

GRANT AWARD AGREEMENT

Fiscal Year 2018 Class B Education Incentive Grant Project

THIS AGREEMENT, made and entered into on the 17 day of May, 2018, by and between the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT (LFUCG)**, an urban county government of the Commonwealth of Kentucky, pursuant to KRS Chapter 67A (hereinafter "Government"), on behalf of its Division of Water Quality, and **R&N GROUP, LLC**, 128 EAST REYNOLDS RD., SUITE 150, LEXINGTON, KENTUCKY 40508 (hereinafter "Grantee").

WITNESSETH:

WHEREAS, the Grantee is a documented fee-payer of the Government's Water Quality Management Fee; and

WHEREAS, the Grantee has proposed a need for the funds requested to develop and implement a proposed project by submitting a valid grant application; and

WHEREAS, the Grantee's grant application has been reviewed and selected for funding by the LFUCG Water Quality Fees Board in accordance with Sections 16-408 and 16-410 of the LFUCG Code of Ordinances; and

WHEREAS, the Government has funds available through the Stormwater Quality Projects Incentive Grant Program to assist qualified Grantee in the development and implementation of projects that meet the goals of the program; and

WHEREAS, the Grantee desires to implement a specific project that meets one or more Incentive Grant program goals to improve water quality, reduce stormwater runoff, and provide public or private education related to stormwater quality; and

WHEREAS, any such improvements funded by the Government shall benefit the public through installed improvements and/or educational programming;

THAT FOR AND IN CONSIDERATION OF THE MUTUAL PROMISES AND COVENANTS HEREIN EXPRESSED, GOVERNMENT AND GRANTEE AGREE AS FOLLOWS:

- (1) Government hereby grants the Grantee the sum of **\$3,924.90** (hereinafter "the Grant"), for use in implementing the project elements as listed in Attachment A which is incorporated herein by reference as if fully set out herein.
- (2) The Grantee shall provide equal opportunity in employment for all qualified persons; prohibit discrimination in employment because of race, color, creed, national origin, sex, age between 40 and 70 or disability; promote equal employment through a positive, continuing program of equal employment; and cause each of its subcontractors to do so. This program of equal employment opportunity shall apply to every aspect of its employment policies and practices.
- (3) The Grantee agrees to match the Grant above the first \$2,500.00, with contributions, labor and other services equal to or greater than 50% of the total project costs.
- (4) The Grantee agrees to use the Grant only for the activities set forth in Attachment A.



January 23, 2020

Mr. Jihad Hallany, P.E.
R&N Group, LLC
128 East Reynolds Road, Suite 150
Lexington, KY 40517

RE: Stormwater Quality Projects Incentive Grant Program
FY2018 Class B Education – R&N Group, LLC

Dear Mr. Hallany:

This is in reference to the Fiscal Year 2018 Class B Education Stormwater Quality Projects Incentive Grant that R&N Group, LLC was awarded pursuant to Lexington-Fayette Urban County Government's Stormwater Quality Projects Incentive Grant Program. A copy of the Grant Award Agreement, dated May 17, 2018, and signed by you, is attached hereto.

Paragraph 8 of the Grant Award Agreement expressly provides:

The term of this Agreement shall be from the date of this Agreement until completion of the project outlined herein. The Grantee agrees to complete the project within 18 months. The Grantee agrees to obtain written approval from the Government's Grant Manager or Program Administrator for any time extensions beyond the schedule. Failure to gain written approval prior to making changes may lead to termination of the Agreement for cause pursuant to Paragraph 11 below.

Paragraph 11 of the Grant Award Agreement, referenced above, expressly provides (in pertinent part):

If, through any cause, the Grantee shall fail to fulfill in timely and proper manner its obligations under this Agreement, or if the Grantee shall violate any of the covenants, agreements or stipulations of this Agreement, the Government shall thereupon have the right to terminate this Agreement by giving written notice to the Grantee of such termination and specifying the effective date thereof, at least five (5) calendar days before the date of such termination.

At least two attempts have been made to contact you to discuss the grant. To date, LFUCG has not received any Project Status Reports or Requests for Funds, and therefore assumes no progress has been made on this project. Moreover, the term of the Grant Award Agreement expired on December



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- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
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IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X </p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Mr. Jihad Hallany, PE R&N Group, LLC 128 East Reynolds Rd, Ste 150 Lexington, KY 40517</p>	<p>B. Received by (<i>Printed Name</i>) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number <i>(Transfer from se)</i></p>	<p>3. Service Type <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail</p>
<p>PS Form 3811, July 2013</p>	<p>4. Restricted Delivery? (<i>Extra Fee</i>) <input type="checkbox"/> Yes</p> <p style="text-align: center; font-weight: bold;">7013 3020 0000 7335 8020</p> <p style="text-align: center;">Domestic Return Receipt</p>

Frank H Mabson

From: Frank H Mabson
Sent: Friday, May 29, 2020 2:42 PM
To: jhallany@visionengr.com
Cc: tom.rockaway@louisville.edu; sabdollahian@visionengr.com; ekemper@visionengr.com; Jennifer Carey
Subject: Stormwater Quality Projects Incentive Grant (SQPIG) Close-out - R&N Group FY2018 Class A
Attachments: UPDATED CONTRACT CHANGE ORDER FORM_R&N FY18.pdf

Tracking:	Recipient	Read
	jhallany@visionengr.com	
	tom.rockaway@louisville.edu	
	sabdollahian@visionengr.com	
	ekemper@visionengr.com	
	Jennifer Carey	Read: 6/1/2020 1:15 PM

Dear Grantee,

We are in the process of preparing for the FY2021 round of stormwater quality projects incentive grants. Part of that process incorporates cleaning up our books. With that in mind referencing the now canceled/terminated FY18 R&N Group LLC - Class B Education SQPIG, a Purchase Order was authorized for \$3,924.90.

