

PART III
FORM OF PROPOSAL
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PART III

Invitation to Bid No. 132-2016

2016 Construction Unit Price Contract

1. FORM OF PROPOSAL

Place: Lexington, Kentucky

Date: 9/29/16

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

This Proposal Submitted by Tom Chesnut Excavation & Construction, LLC
1794 High Bridge Rd. Lancaster, KY 40444
(Name and Address of Bidding Contractor)

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

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

Gentlemen:

The Bidder, in compliance with your Invitation for Bids for **2016 Construction Unit Price Contract** having examined the Plans and Specifications with related documents, having examined the site for proposed Work, and being familiar with all of the conditions surrounding the construction of the proposed Project, including the availability of materials and labor, hereby proposes to furnish all labor, materials, and supplies, and to construct the Project in accordance with the Contract Documents, within the time set forth therein, and at the lump sum and/or unit prices stated hereinafter. These prices are to cover all expenses incurred in performing the Work required under the Contract Documents, of which this proposal is a part. The OWNER will issue purchase orders for work to be performed under this Contract.

BIDDER hereby agrees to commence work under agreed-to Purchase Order accepted under this Contract and to complete the Project(s) within the time provided by the Purchase Order. The Bidder hereby acknowledges receipt of the following addenda:

None
Addendum No. _____ Date _____
Addendum No. _____ Date _____
Addendum No. _____ Date _____
Addendum No. _____ Date _____
Addendum No. _____ Date _____
Addendum No. _____ Date _____
Addendum No. _____ Date _____
Addendum No. _____ Date _____

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

2. LEGAL STATUS OF BIDDER

Bidder Jon Chesnut Excavation + Construction, LLC

Date 9/29/16

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

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

Melinda Chesnut - 1794 Highbridge Rd Lancaster, Ky

Jon Chesnut - 1794 Highbridge Rd Lancaster, Ky

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

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

3. **BIDDERS AFFIDAVIT**

Comes the Affiant, Dom Chesnut Etc. & Conste., and after being first duly sworn, states under penalty of perjury as follows:

1. His/her name is Malinda Chesnut and he/she is the individual submitting the bid or is the authorized representative of Dom Chesnut Etc. & Conste., 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.

Malinda Chesnut
(Affiant)

STATE OF Ky
COUNTY OF Larwood

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

Malinda Chesnut on this the 29 day of September, 2016.

My Commission expires: 4/7/2018

Ashley Marshall
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.

In addition to completing the following schedule of values, Bidders shall enter their unit prices on the attached Excel spreadsheet (Available through the LFUCG IonWave Procurement website), titled *2016 Construction Unit Price Contract Bid Schedule.xls*, and submit it with their bid on a CD or flash drive. Any discrepancies between entries in the table below and the electronic spreadsheet will defer to the unit price as written in the schedule below.

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

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

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

| # | Item | Unit | Unit Price |
|----|--|------|------------|
| 1 | Excavation and Placement | CY | 14.00 |
| 2 | Embankment | CY | 14.00 |
| 3 | Rock Excavation (Mechanical) | CY | 225.00 |
| 4 | Remove Portland Cement Concrete Pavement | SY | 10.25 |
| 5 | Remove Curb and Gutter | LF | 8.00 |
| 6 | Remove Sidewalk, Entrance Pavement | SY | 11.00 |
| 7 | Remove Bituminous Concrete Pavement | SY | 11.00 |
| 8 | Remove Pipes less than 24" - up to 8' deep | LF | 12.00 |
| 9 | Remove Pipes 30"- 48" - up to 8' deep | LF | 16.00 |
| 10 | Remove Fence | LF | 5.00 |
| 11 | Remove Headwalls and Inlet Structures | EA | 600.00 |

