

ADDENDUM #2

02-05-14

Item D.1.e. states that the Contractor's General Liability Policy shall include Pollution coverage unless it is deemed not to apply by the Owner. Will this be required for this project?	Pollution coverage is required.
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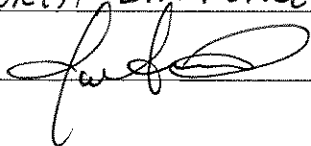


Todd Slatin, Director
Division of Central Purchasing

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: SMITH CONTRACTORS, INC.

ADDRESS: 1241 BYPASS NORTH LAWRENCEBURG, KY 40342

SIGNATURE OF BIDDER: 



Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Gray
Mayor

William O'Mara
Commissioner

ADDENDUM #1

Bid Number: 15-2014

Date: January 31, 2014

Subject: Town Branch WWTP Vector Truck
Unloading Station

Please address inquiries to:
Betty Landrum @
bettyb@lexingtonky.gov

TO ALL PROSPECTIVE BIDDERS:

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

Bid Opening Date has been changed to February 11, 2014, same time and location.

Deadline for questions is now February 6, 2014 @ NOON with final Addendum to be posted no later than February 7, 2014 @ 5:00 pm.



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: SMITH CONTRACTORS, INC

ADDRESS: 1241 BYPASS NORTH, LAWRENCEBURG, KY 40342

SIGNATURE OF BIDDER: 

SECTION 00410 – BID FORM

TBWWTP Vactor Truck Unloading Station

Division of Water Quality
Lexington-Fayette Urban County Government

LFUCG Bid No. 15-2014

1.01 GENERAL

Place: Lexington, Kentucky

Date: February 11, 2014

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

This Bid Form Submitted by Smith Contractors, Inc.

1241 Bypass North, Lawrenceburg, KY 40342
(Name and Address of Bidder)

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

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

The Bidder, in compliance with your Advertisement for Bids for the TBWWTP Vactor Truck Unloading Station; Lexington, Kentucky, having examined the Contract Documents including the Plans and Specifications with related documents, having examined the site for proposed Work, and being familiar with all of the conditions and any and all addendums surrounding the construction of the proposed Project, including the availability of materials and labor, hereby proposes to furnish all labor, materials, and supplies, and to construct the Project in accordance with the Contract Documents, within the time set forth therein, and at the lump sum stated hereinafter. These prices are to cover all expenses incurred in performing the Work required under the Contract Documents, of which this Bid is a part.

The Bidder hereby agrees to commence Work under this Contract on a date to be specified in a written "Notice to Proceed" of the Owner and to substantially complete the Project within 100 consecutive calendar days. Final completion shall be reached within 20 consecutive calendar days from substantial completion. Bidder further agrees to pay liquidated damages, the sum of five hundred Dollars and zero cents (\$500) for each consecutive day thereafter.

The Bidder hereby acknowledges receipt of the following addenda:

Addendum No. 1 Date 01-31-14 ; Addendum No. _____ Date _____
Addendum No. 2 Date 02-05-14 ; 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.

1.02 LEGAL STATUS OF BIDDER

Bidder Smith Contractors, Inc.

Date 02-11-14

*A. A corporation duly organized and doing business under the laws of the State of Kentucky,
for whom Kerry Smith, bearing the
official title of President, whose signature is
affixed to this Bid is duly authorized to execute contracts.

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

~~_____

_____~~

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

~~_____

_____~~

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

1.03 BIDDERS AFFIDAVIT

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

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

Further, Affiant sayeth naught.



Affiant Signature ~~Kerry Smith~~

JOE SMITH

STATE OF Kentucky

COUNTY OF Anderson

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

Kerry Smith on this the 11th day of February, 2014.

My Commission expires: 12-03-14



NOTARY PUBLIC, STATE AT LARGE

1.04 BID SCHEDULE

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

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

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

If the unit price and the item total are illegible or are omitted, the bid may be determined nonresponsive. 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 Owner uses for bid comparison.

