

PART III

Cardinal Lane Storm Water Improvements

LFUCG Bid No. 121-2012

1. FORM OF PROPOSAL

Place: Lexington, Kentucky

Date: December 6, 2012

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

This Proposal Submitted by Walter Martin Excavating, Inc.

501 Darby Creek Dr #19 Lexington, Ky 40509
(Name and Address of Bidding Contractor)

(Hereinafter called "Bidder"), organized and existing under the laws of the State of KY, 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 Purchasing
200 East Main Street, 3rd Floor
Lexington, KY 40507

Gentlemen:

The Bidder, in compliance with your Invitation for Bids for Cardinal Lane Storm Water Improvements, 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 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 complete the Project within **Sixty (60) consecutive calendar days**. Bidder further agrees to pay liquidated damages, the sum of \$200.00 for each consecutive calendar day thereafter.

The Bidder hereby acknowledges receipt of the following addenda:

Addendum No. 1 Date 12-3-12; 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 Walter Martin Excavating, Inc

Date 12/6/12

* 1. A corporation duly organized and doing business under the laws of the State of KY, for whom Scott Adams, bearing the official title of Senior manager, whose signature is affixed to this Proposal, is duly authorized to execute contracts.

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

~~* 3. An individual, whose signature is affixed to this Proposal.~~

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

3. **BIDDERS AFFIDAVIT**

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

1. His/her name is Scott Adams and he/she is the individual submitting the bid or is the authorized representative of Walter Martin Excavating, 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.



(Affiant)

STATE OF Kentucky

COUNTY OF Fayette

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

Scott Adams on this the 6 day of December
 , 2012.

My Commission expires: 7/3/16



NOTARY PUBLIC, STATE AT LARGE
469712

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 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.

The contract, if awarded, will be on the basis of materials and equipment specified in the specifications without consideration of possible substitute or “or equal” items.

Notes: 1. Bids shall include sales tax, where required, and all other applicable taxes and fees.

BASE BID

Item No.	Engineer's Estimated Quantity	Contractor's Bid Quantity	Unit Bid	Description	Unit Price	Total Amount Bid
1	1		LS	Demolition (including clearing & grubbing, site clearing, tree & fence removal, box culvert removal, etc)	\$ 10,000. ⁰⁰	\$ 10,000. ⁰⁰
2	1		LS	Mobilization / Demobilization (set up, staging, erosion control installation & maintenance, security fencing, project bonds, misc)	\$ 10,000. ⁰⁰	\$ 10,000. ⁰⁰
3	555		SY	Seeding and mulching disturbed areas	\$ 1. ⁰⁰	\$ 555. ⁰⁰
4	406		SY	Sodding	\$ 5. ⁰⁰	\$ 2,030. ⁰⁰
5	1		LS	Dewatering	\$ 4,000. ⁰⁰	\$ 4,000. ⁰⁰
6	1		LS	Earthwork – Unclassified	\$ 7,000. ⁰⁰	\$ 7,000. ⁰⁰
7	1		EA	6' x 6' Reinforced Concrete Junction Box	\$ 6,000. ⁰⁰	\$ 6,000. ⁰⁰
8	112		LF	4'x4' Precast Reinforced Concrete Box Culvert	\$ 450. ⁰⁰	\$ 50,400. ⁰⁰
9	1		EA	Mitered 4' x 4' Box Culvert End Treatment	\$ 7,500. ⁰⁰	\$ 7,500. ⁰⁰

10	1		EA	4'x4' Precast Reinforced Box Culvert Bend	\$ 9,000. ⁰⁰	\$ 9,000. ⁰⁰
11	16		LF	53"x34" Horizontal Elliptical RCP (Class III)	\$ 250. ⁰⁰	\$ 4,000. ⁰⁰
12	25		LF	18" RCP (Class III)	\$ 90. ⁰⁰	\$ 2,250. ⁰⁰
13	1		EA	LFUCG Storm Manhole	\$ 3,500. ⁰⁰	\$ 3,500. ⁰⁰
14	1		EA	LFUCG Sanitary Sewer Manhole	\$ 4,000. ⁰⁰	\$ 4,000. ⁰⁰
15	60		LF	16" Ductile Iron Sanitary Sewer Pipe	\$ 175. ⁰⁰	\$ 10,500. ⁰⁰
16	1		LS	Rehabilitate Existing Sanitary Sewer Manhole	\$ 1,750. ⁰⁰	\$ 1,750. ⁰⁰
17	1		LS	Sanitary Sewer Lateral Point Repair on Existing 15" VCP	\$ 1,750. ⁰⁰	\$ 1,750. ⁰⁰
18	1		LS	Bypass Pumping of Existing 15" VCP	\$ 7,500. ⁰⁰	\$ 7,500. ⁰⁰
19	153		LF	LFUCG 4' Chain Link Fence & (1) Gate	\$ 25. ⁰⁰	\$ 3,825. ⁰⁰
20	28		SY	4" Concrete Sidewalk	\$ 40. ⁰⁰	\$ 1,120. ⁰⁰
21	18		SY	Replace Rear Concrete Patio @ 633 Cardinal Lane	40. ⁰⁰	720. ⁰⁰
22	8		LF	30" RCP (Class III)	\$ 150. ⁰⁰	\$ 1,200. ⁰⁰
23	1050		SF	Turf-Loc Non Cabled Bank Stabilization Blocks	\$ 10. ⁰⁰	\$ 10,500. ⁰⁰
24	50		LF	4" Sanitary Sewer Lateral Reconstruction (including cleanouts and other appurtenances)	30. ⁰⁰	1,500. ⁰⁰
25	1		LS	Construction Staking	\$ 2,000. ⁰⁰	\$ 2,000. ⁰⁰

Total LUMP SUM BASE BID Amount of Bid (Items 1 through 25) = \$ 162,600.⁰⁰

LUMP SUM BID shall be based upon the **CONTRACTOR'S** take-off.

