

**PART II**

**Invitation to Bid No. 12-02012**

**Exterior Renovation Fire Station No. 6  
501 South Limestone Street  
Lexington, KY**

**1. FORM OF PROPOSAL**

Place: Lexington, Kentucky

Date: March 5, 2012

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

This Proposal Submitted by Mitchell Construction Management, LLC  
505 Russell Ave, Lexington, KY 40508  
(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 Central Purchasing  
200 East Main Street, Room 338  
Lexington, KY 40507

Gentlemen:

The bidder, in compliance with your Invitation for Bids for the Exterior renovation Firehouse #6 Lexington, Kentucky, 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 fully complete the Project within 135 ( ) calendar days.

The Bidder hereby acknowledges receipt of the following addenda:

Addendum No. <u>1</u> Date <u>March 1, 2012</u>	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 Mitchell Construction Management, LLC

Date March 5, 2012

\* 1. A corporation duly organized and doing business under the laws of the State of KY, for whom Michael Mitchell, bearing the official title of Owner, 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)~~

N/A

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\* 3. ~~An individual, whose signature is affixed to this Proposal. (Print name)~~

N/A

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

### 3. BIDDERS AFFIDAVIT

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

1. His/her name is Michael Mitchell and he/she is the individual submitting the bid or is the authorized representative of Mitchell Construction Management, LLC, 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.

*Michael Mitchell*

COMMONWEALTH OF KENTUCKY

COUNTY OF FAYETTE

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

Michael Mitchell on this the 8 day of March, 2012

My Commission expires: 03-25-2014

*Paul G. Day #414798*

NOTARY PUBLIC, STATE AT LARGE, KY

**4. BID SCHEDULE**

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 which shall include the furnishing of all labor, materials, supplies, services, all items of cost, overhead, taxes (federal, state, local), and profit for the Contractor and any Subcontractor involved. The Bidder must make the extensions and additions showing the total amount of bid.

**Project Name**

Item No.	Unit	Description	Unit Price	Lump Sum Price
1	Lump Sum	All work described in construction documents		\$ <u>54,000.00</u> lump sum
2	Sq Ft	Additional repointing of exterior masonry including all labor, equipment and materials on the original building	\$ <u>15.00</u> sq ft	

**Total Amount of**

= \$ \_\_\_\_\_

Respectfully Submitted,

BY: Mitchell Construction Management, LLC  
(NAME OF FIRM)

DATE: March 5, 2012

BY: Michael Mitchell

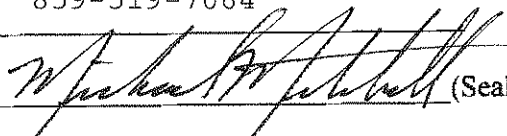
TITLE: Owner

OFFICIAL ADDRESS AND PHONE:

505 Russell Ave

Lexington, KY 40508

859-519-7064

  
(Seal if Bid is by Corporation)

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

**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: Mitchell Construction Management, LLC
2. Permanent Place of Business: 505 Russell Ave, Lexington, KY 4508
3. When Organized: January 2007
4. Where Incorporated: Fayette County Kentucky
5. Construction Plant and Equipment Available for this Project:  
4,000 square foot millshop and paintshop located at  
941 National Avenue, Suites 140-150.  
All necessary scaffolding, staging, ladders, protective  
fencing, etc. to complete described work. Debris  
hauling, trailers and tool storage.

