



LEXINGTON

Bid 75-2024 Addendum 1 McCain Bros. Excavating, LLC Supplier Response

Event Information

Number: Bid 75-2024 Addendum 1
Title: Dogwood Park SW Improvements
Type: Competitive Bid
Issue Date: 5/29/2024
Deadline: 6/18/2024 02:00 PM (ET)

Contact Information

Contact: Brian Marcum
Address: Central Purchasing
Government Center Building
200 East Main Street
Lexington, KY 40507
Phone: (859) 2583320
Fax: (859) 2583322
Email: brianm@lexingtonky.gov

McCain Bros. Excavating, LLC Information

Contact: Terrence McCain
Address: 591 Co-op Loop
PO Box 208
Springfield, KY 40069
Phone: (859) 300-3614
Email: tmccain@mccainbros.com
Web Address: www.mccainbros.com

ONLY ONLINE BIDS WILL BE ACCEPTED! By submitting your response, you certify that you are authorized to represent and bind your company and that you agree to all bid terms and conditions as stated in the attached bid/RFP/RFQ/Quote/Auction documents.

Cindy Owens

Signature

Submitted at 6/17/2024 02:04:30 PM (ET)

cowens@mccainbros.com

Email

Response Attachments

Mccain Addendum 1.pdf

McCain Addendum 1

Mccain Auth of Bid stmt of non-collusion and non-conflict.pdf

McCain Auth. of Bid Statement

Mccain Bid Bond.pdf

McCain Bid Bond

Mccain Bid Schedule-schedule of values.pdf

McCain Sched. of Val.

Mccain Bidders Affidavit.pdf

McCain Bidder's Affid.

Mccain Debarred Certification.pdf

McCain Debar. Cert.

Mccain Debarred Firms.pdf

McCain Debar. Firms

Mccain Equal Employment Op Affirmative Action Policy.pdf

McCain Equal Opp.

Mccain Equal Opportunity Agreement.pdf

McCain Equal Opp. Agree.

Mccain Evidence if Insurability.pdf

McCain Insurability

Mccain Form of Proposal.pdf

McCain Form of Proposal

Mccain Legal Status of Bidder.pdf

McCain Legal Status

Mccain LFUCG MBE Participation Goals Forms and good faith effort.pdf

McCain LFUCG MWDBE Part.

Mccain List of Proposed Subcontractors.pdf

McCain Prop. Subs

Mccain Statement of Bidders Qualifications.pdf

McCain Bid Qual.

Mccain Statement of Experience.pdf

McCain Experience

Mccain Workforce Analysis.pdf

McCain Workforce Analysis

Bid Lines

1	Remove existing headwall Quantity: <u> 1 </u> UOM: <u> EA </u> Price: <input type="text" value="\$2,482.00"/> Total: <input type="text" value="\$2,482.00"/>
2	Remove tree (5" dia. to 12" dia.) Quantity: <u> 12 </u> UOM: <u> EA </u> Price: <input type="text" value="\$1,335.00"/> Total: <input type="text" value="\$16,020.00"/>
3	Remove tree >36" dia. and up) Quantity: <u> 1 </u> UOM: <u> EA </u> Price: <input type="text" value="\$7,902.00"/> Total: <input type="text" value="\$7,902.00"/>
4	Clear landscape area Quantity: <u> 1 </u> UOM: <u>Lump Sum</u> Price: <input type="text" value="\$4,508.00"/> Total: <input type="text" value="\$4,508.00"/>
5	Excavation and placement Quantity: <u> 100 </u> UOM: <u>Cubic Yard</u> Price: <input type="text" value="\$19.95"/> Total: <input type="text" value="\$1,995.00"/>
6	Embankment Quantity: <u> 500 </u> UOM: <u>Cubic Yard</u> Price: <input type="text" value="\$55.94"/> Total: <input type="text" value="\$27,970.00"/>
7	30-Inch Equivalent Elliptical Reinforced Concrete Pipe, Furnishing, Trenching, Laying and Backfilling, Full Depth Crushed Stone, Including Fittings and Any Additional Fill Required for Regrade, Unclassified Excavation, Complete Quantity: <u> 140 </u> UOM: <u>Linear Feet</u> Price: <input type="text" value="\$208.00"/> Total: <input type="text" value="\$29,120.00"/>
8	Furnish and Install 6-Foot Diameter Storm Sewer Manhole, All Depth, Including Frame and Cover, Unclassified Excavation, Complete. Quantity: <u> 2 </u> UOM: <u> EA </u> Price: <input type="text" value="\$6,563.00"/> Total: <input type="text" value="\$13,126.00"/>
9	Furnish and Install Storm Headwall for 30- Inch Equivalent Elliptical Reinforced Concrete Pipe, All Depth, Unclassified Excavation, Complete Quantity: <u> 1 </u> UOM: <u> EA </u> Price: <input type="text" value="\$6,743.00"/> Total: <input type="text" value="\$6,743.00"/>
10	Furnish and Install Stone RipRap, D50 = 12- INCH, Unclassified Excavation, Fill with Topsoil, Install Erosion Control Mat Quantity: <u> 100 </u> UOM: <u>Ton</u> Price: <input type="text" value="\$107.04"/> Total: <input type="text" value="\$10,704.00"/>

1 1	Furnish and install French Drain, laying and backfill, geotextile fabric, stone, 6-inch PVC Perforated Pipe. Quantity: <u>20</u> UOM: <u>Linear Feet</u> Price: <input type="text" value="\$42.90"/> Total: <input type="text" value="\$858.00"/>
1 2	Restore Parking Lot Area Utilized for Construction Access, Resurface with 1.25- INCH Asphalt Quantity: <u>166</u> UOM: <u>Square Yard</u> Price: <input type="text" value="\$63.50"/> Total: <input type="text" value="\$10,541.00"/>
1 3	Erosion and Sediment Control (Silt Fence, Channel Protection) Quantity: <u>1</u> UOM: <u>Lump Sum</u> Price: <input type="text" value="\$15,338.00"/> Total: <input type="text" value="\$15,338.00"/>
1 4	Park Restoration (Removal of all debris, restoration of grass through means of seed/straw or sodding, regrading of any rutting) Quantity: <u>1</u> UOM: <u>Lump Sum</u> Price: <input type="text" value="\$9,022.00"/> Total: <input type="text" value="\$9,022.00"/>
1 5	General conditions Quantity: <u>1</u> UOM: <u>Lump Sum</u> Price: <input type="text" value="\$20,300.00"/> Total: <input type="text" value="\$20,300.00"/>
1 6	Mobilization (2.0% Maximum) Quantity: <u>1</u> UOM: <u>Lump Sum</u> Price: <input type="text" value="\$3,500.00"/> Total: <input type="text" value="\$3,500.00"/>
1 7	Demobilization (1.0% Maximum) Quantity: <u>1</u> UOM: <u>Lump Sum</u> Price: <input type="text" value="\$1,800.00"/> Total: <input type="text" value="\$1,800.00"/>