Add Alternate 1:

Item No.	Engineer's Estimated Quantity	Contractor's Bid Quantity	Unit Bid	Description	Unit Price	Total Amount Bid
26	1		LS	Demolition (including clearing & grubbing, site clearing, tree & fence removal, etc)	\$ 5,000. ⁰⁰	\$ 5,000. ⁰⁰

27	745		SY	Seeding and mulching disturbed areas	\$ 1. ⁰⁰	\$ 745. ⁰⁰
28	93		LF	18" RCP (Class III)	\$ 80. ⁰⁰	\$ 7,440. ⁰⁰
29	1		EA	LFUCG Storm Manhole	\$ 5,500. ⁰⁰	\$ 5,500. ⁰⁰
30	50		LF	LFUCG 4' Chain Link Fence & (1) Gate	\$ 25. ⁰⁰	\$ 1,250. ⁰⁰
31	18		SY	4" Concrete Sidewalk	\$ 40. ⁰⁰	\$ 720. ⁰⁰
32	168		LF	6" LFUCG Header Curb	\$ 35. ⁰⁰	\$ 5,880. ⁰⁰
33	25		SY	Asphalt Reconstruction (1.5-inch surface / 3-inch binder / 9-inch DGA)	\$ 500. ⁰⁰	\$ 12,500. ⁰⁰
34	55		SY	6" Concrete Driveway	\$ 45. ⁰⁰	\$ 2,475. ⁰⁰
35	1		EA	LFUCG Modified Curb Inlet (Round Base w/ 15' Throat @ 25' Radius)	\$ 6,500. ⁰⁰	\$ 6,500. ⁰⁰
36	30		TN	Bituminous Pavement Milling & Texturing	\$ 200. ⁰⁰	\$ 6,000. ⁰⁰
37	1		LS	Construction Staking	\$ 2,500. ⁰⁰	\$ 2,500. ⁰⁰

Total LUMP SUM BID Amount of Add Alternate #1 (Items 26 through 37) = \$ 56,510.⁰⁰

Add Alternate 2:

Item No.	Engineer's Estimated Quantity	Contractor's Bid Quantity	Unit Bid	Description	Unit Price	Total Amount Bid
38	1		EA	6' x 12' NSBB Suntree Water Quality Unit	\$ 48,500. ⁰⁰	\$ 48,500. ⁰⁰
39	1		LS	Demolition (including clearing and grubbing, site clearing, tree & fence removal, etc)	\$ 5,000. ⁰⁰	\$ 5,000. ⁰⁰
40	745		SY	Seeding and mulching disturbed areas	\$ 1. ⁰⁰	\$ 745. ⁰⁰
41	86		LF	18" RCP (Class III)	\$ 80. ⁰⁰	\$ 6,880. ⁰⁰
42	1		EA	LFUCG Storm Manhole	\$ 5,500. ⁰⁰	\$ 5,500. ⁰⁰
43	50		LF	LFUCG 4' Chain Link Fence & (1) Gate	\$ 25. ⁰⁰	\$ 1,250. ⁰⁰
44	18		SY	4" Concrete Sidewalk	\$ 40. ⁰⁰	\$ 720. ⁰⁰
45	168		LF	6" LFUCG Header Curb	\$ 35. ⁰⁰	\$ 5,880. ⁰⁰
46	35		SY	Asphalt Reconstruction (1.5-inch surface / 3-inch binder / 9-inch DGA)	\$ 400. ⁰⁰	\$ 14,000. ⁰⁰

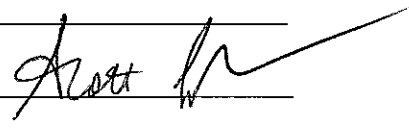
47	55		SY	6" Concrete Driveway	\$ 45. ⁰⁰	\$ 2,475. ⁰⁰
48	1		EA	LFUCG Modified Curb Inlet (Round Base w/ 15' Throat @ 25' Radius)	\$ 6,500. ⁰⁰	\$ 6,500. ⁰⁰
49	30		TN	Bituminous Pavement Milling & Texturing	\$ 200. ⁰⁰	\$ 6,000. ⁰⁰
50	1		LS	Construction Staking	\$ 2,500. ⁰⁰	\$ 2,500. ⁰⁰

Total LUMP SUM BID Amount of Add Alternate #2 (Items 38 through 50) = \$ 105,950.⁰⁰

Respectfully Submitted,

BY: Walter Martin Excavating, Inc.
(NAME OF FIRM)

DATE: 12/16/12

BY: Scott Adams 

TITLE: Senior manager

OFFICIAL ADDRESS:

69B Highway 1393
Russell Springs, Ky 42642

(Seal if Bid is by Corporation)

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:
Walter Martin Excavating

2. Permanent Place of Business:
698 Hwy 1383, Russell Springs, Ky

3. When Organized:
R 1985

4. Where Incorporated:
Kentucky

5. Construction Plant and Equipment Available for this Project:
210 Excavator Trench Box
Skid Steer Utility Truck
Mini ex
Dump Truck

(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:

International Fidelity Insurance Company (Surety)

Signed: Mackenzie Huston (Representative of Surety)
Mackenzie Huston Attorney-In-Fact

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

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
KDOT Campbell County Culvert	Campbell Co., Ky	\$ 85,000
Breathitt County Sanitary Sewer	Jackson, Ky	\$ 650,000
Bourbon County Culvert KDOT	Paris, Ky	\$ 148,000
Paris Bypass Water & Sewer KDOT	Paris, Ky	\$ 750,000