(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:

Westgen Surety Company (Surety)  
Signed: Julia M Young (Representative of Surety)

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



<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
See page FP-10a Attached		

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

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
Berea College	Berea, KY	\$113,000
Hall Science Building		
Dormer window, louvre & trim replacement		

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>
David Noble	Carpenter	4
Mike Driscoll	Painter/Lead Abatement	4
Joey Baker	Mason	3

11. DBE Participation on current bonded projects under contract:

8. Similar projects performed by the bidder:

1. Martin House, Paul & Jeannette Bracken  
Complete cornice rebuild & box gutter replacement \$50,000  
South Hill Historic District
  
2. Mike Satterly, 441 West 2nd Street, Lexington  
Major structural repair - replace failing wood beams  
with steel. Poage Engineering - Engineer \$25,000  
Northside Historic District
  
3. Mitchell Residence, Russell Ave, Lexington  
Complete cornice & box gutter rebuild plus  
new copper roof \$75,000  
Bell Court Historic District
  
4. Holsinger Residence, 1013 Aurora Ave, Lexington  
Historic double hung window restoration  
Remove all sashed, strip paint, re-glaze, re-rope,  
replace cylinder glass \$16,000
  
5. Lane's End Farm, William Farrish, Jr. Residence  
Supervisor for box gutter reconstruction  
& structural projects \$100,000+

<u>SUBCONTRACTORS</u> <u>(LIST)</u>	<u>PROJECT</u> <u>(SPECIFIC TYPE)</u>	<u>DBE</u>	<u>MAJORITY</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.

Respectfully submitted:

Mitchell Construction Management, LLC  
(Name of Contracting Firm)

BY: Michael Mitchell

TITLE: Owner

DATE March 5, 2012

**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.

**BRANCH OF WORK**

**- LIST EACH MAJOR ITEM**

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

**SUBCONTRACTOR**

**DBE**  
yes/no \$ of proposed work

- |                              |   |           |
|------------------------------|---|-----------|
| 1. <u>Roofing/Sheetmetal</u> | Name: <u>Odessa Roofing</u>                       | <u>No</u> |
|                              | Address: <u>232-A Gold Rush Rd, Lexington, KY</u> |           |
| 2. _____                     | Name: _____                                       | _____     |
|                              | Address: _____                                    |           |
| 3. _____                     | Name: _____                                       | _____     |
|                              | Address: _____                                    |           |
| 4. _____                     | Name: _____                                       | _____     |
|                              | Address: _____                                    |           |
| 5. _____                     | Name: _____                                       | _____     |
|                              | Address: _____                                    |           |
| 6. _____                     | Name: _____                                       | _____     |
|                              | Address: _____                                    |           |
| 7. _____                     | Name: _____                                       | _____     |
|                              | Address: _____                                    |           |

**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 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.

**AUTHENTICATION OF BID AND STATEMENT OF**  
**NON-COLLUSION AND NON-CONFLICT OF INTEREST (continued)**

Firm: Mitchell Construction Management, LLC

Address: 505 Russell Ave

Lexington, KY 40508

Telephone: 859-519-7064

Date: March 5, 2012

**8. STATEMENT OF EXPERIENCE**

NAME OF INDIVIDUAL: Michael Mitchell

POSITION/TITLE: Owner

STATEMENT OF EXPERIENCE: Mr. Mitchell has been in the  
construction business for 17 years. Supervisor for Phase IV  
Contractors, Inc, for 5 years. Extensive experience in structural  
and cornice rebuilding as well as job management.

NAME OF INDIVIDUAL: David Noble

POSITION/TITLE: Carpenter

STATEMENT OF EXPERIENCE: Mr. Noble has 10 years of carpentry  
experience, mainly in restoration and structural.

NAME OF INDIVIDUAL: Mike Driscoll

POSITION/TITLE: Painter

STATEMENT OF EXPERIENCE: Mr. Driscoll has 15 years experience in  
painting and is Lead Abatement Certified.

NAME OF INDIVIDUAL: Joey Baker

POSITION/TITLE: Mason

STATEMENT OF EXPERIENCE: Mr. Baker has 10 years of experience  
in all aspects of masonry.

NAME OF INDIVIDUAL: Cynthia L. Riley

POSITION/TITLE: Office Manager

STATEMENT OF EXPERIENCE: Ms. Riley has over 20 years experience  
in all aspects of office management.

