unit Bid Price Written in Words	Quantity	Unit	Unit Price	Total Bid Amount
1.	Earthwork: Strip, backfill and compact existing topsoil as per specs for <u>Seven Thousand</u> <u>Two Hundred Seventy One</u> Dollars <u>Zero</u> Cents		LS		\$ <u>7,271.00</u>
2.	Earthwork: Earth fill, backfill and compaction as per specs for <u>Thirty Six Thousand</u> <u>Three Hundred Forty Three</u> Dollars <u>Zero</u> Cents		LS		\$ <u>36,343.00</u>
3.	Planting soil, spread & compacted as per specs for <u>One Thousand Ninety</u> Dollars <u>Zero</u> Cents		LS		\$ <u>1,090.00</u>
4.	Public Improvement sign as per specs for <u>Three Thousand Three Hundred Thirty One</u> Dollars <u>Zero</u> Cents	3	EA	\$ <u>1,107.00</u>	\$ <u>3,321.00</u>
5.	Wildie sandstone slabs, cap and Wildie sandstone sign panels as per specs for <u>Eleven</u> <u>Four Thousand Three Hundred</u> Dollars <u>Zero</u> Cents		LS		\$ <u>43,311.00</u>

Item No.	Description w/Unit Bid Price Written in Words	Quantity	Unit	Unit Price	Total Bid Amount
6.	Utility relocation: utility pole, guy and tension wires, guy wire anchors as per specs for <u>Eight Thousand Seven Hundred Twenty Five</u> Dollars <u>Zero</u> Cents		LS		\$ <u>8,725.00</u>
7.	Electric system: Electric meter, breaker box, LED lights and associated wiring as per specs for <u>Nine Thousand Thirteen</u> Dollars <u>Zero</u> Cents		LS		\$ <u>9,013.00</u>
8.	Irrigation System: water line tap, irrigation lines, spray heads, backflow preventer, rain sensor, irrigation controller, valve boxes, fittings and valves, etc. as per specs for <u>Nine Thousand Ninety Eight</u> Dollars		LS		\$ <u>9,098.00</u>
9.	Commercial grade steel edging as per specs for <u>One Thousand Nine Hundred Twenty Four</u> Dollars <u>Zero</u> Cents	200	LF	\$ <u>9.62</u>	\$ <u>1,924.00</u>
10.	Landscape Plantings: trees, shrubs and perennials as per specs for <u>Twenty Two Thousand Five Hundred Ten</u> Dollars <u>Zero</u> Cents		LS		\$ <u>22,510.00</u>
11.	Seed & straw as per specs for <u>Two Thousand Twenty Seven</u> Dollars <u>Zero</u> Cents		LS		\$ <u>2,237.00</u>

TOTAL OF ALL BID PRICES FOR Newtown Pike Welcome Sign Project (Items 1 through 11) in words and figures. In case of discrepancy, the amount shown in words will govern.

One Hundred Forty Four Thousand Eight Hundred Forty
Three Dollars And Zero Cents. (\$ 144,843.00).

Submitted by:

OMNI Commercial, LLC
Firm

P.O. Box 34065
Address

LEXINGTON, KY 40588
City, State & Zip

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


Signature of Authorized Company Representative – Title

JOSEPH ISAACS
Representative/s Name (Typed or Printed)

(859) 254-0011
Area Code – Phone – Extension

(859) 254-0032
Fax #

joseph@omnicommercialky.com
E-Mail Address

OFFICIAL ADDRESS:

P.O. Box 34065

LEXINGTON, KY 40588

_____ (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: OMNI Commercial, LLC
2. Permanent Place of Business: 141 Leesport Court Way, Ste 125, Lex. KY 40511
3. When Organized: 5/11/16
4. Where Incorporated: Kentucky
5. Construction Plant and Equipment Available for this Project:
BACKHOE, EXCAVATOR, SKIDSTEER TRUCKS

(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:

Granite Re, Inc. (Surety)

Signed: Benjamin P. Dycus (Representative of Surety)
Benjamin P. Dycus, Attorney-in-fact