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

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
Providence Sewer	Providence, Ky	\$ 320,000
Water Main NKWD	Newport, Ky	\$ 1,100,000
Wurtland Pump Stations	Wurtland, Ky	\$ 165,000
Sparta Gr Distribution	Sparta, Ky	\$ 100,000
Swan Circle Water NKWD	Elsmere, Ky	\$ 314,000

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>
Scott Adams	Senior Manager	1
David Wills	Operations Manager	1

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>
<u>Cedar Valley Seeding</u>	<u>BoCo. Culvert</u>	<u>✓</u>	<u>5</u>
<u>No other jobs require DBE</u>			
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(USE ADDITIONAL SHEETS IF NECESSARY)

12. We acknowledge that, if we are the apparent low Bidder, we will submit to the OWNER within 7 calendar days following the Bid Opening, a sworn statement on the OWNER'S form 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)—all in accordance with the Bid Documents.

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 Work</u>	<u>SUBCONTRACTOR</u>	<u>DBE</u>	<u>% of</u>
<u>MAJOR ITEM</u> Such as: Grading, bituminous paving, concrete, seeding and protection, construction staking, etc.		<u>Yes/No</u>	
1. <u>Bituminous Paving</u>	Name: <u>ATS</u> Address: <u>Lexington</u>	<u>No</u>	<u>5</u>
2. <u>Surveying</u>	Name: <u>General Surveyors</u> Address: <u>Mt. Sterling</u>	<u>NO</u>	<u>1</u>
3. _____	Name: _____ Address: _____	_____	_____
4. _____	Name: _____ Address: _____	_____	_____
5. _____	Name: _____ Address: _____	_____	_____
6. _____	Name: _____ Address: _____	_____	_____
7. _____	Name: _____ Address: _____	_____	_____

(Attach additional sheet(s) if necessary.)

7. AUTHENTICATION OF BID AND STATEMENT OF NON-COLLUSION AND 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 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, 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 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.

Walter Martin Excavating
Company

12-6-12
Date

Scott L
Representative

8. 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: _____

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

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

9. EQUAL OPPORTUNITY AGREEMENT

The Law

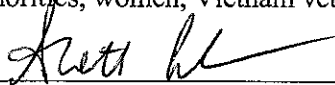
- * Title VII of the Civil Rights Act of 1964 (amended 1972) states that it is unlawful for an employer to discriminate in employment because of race, color, religion, sex, age (40-70 years) or national origin.
- * Executive Order No. 11246 on Nondiscrimination under Federal contract prohibits employment discrimination by contractor and subcontractor doing business with the Federal Government or recipients of Federal funds. This order was later amended by Executive Order No. 11375 to prohibit discrimination on the basis of sex.
- * Section 503 of the Rehabilitation Act of 1973 States:
The Contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap.
- * Section 2012 of the Vietnam Era Veterans Readjustment Act of 1973 requires Affirmative Action on behalf of disabled veterans and veterans of the Vietnam Era by contractors having Federal Contracts.
- * Section 206 (A) of Executive Order 12086, Consolidation of Contract Compliance Functions for Equal Employment Opportunity, states:
The Secretary of Labor may investigate the employment practices of any Government contractor or sub-contractor to determine whether or not the contractual provisions specified in Section 202 of this order have been violated.

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


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

Bidders

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



Signature



Name of Business

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 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.



Environmental
Protection Agency

OMB Control No: 2090-0030
Approved: 05/01/2008
Approval Expires: 01/31/2011

Disadvantaged Business Enterprise Program
DBE Subcontractor Performance Form

NAME OF SUBCONTRACTOR		PROJECT NAME
ADDRESS		BID/PROPOSAL NO.
TELEPHONE NO.		E-MAIL ADDRESS
PRIME CONTRACTOR NAME		
CONTRACT ITEM NO.	ITEM OF WORK OR DESCRIPTION OF SERVICES BID TO PRIME	PRICE OF WORK SUBMITTED TO PRIME CONTRACTOR
	<i>Walter Martin Excavating as prime Contractor + WBE</i>	
Currently certified as an MBE or WBE under EPA's DBE Program? <input type="checkbox"/> Yes <input type="checkbox"/> No		
_____ Signature of Prime Contractor		_____ Date
_____ Print Name		_____ Title
_____ Signature of Subcontractor		_____ Date
_____ Print Name		_____ Title

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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.



Environmental
Protection Agency

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

The public reporting and recordkeeping burden for this collection of information is estimated to average fifteen (15) minutes. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

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 the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed EPA DBE Subcontractor Performance Form to this address.

OMB Control No: 2090-0030
 Approved: 05/01/2008
 Approval Expires:
 01/31/2011



Environmental
 Protection Agency

Disadvantaged Business Enterprise Program
 DBE Subcontractor Utilization Form

BID/PROPOSAL NO.	PROJECT NAME
NAME OF PRIME BIDDER/PROPOSER	E-MAIL ADDRESS
ADDRESS	
TELEPHONE NO.	FAX NO.

The following subcontractors¹ will be used on this project:

COMPANY NAME, ADDRESS, PHONE NUMBER, AND E-MAIL ADDRESS	TYPE OF WORK TO BE PERFORMED	ESTIMATED DOLLAR AMOUNT	CURRENTLY CERTIFIED AS AN MBE OR WBE?
	Walter Martin Excavating as prime & WBE		

I certify under penalty of perjury that the forgoing statements are true and correct. 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).

 Signature of Prime Contractor

 Date

 Print Name

 Title

¹ 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.



Environmental
Protection Agency

OMB Control No: 2090-0030
Approved: 05/01/2008
Approval Expires:
01/31/2011

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

The public reporting and recordkeeping burden for this collection of information is estimated to average fifteen (15) minutes. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

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 the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed EPA DBE Subcontractor Utilization Form to this address.

DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION POLICY

PROJECT NAME: Cardinal Lane Storm Water Improvements

Bid No. 121-2012

BID DATE: December 6, 2012

1. Name, address and telephone number of contact person on all DBE matters:

Prime Contractor's Name: Walter Martin Excavating
Contact Person: Scott Adams
Address: 501 Darby Creek Rd, Suite 18 Lexington, Ky 40509
Phone: 859-368-0380
Cell Phone: 859-229-8694
Email: Scott.Adams@Wmexcavating.com
Total Contract Amount: \$ 150,000

2. Total dollar amount/percent of contract of MBE participation: 0
3. Total dollar amount/percent of contract of WBE participation: 100% - Walter Martin Exc.
4. Are certifications* for each MBE/WBE/DBE subcontractor enclosed: Yes No
if no, please explain: _____

5. subcontracts or letters of intent signed by both parties enclosed; if no, please explain: Walter Martin Excavating is WBE
Are MBE/WBE/DBE Yes No

6. List of MBE Subcontractors:

Name: ~~WMA~~ NONE
Contact Person: _____
Address: _____
Phone: _____
Cell Phone: _____
Email: _____
Type of Contract: _____
Work to be Done: _____
Amount: _____

7. List of WBE Subcontractors:

Name: Walter Martin Excavating as prime is WBE
Contact Person: _____
Address: _____

Phone: _____
Cell Phone: _____
Email: _____
Type of Contract: _____
Work to be Done: _____
Amount: _____

Attach Additional Sheets, If Necessary

*Self-certification: Self certification of MBE/WBE/DBE firms will NOT be accepted as a valid form of certification of MBE/WBE/DBE status.

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

N/A

(i). Ensure DBE construction firms or material suppliers are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities; including placing DBEs on solicitation lists and soliciting them whenever they are potential sources. A good source for a list of DBEs 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 DBEs, was developed for current and future solicitations and that the list will be maintained. *Submit a copy of the list as documentation.*

(ii). Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs 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 DBEs to encourage their participation in the competitive process and that an adequate amount of time was provided for response.

a. List each DBE 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: _____

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

- (iv). 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 DBEs to participate in the projects.

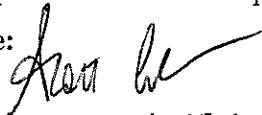
- (v). Use the services and assistance of the Small Business Administration (SBA) and the Minority Business Development Agency (MBDA) of the U.S. Department of Commerce. The easiest way to utilize the services of SBA and MBDA is to visit their websites: www.sba.gov and www.mbda.gov and use the electronic 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 DBEs.

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.*

- (vi). If a subcontractor awards any subcontracts, require the subcontractor to take the steps in numbers (i) through (v) 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.

9. Signature and date:


12-6-12

P-27

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.

N/A

Signature

Print name and title

Date

10. EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION POLICY

It is the policy of Walter Martin Excavating

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.

11. WORKFORCE ANALYSIS FORM

Name of Organization: Walter Martin Excavating, Inc

Date: 12 / 16 / 12

Categories	Total	White		Black		Other		Total	
		M	F	M	F	M	F	M	F
Administrators	1		1						1
Professionals	1							1	
Superintendents	2	2						2	
Supervisors	3	3						3	
Foremen	4	4						4	
Technicians									
Protective Service									
Para-Professionals									
Office/Clerical	2		2						2
Skilled Craft	16	14	1			1		15	1
Service/Maintenance	1	1						1	
Total:	30	26	3			1		26	4

Prepared By: Heather Russell

17. EVIDENCE OF INSURABILITY

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

Names Insured: Walter Martin Excavating, Inc.

Address: 501 Darby Creek, Suite 18

Lexington KY 40509

Project to be insured: Cardinal Lane Storm Water Improvements

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 agg	Westfield Ins. Co.	002382	A: XIII
SC-3, Section 2, Part 4.1 - see provisions	AUTO	\$2,000,000/per occ.	\$1,000,000 per occ	Westfield Ins. Co.	002382	A: XIII
SC-3, Section 2, Part 4.1 - see provisions	WC	Statutory w/endorsement as noted	\$ STATUTORY 4,000,000 EL	KY AGC	055002	A-: VII

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.

PJM A Division of J. Smith Lanier
Agency or Brokerage
360 E. Vine St.

Chris P. Barnett

Name of Authorized Representative

Street Address

Vice-President

City

KY

40507

State

KY

Zip

Authorized Signature

Telephone Number

859-254-8023

Date

December 3, 2012

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. DEBARRED FIRMS

PROJECT NAME: Cardinal Large Storm Water Improvements

BID NUMBER: 12-2012

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 Walter Marth Excavating 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.

Walter Marth Excavating
Name of Firm Submitting Bid

[Signature]
Signature of Authorized Official

Senior Manager
Title

12-6-12
Date

14. 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:

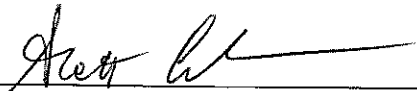
- 1) Are not presently debarred, suspended, proposed for debarment, declared negligible, or voluntarily excluded from covered transactions or contract by any Federal department or agency for noncompliance with the Federal Labor Standards, Title VI of the Civil Rights Act of 1964 as amended, Executive 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: Walter Martin Excavating

Project: Cardinal Lane Storm Water Improvements

Printed Name and Title of Authorized Representative: Scott Adams, Senior Manager

Signature: 

Date: 12-6-12

15. EPA Form 5700-49

**CERTIFICATION REGARDING DEBARMENT,
SUSPENSION AND OTHER RESPONSIBILITY MATTERS**

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) 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;
- (c) 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)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

Scott Adams, Senior Manager
Typed Name & Title of Authorized Representative

Scott Adams
Signature of Authorized Representative

12-6-12
Date

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

16. 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 of not less than \$10,000 and not more than \$100,000 for each such failure.