BY: Mitchell Construction Management, LLC  
Name of Firm

DATE: March 5, 2012

BY: Michael Mitchell

TITLE: Owner

\* 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.*

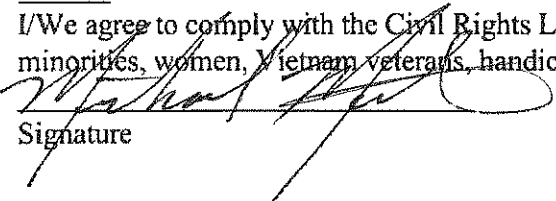
The Lexington-Fayette Urban County Government practices Equal Opportunity in recruiting, hiring and promoting. It is the Government's intent to affirmatively provide employment opportunities for those individuals who have previously not been allowed to enter into the mainstream of society. Because of 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

Mitchell Construction Management, LLC

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

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

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

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

The Act further provides:

KRS 45.610. Hiring minorities - Information required

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

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

- (1) If any contractor is found by the department to have engaged in an unlawful practice under this chapter during the course of performing under a contract or subcontract covered under KRS 45.560 to 45.640, the*

*department shall so certify to the contracting agency and such certification shall be binding upon the contracting agency unless it is reversed in the course of judicial review.*

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

#### **KRS 45.630 Termination of existing employee not required, when**

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

#### **KRS 45.640 Minimum skills**

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

It is recommended that all of the provisions above quoted 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.

Any project over \$50,000 will require a Performance Bond in an amount equal to 100% of the contract.

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

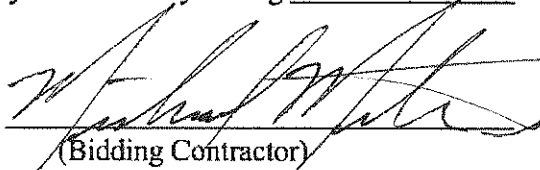
It is the policy of Mitchell Construction Management, LLC

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

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

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

Michael Mitchell has been appointed Equal Employment Compliance (EEOC) Officer and shall be available for counseling, answering of questions in regards to this company policy, and to hear any complaints of discrimination. The EEOC Officer may be reached by calling 859-519-7064.

Signature:   
(Bidding Contractor)

Title: Owner

Date: March 5, 2012

**II. EVIDENCE OF INSURABILITY**  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONSTRUCTION PROJECT**  
 (Use separate form for each Agency or Brokerage agreeing to provide coverage)

Name Insured: Mitchell Construction Management LLC  
 Address: 941 National Ave Ste 150  
Lex Ky 40502  
 Project to be insured: \_\_\_\_\_


Employee ID: \_\_\_\_\_  
 Phone: \_\_\_\_\_

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	A.M. Best's Rating
00	CGI	\$1,000,000/per occ. \$2,000,000/aggregate	\$ 1m/2m	Secura	483	A
00	AUTO	\$1,000,000/per occ.	\$ 1m	Secura	483	A
00	W/C	Statutory	\$ 4m	AGC		A-
	Employer's Liability	\$1,000,000	\$			

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: Johnson & Rohlfmann  
 Street Address: 129 S 4th Street  
 City: Danville State: ky Zip: 40132  
 Telephone Number: 859-236-5922

Name of Authorized Representative: Janna Y Guinn-Eshill  
 Title: Agent  
 Authorized Signature:   
 Date: 2.9.2012

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.