| | | | |
|----|--|----|---------|
| 12 | Remove Tree (5" dia. to 12" dia.) | EA | 500.00 |
| 13 | Remove Tree (>12" dia. to 24" dia.) | EA | 800.00 |
| 14 | Remove Tree (>24" dia. to 36" dia.) | EA | 1200.00 |
| 15 | Remove Tree (>36" dia. and up) | EA | 1600.00 |
| 16 | Dense Graded Aggregate Base | TN | 28.00 |
| 17 | No. 2 Stone | TN | 28.00 |
| 18 | No. 9 Stone | TN | 28.00 |
| 19 | No. 57 Stone | TN | 28.00 |
| 20 | Steel Reinforcement for Concrete | LB | 5.00 |
| 21 | Unfinished Concrete less than 10 CY | CY | 175.00 |
| 22 | Unfinished Concrete more than 10 CY | CY | 175.00 |
| 23 | Formed Class A Concrete less than 10 CY | CY | 700.00 |
| 24 | Formed Class A Concrete more than 10 CY | CY | 700.00 |
| 25 | 4-1/2" Concrete Sidewalk | SY | 56.25 |
| 26 | 6" Concrete Sidewalk | SY | 60.00 |
| 27 | 6" Concrete Entrance Pavement | SY | 60.00 |
| 28 | Sidewalk Ramp | SY | 70.00 |
| 29 | Header Curb | LF | 23.00 |
| 30 | Curb and Gutter, Type 1 | LF | 23.00 |
| 31 | Curb and Gutter, Type 4 | LF | 24.00 |
| 32 | Bituminous Pavement Milling and Texturing | TN | 150.00 |
| 33 | Bituminous Base | TN | 135.00 |
| 34 | Class I, Bituminous Surface less than 50 tons | TN | 140.00 |
| 35 | Class I, Bituminous Surface greater than 50 tons | TN | 125.00 |
| 36 | Bituminous Material for Tack | TN | 650.00 |
| 37 | Type A Surface Inlet | EA | 2500.00 |
| 38 | Type B Surface Inlet | EA | 2500.00 |
| 39 | Curb Box Inlet Type A (LFUCG) | EA | 2800.00 |
| 40 | Curb Box Inlet Type B (LFUCG) | EA | 2900.00 |
| 41 | Curb Box Inlet Type C (LFUCG) | EA | 3000.00 |
| 42 | Curb Box Inlet Type D (LFUCG) | EA | 3200.00 |
| 43 | Curb Box Inlet Type B (KDOH) | EA | 4000.00 |
| 44 | Drop Box Inlet Type 13 (KDOH) | EA | 4000.00 |