Scott Adams, Senior Manager
Typed Name & Title of Authorized Representative

Scott Adams
Signature of Authorized Representative

12-6-12
Date

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

17. ITEMS TO BE SUBMITTED IN BID PACKAGE

The following documents are attached to and made a condition of this bid:

- FORM OF PROPOSAL (P-1 THRU P-10)
- STATEMENT OF BIDDER'S QUALIFICATIONS (P-11 THRU P-13)
- LIST OF PROPOSED SUBCONTRACTORS (P-14)
- AUTHENTICATION OF BID AND STATEMENT OF NON-COLLUSION, NON-CONFLICT OF INTEREST (P-15)
- STATEMENT OF EXPERIENCE (P-16 THRU P-17)
- EQUAL OPPORTUNITY AGREEMENT (P-18 THRU P-20)
- EPA FORM 6100-3 (P-21 THRU P-22)
- EPA FORM 6100-4 (P-23 THRU P-24)
- DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION POLICY (P-25 THRU P-28)
- EQUAL OPPORTUNITY AFFIRMATIVE ACTION POLICY (P-29)
- WORKFORCE ANALYSIS (P-30)
- EVIDENCE OF INSURABILITY FORM (P-31)
- DEBARRED FIRMS (P-32)
- DEBARRMENT CERTIFICATION (P-33)
- EPA FORM 5700-49 (P-37)
- CERTIFICATION REGARDING LOBBYING (P-35)
- BID BOND WITH POWER OF ATTORNEY

END OF SECTION

Todd Slatin (BPE)

Todd Slatin, Acting 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: Walker Martin Excavating

ADDRESS: 501 Darby Creek Rd. Suite 18 Lexington Ky

SIGNATURE OF BIDDER: *Scott A*

**MINUTES OF ANNUAL MEETING OF BOARD OF DIRECTORS
OF WALTER MARTIN EXCAVATING, INC.**

An annual meeting of the directors of Walter Martin Excavating, Inc. (the "Corporation"), was held on July 2, 2012, at 8:00 AM, in Russell County, Kentucky, for the purpose of reviewing the prior year's business and discussing corporate operations for the upcoming year, and for the transaction of any other business that may properly come before the meeting, including: removing Shawn Martin as Vice-President, for removing Shawn Martin from any bank resolutions, for authorizing Christopher Scott Adams to enter into approved contracts on behalf of the corporation, and for removing David F. Smith as attorney for the corporation.

Lisa Martin-Johnson acted as chairperson and secretary of the meeting. The chairperson called the meeting to order and announced that the meeting held pursuant to written waiver of notice thereof and consent thereto signed by all of the directors of the Corporation and were attached to these minutes by the secretary. The secretary announced that the following directors, constituting a quorum of the full board, were present at the meeting: Lisa Martin-Johnson, Director. No directors were absent.

The meeting proceeded to the election of a president, a secretary, and a treasurer. The following were duly nominated and elected to the offices indicated before their names:

President: Lisa Martin-Johnson

Treasurer: Lisa Martin-Johnson

Secretary: Lisa Martin-Johnson

Each officer so elected, being present, accepted her office. The chairperson specifically noted that Shawn Martin was not re-elected as an officer of the Corporation.

On the motion duly made, seconded, and unanimously carried, the following resolution was adopted:

RESOLVED, that Shawn Martin is no longer authorized to bind the Corporation in any capacity, including, but not limited to, borrowing money or signing contracts.

On the motion duly made, seconded, and unanimously carried, the following resolution was adopted:

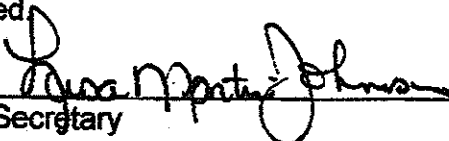
RESOLVED, that Christopher Scott Adams, is authorized to sign contracts and other instruments as an agent of the Corporation.

On the motion duly made, seconded, and unanimously carried, the following resolution was adopted:

RESOLVED, that David F. Smith, is no longer attorney for the Corporation.

There being no further business to come before the meeting, it was adjourned on motion duly made and unanimously carried.

Dated: July 2, 2012


Secretary



Scott Adams, P.E.
Senior Manager

Mr. Adams has 17 years of experience in the heavy/highway construction industry. He has managed highway and airfield projects, structural concrete projects and steel fabrication projects. These projects include grade and drain, concrete structures, concrete paving, asphalt paving, lime and cement stabilized bases, P-209, DGA, CSB, traffic control, electrical work, erosion control and all other miscellaneous aspects typical of highway and airport projects. He has overseen all of the construction activities of Hinkle's Concrete Construction Division (Lexington office & Hopkinsville office) from 2003 thru 2011. He was the division's professional engineer of record during that period. Mr. Adams currently estimates and manages grade, drain and utility work for Walter Martin Excavating. Mr. Adams was the experienced person that qualified Hinkle to perform grade, drain, concrete and asphalt work for heavy/highway projects in North Carolina and West Virginia during his time with Hinkle.

PAST 10 YEARS EXPERIENCE

Reconstruct KY 22/Grant County KDOT, Dry Ridge, Kentucky, 2003 - 2004 – Division Manager – Reconstruct section of KY 22 with concrete paving under heavy traffic. Worked for a joint venture and KDOT to self perform the concrete paving on urban area of KY 22 and on the new bypass.