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

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

SCHEDULE A - ALL WORK

Item	Description	Lump Sum Price
1	Vactor Truck Unloading Station and all associated work	\$ 310,000.00

TOTAL BID AMOUNT (Schedule A Total Lump Sum):

THREE HUNDRED TEN THOUSAND
Dollars (\$ 310,000.00)


Respectfully Submitted,

FIRM: Smith Contractors, Inc.

ADDRESS: 1241 Bypass North

CITY/STATE/ZIP: Lawrenceburg, KY 40342

DATE: 02-11-14

BY: 
(must be original signature) ~~Kerry Smith~~ Joe Smith

TITLE: Vice President

PHONE: 502-839-4196 FAX: 502-839-8348
(area code, number & extension)

EMAIL ADDRESS: ks@sci82.com

OFFICIAL ADDRESS AND PHONE:

Smith Contractors, Inc.

1241 Bypass North

Lawrenceburg, KY 40342 (Seal if Bid is by Corporation)

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

**SMITH CONTRACTORS, INC.
PREVIOUS WWTP PROJECTS**

Schedule A

<i>Project Name, Location & Description</i>	<i>Owner</i>	<i>Design Engineer</i>	<i>Date Completed</i>	<i>Contract Price</i>	<i>Reference - Phone & Address</i>
<i>Auxiliary Raw Water Intake</i> Murfreesboro, Tennessee	Murfreesboro Water & Sewer District	Smith Seckman Reid	June, 2001	\$ 3,713,198.11	Frank Smith, P.E. 3319 West End Drive, Suite 700, Nashville, TN 37203
<i>Nine Mile WWTP Expansion</i> Clermont County, Ohio	Clermont County Sewer District	Earth Tech	June, 2002	\$ 5,359,426.27	Eric Van Orman, P.E. P.O. Box 874, Grand Rapids, MI 49588
<i>WWTP Improvements</i> Charlestown, Indiana	City of Charlestown	Sagesser Engineers, Inc.	November, 2002	\$ 4,029,807.70	Bill Sagesser, P.E. 88 West McClain Avenue, Scottsburg, IN 47170
<i>WWTP Expansion</i> Columbia, Kentucky	City of Columbia	Monarch Engineering	July, 2003	\$ 3,854,819.73	David Bowles, P.E. 556 Carlton Drive, Lawrenceburg, KY 40342
<i>Wastewater Treatment Plant Improvement</i> Morehead, Kentucky	Morehead Utility Plant Board	Tetra Tech, Inc.	November, 2005	\$ 9,613,212.60	Herb Lenaster, P.E. 800 Corporate Drive, Lexington, KY 40503
<i>Wastewater Treatment Plant Upgrade</i> Lawrenceburg, Kentucky	City of Lawrenceburg	GRW Engineers, Inc.	August, 2006	\$ 7,430,813.27	John Martin, P.E. 801 Corporate Drive, Lawrenceburg, KY 40342
<i>Shayler Run Segment "C"</i> Clermont County, Ohio	Clermont Co. Sewer District	Balke American	July, 2007	\$ 6,436,222.64	Lyle Bloom, P.E. 2379 Clermont Center Drive, Batavia, OH 45103