| | | | |
|----|--|----|---------------------|
| 45 | Drop Box Inlet Type 16 (KDOH) | EA | 5000. ⁰⁰ |
| 46 | Lex Storm Sewer Manhole (4' dia.) (0-8' No rock) | EA | 2500. ⁰⁰ |
| 47 | Lex Storm Sewer Manhole (5' dia.) (0-8' No rock) | EA | 3500. ⁰⁰ |
| 48 | Lex Storm Sewer Manhole (6' dia.) (0-8' No rock) | EA | 4500. ⁰⁰ |
| 49 | Pipe Tie-in into Manhole or Curb Box Inlet | EA | 800. ⁰⁰ |
| 50 | 15" RCP Storm Sewer (0-8' No rock) | LF | 50. ⁰⁰ |
| 51 | 18" RCP Storm Sewer (0-8' No rock) | LF | 50. ⁰⁰ |
| 52 | 24" RCP Storm Sewer (0-8' No rock) | LF | 65. ⁰⁰ |
| 53 | 30" RCP Storm Sewer (0-8' No rock) | LF | 75. ⁰⁰ |
| 54 | 36" RCP Storm Sewer (0-8' No rock) | LF | 100. ⁰⁰ |
| 55 | 42" RCP Storm Sewer (0-8' No rock) | LF | 130. ⁰⁰ |
| 56 | 48" RCP Storm Sewer (0-8' No rock) | LF | 150. ⁰⁰ |
| 57 | 15" HDPE Storm Sewer (0-8' No rock) | LF | 50. ⁰⁰ |
| 58 | 18" HDPE Storm Sewer (0-8' No rock) | LF | 50. ⁰⁰ |
| 59 | 24" HDPE Storm Sewer (0-8' No rock) | LF | 60. ⁰⁰ |
| 60 | 30" HDPE Storm Sewer (0-8' No rock) | LF | 70. ⁰⁰ |
| 61 | 36" HDPE Storm Sewer (0-8' No rock) | LF | 85. ⁰⁰ |
| 62 | 15" PP Storm Sewer (0-8' No rock) | LF | NO BTD |
| 63 | 18" PP Storm Sewer (0-8' No rock) | LF | NO BTD |
| 64 | 24" PP Storm Sewer (0-8' No rock) | LF | NO BTD |
| 65 | 30" PP Storm Sewer (0-8' No rock) | LF | NO BTD |
| 66 | 36" PP Storm Sewer (0-8' No rock) | LF | NO BTD |
| 67 | 15" Elliptical RCP Storm Sewer | LF | 68. ⁰⁰ |
| 68 | 18" Elliptical RCP Storm Sewer | LF | 76. ⁰⁰ |
| 69 | 24" Elliptical RCP Storm Sewer | LF | 85. ⁰⁰ |
| 70 | 30" Elliptical RCP Storm Sewer | LF | 110. ⁰⁰ |
| 71 | 36" Elliptical RCP Storm Sewer | LF | 140. ⁰⁰ |
| 72 | 42" Elliptical RCP Storm Sewer | LF | 160. ⁰⁰ |
| 73 | 48" Elliptical RCP Storm Sewer | LF | 180. ⁰⁰ |
| 74 | Internal Inspection of Sewer Pipe: CCTV | LF | NO BTD |
| 75 | 15" Straight Headwall - Standard or Raised | EA | 2500. ⁰⁰ |
| 76 | 18" Straight Headwall - Standard or Raised | EA | 2500. ⁰⁰ |
| 77 | 24" Straight Headwall - Standard or Raised | EA | 2500. ⁰⁰ |

| | | | |
|-----|---|----|---------------------|
| 78 | 15" Pipe Culvert Headwall | EA | 2500. ⁰⁰ |
| 79 | 18" Pipe Culvert Headwall | EA | 2500. ⁰⁰ |
| 80 | 24" Pipe Culvert Headwall | EA | 2500. ⁰⁰ |
| 81 | 30" Pipe Culvert Headwall | EA | 4500. ⁰⁰ |
| 82 | 36" Pipe Culvert Headwall | EA | 4000. ⁰⁰ |
| 83 | 42" Pipe Culvert Headwall | EA | 5000. ⁰⁰ |
| 84 | 48" Pipe Culvert Headwall | EA | 5000. ⁰⁰ |
| 85 | 18" Sloped and Flared Box Inlet-Outlet | EA | 2800. ⁰⁰ |
| 86 | 24" Sloped and Flared Box Inlet-Outlet | EA | 4500. ⁰⁰ |
| 87 | 30" Sloped and Flared Box Inlet-Outlet | EA | 6500. ⁰⁰ |
| 88 | 36" Sloped and Flared Box Inlet-Outlet | EA | 8000. ⁰⁰ |
| 89 | 15" Impact Stilling Basin | EA | 2200. ⁰⁰ |
| 90 | 18" Impact Stilling Basin | EA | 2200. ⁰⁰ |
| 91 | 24" Impact Stilling Basin | EA | 3000. ⁰⁰ |
| 92 | 30" Impact Stilling Basin | EA | 3000. ⁰⁰ |
| 93 | 36" Impact Stilling Basin | EA | 3000. ⁰⁰ |
| 94 | 48" Impact Stilling Basin | EA | 4000. ⁰⁰ |
| 95 | Bottom Paved Ditch | SY | 90. ⁰⁰ |
| 96 | Aggregate Channel Lining for Slope Protection | TN | 40. ⁰⁰ |
| 97 | Seeding and Protection | SY | 2. ⁰⁰ |
| 98 | Sodding | SY | 5. ⁰⁰ |
| 99 | Gabion Mattress Channel Lining | CY | 200. ⁰⁰ |
| 100 | 4" HDPE Perforated Pipe | LF | 5.50 |
| 101 | 6" HDPE Perforated Pipe | LF | 9.00 |
| 102 | 4" PVC Pipe | LF | 17.00 |
| 103 | 6" PVC Pipe | LF | 24.00 |
| 104 | 8" PVC Sanitary Sewer (0-8' No Rock) | LF | 28.00 |
| 105 | 10" PVC Sanitary Sewer (0-8' No Rock) | LF | 35.00 |
| 106 | 12" PVC Sanitary Sewer (0-8' No Rock) | LF | 40.00 |
| 107 | 15" PVC Sanitary Sewer (0-8' No Rock) | LF | 50.00 |
| 108 | 18" PVC Sanitary Sewer (0-8' No Rock) | LF | 55.00 |
| 109 | 8" Ductile Iron Sewer Pipe (0-8' No Rock) | LF | NO BID |
| 110 | 10" Ductile Iron Sewer Pipe (0-8' No Rock) | LF | NO BID |