Response Total: \$181,929.00



ADDENDUM No. 1

Bid Number: **#75-2024**

Date: June 11, 2024

Subject: Dogwood Park Stormwater Improvements Project

Address inquiries to:
Q&A Module on Ion Wave

Brian Marcum
brianm@lexingtonky.gov
(859) 258-3325

TO ALL PROSPECTIVE SUBMITTERS:

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

	Questions	Answers
1.	Are there any agreements or special conditions related to the property owner whose landscaping will be affected?	LFUCG has executed separate Landscape Reimbursement Agreements with the two property owners near the existing headwall. It is recognized that landscaping will be disturbed on those two properties. Contractor should make efforts to minimize the amount of disturbance to the landscaping. LFUCG will be responsible for reimbursing the property owners for the disturbed landscaping. Contractor shall assume the disturbed areas on the properties shall be seeded and strawed. Contractor shall NOT disturb any areas on the two properties BEYOND the existing fencing.
2.	Are there any work time restrictions (Saturdays/Sundays), or other known holiday/event restrictions?	No construction between the hours of 11:00 pm and 7:00 am on weekdays. Work outside these hours, or on Saturdays or Sundays will require a variance to be approved by the Mayor's office. Any other restrictions will be relayed to the contractor after award.
3.	In reference to the access road, the plans indicate that a 10' wide access is proposed. Can a "Dura-Base" type product (or equal) be utilized for this access road? https://www.newpark.com/assets/pdfs/DURA-BASE_Brochure.pdf These type of products range in width from 13'-14', exceeding the 10' requirement as indicated on the drawings. There	This product can be utilized as an alternative to stone construction entrance. See attached product brochure. LFUCG reserves the right to require removal of the product if it is not adequately removing mud and debris from tires/treads prior to equipment driving offsite.



	are substantial benefits utilizing this type product, most importantly minimizing ground disturbance, and eliminating importation of aggregates for construction of access roads.	
4	Will the trees be marked by your engineer or surveyor? Will we be able to drive our truck to the site for removal/disposal of the trees?	The tree contractor will be able to access the site in a similar manner as the general contractor, through the access shown on the plans. The general contractor will be required to have ESC measures in place and have acquired a Land Disturbance Permit (LDP) prior to construction access being granted. The general contractor will be responsible for marking the trees for removal and LFUCG can provide assistance to confirm the accuracy of trees marked if requested by the general contractor.
5.	When is the anticipated construction start date?	Upon Council Approval of award.
6.	How often are pay requests processed?	Monthly.

1. CLARIFICATIONS

- A. Meeting summary and sign-in sheet from the Pre-Bid Meeting held on June 5, 2024, are attached.

2. DRAWINGS

- A. None at this time.

3. SPECIFICATIONS

- A. None at this time.

Attachments: Pre-bid meeting minutes
 Pre-bid sign in sheet
 Permitting, Inspection and Enforcement Procedures (PIE) for ESC on Capital Projects
 Dura Base Product information brochure





TODD SLATIN
DIRECTOR
CENTRAL PURCHASING

Todd Slatin, Director
Division of Central Purchasing

All other terms and conditions of the Bid and specifications are unchanged.
This letter should be signed, attached to and become a part of your Bid.

COMPANY NAME: McCain Bros. Excavating, LLC

ADDRESS: PO Box 208 Springfield, KY 40069

SIGNATURE OF BIDDER: T.P. McCain



AIA Document A310™ – 2010

Bid Bond

CONTRACTOR:

(Name, legal status and address)
McCain Brothers Excavating, LLC

591 Co Op Loop
Springfield, KY 40069

OWNER:

(Name, legal status and address)
Lexington/Fayette Urban County Government
200 E. Main St., 3rd Fl
Lexington, KY 40507

BOND AMOUNT: 5% of Amount Bid

SURETY:

(Name, legal status and principal place
of business)

Nationwide Mutual Insurance Company
One West Nationwide Blvd, 1-14-301
Columbus, OH 43215

This document has important legal
consequences. Consultation with
an attorney is encouraged with
respect to its completion or
modification.

Any singular reference to
Contractor, Surety, Owner or
other party shall be considered
plural where applicable.

PROJECT:

(Name, location or address, and Project number, if any)

Dogwood Park Stormwater Improvements

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 18th day of June 2024


(Witness)

McCain Brothers Excavating, LLC

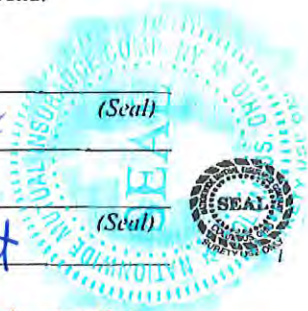
(Principal)


(Title) Terrence P. McGee

Nationwide Mutual Insurance Company

(Surety)


(Title) Melissa Propst, Attorney-in-Fact



CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

Init.

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Power of Attorney

KNOW ALL MEN BY THESE PRESENTS THAT:

Nationwide Mutual Insurance Company, an Ohio corporation

hereinafter referred to severally as the "Company" and collectively as "the Companies" does hereby make, constitute and appoint:
KENNY ALBERT; LAKALA CARTER; MELISSA PROPST; STEVEN M BAAS;

each in their individual capacity, its true and lawful attorney-in-fact, with full power and authority to sign, seal, and execute on its behalf any and all bonds and undertakings, and other obligatory instruments of similar nature, in penalties not exceeding the sum of

UNLIMITED

and to bind the Company thereby, as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Company; and all acts of said Attorney pursuant to the authority given are hereby ratified and confirmed.