**SMITH CONTRACTORS, INC.
PREVIOUS WWTP PROJECTS**

Schedule A

<i>Project Name, Location & Description</i>	<i>Owner</i>	<i>Design Engineer</i>	<i>Date Completed</i>	<i>Contract Price</i>	<i>Reference - Phone & Address</i>
<i>Contract 4 - Jessamine Creek Env. Facility</i> Nicholasville, Kentucky	City of Nicholasville	Tetra Tech, Inc.	October, 2008	\$ 5,278,831.58	Morey Lampson, P.E. 800 Corporate Drive, Lexington, KY 40503 859-223-8000
<i>Contract 1 - Whitesburg WWTP</i> Whitesburg, Kentucky	City of Whitesburg	Summit Engineering	March, 2009	\$ 5,800,543.70	Kevin Howard, P.E. 120 Prosperous Place, Ste 101, Lexington, KY 40509 859-264-9860
<i>Contract 536-07-01 Wastewater Treatment Facility</i> Owingsville, Kentucky	City of Owingsville	Bell Engineers	September, 2009	\$ 3,551,695.83	Ronald Rogers, P.E. P.O. Box 546, Lexington, KY 40588 859-278-5412
<i>Contract 207 - Wastewater Treatment Plant Expansion</i> Gallatin, Tennessee	City of Gallatin	James C. Hailey Engineers	May, 2012	\$ 23,472,935.94	James Hailey, P.E. 7518 Hwy 70S, st. 100, Nashville, TN 37221 615-883-4933
<i>WWTP Biosolids Facilities</i> Gallatin, Tennessee	City of Gallatin	James C. Hailey Engineers	May, 2012	\$ 6,350,549.00	James Hailey, P.E. 7518 Hwy 70S, st. 100, Nashville, TN 37221 615-883-4933
<i>Lower Howards Creek Influent PS & WWTP</i> Winchester, Kentucky	Winchester Municipal Utilities	Palmer Engineering	July, 2013	\$ 27,923,072.75	Brian Ward, P.E. P.O. Box 747, Winchester, KY 40392 859-744-1218

Smith Contractors, Inc.

Current Projects

Schedule B

<i>Project Name & Location</i>	<i>Owner</i>	<i>Engineer</i>	<i>Contract Amount</i>	<i>Percent Complete</i>	<i>Scheduled Completion</i>	<i>Reference Including Address & Phone #</i>
<i>Red River WWTP</i> Stanton, Kentucky	Red River Wastewater Authority	Bell Engineering	\$ 9,245,803.00	92%	420 days	Ron Rogers, P.E. 2480 Fortune Dr., Ste 350, Lexington, KY 40509
<i>Monticello WWTP Improvements</i> Monticello, Kentucky	City of Monticello	Bell Engineering	\$ 6,691,678.53	70%	365 days	Ron Rogers, P.E. 2480 Fortune Dr., Ste 350, Lexington, KY 40509
<i>Lexington Expansion Area 2A - Pump Station</i> Lexington, Kentucky	LFUCG	GRW Engineers	\$ 4,861,000.00	57%	430 days	Joe Henry, P.E. 801 Corporate Drive, Lexington, KY 40503
<i>Town Branch/West Hickman Creek WWTP</i> Lexington, Kentucky	LFUCG	Strand Associates	\$ 13,920,723.00	71%	600 days	Mike Davis, P.E. 1525 Bull Lea Rd., Ste 100, Lexington, KY 40511
<i>Monticello Water Treatment Plant Improvements</i> Monticello, Kentucky	City of Monticello	Bell Engineering	\$ 10,843,317.00	21%	545 days	Ron Rogers, P.E. 2480 Fortune Dr., Ste 350, Lexington, KY 40509
<i>West Hickman WWTP Odor Control</i> Lexington, Kentucky	LFUCG		\$ 1,039,000.00	3%		Tiffany Rank, P.E. 125 Lisle Industrial Ave, Lexington, KY 40507
<i>Carr Creek WTP Expansion</i> Vico, Kentucky	Knott Co. Water & Sewer	R.M. Johnson Engineering	\$ 2,254,000.00	25%	270 days	Jared Salmmons, PM P.O. Box 444, Hindman, KY 41822

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

<u>NAME</u>	<u>POSITION DESCRIPTION</u>	<u>NO. OF YEARS WITH BIDDER</u>
Kerry Smith	President	32
Joe Smith	Vice President	17

J. MWDBE Participation on current bonded projects under contract:

<u>SUBCONTRACTORS (LIST)</u>	<u>PROJECT (SPECIFIC TYPE)</u>	<u>MWDBE</u>	<u>% of WORK</u>
See attached			

(USE ADDITIONAL SHEETS IF NECESSARY)

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

Current DBE Subcontractor Participation

Subcontractor Name	Project (Specific Type)	DBE	% of Work
Bison Services LLC	Expansion Area 2A WW System Improvements - Pump Station	MBE	6%
Lykins Reinforcing, LLC	Expansion Area 2A WW System Improvements - Pump Station	WBE	5%
Lykins Reinforcing, LLC	Monticello WWTP	WBE	5%
Lykins Reinforcing, LLC	Monticello WTP	WBE	5%

1.06 LIST OF PROPOSED SUBCONTRACTORS

The following list of proposed subcontractors is required by the Owner to be executed, completed and submitted with the Bid Form. All subcontractors are subject to approval of the Lexington-Fayette Urban County Government. Failure to submit this list completely filled out may be cause for rejection of Bid.