| | | | |
|-----|--|-----|---------|
| 111 | 12" Ductile Iron Sewer Pipe (0-8' No Rock) | LF | NO BID |
| 112 | 14" Ductile Iron Sewer Pipe (0-8' No Rock) | LF | NO BID |
| 113 | Sanitary Sewer By-Pass Pumping | DAY | NO BID |
| 114 | Two Way Sewer Service Cleanout | EA | NO BID |
| 115 | 4"x 8" Sanitary Sewer Tee & up to 6' of lateral pipe | EA | NO BID |
| 116 | 6"x 8" Sanitary Sewer Tee & up to 6' of lateral pipe | EA | NO BID |
| 117 | Lex Sanitary Sewer Manhole (4' dia.) (0-8' No rock) | EA | NO BID |
| 118 | Lex Sanitary Sewer Manhole (5' dia.) (0-8' No rock) | EA | NO BID |
| 119 | Lex Sanitary Sewer Manhole (6' dia.) (0-8' No rock) | EA | NO BID |
| 120 | Sanitary Sewer Manhole MIC Protection | VF | NO BID |
| 121 | Manhole-Additional vertical depth > 8' (4' dia.) | VF | NO BID |
| 122 | Manhole-Additional vertical depth > 8' (5' dia.) | VF | NO BID |
| 123 | Manhole-Additional vertical depth > 8' (6' dia.) | VF | NO BID |
| 124 | Manhole-Additional for adjustable frame and cover | EA | NO BID |
| 125 | Woven Wire Fence 4' height | LF | 15.00 |
| 126 | Chain Link Fence 4' height | LF | 16.00 |
| 127 | Privacy Fence (installation) | LF | 32.00 |
| 128 | Backhoe (small) with Operator | HR | 85.00 |
| 129 | Dump Truck (single axle) with driver | HR | 85.00 |
| 130 | Dump Truck (tri-axle) with driver | HR | 85.00 |
| 131 | Jackhammer with Operator | HR | 85.00 |
| 132 | Skid Loader with Operator | HR | 85.00 |
| 133 | Check Dam | TN | 55.00 |
| 134 | Sediment Trap | CY | 60.00 |
| 135 | Sediment Pond | CY | 35.00 |
| 136 | Silt Fence | LF | 5.00 |
| 137 | Storm Drain Inlet Protection | EA | 250.00 |
| 138 | Filter Strip | SY | 15.00 |
| 139 | Stream Crossing | EA | 4000.00 |
| 140 | Pump-Around Flow Diversion | DAY | 1800.00 |
| 141 | Construction Dewatering | DAY | 1800.00 |
| 142 | Geotextile Construction Type I | SY | 9.00 |
| 143 | Geotextile Construction Type II | SY | 10.00 |

