

PART III

Expansion Area 2A Wastewater System Improvements  
Contract 1 – Pump Station  
LFUCG Bid No. 70-2012

I. FORM OF PROPOSAL

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Place: Lexington, Kentucky

Date: 07-03-12

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

This Proposal Submitted by Smith Contractors, Inc.

P.O. Box 480, 1241 Bypass North, Lawrenceburg, KY 40342  
(Name and Address of Bidding Contractor)

(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 Purchasing

200 East Main Street, 3rd Floor

Lexington, KY 40507

Gentlemen:

The Bidder, in compliance with your Invitation for Bids for Expansion Area 2A Wastewater System Improvements, Contract 1 – Pump Station, 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 substantially complete the Project within four hundred

thirty days (430) consecutive calendar days. Bidder further agrees to pay liquidated damages, the sum of \$1,200.00 for each consecutive calendar day thereafter.

The Bidder hereby acknowledges receipt of the following addenda:

Addendum No. 1 Date 6-15-12; Addendum No. 2 Date  
6-22-12

Addendum No. 3 Date 6-28-12; 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.

**10. DRAWINGS**

DRAWING SHEET E-1-102

The control panel location has changed to the outside of the containment wall. Diagram ADD3-03 provides direction.

**11. DRAWINGS**

DRAWING SHEET E-1-506

Replace the drawing in its entirety with the attached.



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: SMITH CONTRACTORS, INC

ADDRESS: P.O. Box 480, 1241 BYPASS NORTH, LAWRENCEBURG, KY 40342

SIGNATURE OF BIDDER: Devin Smith

**8. DRAWING**

DRAWING SHEET A-1-400

Delete elevation "5/Access Ladder Elevation" and Section "Access Ladder Section". The access ladder will not be required.

**9. DRAWINGS**

DRAWING SHEET S-1-102

Add the following note to the Plan at Elevation 926.88 concerning the grout located in the corner of the influent channel, "Extend grout vertically to 1' above the top of the influent 48" diameter pipe.

**10. DRAWINGS**

DRAWING SHEETS:

S-0-001, GENERAL NOTES  
S-0-002, TYP DETAILS  
S-1-104, ROOF FRAMING PLAN

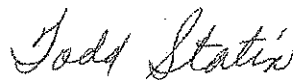
Please replace these in their entirety.

**10. DRAWINGS**

DRAWING SHEETS:

S-0-203, TYP DETAILS  
S-1-205, ROOF SECTIONS AND DETAILS

Please add these drawings.

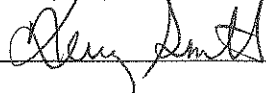


Todd Slatin, Acting, Director  
Division of Central Purchasing

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: SMITH CONTRACTORS, INC.

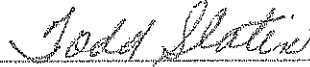
ADDRESS: P.O. BOX 480, 1241 BYPASS NORTH, LAWRENCEBURG, KY 40342

SIGNATURE OF BIDDER: 

## 24. DRAWINGS

DRAWING SHEET E-1-001

Changes have been made to this drawing. Refer to the revised, ELECTRICAL LEGEND, E-1-001, ADD1-7



Todd Slatin



BSL

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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: SMITH CONTRACTORS, INC.

ADDRESS: P.O. Box 480, 1241 BYPASS NORTH, LAWRENCEBURG, KY 40342

SIGNATURE OF BIDDER: Alamy Smith

2. LEGAL STATUS OF BIDDER

Bidder Smith Contractors, Inc.

Date 07-03-12

\* 1. 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 Proposal, is duly authorized to execute contracts.

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

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

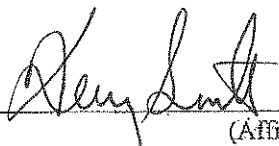
\* 3. ~~An individual, whose signature is affixed to this Proposal.~~

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

3. BIDDERS AFFIDAVIT

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

1. 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").
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 sayseth naught.

  
\_\_\_\_\_  
(Affiant)  
Kerry Smith

STATE OF Kentucky

COUNTY OF Anderson

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

Kerry Smith on this the 3rd day of July,

2012.

My Commission expires: 12-03-14

  
\_\_\_\_\_  
NOTARY PUBLIC, STATE AT LARGE



4. BID SCHEDULE – SCHEDULE OF VALUES

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

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.
2. All specific cash allowances are included in the price(s) set forth and have been computed in accordance with Paragraph 10.8 of the General Conditions and Specification Section 01210 Allowances.
3. The following allowances shall be included in the Contractors bid:
- a. Landscaping lump sum allowance - Add \$30,000.
  - b. Special Inspections lump sum allowance - Add \$20,000 (see Spec Section 01450).
  - c. Brick unit cost allowance - \$650 per thousand for face brick (see Spec Section 04200).
  - d. Telemetry allowance – Add \$11,000.
  - e. Building – Door Canopies – Add 10,000.<sup>ADD2</sup>