<u>BRANCH OF WORK**</u> (List each major item)	<u>SUBCONTRACTOR</u>	<u>MWDBE (yes/no)</u>	<u>% of WORK</u>
1. _____	Name: _____	_____	_____
	Address: _____ _____		
2. _____	Name: _____	_____	_____
	Address: _____ _____		
3. _____	Name: _____	_____	_____
	Address: _____ _____		
4. _____	Name: _____	_____	_____
	Address: _____ _____		
5. _____	Name: _____	_____	_____
	Address: _____ _____		
6. _____	Name: _____	_____	_____
	Address: _____ _____		

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

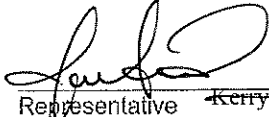
1.07 AUTHENTICATION OF BID AND STATEMENT OF NON-COLLUSION AND NON-CONFLICT OF INTEREST

I hereby swear (or affirm) under the penalty for false swearing:

- A. 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);
- B. 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 Advertisement for Bid, designed to limit independent bidding or competition;
- C. 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;
- D. 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;
- E. (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, X . [Check the statement applicable.]
- F. This offer is for ninety (90) 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, an Agreement shall thereby be created with respect to the items accepted.
- G. That I have fully informed myself regarding the accuracy of the statements made in this statement.
- H. 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.

Smith Contractors, Inc.
Company

02-11-14
Date


Kerry Smith
Representative
JOE SMITH

1.08 STATEMENT OF EXPERIENCE

NAME OF INDIVIDUAL: See attached

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

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

Smith Contractors, Inc.

KEY PERSONNEL

Schedule C

<i>Employee Name</i>	<i>Position</i>	<i>Date Started with SCI</i>	<i>Date Started In Construction</i>	<i>Prior Positions and Experience In Construction</i>
Kerry Smith	President/Owner	January, 1982	1970	Superintendent/Project Manager
Joe Smith	Vice-President	June, 1999	1998	Superintendent/Project Manager
Vandra Guffey	Treasurer	December, 1989	1982	Accounting Controller Asst.
Jerry Powell	Superintendent/ Project Manager	May, 1992	1972	Resume provided upon request
J.B. Rutledge	Superintendent	September, 1996	1973	Resume provided upon request
Jack Pennington	Superintendent	November, 1984	1983	Resume provided upon request
Dennis Muse	Superintendent	April, 2004	1984	Resume provided upon request
Jason Steinmetz	Superintendent/ Project Manager	December, 2001	2000	Resume provided upon request
Mike Craft	Superintendent	June, 2004	1994	Resume provided upon request
Dwayne Hall	Superintendent	August, 2012	1978	Resume provided upon request
Chris James	Superintendent	August, 2001	2001	Resume provide upon request

1.09 EQUAL OPPORTUNITY AGREEMENT

The Law

- * Title VII of the Civil Rights Act of 1964 (amended 1972) states that it is unlawful for an employer to discriminate in employment because of race, color, religion, sex, age (40-70 years) or national origin.
- * Executive Order No. 11246 on Nondiscrimination under Federal contract prohibits employment discrimination by contractor and subcontractor doing business with the Federal Government or recipients of Federal funds. This order was later amended by Executive Order No. 11375 to prohibit discrimination on the basis of sex.
- * Section 503 of the Rehabilitation Act of 1973 States:

The Contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap.