| | | | |
|-----|---|----|----------|
| 144 | Geotextile Construction Type III | SY | 8.00 |
| 145 | Geotextile Construction Type IV | SY | 8.00 |
| 146 | Edge Key | LF | 15.00 |
| 147 | Pipe Plugging for Pipes less than or equal to 24" | EA | 1600.00 |
| 148 | Pipe Plugging for Pipes 30"- 48" | EA | 1800.00 |
| 149 | Flowable Fill | CY | 200.00 |
| 150 | Fiber Reinforced PCC Pavement | CY | 275.00 |
| 151 | Single Block Masonry Retaining Wall | SF | 40.00 |
| 152 | Degradable Erosion Control Mat | SY | 8.00 |
| 153 | Turf Reinforcement Mat | SY | 10.00 |
| 154 | Project Sign | EA | 1,000.00 |
| 155 | Steel W Beam Guardrail and End Treatments | LF | 40.00 |
| 156 | Articulating Concrete Block | SY | 800.00 |
| 157 | Reinf Conc Pipe Crack Repairs and Manhole Rehab | LF | NO BID |
| 158 | Saw cutting | LF | 5.00 |
| 159 | Precast Reinforced Concrete Box Culvert 3' X 2' | LF | 1500.00 |
| 160 | Precast Reinforced Concrete Box Culvert 3' X 3' | LF | 1500.00 |
| 161 | Precast Reinforced Concrete Box Culvert 4' X 2' | LF | 1500.00 |
| 162 | Precast Reinforced Concrete Box Culvert 4' X 3' | LF | 1500.00 |
| 163 | Detectable Warning Surface Tile-Overlay | SF | NO BID |
| 164 | Detectable Warning Surface Tile-Imbedded | SF | 350.00 |
| 165 | Bulb-out: Gutter Cover | LF | NO BID |
| 166 | Bulb-out: Asphalt Repair | SF | NO BID |
| 167 | Grader with Operator | HR | 150.00 |
| 168 | Roller/Compactor with Operator | HR | 100.00 |
| 169 | Furnish and Place Topsoil | CY | 30.00 |
| 170 | Spreading Stockpiled Topsoil | CY | 12.00 |
| 171 | 2" PVC Conduit Under Non-Traffic Surface | LF | NO BID |
| 172 | 2" PVC Conduit Under Roadway or Driveway | LF | NO BID |
| 173 | Junction Box, KYTC Type A | EA | NO BID |
| 174 | Junction Box, KYTC Type C | EA | NO BID |
| 175 | Pedestal Base for Pedestrian Pole | EA | NO BID |

| | |
|--|-------------------------------------|
| Payment and Performance Bond Cost, required for Projects over \$50,000 5.0% Allowance of Total Project Cost* * See Special Conditions, Section 6, Payment for Cost of P&P Bonds | 5.0 % max. |
| Unspecified, Incidental Materials at Cost Plus 15% Overhead and Profit (To be submitted as Contract progresses and as needed) * See Special Conditions, Section 7, Payment for Unspecified Materials and Labor. Check if interested | <input checked="" type="checkbox"/> |
| Unspecified, Incidental Labor at Direct Wages Plus Certified Overhead Plus 15% Profit (To be submitted as Contract progresses and as needed) * See Special Conditions, Section 7, Payment for Unspecified Materials and Labor. Check if interested | <input checked="" type="checkbox"/> |
| Minimum Project Total For Which Contractor will consider the project. (See Special Conditions, Section 2, Contractors Performance) | \$ 2800. ⁵⁰ |

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

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

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

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

Table of Incremental Costs for Mobilization and Additional Services

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

Submitted by:

Jon Chestnut Excavation & Construction, LLC

Firm

1794 High Bridge Rd

Address

Lancaster, Ky 40444

City, State & Zip

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

Melinda Chestnut - VP

Signature of Authorized Company Representative - Title

Melinda Chestnut

Representative/s Name (Typed or Printed)

859-333-8080

Area Code - Phone - Extension

859-881-8983

Fax #

tccconstruction@windstream.net

E-Mail Address

OFFICIAL ADDRESS:

1794 High Bridge Rd

Lancaster, Ky 40444

(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: Tom Chesnut Excavation & Construction, LLC
- 2. Permanent Place of Business: 220 Industry Pkwy Nicholasville, KY 40356
- 3. When Organized: 1998
- 4. Where Incorporated: Kentucky
- 5. Construction Plant and Equipment Available for this Project:
5 skid steers, 2 excavators, 1 dozer, Land
planes, drag Box, Road grader, 4 dump
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:

CNA Surety (Surety)

Signed: Scott Cole - Carroll - Stone ^{Inc.} (Representative of Surety)

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

| <u>NAME</u> | <u>LOCATION</u> | <u>CONTRACT SUM</u> |
|--------------------------------|-----------------------------------|------------------------|
| Concrete Sidewalk Installation | ERU Richmond, Ky | 124,000. |
| ADA Ramp Install. | Hano'war Lexington, Ky | 149,000. |
| Concrete Thume | Greely's Versailles Rd Lex Ky | 32,000. ⁰⁰ |
| Landfill Project | 4100 Pike Landville Lexington, Ky | 147,000. ⁰⁰ |
| Concrete Repl. | Storall Lexington, Ky | 40,000. |

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

| <u>NAME</u> | <u>LOCATION</u> | <u>CONTRACT SUM</u> |
|----------------------------------|-----------------|---------------------|
| No Bonded contracts at this time | | |
| | | |
| | | |
| | | |
| | | |

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> |
|-----------------|-----------------------------------|---------------------------------|
| Melinda Chesnut | Admin. & Field Supervisor | 16 yrs |
| Tom Chesnut | Field Supervisor | 32 |
| Jason Chesnut | Equipment Operator | 13 |
| Chris Bunch | Equipment Operator | 2 |
| Richard Brewer | Concrete Finisher/Equip. Operator | 8 |

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 | | | |
| | | | |
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| | | | |

(USE ADDITIONAL SHEETS IF NECESSARY)

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

6. LIST OF PROPOSED SUBCONTRACTORS

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

| <u>BRANCH OF WORK - LIST EACH MAJOR ITEM</u> Such as: Grading, bituminous paving, concrete, seeding and protection, construction staking, etc. | <u>SUBCONTRACTOR</u> | <u>DBE</u> <u>Yes/No</u> | % of Work |
|--|--|-----------------------------|--------------------------|
| 1. <u>Paving</u> | Name: <u>G+G Paving</u> Address: <u>3136 Bracktown Lexington, Ky</u> | <u>Yes</u> | <u>Any Paving Needed</u> |
| 2. <u>Concrete Finishing and/or Excavation</u> | Name: <u>AOE Contracting, Inc</u> Address: <u>1044 Durcan Rd Lawrenceburg, Ky 40342</u> | <u>Yes</u> | <u>10%</u> |
| 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.



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 Byne | Melvin.bynes2@ky.gov | 502-564-3601 |
| KYTC Pre-Qualification | Shella Eagle | Shella.Eagle@ky.gov | 502-782-4815 |
| Ohio River Valley Women’s Business Council (WBENC) | Sheila Mixon | smixon@orvwbc.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@nwbooc.org | 800-675-5066 |
| Small Business Administration | Robert Coffey | robertcoffey@sba.gov | 502-582-5971 |
| LaVoz de Kentucky | Andres Cruz | lavozdeky@yahoo.com | 859-621-2106 |
| The Key News Journal | Patrice Muhammad | paatricem@keynewsjournal.com | 859-373-9428 |



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

The MWDBE and/or veteran subcontractors listed have agreed to participate on this Bid/RFP/Quote. If any substitution is made or the total value of the work is changed prior to or after the job is in progress, it is understood that those substitutions must be submitted to Central Purchasing for approval immediately. Failure to submit a completed form may cause rejection of the bid.