**BASE BID CONTRACT PRICE:**

FOUR MILLION NINE HUNDRED SIXTY SEVEN THOUSAND DOLLARS  
\_\_\_\_\_, (\$ 4,967,000 )  
(Use Words) (Figures)

**LUMP SUM DEDUCTION - Alternates as Selected By Owner:**

\_\_\_\_\_, (\$ \_\_\_\_\_ )  
(Use Words) (Figures)  
(Above Is To Be Filled In By Owner After Review of Bid Alternates)

**TOTAL BID:**

\_\_\_\_\_, (\$ \_\_\_\_\_ )  
(Use Words) (Figures)  
(Above Is To Be Filled In By Owner)

Alternative Equipment Information

Equipment Item	Base Bid Equipment Manufacturer	Alternate Bid Equipment Manufacturer	Lump Sum Deduction
1. Submersible Sewage Pumps	ITT Flygt	a. <b>EBARA</b>	<b>\$105,000</b>
		b.	b.
2. Odor Control Carbon Adsorber	Siemens Water Technologies Met-Pro/Duall	a.	a.
		b.	b.
3. Odor Control Bioxide	Siemens Water Technologies	a.	a.
		b.	b.
4. Catenary Bar Screen	E & I Corporation	a.	a.
		b.	b.
5. Check Valves	APCO Golden-Anderson	a.	a.
		b.	b.
6. Surge Relief Valve	APCO Golden-Anderson	a.	a.
		b.	b.
7. Plug Valves	DeZurek Pratt	a.	a.
		b.	b.
8. Slide Gates	H. Fontaine Whipps, Inc.	a.	a.
		b.	b.
9. Sluice Gates	H. Fontaine Whipps, Inc.	a.	a.
		b.	b.
10. Pump Controller	ITT Flygt	a. <b>ALLEN-BRADLEY</b>	a. <b>\$1,000</b>
		b.	b.
11. Variable Frequency Drives	Allen Bradley	a.	a.
		b.	b.
12. Motor Control Center	Allen Bradley	a.	a.
		b.	b.
13. Generator	Caterpillar Cummins Kohler	a.	a.
		b.	b.
14. Automatic Transfer Switch	Russselectric	a.	a.
		b.	b.
15. Transient Voltage Surge Suppressors	Innovative Technology	a.	a.
		b.	b.
16. FRP Doors	Chem.-Pruf Tiger Corrim	a.	a.
		b.	b.

Notes:

1. Where more than one Base Bid equipment manufacturer is listed above, the Bidder has the option of including any of the listed manufacturers in the Base Bid. The bidder must indicate the Base Bid equipment included in the Bid by circling the selected manufacturer at the time of the submission of the Bid. The design has been completed using the first listed Base Bid equipment manufacturer. Should the Bidder list the second or third Base Bid equipment or the Owner select other Alternate Bid equipment, the Bidder, at no additional cost to the Owner, shall make any changes to structure, piping controls, electrical, instrumentation, architectural, mechanical, etc. that may be necessary to accommodate this equipment.
2. Should the Bidder choose to offer for consideration to the Owner, any alternate manufacturers/products to those listed above, the Bidder shall provide a detailed submittal of applicable items such as catalog cut sheets, pump curves, hydraulic calculations, specifications, wiring diagrams, technical literature, dimensional drawings, etc., or any other information requested by the Owner. This submittal information shall be included with the Bidder's bidding documents for proper evaluation by the Owner. These submittal items shall be in addition to the submittal requirements listed in the respective technical specifications section of the equipment item or product hereinafter. Alternates will not be evaluated or pre-qualified prior to Bid opening.
3. The best, lowest Bidder will be determined by reducing the lump sum Bid proposal by the amount of the deductive alternates selected by the Owner for each Bidder.

Submitted by:

Smith Contractors, Inc.

*Firm*

P.O. Box 480, 1241 Bypass North, Lawrenceburg, KY 40342

*Address*

Lawrenceburg, KY 40342

*City, State & Zip*

*Bid must be signed:  
(original signature)*

 , President  
*Signature of Authorized Company Representative - Title*

Kerry Smith

*Representative's Name (Typed or Printed)*

502-839-4196

*Area Code - Phone - Extension*

502-839-8348

*Fax #*

ks@sci82.com

*E-Mail Address*

OFFICIAL ADDRESS:

Smith Contractors, Inc.

P.O. Box 480

1241 Bypass North

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

*By signing this form you agree to ALL terms, conditions, and associated forms in this bid package*

5. STATEMENT OF BIDDER'S QUALIFICATIONS

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

1. Name of Bidder: Smith Contractors, Inc.

2.