- * Section 2012 of the Vietnam Era Veterans Readjustment Act of 1973 requires Affirmative Action on behalf of disabled veterans and veterans of the Vietnam Era by contractors having Federal Contracts.
- * Section 206 (A) of Executive Order 12086, Consolidation of Contract Compliance Functions for Equal Employment Opportunity, states:

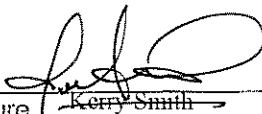
The Secretary of Labor may investigate the employment practices of any Government contractor or sub-contractor to determine whether or not the contractual provisions specified in Section 202 of this order have been violated.

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

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

Bidders

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

Signature 

 JOE SMITH

Smith Contractors, Inc.
 Name of Business _____

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

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

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

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

The Act further provides:

KRS 45.610. Hiring minorities - information required

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

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

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

KRS 45.630 Termination of existing employee not required, when

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

KRS 45.640 Minimum skills

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

In the case of an Agreement exceeding \$250,000, the Contractor will be required within seven (7) days following the Bid Opening to furnish evidence that 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.

1.10 MWDBE SUBCONTRACTOR PARTICIPATION FORM



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

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

An EPA financial Assistance Agreement Recipient must require its prime contractors to provide this form to its DBE subcontractors. This form gives a DBE¹ subcontractor² the opportunity to describe work received and/or report any concerns regarding the EPA-funded project (e.g., in areas such as termination by prime contractor, late payments, etc.). The DBE subcontractor can, as an option, complete and submit this form to the EPA DBE Coordinator at any time during the project period of performance.

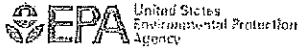
Subcontractor Name		Project Name TBWWTP Vactor Truck Unloading Station	
Bid/ Proposal No. 152014	Assistance Agreement ID No. (if known)	Point of Contact	
Address			
Telephone No.		Email Address	
Prime Contractor Name Smith Contractors, Inc.		Issuing/Funding Entity:	

Contract Item Number	Description of Work Received from the Prime Contractor Involving Construction, Services, Equipment or Supplies	Amount Received by Prime Contractor
	NO SUBCONTRACTORS WILL BE UTILIZED ON THIS PROJECT	

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

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

EPA FORM 6100-2 (DBE Subcontractor Participation Form)



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

Disadvantaged Business Enterprise (DBE) Program
DBE Subcontractor Participation Form

Please use the space below to report any concerns regarding the above EPA-funded project:

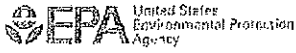
NO SUBCONTRACTORS WILL BE UTILIZED ON THIS PROJECT

Subcontractor Signature	Print Name
Title	Date

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

EPA FORM 6100-2 (DBE Subcontractor Participation Form)

1.11 MWDBE SUBCONTRACTOR PERFORMANCE FORM



OMB Control No: 2090-0020
 Approved: 8/13/2013
 Approval Expires: 8/31/2015

Disadvantaged Business Enterprise (DBE) Program
 DBE Subcontractor Performance Form

This form is intended to capture the DBE¹ subcontractor's² description of work to be performed and the price of the work submitted to the prime contractor. An EPA Financial Assistance Agreement Recipient must require its prime contractor to have its DBE subcontractors complete this form and include all completed forms in the prime contractor's bid or proposal package.

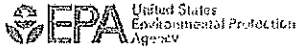
Subcontractor Name		Project Name TBWWTP Vactor Truck Unloading Station	
Bid/ Proposal No. 152014	Assistance Agreement ID No. (if known)	Point of Contact	
Address			
Telephone No.		Email Address	
Prime Contractor Name Smith Contractors, Inc.		Issuing/Funding Entity:	

Contract Item Number	Description of Work Submitted to the Prime Contractor Involving Construction, Services, Equipment or Supplies	Price of Work Submitted to the Prime Contractor
	NO SUBCONTRACTORS WILL BE UTILIZED ON THIS PROJECT	
DBE Certified By: <input type="checkbox"/> DOT <input type="checkbox"/> SBA <input type="checkbox"/> Other: _____		Meets/ exceeds EPA certification standards? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Unknown

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

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

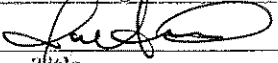
EPA FORM 6100-3 (DBE Subcontractor Performance Form)