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

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

 Company

 Company Representative

 Date

 Title



LFUCG MWDBE SUBSTITUTION FORM

Bid/RFP/Quote Reference # _____

The substituted MWDBE and/or Veteran subcontractors listed below have agreed to participate on this Bid/RFP/Quote. These substitutions were made prior to or after the job was in progress. These substitutions were made for reasons stated below and are now being submitted to Central Purchasing for approval. By the authorized signature of a representative of our company, we understand that this information will be entered into our file for this project. 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. | | | | | |
| 3. | | | | | |
| 4. | | | | | |

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

Company

Company Representative

Date

Title



MWDBE QUOTE SUMMARY FORM

Bid/RFP/Quote Reference # _____

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

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

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

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

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

Company

Company Representative

Date

Title



LFUCG SUBCONTRACTOR MONTHLY PAYMENT REPORT

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

Bid/RFP/Quote # _____

Total Contract Amount Awarded to Prime Contractor for this Project _____

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

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

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

Company

Company Representative

Date

Title

LFUCG STATEMENT OF GOOD FAITH EFFORTS

Bid/RFP/Quote # 132-2016

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 MWDBE firms and Veteran-Owned businesses to work on this project. Those contacted and their responses should be a part of the bidder's good faith efforts documentation.

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 MWDBE 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. *I have contacted by phone both contractors listed on form to be used on this Bid. Both agreed verbally to work w/my company, as needed.*

NOTE: Failure to submit any of the documentation requested in this section may be cause for rejection of bid. Bidders may include any other documentation deemed relevant to this requirement which is subject to approval by the MBE Liaison. Documentation of Good Faith Efforts must be submitted with the Bid, if the participation Goal is not met.

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

Jim Chestnut Excavation & Construction, LLC

Meirinda Chestnut

Company 9/29/16

Company Representative VP (manager member)

Date

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: Tom Chestnut

POSITION/TITLE: Field Supervisor Mgmt

STATEMENT OF EXPERIENCE: Over 25 years years equipment Operator, excavation, Road construction, over 20 yrs concrete construction; Reads blueprints, CDL License, lasers; coordinates projects from start to finish.

NAME OF INDIVIDUAL: Jason Chestnut

POSITION/TITLE: Equipment Operator

STATEMENT OF EXPERIENCE: Over 18 yrs equipment Operator, finish grade, concrete forming; Lasers

NAME OF INDIVIDUAL: Richard Brewer

POSITION/TITLE: Concrete Finisher

STATEMENT OF EXPERIENCE: Over 10 yrs concrete forming + finishing.

NAME OF INDIVIDUAL: Melinda Chestnut

POSITION/TITLE: Administration / Field Mgmt

STATEMENT OF EXPERIENCE: 16 yrs Construction Mgmt;

14 yrs concrete field experience; Estimator; over
20 yrs accounting + financial experience

NAME OF INDIVIDUAL: Christopher Buncif

POSITION/TITLE: Equipment Operator

STATEMENT OF EXPERIENCE: Equipment operator +
form setter

NAME OF INDIVIDUAL: Zet Morales Vazquez

POSITION/TITLE: Concrete Finisher

STATEMENT OF EXPERIENCE: Over 15 yrs concrete
finishing + form setting

* 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.