This power of attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the board of directors of the Company:

"RESOLVED, that the president, or any vice president be, and each hereby is, authorized and empowered to appoint attorneys-in-fact of the Company, and to authorize them to execute and deliver on behalf of the Company any and all bonds, forms, applications, memorandums, undertakings, recognizances, transfers, contracts of indemnity, policies, contracts guaranteeing the fidelity of persons holding positions of public or private trust, and other writings obligatory in nature that the business of the Company may require; and to modify or revoke, with or without cause, any such appointment or authority; provided, however, that the authority granted hereby shall in no way limit the authority of other duly authorized agents to sign and countersign any of said documents on behalf of the Company."

"RESOLVED FURTHER, that such attorneys-in-fact shall have full power and authority to execute and deliver any and all such documents and to bind the Company subject to the terms and limitations of the power of attorney issued to them, and to affix the seal of the Company thereto; provided, however, that said seal shall not be necessary for the validity of any such documents."

This power of attorney is signed and sealed under and by the following bylaws duly adopted by the board of directors of the Company.

Execution of Instruments. Any vice president, any assistant secretary or any assistant treasurer shall have the power and authority to sign or attest all approved documents, instruments, contracts, or other papers in connection with the operation of the business of the company in addition to the chairman of the board, the chief executive officer, president, treasurer or secretary; provided, however, the signature of any of them may be printed, engraved, or stamped on any approved document, contract, instrument, or other papers of the Company.

IN WITNESS WHEREOF, the Company has caused this instrument to be sealed and duly attested by the signature of its officer the 20th day of August, 2021.

Antonio C. Albanese, Vice President of Nationwide Mutual Insurance Company

ACKNOWLEDGMENT

STATE OF NEW YORK COUNTY OF NEW YORK: ss

On this 20th day of August, 2021, before me came the above-named officer for the Company aforesaid, to me personally known to be the officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, deposes and says, that he is the officer of the Company aforesaid, that the seal affixed hereto is the corporate seal of said Company, and the said corporate seal and his signature were duly affixed and subscribed to said instrument by the authority and direction of said Company.



Stephanie Rubino McArthur
Notary Public, State of New York
No. 02MC6270117
Qualified in New York County
Commission Expires October 19, 2024

Notary Public
My Commission Expires
October 19, 2024

CERTIFICATE

I, Laura B. Guy, Assistant Secretary of the Company, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney issued by the Company; that the resolution included therein is a true and correct transcript from the minutes of the meetings of the boards of directors and the same has not been revoked or amended in any manner; that said Antonio C. Albanese was on the date of the execution of the foregoing power of attorney the duly elected officer of the Company, and the corporate seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority of said board of directors; and the foregoing power of attorney is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of said Company this 18th day of

June, 2024.

Assistant Secretary

PART III

Invitation to Bid No. 75-2024

Dogwood Park Stormwater Improvements

1. FORM OF PROPOSAL

Place: Lexington, Kentucky

Date: 6/17/24

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

Work. This Proposal Submitted by McCain Bros Excavating, LLC

McCain Bros. Excavating, LLC PO Box 208 Springfield, KY 40069
(Name and Address of Bidding Contractor)

(Hereinafter called "Bidder"), organized and existing under the laws of the State of KY, doing business as a Limited Liability Company "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 the **Dogwood Park Stormwater Improvements** having examined the Plans and Specifications with related documents, having examined the site for proposed Work, and being familiar with all of the conditions surrounding the construction of the proposed Project, including the availability of materials and labor, hereby proposes to furnish all labor, materials, and supplies, and to construct the Project in accordance with the Contract Documents, within the time set forth therein, and at the lump sum and/or unit prices stated hereinafter. These prices are to cover all expenses incurred in performing the Work required under the Contract Documents, of which this proposal is a part.

The Bidder hereby acknowledges receipt of the following addenda:

Addendum No. 01 Date 6-11-24

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.

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.

Form of proposal must include unit bid prices written in words, unit price written in numbers and total amount bid (unit price x quantity) per line item OR bid may be considered non-responsive. In case of price discrepancy, unit bid price written in words will prevail followed by unit price written in numbers then total amount bid per line item.

If a discrepancy between the unit price and the item total exists, the unit price prevails except: If the unit price is illegible, omitted, or the same as the item total, item total prevails and the unit price is the quotient of the item total and the quantity.

If the unit price and the item total are illegible or are omitted, the bid may be determined nonresponsive. If a lump sum total price is illegible or is omitted, the bid may be determined nonresponsive.

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

The LFUCG’s decision on the bid amount is final.

Enter pricing in Line Items tab in IonWave.

Item No.	Description w/ Unit Bid Price Written in Words	Units	Estimated Quantity	Unit Price	Total Bid Amount
1	Remove Existing Headwall	EA	1	SUBMIT IN IONWAVE	IONWAVE WILL CALCULATE
2	Remove Tree (5" dia. to 12" dia.)	EA	12	SUBMIT IN IONWAVE	IONWAVE WILL CALCULATE
3	Remove Tree (>36" dia. and up)	EA	1	SUBMIT IN IONWAVE	IONWAVE WILL CALCULATE
4	clear landscape area	LS	1	SUBMIT IN IONWAVE	IONWAVE WILL CALCULATE
5	Excavation and Placement	CY	100	SUBMIT IN IONWAVE	IONWAVE WILL CALCULATE
6	Embankment	CY	500	SUBMIT IN IONWAVE	IONWAVE WILL CALCULATE
7	30-Inch Equivalent Elliptical Reinforced Concrete Pipe, Furnishing, Trenching, Laying and Backfilling, Full Depth Crushed Stone, Including Fittings and Any Additional Fill Required for Regrade, Unclassified Excavation, Complete	LF	140	SUBMIT IN IONWAVE	IONWAVE WILL CALCULATE
8	Furnish and Install 6-Foot Diameter Storm Sewer Manhole, All Depth, Including Frame and Cover, Unclassified Excavation, Complete.	EA	2	SUBMIT IN IONWAVE	IONWAVE WILL CALCULATE