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

Disadvantaged Business Enterprise (DBE) Program
DBE Subcontractor Performance Form

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

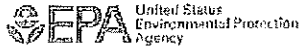
Prime Contractor Signature	Print Name
	Kerry Smith JOE SMITH
Title	Date
VICE President	02-11-14

Subcontractor Signature	Print Name
Title	Date

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

EPA FORM 6100-3 (DBE Subcontractor Performance Form)

1.12 MWDBE SUBCONTRACTOR UTILIZATION FORM



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

Disadvantaged Business Enterprise (DBE) Program
 DBE Subcontractor Utilization Form

This form is intended to capture the prime contractor's actual and/or anticipated use of identified certified DBE¹ subcontractors² and the estimated dollar amount of each subcontract. An EPA Financial Assistance Agreement Recipient must require its prime contractors to complete this form and include it in the bid or proposal package. Prime contractors should also maintain a copy of this form on file.

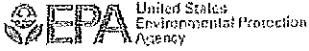
Prime Contractor Name Smith Contractors, Inc.		Project Name TBWWTP Vactor Truck Unloading Station	
Bid/ Proposal No. 152014	Assistance Agreement ID No. (if known)	Point of Contact	
Address 1241 Bypass North, Lawrenceburg, KY 40342			
Telephone No. 502-839-4196		Email Address ks@sci82.com	
Issuing/Funding Entity:			

I have identified potential DBE certified subcontractors	___ YES	___ NO	
If yes, please complete the table below. If no, please explain:			
Subcontractor Name/ Company Name	Company Address/ Phone/ Email	Est. Dollar Amt	Currently DBE Certified?
NO SUBCONTRACTORS WILL BE UTILIZED ON THIS PROJECT			
Continue on back if needed			

¹ A DBE is a Disadvantaged, Minority, or Woman Business Enterprise that has been certified by an entity from which EPA accepts certifications as described in 40 CFR 33.204-33.208 or certified by EPA. EPA accepts certifications from entities that meet or exceed EPA certification standards as described in 40 CFR 33.202.

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

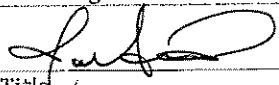
EPA FORM 6100-4 (DBE Subcontractor Utilization Form)



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

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

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

Prime Contractor Signature	Print Name
	Kerry Smith Joe Smith
Title	Date
VICE President	02-11-14

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

EPA FORM 6100-4 (DBE Subcontractor Utilization Form)

1.13 MWDBE PARTICIPATION POLICY

PROJECT NAME: TBWWTP Vactor Truck Unloading Station
Lexington-Fayette Urban County Government

LFUCG BID NO. 152014 BID DATE: February 5, 2014

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

Prime Contractor's Name Smith Contractors, Inc.
Contact Person: Kerry Smith
Address: 1241 Bypass North, Lawrenceburg, KY 40342
Phone: 502-839-4196 Cell: _____
Email: ks@sci82.com
Total Contract Amount: _____

B. Total dollar amount/percent of contract of DBE participation: _____

C. Total dollar amount/percent of contract of MBE participation: _____

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

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

Yes No _____

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

G. List of DBE Subcontractors:

Name: NO SUBCONTRACTORS WILL BE UTILIZED ON THIS PROJECT
Contact Person: _____
Address: _____
Phone: _____ Cell: _____
Email: _____
Type of Contract: _____
Work to be Done: _____
Amount: _____

H. List of MBE Subcontractors:

Name: NO SUBCONTRACTORS WILL BE UTILIZED ON THIS PROJECT
Contact Person: _____
Address: _____
Phone: _____ Cell: _____
Email: _____
Type of Contract: _____
Work to be Done: _____
Amount: _____

I. List of WBE Subcontractors:

Name: NO SUBCONTRACTORS WILL BE UTILIZED ON THIS PROJECT
Contact Person: _____
Address: _____
Phone: _____ Cell: _____
Email: _____
Type of Contract: _____
Work to be Done: _____
Amount: _____

Attach additional sheets, if necessary.