# Western Surety Company

**BID BOND**  
(Percentage)

Bond Number: 71241036

KNOW ALL PERSONS BY THESE PRESENTS, That we Mitchell Construction Management of 505 Russell Ave., Lexington, KY 40508, hereinafter referred to as the Principal, and Western Surety Company, as Surety, are held and firmly bound unto Lexington Fayette Urban County Government of 200 E. Main St., Lexington, KY 40507, hereinafter referred to as the Obligee, in the sum of Five (5 %) percent of the greatest amount bid, for the payment of which we bind ourselves, our legal representatives, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has submitted or is about to submit a proposal to Obligee on a contract for Firehouse #6 - Exterior Renovation, 122012

NOW, THEREFORE, if the said contract be awarded to Principal and Principal shall, within such time as may be specified, enter into the contract in writing and give such bond or bonds as may be specified in the bidding or contract documents with surety acceptable to Obligee; or if Principal shall fail to do so, pay to Obligee the damages which Obligee may suffer by reason of such failure not exceeding the penalty of this bond, then this obligation shall be void; otherwise to remain in full force and effect.

SIGNED, SEALED AND DATED this 8th day of March, 2012

Mitchell Construction Management  
(Principal)

By [Signature] (Seal)

Western Surety Company  
(Surety)

By [Signature]  
KEELEY M YOUNG Attorney



ACKNOWLEDGMENT OF SURETY

(Attorney-in-Fact)

Bond No. 71241036

STATE OF Kentucky }  
COUNTY OF Boyle } ss

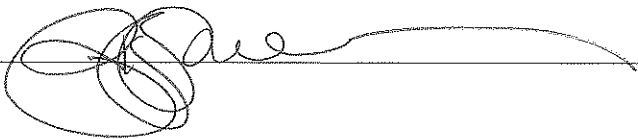
On this 8 day of March, 2012, before me, a notary public in and for said County, personally appeared KEELEY M YOUNG

to me personally known and being by me duly sworn, did say, that he is the Attorney-in-Fact of WESTERN SURETY COMPANY, a corporation of Sioux Falls, South Dakota, created, organized and existing under and by virtue of the laws of the State of South Dakota, that the said instrument was executed on behalf of the said corporation by authority of its Board of Directors and that the said KEELEY M YOUNG

acknowledges said instrument to be the free act and deed of said corporation and that he has authority to sign said instrument without affixing the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Danville, Kentucky, the day and year last above written.

My commission expires July 25, 2012

 Notary Public

# Western Surety Company

## POWER OF ATTORNEY - CERTIFIED COPY

Bond No. 71241036

Know All Men By These Presents, that WESTERN SURETY COMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office in Sioux Falls, South Dakota (the "Company"), does by these presents make, constitute and appoint KEELEY M YOUNG

its true and lawful attorney(s)-in-fact, with full power and authority hereby conferred, to execute, acknowledge and deliver for and on its behalf as Surety, bonds for:

Principal: Mitchell Construction Management

Obligee: Lexington Fayette Urban County Government

Amount: \$500,000.00

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the Senior Vice President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said attorney(s)-in-fact may do within the above stated limitations. Said appointment is made under and by authority of the following bylaw of Western Surety Company which remains in full force and effect.

"Section 7. All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

All authority hereby conferred shall expire and terminate, without notice, unless used before midnight of June 8, 2012, but until such time shall be irrevocable and in full force and effect.

In Witness Whereof, Western Surety Company has caused these presents to be signed by its Senior Vice President, Paul T. Bruflat, and its corporate seal to be affixed this 8th day of March, 2012.



WESTERN SURETY COMPANY

*Paul T. Bruflat*

Paul T. Bruflat, Senior Vice President

On this 8th day of March, in the year 2012, before me, a notary public, personally appeared Paul T. Bruflat, who being to me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of WESTERN SURETY COMPANY and acknowledged said instrument to be the voluntary act and deed of said corporation.



*D. Krell*

Notary Public - South Dakota

My Commission Expires November 30, 2012

I the undersigned officer of Western Surety Company, a stock corporation of the State of South Dakota, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable, and furthermore, that Section 7 of the bylaws of the Company as set forth in the Power of Attorney is now in force.

In testimony whereof, I have hereunto set my hand and seal of Western Surety Company this 8th day of March, 2012.

WESTERN SURETY COMPANY

*Paul T. Bruflat*

Paul T. Bruflat, Senior Vice President