Permanent Place of Business: 1241 Bypass North, Lawrenceburg, KY 40342 Perma

3. When Organized: 01-27-1982

4. Where Incorporated: Kentucky

5. Construction Plant and Equipment Available for this Project:

See attached

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(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:  
Liberty Mutual Insurance Company David O'Bryan 502-426-6060  
9300 Shelbyville Road, Suite 704, Louisville, KY 40222 (Surety)

Signed:  (Representative of Surety)  
David O'Bryan

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

# SMITH CONTRACTORS, INC. EQUIPMENT LISTING

TYPE
<i>BACKHOES, DOZERS, LOADERS &amp; EXCAVATORS:</i>
Case 450 Loader
Felco Bedding Conveyor
IT 18B Cat Loader
Cat 375 H 60" Sev Bucket
Cat 375 42" Sev Bucket
Cat 963 Track Loader
42" Bucket for 330 Excavator
590 Case SL Loader/Backhoe
Cat IT28G Int. Tool Carrier
Cat 312 Hydraulic Excavator
Cat 320 Excavator & E210 Hammer
Case 590 SL Loader/Backhoe
Con-Tech Forks w/Rod
36" Cepco Bucket (312 Excav)
New Werk-Brau 48" Bucket
Case 590 SL Loader/Backhoe
Caterpillar 320 B 42" Bucket
2000 Case 650H Crawler Dozer
Caterpillar 320C 24" Bucket
Caterpillar 325 24" Bucket
Caterpillar 325 36" Bucket
CTI Forks
CTI 6000# Drive-In Forks w/Bar
Cat 312CL Excavator
Rammer E68 Hydraulic Hammer
312 CL 24" Bucket
RCW-15344 - 36" Bucket

## SMITH CONTRACTORS, INC. EQUIPMENT LISTING

TYPE
<b>BACKHOES, DOZERS, LOADERS &amp; EXCAVATORS:</b>
36" 312C Bucket
Caterpillar 320-HC Hydraulic Excavator
Bobcat Compact Track Loader T190
Case 590SM Loader Backhoe - 2003
Caterpillar 330DL Excavator
Yanmar VIO 35 Mini Excavator VIO35
1997 Cat D6M XL Crawler Tractor
24" Compaction Wheel for a Cat 320
Caterpillar 330DL Excavator
Case 580M Loader Backhoe w/ 24" Bucket
Caterpillar 312C 30" Bucket
963D Caterpillar Track Loader
Caterpillar 324DL Long Reach Excavator
Case 580L Backhoe
Caterpillar 385 Excavator w/Bucket
2005 Caterpillar 963C Crawler Loader
2002 Cat D8R Series II Crawler Tractor
T25OK Bobcat Loader
Case 590 Super Series II Backhoe
Caterpillar 336EL Hydraulic Excavator
Caterpillar 320DL Excavator
<b>CRANES:</b>
Terex RT175 Crane
1990 Link Belt LS-138H Crane
1981 Link Belt 100 Ton Crawler Crane LS-338
Link Belt 50 Ton Hydraulic Rough Terrain Crane
Terex TC4792 23.5 Ton Hydraulic Crane behind cab on 1999 Mack Flatbed Truck
Link-Belt LS 138H 75 Ton Crawler Crane
1999 Link Belt RTC8040 II 40 Ton 4x4x4 Rough Terrain Crane

## SMITH CONTRACTORS, INC. EQUIPMENT LISTING

<i>TYPE</i>
<b><i>DRILLS &amp; AIR COMPRESSORS:</i></b>
Jaegen Rock Drill
Sullair Compressor
Champion Air Compressor
I-R 250 CFM Compressor
Model 155 Drill
Model 155 Drill
Allied 730 Hy Ram
I-R 175 CFM Compressor
Rock Drill
Sullair Compressor/Breaker
1" Rock Drill
I-R P185 Compressor
Sullair Rock Drill
Air Compressor
I-R Air Compressor
Furukawa Hydraulic Drill
2004 Ingersoll-Rand P185WJD Portable Air Compressor
<b><i>TRENCHERS:</i></b>
4010 Ditch Witch
<b><i>OTHER:</i></b>
Genie Scissor Man Lift
Pettibone 636 Telescopic Material Handler
1994 Caterpillar D400D Articulated Dump
Grove AMZ50 Manlift
Bobcat Landscape Rake, 6B
1999 JCB 560C Telescopic Forklift





Smith Contractors, Inc.