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

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

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

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

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

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

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

Company Name and Phone Number: _____

Area of Work Expertise: _____

Date of any Follow-Ups and Person Spoke to: _____

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

Name of Publication: _____

Date(s) of Advertisement: _____

Specific Subcontract Areas Announced: _____

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

Method of Notification: _____

Date(s) of Notification: _____

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

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

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

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

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

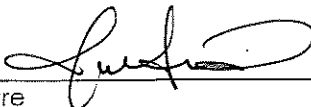
The prime contractor certifies that the assistance of the SBA, MBDA, and/or KPAP was utilized. *Submit pages printed off the SBA and MBDA websites which evidence efforts to register a solicitation on those sites or submit copies of the letter sent and certified mail receipt as documentation; submit copies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

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

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

Signature and Date:

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



Signature

JOE SMITH, VICE PRESIDENT
~~Kerry Smith, President~~

Print Name and Title

02-11-14

Date

1.14 EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION POLICY

It is the policy of Smith Contractors, Inc.
(Name of Bidder)

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

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

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

1.15 WORKFORCE ANALYSIS FORM

Name of Organization: Smith Contractors, Inc. Date 02 / 11 / 2014

Categories	Total	White		Black		Other		Total	
		M	F	M	F	M	F	M	F
Administrators	2	2						2	
Professionals									
Superintendents	7	7						7	
Supervisors									
Foremen									
Technicians	10	10						10	
Protective Service									
Para-Professionals	22	21				1		22	
Office/Clerical	6	2	3		1			2	4
Skilled Craft	11	9				2		11	
Service/Maintenance	7	7						7	
Total	65	58	3		1	3		61	4

Prepared By: Vandra Guffey

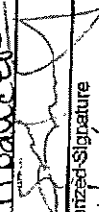
1.16 EVIDENCE OF INSURABILITY

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

Names Insured: Smith Contractors Inc.
 Address: PO Box 480, Lawrenceburg, Ky 40342
 Project to be insured: Town Branch WWTP Vector Truck Unloading Dock - LFUC &
 In lieu of obtaining certificates of insurance at this time, the undersigned agrees to provide the above Named Insured with the minimum coverage listed below. These are outlined in the Insurance and Risk Management of Section 00600 - Bonds and Certifications, including all requirements, and conditions:

Article Items	Coverage	Minimum Limits and Policy Requirements	Limits Provided to Insured	Name of Insurer	A.M. Best's	
					Code	Rating
1.05.D.1	CGL	\$1,000,000/per occ., \$2,000,000/aggregate or \$2,000,000 combined single limit Requirements (a) through (e)	\$ 1,000,000 Per. Occ.	Amerisure	000604	A
1.05.D.1	Auto	Combined single \$1,000,000/per occ. aggregate Requirements (a) through (e)	\$ 2,000,000 Agg.	Amerisure	000604	A
1.05.D.1	WC	\$ N/A Statutory				
1.05.D.1	Employer's Liability	\$300,000	\$84,000,000	KY - AGC	055002	A-

Section 00600 includes required provisions, statements regarding insurance requirements, and the undersigned agrees to abide by all provisions for the coverage's checked above unless stated otherwise when submitting

Agency or Brokerage: Garrett-Stotz Co
 Name of Authorized Representative: Steven M. Garcrest
 Street Address: 1601 Alliant Ave.
 Title: Producer
 City: Louisville Ky 40299
 Authorized Signature: 
 Date: 1/28/13
 Telephone Number: 502-415-7000

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

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

1.17 DEBARRED FIRMS

PROJECT NAME: TBWWTP Vactor Truck Unloading Station

LFUCG BID NO.: 152014

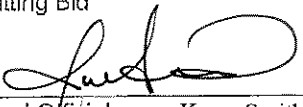
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KY

All prime Contractors shall certify that Subcontractors have not and will not be awarded to any firms that has been debarred for noncompliance with the Federal Labor Standards, Title VI of the Civil Rights Act of 1964 As Amended, Executive Order 11246 As Amended or any other Federal Law.