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>
1.) <u>Watershed Green Room Support</u>	<u>Lex. KY</u>	<u>\$1,540,000.00</u>
2.) <u>Operations of YMCA</u>	<u>Lex. KY</u>	<u>\$307,585.00</u>
3.) <u>Marietta Cancer Support</u>	<u>Lex. KY</u>	<u>\$48,000.00</u>
4.) <u>Nicholasville Utility Bldg.</u>	<u>Nicholasville, KY</u>	<u>\$162,190.00</u>
5.) <u>YMCA Lockwood</u>	<u>Lex. KY</u>	<u>\$261,000.00</u>

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

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
1.) <u>UK Good Samaritan Hospital</u>	<u>Lex. KY</u>	<u>\$310,000.00</u>
2.) <u>UK College of Nursing</u>	<u>Lex. KY</u>	<u>\$490,000.00</u>
3.) <u>LFUCB Laytonville Mueck</u>	<u>Lex. KY</u>	<u>\$247,691.00</u>
4.) <u>Bluegrass Station Facilities</u>	<u>Lex. KY</u>	<u>\$69,670.00</u>
5.) _____	_____	_____

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>
<u>Joseph Isaacs</u>	<u>Project Manager</u>	<u>Partner</u>
<u>Brian Tyler</u>	<u>Project Manager</u>	<u>Partner</u>
<u>Steve Knowl</u>	<u>Estimator</u>	<u>< 1</u>
_____	_____	_____
_____	_____	_____

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>

NONE

(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).

ACKNOWLEDGED

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 Yes/No</u>	<u>% of Work</u>
1. <u>Electric</u>	Name: <u>Stamps Electric</u> Address: <u>Winchester, KY</u>	<u>No</u>	<u>7%</u>
2. _____	Name: _____ Address: _____	_____	_____
3. _____	Name: _____ Address: _____	_____	_____
4. _____	Name: _____ Address: _____	_____	_____
5. _____	Name: _____ Address: _____	_____	_____
6. _____	Name: _____ Address: _____	_____	_____
7. _____	Name: _____ Address: _____	_____	_____

(Attach additional sheet(s) if necessary.)

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

A. GENERAL

- 1) The LFUCG request all potential contractors to make a concerted effort to include Minority-Owned (MBE), Woman-Owned (WBE), 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.

- 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:

- 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

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.

Joseph Isaacs

From: Joseph Isaacs
Sent: Monday, January 30, 2017 2:15 PM
To: 'jdcowan@live.com'
Cc: Steve Knoll
Subject: LFUCG: Newtown Pike Welcome Sign
Attachments: Plans_for_Bid_Pkg_11-2017.pdf

We would like to invite you to bid the above referenced project. Bids are Due Feb. 6, 2017.

Thank you.

Joseph Isaacs, AC
Project Manager

PO Box 34065
Lexington, KY 40588
(859) 254-0011 (Office)
(859) 254-0032 (Fax)
(859) 629-2021 (Mobile)



GENERAL CONTRACTING | DESIGN-BUILD | CONSTRUCTION MANAGEMENT



Joseph Isaacs

From: Joseph Isaacs
Sent: Monday, January 30, 2017 2:14 PM
To: 'm.blethen@insightbb.com'
Cc: Steve Knoll
Subject: LFUCG - Newtown Pike Welcome Sign
Attachments: Plans_for_Bid_Pkg_11-2017.pdf

We would like to invite you to bid on the attached project. Bids are Due Feb. 6, 2017 @ 9:00am.

Thank you.

Joseph Isaacs, AC
Project Manager

PO Box 34065
Lexington, KY 40588
(859) 254-0011 (Office)
(859) 254-0032 (Fax)
(859) 629-2021 (Mobile)



GENERAL CONTRACTING | DESIGN-BUILD | CONSTRUCTION MANAGEMENT



Joseph Isaacs

From: Joseph Isaacs
Sent: Monday, January 30, 2017 2:18 PM
To: 'Andrew Bucher'
Cc: Steve Knoll
Subject: LFUCG: Newtown Pike Welcome Sign
Attachments: Plans_for_Bid_Pkg_11-2017.pdf

Andrew,
Please price the attached.

Thank you.