Previous Sanitary Sewer Projects

Schedule A

<i>Project Name</i>	<i>Engineer</i>	<i>Engineer Contact</i>	<i>Engineer's Phone #</i>	<i>Date Completed</i>	<i>Contract Amount</i>
Town Fork Interceptor - Contract 3	Tetra Tech, Inc.	Morey Lampson	859-223-8000	Jun-09	\$ 5,608,540.00
Alex Licking Force Main & Gravity Sewer	Tetra Tech, Inc.	Paul Trepaney	513-772-4660	Jul-08	\$ 3,059,353.58
Shayler Run Segment "C"	Clermont Co. Sewer District	Lyle Bloom	513-732-8860	July-07	\$ 6,436,222.64
Sewage Transfer Pump Station	GRW Engineers	Alan Bryan	859-223-3999	Mar-07	\$ 1,915,351.12
Pump Station, Force Main & Int.	Quest Engineers	Rob Williams	859-223-3755	Sep-07	\$ 2,122,768.93
Bardstown Road Corridor Coll.	Metropolitan Sewer District	Steve Emly	502-540-6000	Jun-04	\$ 881,568.50
Fernhaven Road Assessment	Metropolitan Sewer District	Steve Emly	502-540-6000	Oct-03	\$ 1,233,441.72
Settler's Gap Sewer Remediation	Qk4	Toby Spalding	502-992-2985	Oct-03	\$ 3,371,346.13
Cane Run Interceptor	Metropolitan Sewer District	Steve Emly	502-540-6000	Jul-02	\$ 2,065,520.90
Kramers Lane Sanitary Sewer	Metropolitan Sewer District	Steve Emly	502-540-6000	Sep-01	\$ 2,064,018.50
Indian Hills West Sanitary Sewer	Metropolitan Sewer District	Steve Emly	502-540-6000	Jun-00	\$ 2,032,407.43



# Smith Contractors, Inc.

## Current Projects

### Schedule B

Project Name & Location	Owner	Engineer	Contract Amount	Percent Complete	Scheduled Completion	Reference Including Address & Phone #
<i>Lower Howards Creek Infl PS &amp; WWTP</i> Winchester, Kentucky	Winchester Municipal Utilities	Palmer Engineering	\$ 28,178,980.00	61%	790 days	Brian Ward, P.E. P.O. Box 747, Winchester, KY 40392 859-744-1218
<i>WTP Expansion &amp; PS Upgrade</i> Grayson, Kentucky	Rattlesnake Ridge Water District	Sisler-Maggard Engineering	\$ 4,001,789.24	84%	365 days	Joe Sisler, P.E. P.O. Box 23279, Lexington, KY 40523 859-271-2978
<i>Water Distribution System Imprvs.</i> Clarksville, Tennessee	City of Clarksville	Rye Engineering	\$ 4,143,979.00	98%	300 days	Seth Rye, P.E. 4210 West Main St., Erin, TN 37061 931-289-2300
<i>Raw Water Intake</i> Dover, Tennessee	North Stewart Utility District	James C. Hailey & Company	\$ 2,046,000.00	15%	480 days	Neal Westerman, P.E. 7518 Hwy 70S, Nashville, TN 37221 615-883-4933
<i>Water Treatment Plant</i> Dover, Tennessee	North Stewart Utility District	James C. Hailey & Company	\$ 3,826,000.00	21%	480 days	Neal Westerman, P.E. 7518 Hwy 70S, Nashville, TN 37221 615-883-4933
<i>Buechel Basin WW System</i> Louisville, Kentucky	Metropolitan Sewer District	Metropolitan Sewer District	\$ 2,453,890.00	28%		Jacob Brown, P.E. 700 West Liberty Street, Louisville, KY 40203 502-540-6000
<i>Red River WWTP</i> Stanton, Kentucky	Red River Wastewater Authority	Bell Engineering	\$ 9,093,000.00			Ron Rogers, P.E. 2480 Fortune Dr., Ste 350, Lexington, KY 40509 859-278-5412

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
See attached		

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

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
See attached		

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>
Kerry Smith	President	30 years

# REAL ESTATE FOR RENT

## 118 APARTMENTS FURNISHED

**LANSLOWNE** upscale bsmt studio, approx. 800 sq. ft., no pets, ref., \$650 incl. utli. & net. 859-619-9172  
5231761

**Studios**  
\$435, FREE UTILITIES! Call for details 754-6400  
5214519

## 119 APARTMENTS UNFURNISHED

**1BR Apts \$450**  
Nich Rd/Malabar area 859-277-1700  
5216811

**1BR Apts**, furnished & unfurnished \$386.  
848 Malabar Dr. & 2315 Harrodsburg Rd. 859-277-8213  
5216809

**1 BR/Richmond Ave**  
Spectacular! Special 769-2208  
5216810

## PUBLISHERS NOTICE

All real estate advertised in this newspaper is subject to the Fair Housing Act which makes it illegal to advertise "any preference, limitation or discrimination based on race, religion, gender, handicap, familial status, or national origin, or an intention to make any such preference, limitation or discrimination." "Familial status" includes children under the age of 18 living with parents or legal custodians, pregnant women and people securing custody of children under 18. This newspaper will not knowingly accept any advertising or real estate which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis. To complain of discrimination call HUD toll-free at 1-800-649-9777. The toll-free telephone number for the hearing impaired is 1-800-927-9275.  
5216459