For us to return the funds for use for future grants we need your signature on the attached document; specifically on page one (1), we need the Grantee to sign and date on the line for the contractor that reads, "Accepted by _____ (Contractor).....Date _____" Keep in mind, however, we do need the original; so if you do email the PDF, please provide me with the original via snail mail or hand-delivery to the address below.

LFUCG – Division of Water Quality
Attention: Frank Mabson
125 Lisle Industrial Avenue, Suite #180
Lexington, KY 40511

Do let me know if you have any questions and/or concerns. Thanks in advance for your time and assistance. Meanwhile, stay safe and have a great weekend.

Best,
Frank H. Mabson Jr.
Program Manager Sr.
Division of Water Quality
859.367.4942 office
fmabson@lexingtonky.gov



From: [Jennifer Carey](#)
To: [Jihad Hallany](#)
Cc: [Frank H Mabson](#)
Subject: R&N Group SQPIG
Date: Wednesday, October 9, 2019 11:10:45 AM

Jihad,

I wanted to check in with you about R&N's FY2018 Stormwater Quality Projects Incentive Grant for a status update. Could you please describe activities completed to date? Also, the grant technically expired on 8/31/19, so if R&N intends to complete this grant, please provide us with a request for a grant extension, along with the date that you think it'll be completed.

Thanks.

Jennifer Carey

Frank H Mabson

file w/ R&N Group FY18

From: Jennifer Carey
Sent: Sunday, March 24, 2019 3:53 PM
To: Demetria Kimball
Cc: Frank H Mabson
Subject: FW: R&N

FYI

From: Jennifer Carey
Sent: Thursday, March 21, 2019 10:25 AM
To: Frank H Mabson <fmabson@lexingtonky.gov>
Subject: R&N

Jihad said they would start sampling soon. The weather has been too rainy for sampling up until now.

Jennifer M. Carey, P.E.
MS4 / Water Quality Section Manager
Water Quality

859.425.2482 office
859.948.6792 cell
lexingtonky.gov



LaDonna Roberts

From: Michael Cravens
Sent: Monday, June 15, 2020 9:23 AM
To: Commisioner EQ PW Exec Asst
Cc: LaDonna Roberts; David Barberie; Susan Speckert; Nancy Albright
Subject: RE: Law Review: Change Order Incentive Grants (2) North Lexington Holdings/ R&N Group LLC

I have reviewed the following:

- (1) A request for a resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the grant award agreement with North Lexington Holdings II, LLC, for a stormwater quality project, decreasing the grant award by the sum of \$58.07, from \$22,458.07 to \$22,400.00.
- (2) A request for a resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the grant award agreement with R & N Group, LLC, for a stormwater quality project, terminating the grant award in its entirety, in the amount of \$3,924.90.

No legal issues. OK to bluesheet.

Michael Cravens
Attorney Senior
Department of Law

859.258.3500
MCravens@lexingtonky.gov
lexingtonky.gov



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This message is intended only for the use of the individual or entity to which it is addressed and may contain confidential information that is legally privileged and exempt from disclosure under applicable law, including but not limited to, Kentucky Rule of Evidence 503. Any legal opinion provided in this electronic mail transmission is provided in the course of my legal representation of the Lexington-Fayette Urban County Government and should not be disseminated to the public. If the reader of this message is not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, delete it from your system without copying or forwarding it, and notify the sender of the error by replying via e-mail or by calling the Department of Law at (859) 258-3500, so that our address record can be corrected. Thank you.


From: Commisioner EQ PW Exec Asst <commeqpwea@lexingtonky.gov>
Sent: Monday, June 15, 2020 8:50 AM
To: Susan Speckert <sspeckert@lexingtonky.gov>; David Barberie <dbarberi@lexingtonky.gov>; Nancy Albright <nalbright@lexingtonky.gov>; Michael Cravens <mcravens@lexingtonky.gov>
Cc: LaDonna Roberts <lroberts@lexingtonky.gov>
Subject: FW: Law Review: Change Order Incentive Grants (2) North Lexington Holdings/ R&N Group LLC

Dave, I am sending the attached for review by Law prior to input in Legistar on behalf of Water Quality. Can you please assign?

Sandy



TO: Mayor Linda Gorton
Urban County Council

FROM: 
Charles H. Martin, P.E., Director
Division of Water Quality

DATE: May 27, 2020

SUBJECT: Change Order to Cancel Stormwater Quality Projects Incentive Grant Contract #115-2018

Request

Requesting approval to terminate award of a \$3,924.90 Stormwater Quality Projects Incentive Grant with R&N Group, LLC, Contract #115-2018.

Purpose of Request

The Grantee never followed through with the conditions of the grant, and was notified in January 2020 that the contract had expired and was being terminated per the provisions of the contract. Before terminating the contract, several attempts were made to contact to the Grantee and no response was received.

Funds from this cancelled grant will be returned to the Stormwater Quality Projects Incentive Grant Program for award in FY21.

Project Cost in FY20 and in Future Budget Years

The cancelled FY18 grant of \$3,924.90 will be returned to fund 4052 for FY21 grant awards.

Are Funds Budgeted

Savings from this cancelled award are budgeted in:

4052 - 303204 - 3373 - 78112 - WQINCENTIVE_18 - WQ_GRANT

However, once the change order is approved, there will be a budget amendment to move the funds into:

4052 - 303204 - 3373 - 78112 - WQINCENTIVE_21 - WQ_GRANT

Albright/Martin