Expand Lexington Recycling Center Apron/LFUCG, Lexington Kentucky, 2003 -2004 Division Manager – Construct a concrete apron expansion for recycling center. Project included grade, drain, detention basins, stone and concrete paving. Completed project during winter weather conditions and expedited schedule.

UH-60 Helicopter Apron Construction/Corps of Engineers Mobile District, Fort Rucker, Alabama, 2004-2005 – Division Manager – Constructed combined asphalt and concrete paved parking apron for UH-60 Helicopters. Project was completed prior to contract completion date. Project included, grade and drain, stone base, asphalt paving, concrete paving, striping, and electrical services. Obtained a safety award for this project from the Corps of Engineers.

Reconstruct Runway 13-31 East/Nashville International Airport, Nashville, Tennessee, 2004- Division Manager – Reconstructed 2000' of runway from asphalt pavement to concrete pavement. Project included demolition, grade and drain, base stone, treated base, concrete paving, asphalt paving, electrical services, striping, and grooving.

Reconstruct Taxiways Lima and Juliet/Nashville International Airport, Nashville, Tennessee, 2004 – Division Manager – Reconstructed two taxiways under tight schedule. Completed the project early to open prior to Thanksgiving holiday. Project included demolition, grade and drain, base stone, asphalt paving, electrical services, and striping.

Position

Senior Manager &
Engineer

Education:

B.S., Pre-engineering
Georgetown College 1994

B.S., Civil Engineering,
University of Kentucky, 1996
(Specialized in Construction
Management and Traffic
Engineering)

Registrations/Certifications:

Professional Engineer,
Kentucky 2000, No. 21026

Office:

Lexington, Kentucky

Years of Experience:

Since 1994

Years with Hinkle

Contracting:

1995 – 1997

2002 – 2011

Years with Bottoms

Engineering:

1997 - 2002

Years with WME:

2011- Present



Scott Adams, P.E.
Senior Manager

Reconstruct Runway 2R, Taxiways Whiskey and T4 at Lima/Nashville International Airport, Nashville, Tennessee, 2004 – 2005 – Division Manager – Reconstructed three areas of pavement and placed concrete pavement. Project included demolition, grade and drain, base stone, treated base, concrete paving, asphalt paving, electrical services, striping, and grooving.

Extend Runway Safety Areas/Sumner County Airport, Gallatin, Tennessee, 2004 – 2005 – Division Manager – Relocated the existing road and constructed safety area at end of the runway. This project included grade and drain, asphalt paving, and crack sealing.

Construct Bypass/Clark County KDOT, Winchester, Kentucky, 2004 - 2005 – Division Manager – Concrete paved two mile section of new bypass.

Construct Concrete Ramps for Jellico Mountain Exit/Campbell County TDOT, Jellico, Tennessee, 2005 -2006 – Division Manager – Constructed the treated permeable base and concrete pavement for the ramps and aprons at a new exit.

Reconstruct US 27/Campbell County KDOT, Alexandria, Kentucky, 2005 -2007 – Division Manager – Reconstruct five miles of section of US 27. Project included grade and drain, lime stabilization, stream mitigation, clearing and grubbing, intense traffic control, concrete paving, asphalt paving, stone base, cement treated permeable base, all related highway construction items. This project was constructed in several sections due to the existing traffic and the tight work areas. Was responsible engineer for \$195,000+ value engineering for new tie-in design.

Construct Oil Containment Pits/BGMU, Bowling Green, Kentucky -2005 – Division Manager – Construct concrete oil containment pits and concrete holding tanks at eleven substations.

Reconstruct Runway 13-31 West/Nashville International Airport, Nashville, Tennessee, 2005 – 2006 - Division Manager – Reconstructed 800' of runway from asphalt pavement to concrete pavement. Project included demolition, grade and drain, base stone, treated base, concrete paving, asphalt paving, electrical services, striping, and grooving.

Reconstruct Apron @ T4/Nashville International Airport, Nashville, Tennessee, 2005 – Division Manager – Reconstructed apron with concrete pavement. Project included demolition, grade and drain, base stone concrete paving, asphalt paving, electrical services, and striping.

Construct Mini Mall/Fort Campbell, Kentucky - 2005 – Division Manager – Placed all concrete foundations, building slabs, and exterior concrete and stained concrete.

Reconstruct Apron @ T6 and Taxiways Lima and Juliet @ T6/Nashville International Airport, Nashville, Tennessee, 2006- Division Manager – Reconstructed the intersection of T6 and Lima and Juliet. Project included demolition, grade and drain, base stone, concrete paving, asphalt paving, electrical services, and striping.

Construct College Street Streetscapes/City of Somerset, Somerset, Kentucky, 2006 – 2007 – Division Manager – Relocate all overhead utilities to underground and reconstruct all sidewalks, entrance drives, curbs and gutters, asphalt paving, water and sewer lines and landscaping for half mile urban area of Somerset.



Scott Adams, P.E.
Senior Manager

Construct Expansion of Jennie Stuart Medical Center/Hopkinsville, Kentucky, 2006 – 2007 – Division Manager – Placed all concrete on the project including underground tunnel, concrete foundations, building slabs including all vertical concrete columns and slabs. This project included stained concrete, exposed aggregate columns, and post tensioning.

Construct New Terminal Apron/Charleston Executive Airport, Charleston, South Carolina, 2007 – 2008 – Division Manager – This project included grade and drain, box culvert, detention basin, base stone, and concrete paving.

Reconstruct Runway 13-31 East, Taxiway Tie-Ins and Reconstruct Runway 13-31 and Runway 2L-20R Intersection/Nashville International Airport, Nashville, Tennessee, 2007 - 2009 Division Manager – Reconstructed approximately 2200' of runway and taxiways tie-ins with new concrete pavement. This project includes demolition, grade and drain, base stone, treated base, concrete paving, asphalt paving, electrical services, striping, and grooving. Was able to suggest and execute a new phasing plan to help expedite the schedule and allow for additional work to be performed in the same time frame. Was also instrumental in proposing and executing a change in the treated base to save the MNAA substantial amount of money.