## 132 100% RENTED

**NEWLY** Renovated 2BR, 1.5BA, \$700. 12 or 24 mo. lease. 502-641-0869  
5231158

**Nicholasville**  
Orange Blossom Dr 2BR, 1.5 bath, \$ 575 983-9423  
5229245

**Spacious 2BR/2BA**  
24 hr security, gated community. \$850/mo 266-6401, 361-2177  
5238975

## 136 HOUSES FOR RENT

**LEX.** 3BR, garage, h/w/d, floors \$895 mo. 859-885-2302.  
5231600

## 136 HOUSES FOR RENT

**NICH.** 924 Pin Oak, 3BR, 2BA, \$800 mo 859-885-2502.  
5231664

**Paradise in the Country,** 3BR, 2BA, with horse paddocks, extra acreage avail, very pvt with great views, approx 10 min. from Man O War, \$1200/mo. \$1200 dep. minimum 1 yr lease. Ref. required. Call 221-9274  
5231616

## 141 RENTALS TO SHARE

**Nicely Furnished** \$330 - \$345. No smoking. 382-3920.  
5231611

## 158 COMMUNITY / CLUB NOTES

**GET RESULTS WITH HERALD-LEADER CLASSIFIEDS**  
(859)233-7878 or 1-800-933-7355  
5216458

## 164 LOST & FOUND

**Found** Brown/white dog Armstrong Mill & DeLong 273-7616  
5228725

**LOST:** Malt-Poo, F, 127 & BG Pkwy, Lburg. 502-220-1262  
5230261

**Lost** Cat, Pinnacle/Seaside-point Bik/ Brown Maine Coon. Big fluffy tail. Pretty Eyes. 859-946-2728 kykaia72@aol.com  
5231677

## 166 PERSONALS

**LADY 70**, looking for white, mature, sincere man  
PO Box 74, Wilmore Ky 40390  
5203078

**SEARCH THE Herald-Leader Classifieds on-line**  
www.kentucky.com  
5216459

## 174 LEGAL NOTICES

**ATTN: MBE/WBE/DBE FIRMS**

Smith Contractors, Inc. will be bidding as a general contractor to the Lexington-Fayette Urban County Government (LFUCG) for the Expansion Area 2 Wastewater System Improvements Contract 1 - Pump Station Bid No. 70-2012 on June 29, 2012. We would request a competitive bid in the following trades:

Seeding, Tie-Rebar, Paving, Porous Asphalt, Blasting, Demolition, Fence, Masonry, Roofing, Electrical and HVAC. Plans may be viewed at Smith Contractors, Inc., 1241 Bypass N., Lawrenceburg, KY 40342 or LFUCG, 200 E. Main Street, Third Floor, Room 338, Lexington, KY 40507, 859-258-3320. Any interested firms should contact Smith Contractors, Inc. at 502-839-4196 or fax at 502-839-8348 by noon June 26, 2012.  
5231081

## 174 LEGAL NOTICES

Division of Central Purchasing, 200 East Main Street, Third Floor, Room 338, Lexington, KY 40507, 859-258-3320. Any interested firms should contact Smith Contractors, Inc. at 502-839-4196 or fax at 502-839-8348 by noon June 26, 2012.  
5231081

**Smith Contractors, Inc. is an Equal Opportunity Employer**

## INVITATION FOR BIDS/REQUEST FOR PROPOSALS

Fayette County Public Schools will receive SEALED bids/proposals until the following dates:

Tuesday, July 3, 2012, 11:00AM for Spanish Translating/Interpreting Services marked RFP 38-12.

Tuesday, July 10, 2012, 10:30AM for Paper Products School Lunch Supplies marked BID 41-12.

Tuesday, July 3, 2012, 1:30PM for Catering Services marked Bid 37-12.

Thursday, July 12, 2012, 1:30PM for Engine Oil marked Bid 43-12. Bid/RFP forms and specifications may be obtained at <http://fcps.economicengine.com>  
5232067

Invitation to Bid-Notice is hereby given by the Lexington-Fayette Urban County Government that bids will be received until 2 pm, local time on 06/21/2012 in Central Purchasing, 200 E Main St, Rm 338, Lexington, KY for: Bid 93-2012 Custodial Services for Downtown Arts Center. Additional information may be obtained at <https://lfucg.economicengine.com> or by calling (859) 258-3320.  
5232071

Subscribe to the Herald-Leader Today! Call 1-800-999-8881

## NOTICE

Nationwide Truck Service Corp., 4621 Almond Avenue, Louisville, KY 40209 502-367-8700, has intention to obtain title to the vehicle, 1994 Ford Truck, Unit #6843, VIN # 1FDXJH81E1VA06643, owner Kenan Armesagic of 3205 Dunlova Ct., Louisville, KY 40241 unless the owner objects in writing within 14 days of this notice, June 4, 2012.  
5232072