Item No.	Description w/ Unit Bid Price Written in Words	Units	Estimated Quantity	Unit Price	Total Bid Amount
9	Furnish and Install Storm Headwall for 30-Inch Equivalent Elliptical Reinforced Concrete Pipe, All Depth, Unclassified Excavation, Complete	EA	1	SUBMIT IN IONWAVE	IONWAVE WILL CALCULATE
10	Furnish and Install Stone RipRap, D50 = 12-INCH, Unclassified Excavation, Fill with Topsoil, Install Erosion Control Mat	TN	100	SUBMIT IN IONWAVE	IONWAVE WILL CALCULATE
11	Furnish and install French Drain, laying and backfill, geotextile fabric, stone, 6-inch PVC Perforated Pipe.	LF	20	SUBMIT IN IONWAVE	IONWAVE WILL CALCULATE
12	Restore Parking Lot Area Utilized for Construction Access, Resurface with 1.25-INCH Asphalt	SY	166	SUBMIT IN IONWAVE	IONWAVE WILL CALCULATE
13	Erosion and Sediment Control (Silt Fence, Channel Protection)	LS	1	SUBMIT IN IONWAVE	IONWAVE WILL CALCULATE
14	Park Restoration (Removal of all debris, restoration of grass through means of seed/straw or sodding, regrading of any rutting)	LS	1	SUBMIT IN IONWAVE	IONWAVE WILL CALCULATE
15	General Conditions	LS	1	SUBMIT IN IONWAVE	IONWAVE WILL CALCULATE
16	Mobilization (2.0% Maximum)	LS	1	SUBMIT IN IONWAVE	IONWAVE WILL CALCULATE
17	Demobilization (1.0% Maximum)	LS	1	SUBMIT IN IONWAVE	IONWAVE WILL CALCULATE
Total of Bid (Items 1 through 17)					

Submitted by: McCain Bros Excavating, LLC

Firm

PO Box 208

Address

Springfield, KY 40069

City, State & Zip



President

Signature of Authorized Company Representative – Title

Terrence McCain

Representative/s Name (Typed or Printed)

859-300-3614

Area Code – Phone – Fax #

tmccain@mccainbros.com

E-Mail Address

**Bid must be signed:
(original signature)**

OFFICIAL ADDRESS:

McCain Bros. Excavating, LLC.

PO Box 208

Springfield, KY 40069

(Seal if Bid is by Corporation)

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

3.

BIDDERS AFFIDAVIT

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

1. His/her name is Terrence McCain and he/she is the individual submitting the bid or is the authorized representative of McCain Bros Excavating, 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 Chapter 25 of the Lexington-Fayette Urban County Government Code of Ordinances, known as the "Ethics Act."
6. 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.

TPMC Terrence McCain
 Signature Printed Name
 President 6/17/24
 Title Date

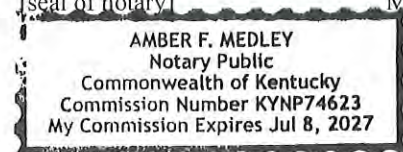
Company Name McCain Bros Excavating, LLC

Address PO Box 208 Springfield, KY 40069

Subscribed and sworn to before me by Terrence McCain
 (Affiant)
 President
 (Title)

of McCain Bros Excavating, LLC this 17 day of June, 20 24.
(Company Name)

Amber Medley
 Notary Public
 [seal of notary] My commission expires: July 8, 2027



14. DEBARRED FIRMS

PROJECT NAME: LFUCG Dogwood Park

BID NUMBER: 75-2024

**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 McCain Bros Excavating, LLC 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.

McCain Bros Excavating, LLC
Name of Firm Submitting Bid


Signature of Authorized Official

President
Title

6/17/24
Date

13. EVIDENCE OF INSURABILITY

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

Names Insured: McCain Bros. Excavating, LLC Employee ID: 46-3718758
 Address: PO Box 208, Springfield, KY 40069 Phone: (859)940-6431
 Project to be insured: _____

In lieu of obtaining certificates of insurance at this time, the undersigned agrees to provide the above Named Insured with the minimum coverage listed below. These are outlined in the Insurance and Risk Management of Part V (Special Conditions), including all requirements, and conditions:

Section Items	Coverage	Minimum Limits and Policy Requirements	Limits Provided To Insured	Name of Insurer	A.M. Best's Code	Rating
SC-2 – see provisions	CGL	\$1,000,000 per occ. And \$2,000,000 aggregate	\$ \$1,000,000 per occ \$2,000,000 agg	Trustguard Ins Co	40118	A XII
SC-2 – see provisions	AUTO	\$1,000,000/per occ.	\$ \$1,000,000	Trustguard Ins Co	40118	A XII
SC-2 – see provisions	WC	Statutory w /endorsement as noted	\$ \$1,000,000	Bridgefield	10335	A+ IX
SC-2 – see provisions	EXC	\$2,000,000 per occ.	\$ 5,000,000	Grange	14060	A XII

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.

Houchens Insurance Group
 Agency or Brokerage
505 Wellington Way
 Street Address
Lexington **KY** **40503**
 City State Zip
(859) 977-5586
 Telephone Number

Melvia Means
 Name of Authorized Representative
Senior Client Advisor
 Title
Melvia Means
 Authorized Signature
06/14/2024
 Date

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

IMPORTANT: Contract may not be awarded if a completed and signed copy of this form for all coverage's listed above is not provided with the bid.

8. **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.

2. LEGAL STATUS OF BIDDER

Bidder McCain Bros Excavating, LLC.

Date 6-14-24

* 1. A corporation duly organized and doing business under the laws of the State of KY, for whom Terrence McCain, bearing the official title of President, whose signature is affixed to this Bid/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

* 3. An individual, whose signature is affixed to this Bid/Proposal (please print name)

Terrence McCain - President

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

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

It is the policy of McCain Bros Excavating, 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.