Construct North Myrtle Beach Connector SCDOT, Horry County, 2007 – 2009 - Division Manager – This project includes new concrete pavement for 3 miles of the North Myrtle Beach Connector.

Construct Expansion of Detention Center/Robertson County Detention Center, Springfield, Tennessee, 2007 – 2010 - Division Manager – This project includes all sitework for the project and all concrete on the project including concrete foundations, building slabs and all vertical concrete columns and slabs. This project also includes building demolition, asphalt and concrete demolition, sanitary sewer relocation, waterline relocation, and traffic control.

Reconstruct New Taxiway 'B2' and General Aviation Apron Slab Improvements (Phase 1) Project/Myrtle Beach International Airport, Myrtle Beach, 2009 – 2010 - Division Manager – Reconstructed 6,000 sy of apron and placed 13,000 sy of new taxiway. This project includes demolition, grade and drain, base stone, concrete paving, asphalt paving, electrical services, and striping.

Reconstruct Runway 6-24 Rehabilitation, Lancaster County Airport, South Carolina, 2010 - Division Manager – Reconstructed 6003' of runway via concrete overlay. This project includes milling existing asphalt to grade and concrete paving overlay during a 45 day runway shut down.

Construct I-59 Concrete Pavement Rehabilitation ALDOT, Etowah County, 2010 - 2011 - Division Manager – This project includes all clearing & grubbing, grade and drain concrete demolition, asphalt bond breaker, 11 miles divided highway concrete paving overlay, guardrail, traffic control, and all other work related to reconstructing I-59.

Construct US 52 (King Coal Highway) WVDOH Mingo County, 2010 - 2011 - Division Manager – This project includes all clearing & grubbing, grade and drain, subgrade stone, cement stabilized drainage blanket 13 miles highway concrete paving, guardrail, traffic control, and all other work related to reconstructing I-59.

Construct Stanton Airport Taxiway, Stanton, KY, 2011 - 2012 – Senior Manager – Oversaw construction of new parallel taxiway at the Stanton airport. Scopes of work included grade and drain, lime stabilization, electrical, P-209, asphalt paving.

David H. Wills

3101 Lander Ct • Lexington, KY 40511 • 859-489-0709- Cell • david.wills@wmexcavating.com

CONSTRUCTION MANAGER / ON-SITE PROJECT MANAGER

Construction Superintendent, Project Construction Manager and Construction Business Owner for 15 years. Scopes of work include concrete construction, grade and drain, utilities and structures. Duties have been as Estimator, Field Supervisor, Project Manager, Purchasing Agent and Equipment Operator. Established reputation for completing jobs ahead of schedule including management of projects valued from \$10,000 to \$100,000,000.

Key Skills

— Estimator
— Supervisor
— Purchasing Agent

— Equipment Operator
— Excellent Management Skills
— Exceptional Working Relationships

— Business Owner
— Construction Superintendent
— Project Management

Employer Summary

WALTER MARTIN EXCAVATING, INC. (Russell Springs, KY) — Construction Project Manager, 04/11 to present

Manage grade, drain and underground utility projects including storm drain culvert replacements, embankments, erosion control, sanitary sewer, water line and gas line.

KDV, INC. (Lexington, KY) — Construction Project Manager, 06/09 to 2011

Construction Manager. Manage federal construction project involving grade, drain, sitework and underground utilities. Maintain daily progress reports. Coordinate Sub-Contractors, propose changes to owners and engineers. Was Safety Manager over project. Work directly with project manager and owner. Remodel Veterans Hospital 2 Floor. Supervise Sub-Contractors, Painters, Drywall, Electrical, HVACs, Cabinets, Flooring, Plumbing, Safety and Permits.

WANZEK CONSTRUCTION (Lexington, KY) — Level III Supervisor, 02/07 – 12/08

Performed all duties as required for wind farms including grade, drain, sitework, concrete foundations, erection of turbine components, sub-station, switch yard, O.M. building, underground cable. Performed jobs from logistics, site safety, production, commissioning wind farms, and final inspection.

WHITE CONSTRUCTION (Clinton, IN) — Superintendent, 01/06 – 02/07

Superintendent for site installation wind turbine project: Access road construction, grade and drain, concrete construction, and crane coordination and setup.

PHILLIPS CONSTRUCTION (Ashburn, VA) — Project Superintendent, 2005 – 2007

Project Superintendent for site development projects including clearing and grubbing, grade and drain, stone and paving. Site Supervisor for large developments. Constructed highways for Virginia Department of Transportation. Site reclamation. Installed 84" concrete pipe and relocated sewer and water lines.

ALEX PARIS CONSTRUCTION (Allen, PA) — Supervisor, 2004 – 2005

Utility Supervisor. Crew Supervisor for storm drain, water, and sewer installation for Walmart Distribution Center.

DH WILLS CONSTRUCTION AND UTILITIES (NC, VA, WV) — Business Owner, 1989 - 2004

Qualified Business Owner in the areas of sitework and utilities including grade and drain, concrete, paving, painting, landscaping, stone work, pool installation and work on federal and state projects. Managed, supervised and operated equipment for Erection of telecommunication towers; Telecommunication line and antenna installation; Telecommunications tower maintenance; Telecommunication tower site work and utility installation; Corps of Eng. Contractor at Fort Bragg, NC.

WILKERSON COMPANY (NC, VA, WV) — Pipeline Foreman, Crew Supervisor, 1981 - 1989

Crew Supervisor – One to Three Crews. Sewer, Storm Pipe, and Water Line Installation. Site development and construction from clearing and grubbing to final inspection.