## 74 LEGAL NOTICES

**NOTICE**  
Idle Hour Members, LLC, mailing address, 1020 Industry Rd, Ste 72, Lexington, KY 40505, hereby declares intentions to apply for a Retail Beer, Retail Liquor by the Drink, Sunday Retail Beer & Sunday Liquor by the Drink license(s) no later than July 10, 2012. The business to be licensed will be located at 2051 Richmond Rd, Lexington, KY 40502, doing business as O'Neil's Pub. The Members are as follows: Member, David Spreitzer of 290 Lafayette Pkwy, Lexington, KY 40508; Member, Tony Newman of 2114 Wind Haven, Nicholasville, KY 40356; Member, Ian Hoffman of 201 Mountain Ct, Nicholasville, KY 40356; Member, Randi Fries of 15 Cambridge Ln, Nicholasville, KY 40356; Member, Barry Schwartz of 122 Man-O-War Ct, Georgetown, KY 40324. Any person, association, corporation or body politic may protest the granting of the license(s) by writing the Dept of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, KY 40601-8400, within 30 days of the date of this legal publication.  
5232151

## NOTICE

Texas Star, LL, mailing address 226 Walton Ave Lexington, KY 40502, here declares intentions to apply for Retail Beer License no later than June 2012. The business to be licensed will be located at 226 Walton Ave Lexington, KY 40502, doing business as Ma Lou's BBQ. The Owner is as follows: Owner, JD Dance of 226 Walton Ave, Lexington, KY 40502. A person, association, corporation or body politic may protest the granting of the license by writing the Dept of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, KY 40601-8400, within 30 days of the date of this legal publication.  
5232151

## NOTICE

Green's Toyota of Lexington, 630 E. New Circle Road, Lexington, Kentucky 40505 (859) 254-5751 hereby gives notice of the intent to apply for a new title on a 2004 Toyota Camry, VIN #4T1BE32K74U323336 owned by Karla Scott. The new title will be obtained unless Karla Scott, known lienholder UKFCU or any unknown lienholder objects in writing within fourteen (14) days after the last publication of this notice.  
5233022

## NOTICE

Green's Toyota of Lexington, 630 E. New Circle Road, Lexington, Kentucky 40505 (859) 254-5751 hereby gives notice of the intent to apply for a new title on a 2004 Toyota Camry, VIN #4T1BE32K74U323336 owned by Karla Scott. The new title will be obtained unless Karla Scott, known lienholder UKFCU or any unknown lienholder objects in writing within fourteen (14) days after the last publication of this notice.  
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5233022

## 174 LEGAL NOTICES

**NOTICE**  
Jeff Wyler Deal Group, Jeff Wyler Ft. Thomas, 1 Alexandria Pike Ft. Thomas, # 41073, intends to obtain a clear title to a 2005 Jeep Liberty VIN: 1J4GL48566655906. No known lien holder. Owner, Willie Stadtmiller. Any holder of this title for the last publication of this title notice to notify in writing.  
5232068

## NOTICE

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5233022

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Public Sale Available June at 10am

ABUSA Lexington 672 Mass Sq W Lexington, KY

293119 2004 CHEVYMETCARL 058676 2008 TOYCAMRY 150328 2004 LANDROVER 692991 2005 CHEYFAC A9024 2003 FREDEXP 143556 2006 CHEVVENT 322344 2001 CHEVIMP 116271 2008 CHEVIMP 625295 1998 MAZDAMPV 916705 1999 CADSEVILLE 565065 2001 HINDAGDYSSIE 026708 2003 HONDA CIVIC 404023 2005 VOLK JETTA 114290 2001 AUDI A6 542121 2002 NISSANXTRER 111499 2000 LEXUSGS300 C16809 2003 FREDSC

**STATE OF KENTUCKY  
COUNTY OF FAYETTE**

Before me, a Notary Public, and for said County and State, this 8<sup>TH</sup> day  
of JUNE, 2012 came Barbara Jarvis

Personally known to me, who, being duly sworn, states as follows:

That she is Account Executive of  
Lexington Herald-Leader, and that said publication date of  
JUNE 7, 2012 carried the advertising  
of SMITH CONTRACTORS, INC  
occupying the following space 4.00 INCHES.

By Barbara Jarvis

(SEAL)

Amanda R. Brooks  
Notary Public



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>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(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 MAJOR ITEM</u> Such as: Grading, bituminous paving, concrete, seeding and protection, construction staking, etc.	<u>SUBCONTRACTOR</u>	<u>DBE</u> <u>Yes/No</u>	<u>% of Work</u>
1. <u>HVAC</u>	Name: <u>BISON INDUSTRIES</u> Address: <u>FOSTER, KY</u>	<u>YES</u>	<u>5%</u>
2. <u>ELECTRIC</u>	Name: <u>SHELBUEN</u> Address: <u>SALVISA, KY</u>	<u>NO</u>	<u>9%</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, 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  X . Check the statement applicable.
6. This offer is for 60 calendar days from the date this bid is opened. In submitting the above, it is expressly agreed that, upon proper acceptance by the Lexington-Fayette Urban County Government of any or all items bid above, a contract shall thereby be created with respect to the items accepted.
7. That I have fully informed myself regarding the accuracy of the statements made in this statement.
8. That I certify that Subcontractors have not and will not be awarded to any firm(s) that have been debarred from noncompliance with the Federal Labor Standards, Title VI of the Civil Rights Act of 1964 As Amended, Executive Order 11246 As Amended or any other Federal Law.