7. **Lexington-Fayette Urban County Government**
MWDBE PARTICIPATION GOALS

A. GENERAL

- 1) The LFUCG request all potential contractors to make a concerted effort to include Minority-Owned (MBE), Woman-Owned (WBE), Disadvantaged (DBE) Business Enterprises and Veteran-Owned Small Businesses (VOSB) as subcontractors or suppliers in their bids.
- 2) Toward that end, the LFUCG has established 10% of total procurement costs as a Goal for participation of Minority-Owned, Woman-Owned and Disadvantaged Businesses on this contract.
- 3) **It is therefore a request of each Bidder to include in its bid, the same goal (10%) for MWDBE participation and other requirements as outlined in this section.**
- 4) The LFUCG has also established a 3% of total procurement costs as a Goal for participation for of Veteran-Owned Businesses.
- 5) **It is therefore a request of each Bidder to include in its bid, the same goal (3%) for Veteran-Owned participation and other requirements as outlined in this section.**

B. PROCEDURES

- 1) The successful bidder will be required to report to the LFUCG, the dollar amounts of all payments submitted to Minority-Owned, Woman-Owned or Veteran-Owned subcontractors and suppliers for work done or materials purchased for this contract. (See Subcontractor Monthly Payment Report)
- 2) Replacement of a Minority-Owned, Woman-Owned or Veteran-Owned subcontractor or supplier listed in the original submittal must be requested in writing and must be accompanied by documentation of Good Faith Efforts to replace the subcontractor / supplier with another MWDBE Firm; this is subject to approval by the LFUCG. (See LFUCG MWDBE Substitution Form)
- 3) For assistance in identifying qualified, certified businesses to solicit for potential contracting opportunities, bidders may contact:
 - a) The Lexington-Fayette Urban County Government, Division of Central Purchasing (859-258-3320)
- 4) The LFUCG will make every effort to notify interested MWDBE and Veteran-Owned subcontractors and suppliers of each Bid Package, including information on the scope of work, the pre-bid meeting time and location, the bid date, and all other pertinent information regarding the project.

C. DEFINITIONS

- 1) A Minority-Owned Business Enterprise (MBE) is defined as a business which is certified as being at least 51% owned, managed and controlled by persons of African American, Hispanic, Asian, Pacific Islander, American Indian or Alaskan Native Heritage.
- 2) A Woman-Owned Business Enterprise (WBE) is defined as a business which is certified as

being at least 51% owned, managed and controlled by one or more women.

- 3) A Disadvantaged Business (DBE) is defined as a business which is certified as being at least 51% owned, managed and controlled by a person(s) that are economically and socially disadvantaged.
- 4) A Veteran-Owned Small Business (VOSB) is defined as a business which is certified as being at least 51% owned, managed and controlled by a veteran and/or a service disabled veteran.
- 5) Good Faith Efforts are efforts that, given all relevant circumstances, a bidder or proposer actively and aggressively seeking to meet the goals, can reasonably be expected to make. In evaluating good faith efforts made toward achieving the goals, whether the bidder or proposer has performed the efforts outlined in the Obligations of Bidder for Good Faith Efforts outlined in this document will be considered, along with any other relevant factors.

D. OBLIGATION OF BIDDER FOR GOOD FAITH EFFORTS

- 1) **The bidder shall make a Good Faith Effort to achieve the Participation Goal for MWDBE and Veteran-Owned subcontractors/suppliers. The failure to meet the goal shall not necessarily be cause for disqualification of the bidder; however, bidders not meeting the goal are required to furnish with their bids written documentation of their Good Faith Efforts to do so.**
- 2) Award of Contract shall be conditioned upon satisfaction of the requirements set forth herein.
- 3) The Form of Proposal includes a section entitled "MWDBE Participation Form". The applicable information must be completed and submitted as outlined below.
- 4) **Failure to submit this information as requested may be cause for rejection of bid or delay in contract award.**

E. DOCUMENTATION REQUIRED FOR GOOD FAITH EFFORTS

- 1) Bidders reaching the Goal are required to submit only the MWDBE Participation Form." The form must be fully completed including names and telephone number of participating MWDBE firm(s); type of work to be performed; estimated value of the contract and value expressed as a percentage of the total Lump Sum Bid Price. The form must be signed and dated, and is to be submitted with the bid.
- 2) Bidders not reaching the Goal must submit the "MWDBE Participation Form", the "Quote Summary Form" and a written statement documenting their Good Faith Effort to do so. If bid includes no MWDBE and/or Veteran participation, bidder shall enter "None" on the subcontractor / supplier form). In addition, the bidder must submit written proof of their Good Faith Efforts to meet the Participation Goal:
 - a. Advertised opportunities to participate in the contract in at least two (2) publications of general circulation media; trade and professional association publications; small and minority business or trade publications; and publications or trades targeting minority, women and disadvantaged businesses not less than fifteen (15) days prior to the deadline for submission

of bids to allow MWDBE firms and Veteran-Owned businesses to participate.

b. Included documentation of advertising in the above publications with the bidders good faith efforts package

c. Attended LFUCG Central Purchasing Economic Inclusion Outreach event

d. Attended pre-bid meetings that were scheduled by LFUCG to inform MWDBEs and/or Veteran-Owned businesses of subcontracting opportunities

e. Sponsored Economic Inclusion event to provide networking opportunities for prime contractors and MWDBE firms and Veteran-Owned businesses.

f. Requested a list of MWDBE and/or Veteran subcontractors or suppliers from LFUCG and showed evidence of contacting the companies on the list(s).

g. Contacted organizations that work with MWDBE companies for assistance in finding certified MWDBE firms and Veteran-Owned businesses to work on this project. Those contacted and their responses should be a part of the bidder's good faith efforts documentation.

h. Sent written notices, by certified mail, email or facsimile, to qualified, certified MWDBEs and/or Veteran-Owned businesses soliciting their participation in the contract not less than seven (7) days prior to the deadline for submission of bids to allow them to participate effectively.

i. Followed up initial solicitations by contacting MWDBEs and Veteran-Owned Businesses to determine their level of interest.

j. Provided the interested MWDBE firm and/or Veteran-Owned business with adequate and timely information about the plans, specifications, and requirements of the contract.