Joseph Isaacs, AC
Project Manager

PO Box 34065
Lexington, KY 40588
(859) 254-0011 (Office)
(859) 254-0032 (Fax)
(859) 629-2021 (Mobile)



GENERAL CONTRACTING | DESIGN-BUILD | CONSTRUCTION MANAGEMENT





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 167-91—Disadvantaged Business Enterprise (DBE) 10% Goal Plan in July of 1991. The resolution states in part (a full copy is available in Central Purchasing):

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

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

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

In addition, to that end the city council also adopted and implemented resolution 167-91—Veteran-owned Businesses, 3% Goal Plan in July of 2015. The resolution states in part (a full copy is available in Central Purchasing):

“A resolution adopting a three percent (3%) minimum goal for certified veteran-owned small businesses and service disabled veteran-owned businesses for certain of those Lexington-Fayette Urban County contracts related to construction for

professional services, and authorizing the Division of Purchasing to adopt and implement guidelines and/or policies consistent with the provisions and intent of this resolution by no later than July 1, 2015.”

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	Sheila Eagle	Sheila.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	lavozekey@yahoo.com	859-621-2106
The Key News Journal	Patrice Muhammad	paatricem@keynewsjournal.com	859-373-9428



LFUCG MWDBE PARTICIPATION FORM
Bid/RFP/Quote Reference # 11-2017

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.	NONE		
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.

OMNI Commercial, LLC
Company

2/10/17
Date

JOSEPH SAARS
Company Representative

PROJECT MANAGER
Title



LFUCG MWDBE SUBSTITUTION FORM

Bid/RFP/Quote Reference # 11-2017

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. Failure to submit this form may cause rejection of the bid.

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.	None				
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.

OMNI Commercial, LLC
Company

2/10/17
Date

JOSEPH SAACS
Company Representative

PROJECT MANAGER
Title



MWDBE QUOTE SUMMARY FORM

Bid/RFP/Quote Reference # 11-2017

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

Company Name <u>OMNI Commercial, LLC</u>	Contact Person <u>JOSEPH SAACS</u>
Address/Phone/Email <u>P.O. Box 34065, LEX. KY 40588</u> <u>(859) 254-0011 joseph@omni.commercial.ky.com</u>	Bid Package / Bid Date <u>11-2017</u> <u>2/10/17</u>

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

NONE

(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.

OMNI Commercial, LLC
Company
2/10/17
Date

JOSEPH SAACS
Company Representative
PROJECT MANAGER
Title



LFUCG SUBCONTRACTOR MONTHLY PAYMENT REPORT

The LFUCG has a 10% goal plan adopted by city council to increase the participation of minority and women owned businesses in the procurement process. The LFUCG also has a 3% goal plan adopted by city 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 # 11-2017

Total Contract Amount Awarded to Prime Contractor for this Project _____

Project Name/ Contract # <u>LFUCG; Newtown Pike Welcome Sign</u>	Work Period/ From: <u>90 Days</u> To: _____
Company Name: <u>OMNI Commercial, LLC</u>	Address: <u>P.O. Box 34065, LEX KY 40588</u>
Federal Tax ID: <u>81-2596040</u>	Contact Person: <u>Joseph Isaacs</u>

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

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

OMNI Commercial, LLC
Company
2/10/17
Date

Joseph Isaacs
Company Representative
Project Manager
Title

LFUCG STATEMENT OF GOOD FAITH EFFORTS

Bid/RFP/Quote # 11-2017

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

_____ 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

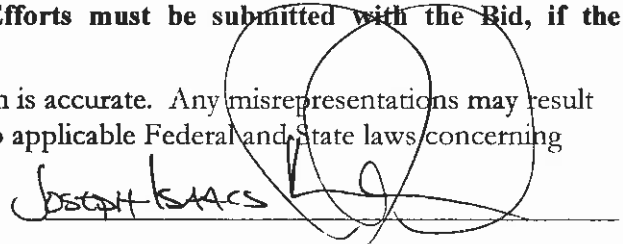
_____ Made efforts to expand the search for MWBE firms and Veteran-Owned businesses beyond the usual geographic boundaries.

_____ 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 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.

OMNI Commercial, LLC



Company
2/10/17
Date

Company Representative
PROJECT MANAGER
Title

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.

9. STATEMENT OF EXPERIENCE

NAME OF INDIVIDUAL: Joseph Banks

POSITION/TITLE: Project Manager

STATEMENT OF EXPERIENCE: MANAGER w/ OVER 10 YEARS EXPERIENCE DELIVERING PROJECTS IN THE CAPACITY OF GENERAL CONTRACTING, CIVIL ENGINEERING AND SPECIALTY CONTRACTING. CERTIFIED BY THE AMERICAN INSTITUTE OF CONSTRUCTORS WITH A BACHELOR IN CONSTRUCTION MGMT.