Smith Contractors, Inc.  
Company

07-03-12  
Date

Kerry Smith  
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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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:

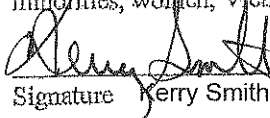
*The Secretary of Labor may investigate the employment practices of any Government contractor or sub-contractor to determine whether or not the contractual provisions specified in Section 202 of this order have been violated.*

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 Kerry 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 count, city, town, school district, water district, hospital district, or other political subdivision of the state shall include in directly or indirectly publicly funded contracts for supplies, materials, services, or equipment hereinafter entered into the following provisions:

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

- (1) *The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age or national origin;*
- (2) *The contractor will state in all solicitations or advertisements for employees placed by or on behalf of the contractors that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age or national origin;*
- (3) *The 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 - 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.*

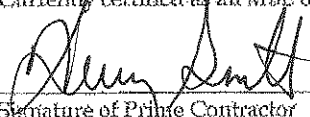
It is recommended that all of the provisions quoted above to be included as special conditions in each contract. In the case of a contract exceeding \$250,000, the contractor is required to furnish evidence that his work-force in Kentucky is representative of the available work-force in the area from 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 Smith Contractors, Inc.		
CONTRACT ITEM NO.	ITEM OF WORK OR DESCRIPTION OF SERVICES BID TO PRIME	PRICE OF WORK SUBMITTED TO PRIME CONTRACTOR
Currently certified as an MBE or WBE under EPA's DBE Program? <input type="checkbox"/> Yes <input type="checkbox"/> No		
 Signature of Prime Contractor		07-03-12 Date
Kerry Smith Print Name		President Title
Signature of Subcontractor		Date
Print Name		Title

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 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.



Environmental  
Protection Agency

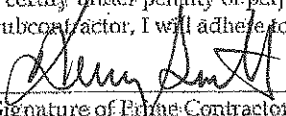
OMB/Control No: 2090-0030  
Approved: 05/01/2008  
Approval Expires:  
01/31/2011

Disadvantaged Business Enterprise Program  
DBE Subcontractor Utilization Form

BID/PROPOSAL NO. 70-2012	PROJECT NAME Pump Station Expansion Area 2A WW System
NAME OF PRIME BIDDER/PROPOSER Smith Contractors, Inc.	E-MAIL ADDRESS ks@sci82.com
ADDRESS P.O. Box 480, 1241 Bypass North Lawrenceburg, KY 40342	
TELEPHONE NO. 502-839-4196	FAX NO. 502-839-8348

The following subcontractors 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?

I certify under penalty of perjury that the foregoing 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 07-03-12

Print Name Kerry Smith

Title President

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: 2090-0080  
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.

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**DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION POLICY**

**PROJECT NAME:** Expansion Area 2A, Wastewater System Improvements,  
Contract 1 -- Pump Station, Lexington-Fayette County Government  
Bid No. 70-2012

**BID DATE:** July 3, 2012

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

Prime Contractor's Name: Smith Contractors, Inc.  
Contact Person: Kerry Smith  
Address: P.O. Box 480, 1241 Bypass North, Lawrenceburg, KY 40342  
Phone: 502-839-4196  
Cell Phone: \_\_\_\_\_  
Email: ks@sci82.com  
Total Contract Amount: \_\_\_\_\_

2. Total dollar amount/percent of contract of MBE participation: \_\_\_\_\_

3. Total dollar amount/percent of contract of WBE participation: \_\_\_\_\_

4. Are certifications for  
 Yes  No  
each MBE/WBE/DBE subcontractor  
enclosed; if no, please explain: \_\_\_\_\_

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

6. List of MBE Subcontractors:

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

7. List of WBE Subcontractors:

Name: \_\_\_\_\_  
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"

- (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: Lexington Herald-Leader  
Date(s) of advertisement: 06-07-12

Specific subcontract areas announced; See attached

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

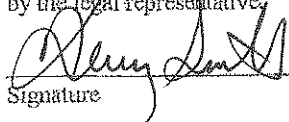
The prime contractor certifies that the assistance of the SBA, MBDA, and/or KPAP was utilized. *Submit pages printed off the SBA and MBDA websites which evidence efforts to register a solicitation on those sites or submit copies of the letter sent and certified mail receipt as documentation; submit copies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

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

Kerry Smith, President  
\_\_\_\_\_  
Print name and title

07-03-12  
\_\_\_\_\_  
Date



10. EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION POLICY

It is the policy of Smith Contractors, Inc.