k. Selected portions of the work to be performed by MWDBE firms and/or Veteran-Owned businesses in order to increase the likelihood of meeting the contract goals. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MWDBE and Veteran participation, even when the prime contractor may otherwise perform these work items with its own workforce

l. Negotiated in good faith with interested MWDBE firms and Veteran-Owned businesses not rejecting them as unqualified without sound reasons based on a thorough investigation of their capabilities. Any rejection should be so noted in writing with a description as to why an agreement could not be reached.

m. Included documentation of quotations received from interested MWDBE firms and Veteran-Owned businesses which were not used due to uncompetitive pricing or were rejected as unacceptable and/or copies of responses from firms indicating that they would not be submitting a bid.

n. Bidder has to submit sound reasons why the quotations were considered unacceptable. The fact that the bidder has the ability and/or desire to perform the contract work with its own forces will not be considered a sound reason for rejecting a MWDBE and/or Veteran-Owned business's quote. Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy MWDBE and Veteran goals.

o. Made an effort to offer assistance to or refer interested MWDBE firms and Veteran-Owned businesses to obtain the necessary equipment, supplies, materials, insurance and/or bonding to satisfy the work requirements of the bid proposal

p. Made efforts to expand the search for MWBE firms and Veteran-Owned businesses beyond the usual geographic boundaries.

q. Other--any other evidence that the bidder submits which may show that the bidder has made reasonable good faith efforts to include MWDBE and Veteran participation.

Note: Failure to submit any of the documentation requested in this section may be cause for rejection of bid. Bidders may include any other documentation deemed relevant to this requirement which is subject to review by the MBE Liaison. Documentatiou of Good Faith Efforts must be submitted with the Bid, if the participation Goal is not met.



MINORITY BUSINESS ENTERPRISE PROGRAM

Sherita Miller, MPA
Minority Business Enterprise Liaison
Division of Central Purchasing
Lexington-Fayette Urban County Government
200 East Main Street
Lexington, KY 40507
smiller@lexingtonky.gov
859-258-3323

OUR MISSION: The mission of the Minority Business Enterprise Program is to facilitate the full participation of minority and women owned businesses in the procurement process and to promote economic inclusion as a business imperative essential to the long term economic viability of Lexington-Fayette Urban County Government.

To that end the city council adopted and implemented Resolution 484-2017 – A Certified Minority, Women and Disadvantaged Business Enterprise ten percent (10%) minimum goal and a three (3%) minimum goal for Certified Veteran-Owned Small Businesses and Certified Service Disabled Veteran – Owned Businesses for government contracts.

The resolution states the following definitions shall be used for the purposes of reaching these goals (a full copy is available in Central Purchasing):

Certified Disadvantaged Business Enterprise (DBE) – a business in which at least fifty-one percent (51%) is owned, managed and controlled by a person(s) who is socially and economically disadvantaged as defined by 49 CFR subpart 26.

Certified Minority Business Enterprise (MBE) – a business in which at least fifty-one percent (51%) is owned, managed and controlled by an ethnic minority (i.e. African American, Asian American/Pacific Islander, Hispanic Islander, Native American/Native Alaskan Indian) as defined in federal law or regulation as it may be amended from time-to-time.

Certified Women Business Enterprise (WBE) – a business in which at least fifty-one percent (51%) is owned, managed and controlled by a woman.

Certified Veteran-Owned Small Business (VOSB) – a business in which at least fifty-one percent (51%) is owned, managed and controlled by a veteran who served on active duty with the U.S. Army, Air Force, Navy, Marines or Coast Guard.

Certified Service Disabled Veteran Owned Small Business (SDVOSB) – a business in which at least fifty-one percent (51%) is owned, managed and controlled by a disabled veteran who served on active duty with the U.S. Army, Air Force, Navy, Marines or Coast Guard.

The term “Certified” shall mean the business is appropriately certified, licensed, verified, or validated by an organization or entity recognized by the Division of Purchasing as having the appropriate credentials to make a determination as to the status of the business.

To comply with Resolution 484-2017, prime contractors and minority, women and veteran owned businesses must

enroll in the new Diverse Business Management Compliance system, <https://lexingtonky.diversitycompliance.com/>

We have compiled the list below to help you locate certified MBE, WBE and DBE certified businesses. Below is a listing of contacts for LFUCG Certified MWDBEs and Veteran-Owned Small Businesses in <https://lexingtonky.ionwave.net>

Business	Contact	Email Address	Phone
LFUCG	Sherita Miller	smiller@lexingtonky.gov	859-258-3323
Commerce Lexington – Minority Business Development	Tyrone Tyra	tyra@commercelexington.com	859-226-1625
Tri-State Minority Supplier Diversity Council	Susan Marston	smarston@tsmsdc.com	502-365-9762
Small Business Development Council	Shawn Rogers UK SBDC	shawn.rogers@uky.edu	859-257-7666
Community Ventures Corporation	Phyllis Alcorn	palcorn@cvky.org	859-231-0054
KY Transportation Cabinet (KYTC)	Melvin Bynes	Melvin.bynes2@ky.gov	502-564-3601
KYTC Pre-Qualification	Shella Eagle	Shella.Eagle@ky.gov	502-782-4815
Ohio River Valley Women’s Business Council (WBENC)	Sheila Mixon	smixon@orvwbc.org	513-487-6537
Kentucky MWBE Certification Program	Yvette Smith, Kentucky Finance Cabinet	Yvette.Smith@ky.gov	502-564-8099
National Women Business Owner’s Council (NWBOC)	Janet Harris-Lange	janet@nwbo.org	800-675-5066
Small Business Administration	Robert Coffey	robertcoffey@sba.gov	502-582-5971
LaVoz de Kentucky	Andres Cruz	lavozdeky@yahoo.com	859-621-2106
The Key News Journal	Patrice Muhammad	production@keynewsjournal.com	859-685-8488



LFUCG MWDBE PARTICIPATION FORM

Bid/RFP/Quote Reference # 75-2024

The MWDBE and/or veteran subcontractors listed have agreed to participate on this Bid/RFP/Quote. If any substitution is made or the total value of the work is changed prior to or after the job is in progress, it is understood that those substitutions must be submitted to Central Purchasing for approval immediately. **Failure to submit a completed form may cause rejection of the bid.**

MWDBE Company, Name, Address, Phone, Email	MBE WBE or DBE	Work to be Performed	Total Dollar Value of the Work	% Value of Total Contract
1. Tobacco Rose 770 McKinney Ave Midway, KY 40347 859-846-4002 sbaker@tobaccorose.com	DBE	Silt Fence, Construction Entrance Installation, and Seed/Straw Restoration	\$5,125.00	~34%
2.				
3.				
4.				