NAME OF INDIVIDUAL: BRANDON TYRRE

POSITION/TITLE: Project Manager

STATEMENT OF EXPERIENCE: With Over 17 years experience in on-site project execution and delivery, BRANDON BRINGS A wealth of experience from all aspects of commercial, both private and public

NAME OF INDIVIDUAL: STEVE KNOLL

POSITION/TITLE: ESTIMATOR

STATEMENT OF EXPERIENCE: 35 years experience in delivering projects as owner, developer, contractor and real estate agent.

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: N/A

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: N/A

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

10. EQUAL OPPORTUNITY AGREEMENT

The Law

- * Title VII of the Civil Rights Act of 1964 (amended 1972) states that it is unlawful for an employer to discriminate in employment because of race, color, religion, sex, age (40-70 years) or national origin.
- * Executive Order No. 11246 on Nondiscrimination under Federal contract prohibits employment discrimination by contractor and subcontractor doing business with the Federal Government or recipients of Federal funds. This order was later amended by Executive Order No. 11375 to prohibit discrimination on the basis of sex.
- * Section 503 of the Rehabilitation Act of 1973 States:
 - The Contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap.*
- * Section 2012 of the Vietnam Era Veterans Readjustment Act of 1973 requires Affirmative Action on behalf of disabled veterans and veterans of the Vietnam Era by contractors having Federal Contracts.
- * Section 206 (A) of Executive Order 12086, Consolidation of Contract Compliance Functions for Equal Employment Opportunity, states:

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

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

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

Bidders

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

Signature

Name of Business



OMNI Commercial, LLC

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

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

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

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

The Act further provides:

KRS 45.610. Hiring minorities – Information required

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

practices and work sites by the contracting agency and the department for purposes of investigation to ascertain compliance with KRS 45.560 to 45.640 and such rules, regulations and orders issued pursuant thereto.

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

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

KRS 45.630 Termination of existing employee not required, when

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

KRS 45.640 Minimum skills

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

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

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

It is the policy of OMNI Commercial, LLC

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

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

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

12. WORKFORCE ANALYSIS FORM

Name of Organization: OMNI Commercial, 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		3																3
Professionals	3																	3
Superintendents	2		1															3
Supervisors																		
Foremen																		
Technicians																		
Protective Service																		
Para-Professionals																		
Office/Clerical																		
Skilled Craft		12																
Service/Maintenance																		
Total:	17	3	1														18	3

Prepared by: JOSEPH SAACS, Project Manager

(Name and Title)

Date: 2/10/17

Revised 2015-Dec-15

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: OMNI Commercial, LLC Employee ID: 81-2596040
 Address: P.O. Box 34065, Lex, KY 40588 Phone: (859) 254-0011

Project to be insured: LFUG: Newtown Pike Welcome Sign

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	\$ 1,000,000.00 \$ 2,000,000.00	REYNOLDS INS.		
SC-3, Section 2, Part 4.1 - see provisions	AUTO	\$2,000,000/per occ.	\$ 2,000,000.00	REYNOLDS INS.		
SC-3, Section 2, Part 4.1 - see provisions	WC	Statutory w/endorsement as noted	\$ 1,000,000.00	AGC-SIF		

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: REYNOLDS INS.
631 CHESTNUT ST.
 Street Address: Berea City: KY State: 40403 Zip
 Telephone Number: (859) 986-8484
 Name of Authorized Representative: JOSEPH ISAACS
 Title: Project Manager
 Authorized Signature: [Signature]
 Date: 2/10/17

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.