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.

**II. WORKFORCE ANALYSIS FORM**

Name of Organization: Smith Contractors, Inc.

Date: 7/31/2012

Categories	Total	White		Black		Other		Total	
		M	F	M	F	M	F	M	F
Administrators	2	2						2	
Professionals									
Superintendents	6	6						6	
Supervisors									
Foremen									
<i>operatives</i> Technicians	13								13
Protective Service									
<i>Labors</i> Para-Professionals	27	25					2	27	
Office/Clerical	6	2	4		1			2	4
Skilled Craft	10	8					2	10	
Service/Maintenance	5							5	
Total:	69							65	4

Prepared By: \_\_\_\_\_

12. EVIDENCE OF INSURABILITY

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

Name Insured: Smith Contractors, Inc. Employee ID: \_\_\_\_\_  
Address: P.O. Box 480, 1241 Bypass North, Lawrenceburg, KY 40342 Phone: 502-839-4196

Project to be insured: Pump Station Expansion Area 2A WW System 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 defined in the Insurance and Risk Management of Part V (Special Conditions), including all requirements, and conditions.

Section Status	Coverage	Minimum Limits and Policy Requirements	Limits Provided To Insured	Name of Insurer	Est. Basic Code	Rating
SC-5, Section 2, Part 4.1 - see provisions	GC	\$1,000,000 per occ. and \$2,000,000 aggregate	\$1,000,000 etc. <u>200604</u>	<u>American</u>	<u>000604</u>	<u>A</u>
SC-5, Section 2, Part 4.1 - see provisions	AWT	5% (03,000) of occ.	\$1,000,000 <u>000604</u>	<u>American</u>	<u>000604</u>	<u>A</u>
SC-5, Section 2, Part 4.1 - see provisions	WC	Statutory w/ self-insurance as noted	\$100,000 EL <u>055002</u> <u>Structuring WC</u>	<u>KY-AGC</u>	<u>055002</u>	<u>A-</u>

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

Agency or Brokerage: Garrett-Statz Company Name of Authorized Representative: Richard H. O'Brien  
Street Address: 1601 Allent Ave Title: Commercial Lines Manager  
City: Louisville KY 40299 Zip: 40299  
Telephone Number: 502-415-7000 Authorized Signature: [Signature]  
Date: 6/29/12

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

13. DEBARRED FIRMS

PROJECT NAME: Pump Station Expansion Area 2A  
Wastewater System Improvements

BID NUMBER: 70-2012

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 Smith Contractors, Inc. 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.

Smith Contractors, Inc.  
Name of Firm Submitting Bid

  
Signature of Authorized Official  
Kerry Smith

President  
Title

07-03-12  
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:

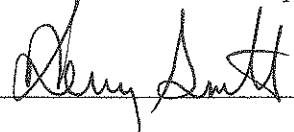
- 1) Are not presently debarred, suspended, proposed for debarment, declared negligible, or voluntarily excluded from covered transactions or contract by any Federal department or agency for noncompliance with the Federal Labor Standards, Title VI of the Civil Rights Act of 1964 as amended, Executive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

Project: Pump Station Expansion Area 2A  
Wastewater System Improvements

Printed Name and Title of Authorized Representative: Kerry Smith, President

Signature: 

Date: 07-03-12

## 15. 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)
- EQUAL OPPORTUNITY AGREEMENT (P-18 THRU P-20)
- EPA FORM 6100-3 (P-21)
- EPA FORM 6100-4 (P-23)
- DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION POLICY (P-25 THRU P-28)
- EVIDENCE OF INSURABILITY FORM (P-31)
- DEBARRED FIRMS (P-32)
- DEBARRMENT CERTIFICATION (P-33)
- BID BOND WITH POWER OF ATTORNEY

END OF SECTION



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

5111369

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.

LIBERTY MUTUAL INSURANCE COMPANY  
BOSTON, MASSACHUSETTS  
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint **DAVID P. O'BRYAN, CHRISTOPHER A. CYTERSKI, DAVID DOUGLAS, ALL OF THE CITY OF LOUISVILLE, STATE OF KENTUCKY**.....

....., 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 the penal sum not exceeding **TWENTY MILLION AND 00/100**..... **DOLLARS (\$ 20,000,000.00**.....) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

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.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-Laws, David M. Carey, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to 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.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this day of 24th day of January, 2012

LIBERTY MUTUAL INSURANCE COMPANY

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

COMMONWEALTH OF PENNSYLVANIA ss  
COUNTY OF MONTGOMERY

On this 24th day of January, 2012, before me, a Notary Public, personally came David M. Carey, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.

By Teresa Pastella  
Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the 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.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this 3<sup>rd</sup> day of JULY, 2012  
KS

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

Not valid for mortgage, note, loan, letter of credit, bank deposit, 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.