The undersigned company representative submits the above list of MWDBE firms to be used in accomplishing the work contained in this Bid/RFP/Quote. Any misrepresentation may result in the termination of the contract and/or be subject to applicable Federal and State laws concerning false statements and false claims.

McCain Bros Excavating, LLC

Company

6/17/24

Date


Company Representative

President Terrence McCain
Title



LFUCG MWDBE SUBSTITUTION FORM

Bid/RFP/Quote Reference # 75-2024

The substituted MWDBE and/or veteran subcontractors listed below have agreed to participate on this Bid/RFP/Quote. These substitutions were made prior to or after the job was in progress. These substitutions were made for reasons stated below and are now being submitted to Central Purchasing for approval. By the authorized signature of a representative of our company, we understand that this information will be entered into our file for this project.

SUBSTITUTED MWDBE Company Name, Address, Phone, Email	MWDBE Formally Contracted/ Name, Address, Phone, Email	Work to Be Performed	Reason for the Substitution	Total Dollar Value of the Work	% Value of Total Contract
1. None					
2.					
3.					
4.					

The undersigned acknowledges that any misrepresentation may result in termination of the contract and/or be subject to applicable Federal and State laws concerning false statements and false claims.

McCain Bros Excavating, LLC

Company

6/17/24

Date

Terrence McCain

Company Representative

Terrence McCain - President

Title



MWDBE QUOTE SUMMARY FORM

Bid/RFP/Quote Reference # 75-2024

The undersigned acknowledges that the minority and/or veteran subcontractors listed on this form did submit a quote to participate on this project. Failure to submit this form may cause rejection of the bid.

Company Name	McCain Bros Excavating, LLC	Contact Person	Cindy Owens
Address/Phone/Email	591 Co Op Loop Springfield, KY 40069 cowens@mccainbros.com	Bid Package / Bid Date	LFUCG Dogwood Park 6-18-2024

MWDBE Company Address	Contact Person	Contact Information (work phone, Email, cell)	Date Contacted	Services to be performed	Method of Communication (email, phone meeting, ad, event etc)	Total dollars \$\$ Do Not Leave Blank (Attach Documentation)	MBE * AA HA AS NA Female	Veteran
Tobacco Rose	Sheila Baker	859-846-4002 sbaker@tobacco-rose.com	5-30-24	Silt fence, Con. Ent., & Seed/Straw	email	\$5,125.00	DBE Female	N/A
Cedar Valley Seeding	Susan Redmon	859-4749-8006 cvseeding@oudobk.com	5-30-24	Seed/Straw	email	\$1,931.35	DBE Female	N/A

(MBE designation / AA=African American / HA= Hispanic American/AS = Asian American/Pacific Islander/ NA= Native American)

The undersigned acknowledges that all information is accurate. Any misrepresentation may result in termination of the contract and/or be subject to applicable Federal and State laws concerning false statements and claims.

McCain Bros Excavating, LLC
Company
6/17/24
Date

[Signature]
Company Representative
Terrence McCain President
Title



LFUCG SUBCONTRACTOR MONTHLY PAYMENT REPORT

The LFUCG has a 10% goal plan adopted by city council to increase the participation of minority and women owned businesses in the procurement process. The LFUCG also has a 3% goal plan adopted by cited council to increase the participation of veteran owned businesses in the procurement process. In order to measure that goal LFUCG will track spending with MWDBE and Veteran contractors on a monthly basis. By the signature below of an authorized company representative, you certify that the information is correct, and that each of the representations set forth below is true. Any misrepresentation may result in termination of the contract and/or prosecution under applicable Federal and State laws concerning false statements and false claims. Please submit this form monthly to the Division of Central Purchasing/ 200 East Main Street / Room 338 / Lexington, KY 40507.

Bid/RFP/Quote # 75-2024

Total Contract Amount Awarded to Prime Contractor for this Project _____

Project Name/ Contract #	Work Period/ From: _____ To: _____
Company Name: McCain Bros Excavating, LLC	Address: PO Box 208, Springfield, KY 40069
Federal Tax ID: 46-3718758	Contact Person: Debbie Masden

Subcontractor Vendor ID (name, address, phone, email)	Description of Work	Total Subcontract Amount	% of Total Contract Awarded to Prime for this Project	Total Amount Paid for this Period	Purchase Order number for subcontractor work (please attach PO)	Scheduled Project Start Date	Scheduled Project End Date
To be Filled out if Awarded Project							

By the signature below of an authorized company representative, you certify that the information is correct, and that each of the representations set forth below is true. Any misrepresentations may result in the termination of the contract and/or prosecution under applicable Federal and State laws concerning false statements and false claims.

McCain Bros Excavating, LLC
Company

Company Representative

Date

President-Terrence McCain
Title

LFUCG STATEMENT OF GOOD FAITH EFFORTS

Bid/RFP/Quote # 75-2024

By the signature below of an authorized company representative, we certify that we have utilized the following Good Faith Efforts to obtain the maximum participation by MWDBE and Veteran-Owned business enterprises on the project and can supply the appropriate documentation.

Advertised opportunities to participate in the contract in at least two (2) publications of general circulation media; trade and professional association publications; small and minority business or trade publications; and publications or trades targeting minority, women and disadvantaged businesses not less than fifteen (15) days prior to the deadline for submission of bids to allow MWDBE firms and Veteran-Owned businesses to participate.

Included documentation of advertising in the above publications with the bidders good faith efforts package

Attended LFUCG Central Purchasing Economic Inclusion Outreach event

Attended pre-bid meetings that were scheduled by LFUCG to inform MWDBEs and/or Veteran-Owned Businesses of subcontracting opportunities

Sponsored Economic Inclusion event to provide networking opportunities for prime contractors and MWDBE firms and Veteran-Owned businesses

Requested a list of MWDBE and/or Veteran subcontractors or suppliers from LFUCG and showed evidence of contacting the companies on the list(s).