14. DEBARRED FIRMS

PROJECT NAME: Newtown Pike Welcome Sign

BID NUMBER: 11-2017

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

OMNI Commercial, LLC
Name of Firm Submitting Bid


Signature of Authorized Official

Project Manager
Title

2/10/17
Date

15. DEBARMENT CERTIFICATION

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

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

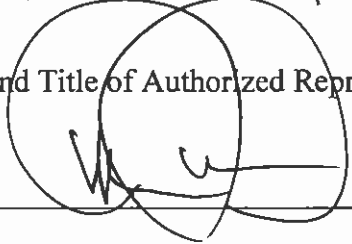
- 1) Are not presently debarred, suspended, proposed for debarment, declared negligible, or voluntarily excluded from covered transactions or contract by any Federal department or agency for noncompliance with the Federal Labor Standards, Title VI of the Civil Rights Act of 1964 as amended, Executive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

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

Firm Name: OMNI Commercial, LLC

Project: Newtown Pike Welcome Sign

Printed Name and Title of Authorized Representative: Joseph Baes, Project Manager

Signature: 

Date: 2/10/17

END OF SECTION



ADDENDUM #2

Bid Number: #11-2017

Date: January 30, 2017

Subject: Newtown Pike Welcome Sign Project

Address inquiries to:
Sondra Stone
(859) 258-3320

TO ALL PROSPECTIVE SUBMITTERS:

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

If all work related to finishing, shaping, splitting limestone as described in Addendum #1, Pre-Bid Meeting Minutes, Questions and Answers (a.), is not performed within the park site staging or construction areas (which is not a preference) it shall take place at a site that is owned, and/or controlled by the Contractor.

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: OMNI Commercial, LLC

ADDRESS: P.O. Box 34065, Lex. KY 40588

SIGNATURE OF BIDDER: [Handwritten Signature]





ADDENDUM #3

Bid Number: #11-2017

Date: February 3, 2017

Subject: Newtown Pike Welcome Sign Project

Address inquiries to:
Sondra Stone
(859) 258-3320

TO ALL PROSPECTIVE SUBMITTERS:

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

1. Bid opening is extended to February 10, 2017, 2:00 pm.
2. The drawings and specifications require a certified dry stone mason to construct the signs masonry work. The contractor may at his/her discretion utilize a non-certified dry stone mason to construct the projects masonry work. However, if a non-certified dry stone mason is used, the contractor shall submit a list of 3 to 5 completed dry stone masonry projects with references for these projects that the selected mason has completed within the past 5 years along with their bid.

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: OMNI Commercial, LLC

ADDRESS: P.O. Box 34065, Lex. KY 40588

SIGNATURE OF BIDDER: [Handwritten Signature]





ADDENDUM #1

Bid Number: #11-2017

Date: January 30, 2017

Subject: Newtown Pike Welcome Sign Project

Address inquiries to:
Sondra Stone
(859) 258-3320

TO ALL PROSPECTIVE SUBMITTERS:

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

1. Q: Will a licensed plumber be required for the irrigation system? A: If portions of the irrigation system require a licensed plumber to install specified work items per code then yes. Should a single firm specializing in irrigation work not contain a licensed plumber for such work items, the contractor may at his/her discretion utilize a licensed plumber as well as a single firm specializing in irrigation work. Provide references of your last five - (5) consecutive systems and five systems of comparable size with bid proposal. See Specifications and Specification Section 328400 1.5 - Quality Assurance.
2. Q: For the mock-up, this is only required for actual Sandstone Water Jet Cut Sign correct, and not for the other masonry units? A: No, this is not correct. Additional mock-ups and product samples are required. See Drawings and Specifications for all requirements. A small mock-up for the limestone on the wall is required as reviewed during the pre-bid meeting and noted on the Drawings.
3. Q: For the required shop drawing submittal, will this just be for the Sandstone Water Jet Cut Sign, or the entire Sign assembly? A: The Shop Drawing submittal is just for the Wildie Sandstone Sign Panels. At a minimum the shop drawing shall show sandstone joint locations, lettering types, logo, paints, dimensions etc., it does not need to include the entire sign/wall assembly.



- 4. See attached pre-bid meeting minutes.
- 5. See attached pre-bid meeting sign-in sheet.



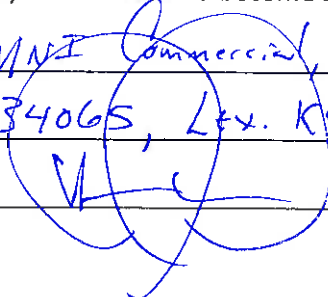
Todd Slatin, Director
Division of Central Purchasing

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: OMNI Commercial, LLC

ADDRESS: P.O. Box 34065, Lex. KY 40588

SIGNATURE OF BIDDER: 





Pre-Bid Meeting Minutes

Newtown Pike Stone Welcome Sign Project

January 27th, 2017

Introduction:

1. Sign in sheet (to be released in Addendum 1)
2. Sondra Stone is the Buyer for LFUCG Division of Central Purchasing for the project. She reviewed the basic requirements for bidding, which are all included in the Project Specifications. Any questions regarding the project are to be directed to Sondra.
3. All questions need to be sent to Sondra by the end of business day, January 27th, 2017. Should contractors have questions over the weekend they may send them to her on Monday January 30th, in which case the bid opening date could be extended a day or two.
4. Currently, Bids are due by 2pm on Monday February 6th, 2017.
5. The pre-bid conference is for information only; only information issued in official addendum will be binding.
6. Sherita Miller, LFUCG Minority Business Enterprise Liaison, discussed LFUCG's goals for MWBE participation (10%) and Veteran participation (3%) and good faith efforts. She provided her contact information to assist bidders with finding qualified vendors.

Project Description:

A. Mr. Yanik reviewed and highlighted some key items within the project scope as follows:

1. Overview of Site, Limestone Donation, and the Temporary Traffic Management Plan included:
 - a. Site Location is at the south east corner of Coldstream Park adjacent to Newtown Pike.
 - b. Site Access - All site access is to take place utilizing internal park roads as outlined on the Traffic Management Plan. This is an active park site, the contractor shall secure the construction access route during periods of construction. Staging areas have been provided outside of the construction limits within the park for the contractors convenience. See Traffic Management Plan for additional information.
 - c. No vehicles over 50,000lbs are allowed past the construction entrance due to an existing culvert.
 - d. An existing gas line exists adjacent to the existing dry stone wall. A representative from Columbia Gas shall be onsite for supervision and safety purposes when construction takes place over this line or within their easement. Any costs associated with such supervision shall be incurred by the contractor. Currently the only work proposed over this line is some minor earthwork fill and grading operations.
 - e. An existing and active pedestrian access point (stairs on both sides of existing dry stone wall) exists on site. The contractor is responsible for closing this access point with traffic control devices. See Plans.
 - f. Contractor is responsible for providing, installing and removing temporary public improvement signs.
 - g. **All Masonry work shall be performed by a certified Dry Stone Mason. See specs.**

h. All crushed limestone and unfinished limestone is being donated by Vulcan Materials from one of its local quarry's. The contractor is responsible for hauling and installing crushed limestone and unfinished limestone. The contractor is also responsible for dressing, finishing, splitting and shaping the unfinished limestone into the specified dimensions and finish.

i. The Wildie Sandstone specified for use as the sign panels is not being donated and is the responsibility of the contractor.

2. Overview of BMP Plan included: Temporary seeding requirements, silt fence location, construction entrance location, concrete washout pit location and other erosion control measures

3. Overview of Demolition Plan included: Stripping and stock piling topsoil on site, removing an existing tree, overview of known utilities, protection of an existing dry stone fence requirement.

4. Overview of Layout and Materials Plan included:

a. Irrigation Controller location: Location can be located as shown behind the stone sign or next to the proposed utility pole location which ever location is more cost effective for the contractor.

b. Electrical Work: The plans and specifications only call out the proposed lighting types and an irrigation controller that is to be hardwired. All electrical work shall be designed and installed by a licensed electrician, meet all code requirements as well as Kentucky utility requirements and specifications. See Layout Notes and specifications for more information.

c. Utility Pole Installation & Guy wire/tension wire relocation/installation: The contractor is responsible for installing a new utility pole, relocation of guy wires & tension wire installation and coordinating with all applicable utility companies. All associated costs shall be included within their bid.

5. Overview of Sign Details included:

a. Location of LED Channel light on the enlarged sign plan.

b. Review of stone types on sign, review of solid limestone cap sizes on column.

c. Review of minimum limestone length (12" from the face of the wall towards the backup cmu wall surface). Coursing thickness varies, see details and specs.

6. Overview of Quality Control measures (shop drawings and sample mock-ups) included:

a. Shop Drawing requirement for the stone sign panels.

b. Mock up samples of sign stone panel graphics. See Plan Notes.

c. Mock up of limestone wall requirement.

7. Overview of Grading Plan included:

a. Fill and grading over existing gas line and the associated gas company requirement to have a representative on site when construction takes place over line or within gas easement.

b. Contractor responsible for excavation and fill quantities.