LEE NORRIS COMPANY (Beckley, WV) — **Quality Control, 1968 - 1981**

Quality control of in-house machine parts and vendor parts for mining equipment. Performed AQL Inspections. Welder, mechanic, electrical work, painter and sandblaster. AWS Welding Inspector.

Project Highlights

Infrastructure Improvement Projects (1989-2004) • Budgets: \$5M to \$100M

Repaired highly traveled, weather-damaged interstates and state highways throughout the southeast completing all projects on or under budget.

\$100M bridge improvement projects to restore compliance with safety regulations and government mandates.

Environmental Remediation & Superfund Projects (1989-2004) • Budgets: \$2M to \$100M

Served as project/site manager on dozens of multimillion-dollar superfund and remediation projects that included multilayer landfill capping, excavations of contaminated soil, public lands restoration initiatives and asbestos abatement in government and public school buildings.

HAZWOPER Projects (2000-2004) • Budgets: \$5M to \$100M

Led all phases of complex HAZWOPER projects involving groundwater extraction and the safe, EPA-compliant disposal of hazardous waste .

Other Construction & Demolition Projects (1995 to 2000) • Budgets: \$450K to \$75M

Completed diverse construction/demolition projects, including the ground-up build of new state corporate offices and underground parking garages as well as abandoned warehouse demolitions.

Education & Certifications

BECKLEY COLLEGE (Beckley, WV) — **Mechanical Engineering**

Certificate – Business and Management

Certificate – AWS Welding

Certificate – Surface Miner

First Aid and CPR Certified

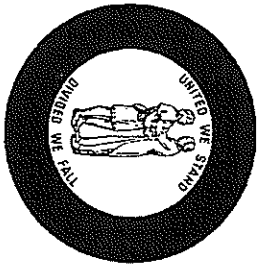
Certificates – Equipment: excavator, dozer, loader

License – General Contractors Engineering (WV)

Certificates - OSHA training – 10-30 hours

Certificate – Tower Rescue Training

STEVEN L. BESHEAR
GOVERNOR



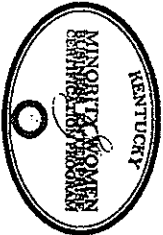
LORIH PLANERY
SECRETARY
FINANCE AND ADMINISTRATION CABINET

M W B E **MINORITY & WOMEN**
BUSINESS ENTERPRISE

This certificate acknowledges that

Walter Martin Excavating, Inc.

has been certified as a Women Business Enterprise
by the Commonwealth of Kentucky.



Steven L. Beshear
STEVEN L. BESHEAR
GOVERNOR

Expiration: August 30, 2015

THE AMERICAN INSTITUTE OF ARCHITECTS



AIA Document A310

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that we **Walter Martin Excavating, Inc.**, 698 Highway 1383, Russell Springs, KY 42642

as Principal, hereinafter called the Principal, and **International Fidelity Insurance Company**

a corporation duly organized under the laws of the State of **New Jersey**

as Surety, hereinafter called the Surety, are held and firmly bound unto **Lexington-Fayette Urban County Government, Division of Central Purchasing, 200 East Main Street, Third Floor, Room 338 Lexington, KY 40507**

as Obligee, hereinafter called the Obligee, in the sum of **Five Percent of Amount Bid**

Dollars (**\$ 5% of Bid**),

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 **Cardinal Lane Storm Water Improvements**

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal 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 with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty 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.

Signed and sealed this **6th** day of **December** **2012**

Walter J. Paul
(Witness)

Walter Martin Excavating, Inc.

{ *Scott A...* (Principal) (Seal)
Senior Manager (Title)

International Fidelity Insurance Company

Debra W. Swanner
(Witness)

{ *Mackenzie Huston* (Surety) (Seal)
Mackenzie Huston Attorney-In-Fact (Title)

POWER OF ATTORNEY

INTERNATIONAL FIDELITY INSURANCE COMPANY ALLEGHENY CASUALTY COMPANY

ONE NEWARK CENTER, 20TH FLOOR NEWARK, NEW JERSEY 07102-5207

KNOW ALL MEN BY THESE PRESENTS: That INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing under the laws of the State of New Jersey, and ALLEGHENY CASUALTY COMPANY a corporation organized and existing under the laws of the State of Pennsylvania, having their principal office in the City of Newark, New Jersey, do hereby constitute and appoint

MACKENZIE HUSTON, CHRIS P. BARNETT, WILLIAM F. COWGILL, TERESA LYNNE JOHNS,
SANDY Q. BLACK

Lexington, KY.

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY and is granted under and by authority of the following resolution adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting duly held on the 20th day of July, 2010 and by the Board of Directors of ALLEGHENY CASUALTY COMPANY at a meeting duly held on the 15th day of August, 2000:

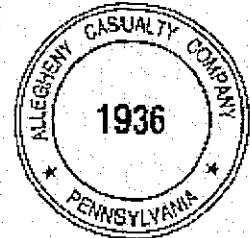
"RESOLVED, that (1) the President, Vice President, or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY have each executed and attested these presents on this 12th day of March, 2012.



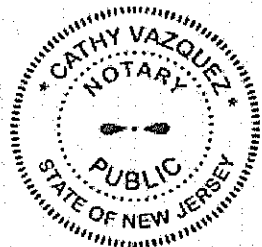
STATE OF NEW JERSEY
County of Essex

ROBERT W. MINSTER
Executive Vice President/Chief Operating Officer
(International Fidelity Insurance Company)
and President (Allegheny Casualty Company)



On this 12th day of March 2012, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.



A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Mar. 27, 2014

CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 6th day of December 2012

MARIA BRANCO, Assistant Secretary