Melinda Chesnut
Signature

Tom Chesnut Excavation & Construction, LLC
Name of Business

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

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

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

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

The Act further provides:

KRS 45.610. Hiring minorities – Information required

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

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

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

KRS 45.630 Termination of existing employee not required, when

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

KRS 45.640 Minimum skills

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

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

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

It is the policy of Jon Chesnut Excavation + Construction, 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: Don Chestnut Excavation & Construction, 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 | | 1 | | | | | | | | | | | | | | | | | 1 |
| Professionals | | 1 | | | | | | | | | | | | | | | | | 1 |
| Superintendents | | | | | | | | | | | | | | | | | | | |
| Supervisors | | | | | | | | | | | | | | | | | | | |
| Foremen | | | | | | | | | | | | | | | | | | | |
| Technicians | | | | | | | | | | | | | | | | | | | |
| Protective Service | | | | | | | | | | | | | | | | | | | |
| Para-Professionals | | | | | | | | | | | | | | | | | | | |
| Office/Clerical | | | | | | | | | | | | | | | | | | | |
| Skilled Craft | | 5 | | | 2 | | | | | | | | | | | | | | 7 |
| Service/Maintenance | | | | | | | | | | | | | | | | | | | |
| Total: | | 9 | | | | | | | | | | | | | | | | | 8 |

Prepared by: Yashinda Chestnut Date: 9.29.16

(Name and Title)

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: _____ Employee ID: _____

Address: _____ Phone: _____

Project to be insured: _____

In lieu of obtaining certificates of insurance at this time, the undersigned agrees to provide the above Named Insured with the minimum coverage listed below. These are outlined in the Insurance and Risk Management of Part V (Special Conditions), including all requirements, and conditions:

| Section Items | Coverage | Minimum Limits and Policy Requirements | Limits Provided To Insured | Name of Insurer | A.M. Best's Code | Rating |
|--|----------|--|----------------------------|-----------------|------------------|--------|
| SC-3, Section 2, Part 4.1 – see provisions | CGL | \$1,000,000 per occ. And \$2,000,000 aggregate | \$ | | | |
| SC-3, Section 2, Part 4.1 – see provisions | AUTO | \$2,000,000/per occ. | \$ | | | |
| SC-3, Section 2, Part 4.1 – see provisions | WC | Statutory w/endorsement as noted | \$ | | | |

Section 2 includes required provisions, statements regarding insurance requirements, and the undersigned agrees to abide by all provisions for the coverage's checked above unless stated otherwise when submitting.

Agency or Brokerage _____ Name of Authorized Representative _____

Street Address _____ Title _____

City _____ State _____ Zip _____ Authorized Signature _____

Telephone Number _____ Date _____

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

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

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: Tom Chesnut Excavation & Construction LLC
 Address: 1794 High Bridge Rd. Parkville, Ky 40444
 Project to be insured: 132-2016
 Employee ID: 61-1333328
 Phone: 859-333-5080

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 per occ. \$ 2,000,000 aggregate | EMC | 002161 | A |
| SC-3, Section 2, Part 4.1 - see provisions | ALTO | \$2,000,000/per occ. | \$ 1,000,000 | EMC | 002161 | A |
| SC-3, Section 2, Part 4.1 - see provisions | WC | Statutory w/endorsement as noted | \$ 2,000,000 | KESA | | |

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: Carroll + Stone Insurance
 Street Address: 4384 Clearwater Way Ste 200
 City: Lexington State: KY Zip: 40515
 Telephone Number: 859-269-1044
 Name of Authorized Representative: Scott Cole
 Title: Agent
 Authorized Signature: Scott Cole
 Date: 9/30/2016

NOTE: Authorized signature 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: 2016 Construction Unit Price Contract
BID NUMBER: 132-2016

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 Dom Chesnut Exc. & Const. 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.

Dom Chesnut Excavation + Construction, LLC
Name of Firm Submitting Bid

Melinda Chesnut
Signature of Authorized Official

VP (Managing member)
Title

9/29/16
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: Jon Chesnut Excavation + Construction, LLC

Project: 2016 Construction Unit Price Contract

Printed Name and Title of Authorized Representative: Melinda Chesnut

Signature: Melinda Chesnut

Date: 9/29/14