8. Overview of Landscape Plan included:

- a. All trees to be sourced from Kentucky nurseries in the 6b zone. no out of state trees or trees originating outside of the 6b zone will be accepted.
- b. Planting soil mix is specified within planting bed area.
- c. All disturbed areas to be seeded.
- d. Contractor to provide mowed edge between seeded area and field. See Plans.
- e. Any plantings that do not meet the specifications and other requirements outlined within the planting details and landscape plans will be rejected.
- f. There is a 90 day maintenance period.

9. Overview of Irrigation Plan:

- a. The irrigation system is 3 zones consisting of spray heads and drip irrigation zones.
- b. The back flow preventer is above grade and located behind the sign within a large planting bed.
- c. All piping is to be trenched. See specs

B. Susan Plueger Director of Environmental Services made the following comments.

- a. Division of Environmental Services will take over maintenance of the project after the specified 90day maintenance period.
- b. Division of Environmental Services will be inspecting the tree installation. Any trees that are planted to deep, do not remove the top 1/3 of the wire baskets, burlap and ties from the root balls, removal of twine wires etc from trees will be rejected.
- c. The Division of Environmental Services will have representatives out reviewing the work as it is going on along with Mark Yanik, RLA.

Questions and Answers:

- a. Question: Does the limestone have to be split, shaped and finished off site?
Answer: Their is a preference for the contractor to split, shape and finish as much of the limestone for the wall off site as a way to limit debris and construction equipment on site. However this is not a requirement.
- b. Question: How many days do we have to do the job?
Answer: The Contractor will have 60 days, Liquidated damages are \$200 per day.
- c. Question: If the Contractor is delayed due to a utility company not meeting the contractors timeline even though they have contacted them and have submitted all of their paperwork will they be penalized for going beyond the 60 day construction period?
Answer: No, the owners representative stated that the contractor will not be penalized as a result of utility company work item delays.
- d. Question: Is the stream identified on the plans adjacent to the construction site a blue line stream?
Answer: No it is not a blue line stream.

- e. Question: Will the irrigation system need to be winterized and started back up in the spring by the contractor?

Answer: Yes, the contractor will be required winterize the system, start it back up in the spring as well as operate the irrigation system for the first 90 days. After 90 days maintenance period, the contractor shall show the owner how to operate the system.

- f. Question: Will there be any special inspections?

Answer: No there will be no special inspections.

This Concludes the Pre-Bid Meeting Minutes.

 **AIA** Document A310™ – 2010

Bid Bond

CONTRACTOR:
(Name, legal status and address)
Omni Commercial, LLC

P.O. Box 34065
Lexington, KY 40588

OWNER:
(Name, legal status and address)
Lexington-Fayette Urban County Government
200 E. Main St., 3rd Fl
Lexington, KY 40507
BOND AMOUNT: 5% of Amount Bid

SURETY:
(Name, legal status and principal place of business)

Granite Re, Inc.
14001 Quallbrook Dr
Oklahoma City, OK 73134

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

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

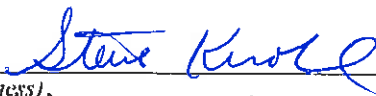
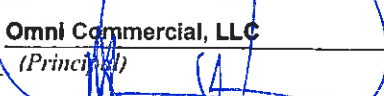
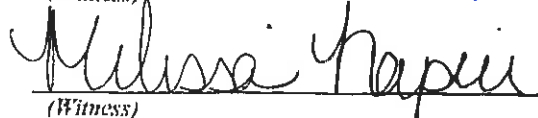
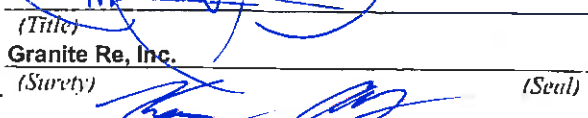

PROJECT:
(Name, location or address, and Project number, if any)
Newtown Pike Welcome Sign - Lexington-Fayette Urban County Government

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 9th day of February 2017

 <i>(Witness)</i>	 Omni Commercial, LLC <i>(Principal)</i> <i>(Seal)</i>
 <i>(Witness)</i>	 Granite Re, Inc. <i>(Surety)</i> <i>(Seal)</i>
	 <i>(Title)</i> Kenny Albert, Attorney-In-Fact

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

Init.

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