All Bidders shall complete the Debarment Certification in duplicate and submit both copies to the Owner with the Bid Form. The Owner (grantee) shall transmit one copy to the Lexington-Fayette Urban County Government, Division of Community Development within fourteen (14) days after Bid opening.

The undersigned hereby certifies that the firm of Smith Contractors, Inc. has not and will not award a subcontract, in connection with any Agreement award to it as the result of this bid, to any firm that has been debarred for noncompliance with the Federal Labor Standards, Title VI of the Civil Rights Act of 1964, Executive Order 11246 As Amended or any Federal Law.

Smith Contractors, Inc.
Name of Firm Submitting Bid


Signature of Authorized Official ~~Kerry Smith~~
JOE SMITH

Vice President
Title

02-11-14
Date

1.18 DEBARMENT CERTIFICATION

All Contractors/Subcontractors shall complete this certification.

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 Bid 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 (3) 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: Smith Contractors, Inc.

Project: TBWWTP Vactor Truck Unloading Station

Printed Name: JOE SMITH
~~Kerry Smith~~

Title of Authorized Representative: VICE President

Signature: 

Date: 02-11-14

1.19 CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

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

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

~~Kerry Smith, President~~ JOE SMITH, VICE PRESIDENT
Typed Name & Title of Authorized Representative


Signature of Authorized Representative

02-11-14
Date

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

1.20 BID BOND

BID BOND

Bond Number: _____

KNOW ALL MEN BY THESE PRESENTS, that we SMITH CONTRACTORS, INC.
as principal (the "Principal") and LIBERTY MUTUAL INSURANCE CO.

hereinto called Surety, are held and firmly bound unto

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
200 East Main Street, Third Floor
Lexington, Kentucky 40507

as obligee (the "Obligee"), in the penal sum of FIVE PERCENT BID AMOUNT 5% BID AMOUNT dollars
for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind
ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by
these presents.

WHEREAS, the Principal has submitted a bid for the TBWWTP Vector Unloading Station.

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal within the period specified therein,
or, if no period be specified, within ninety (90) days after opening, and the Principal shall enter into a
contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may
be specified in the bidding or contract documents, or in the event of the failure of the Principal to enter into
such contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference in
money not to exceed the penal sum hereof between the amount specified in said bid and such larger
amount for which the Obligee 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. In no event
shall the liability hereunder exceed the penal sum thereof.

PROVIDED AND SUBJECT TO THE CONDITION PRECEDENT, that any claim by Obligee under this
bond must be submitted in writing by registered mail, to the attention of the Surety Law Department at the
address above, within 120 days of the date of this bond. Any suit under this bond must be instituted before
the expiration of one (1) year from the date of this bond. If the provisions of this paragraph are void or
prohibited by law, the minimum period of limitation available to sureties as a defense in the jurisdiction of
the suit shall apply.

DATED as of this 11th day of FEBRUARY, 2014.

WITNESS / ATTEST: ^{KS}

LOU SMITH

Principal (Secretary)
LOU SMITH

SMITH CONTRACTORS, INC.

Principal

By: [Signature] (seal)
Name: ~~KERRY SMITH~~ JOE SMITH
Title: VICE PRESIDENT

LIBERTY MUTUAL INSURANCE CO.

Surety

By: [Signature] (seal)
Name: DAVID P. O'BRYAN
Title: ATTORNEY-IN-FACT

[Signature]

Surety (Secretary)

CHRIS CYTERSKI
KY RESIDENT AGENT

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

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

Certificate No. 6260023

American Fire and Casualty Company
The Ohio Casualty Insurance Company

Liberty Mutual Insurance Company
West American Insurance Company

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Christopher A. Cyterski; David Douglas; David P. O'Bryan

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

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 22nd day of August, 2013.



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

By: Gregory W. Davenport
Gregory W. Davenport, Assistant Secretary

STATE OF WASHINGTON ss
COUNTY OF KING

On this 22nd day of August, 2013, before me personally appeared Gregory W. Davenport, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Seattle, Washington, on the day and year first above written.



By: KD Riley
KD Riley, Notary Public

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

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

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

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

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

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 11th day of February, 2014.



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

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

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