Contacted organizations that work with MWDBE companies for assistance in finding certified MWDBE firms and Veteran-Owned businesses to work on this project. Those contacted and their responses should be a part of the bidder's good faith efforts documentation.

Sent written notices, by certified mail, email or facsimile, to qualified, certified MWDBEs soliciting their participation in the contract not less than seven (7) days prior to the deadline for submission of bids to allow them to participate effectively.

Followed up initial solicitations by contacting MWDBEs and Veteran-Owned businesses to determine their level of interest.

Provided the interested MWDBE firm and/or Veteran-Owned business with adequate and timely information about the plans, specifications, and requirements of the contract.

Selected portions of the work to be performed by MWDBE firms and/or Veteran-Owned businesses in order to increase the likelihood of meeting the contract goals. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MWDBE and Veteran participation,

even when the prime contractor may otherwise perform these work items with its own workforce

Negotiated in good faith with interested MWDBE firms and Veteran-Owned businesses not rejecting them as unqualified without sound reasons based on a thorough investigation of their capabilities. Any rejection should be so noted in writing with a description as to why an agreement could not be reached.

Included documentation of quotations received from interested MWDBE firms and Veteran-Owned businesses which were not used due to uncompetitive pricing or were rejected as unacceptable and/or copies of responses from firms indicating that they would not be submitting a bid.

Bidder has to submit sound reasons why the quotations were considered unacceptable. The fact that the bidder has the ability and/or desire to perform the contract work with its own forces will not be considered a sound reason for rejecting a MWDBE and/or Veteran-Owned business's quote. Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy MWDBE and Veteran goals.

Made an effort to offer assistance to or refer interested MWDBE firms and Veteran-Owned businesses to obtain the necessary equipment, supplies, materials, insurance and/or bonding to satisfy the work requirements of the bid proposal


Made efforts to expand the search for MWBE firms and Veteran-Owned businesses beyond the usual geographic boundaries.

Other--any other evidence that the bidder submits which may show that the bidder has made reasonable good faith efforts to include MWDBE and Veteran participation.

NOTE: Failure to submit any of the documentation requested in this section may be cause for rejection of bid. Bidders may include any other documentation deemed relevant to this requirement which is subject to approval by the MBE Liaison. Documentation of Good Faith Efforts must be submitted with the Bid, if the participation Goal is not met.

The undersigned acknowledges that all information is accurate. Any misrepresentations may result in termination of the contract and/or be subject to applicable Federal and State laws concerning false statements and claims.

McCain Bros Excavating, LLC
Company
6/17/24
Date


Company Representative
Terrence McCain - President
Title



Cindy Owens <cowens@mccainbros.com>

DBE/Veteran Subs List

4 messages

Cindy Owens <cowens@mccainbros.com>
To: smiller@lexingtonky.gov

Thu, May 30, 2024 at 1:34 PM

Sherita,

We are looking to bid the LFUCG Dogwood Park Storm Project (Bid Due 6/18/24) and are looking for a list of DBE/Veteran subs.

If possible, will you please email me a list?

Particularly looking for subs in Erosion Controls/Restoration of a Civil Project, Asphalt placement, Tree Removal, and Surveying.

Any help would be appreciated.

Thank you,



Cindy Owens
Estimator

859-300-3615

859-583-2729

PO Box 208

Springfield, KY 40069

mccainbros.com

Sherita Miller <smiller@lexingtonky.gov>
To: Cindy Owens <cowens@mccainbros.com>

Thu, May 30, 2024 at 1:44 PM

Hi Cindy,

Attached is a copy of LFUCG's certified list of minority, women, and veteran owned businesses. This is an overall list of businesses with various specialties including but not limited to erosion control, asphalt/concrete, surveying, etc.

Thanks, Sherita

Sherita Miller, MPA, CPSD

Minority Business Enterprise Liaison

Division of Procurement



Cindy Owens <cowens@mccainbros.com>

LFUCG Dogwood Park Storm - Bid Due 6/13/24

7 messages

Cindy Owens <cowens@mccainbros.com>
To: Shelia Baker <sbaker@tobaccorose.com>
Cc: Greg Baker <gbaker@tobaccorose.com>

Thu, May 30, 2024 at 2:07 PM

Shelia,

Would you be interested in quoting the Erosion Controls and the Park (Site) Restoration?
If so, have a quote back by 6/13 please.
I've attached the plans, bid sheet and specs.

If you have any questions at all please let me know.

Thank you,







Cindy Owens
Estimator

859-300-3615
859-583-2729
PO Box 208
Springfield, KY 40069

mccainbros.com

4 attachments

-  **Bid Items.pdf**
330K
-  **23337 - Dogwood Park 2024-05-08.pdf**
10155K
-  **Measurement and Payments.pdf**
305K
-  **Dogwood Park Contract Documents and Specifications 15 May 2024.pdf**
5697K

gbaker <gbaker@tobaccorose.com>
To: Cindy Owens <cowens@mccainbros.com>, Shelia Baker <sbaker@tobaccorose.com>

Thu, May 30, 2024 at 5:14 PM

Yes we will

Sent from my Verizon, Samsung Galaxy smartphone
[Quoted text hidden]

Cindy Owens <cowens@mccainbros.com>
To: gbaker <gbaker@tobaccorose.com>

Thu, May 30, 2024 at 6:05 PM


Thank you!
[Quoted text hidden]
[Quoted text hidden]

Cindy Owens <cowens@mccainbros.com>
To: gbaker <gbaker@tobaccorose.com>

Wed, Jun 5, 2024 at 2:18 PM

Also, if you're interested and perform tree clearing, provide that quote also.
Some people like the Google Earth kmz file to look at on their computers, if so I've attached a KMZ file you can look at.

[Quoted text hidden]
[Quoted text hidden]

 **LFUCG Dogwood Park Storm - Copy.kmz**
13302K

Cindy Owens <cowens@mccainbros.com>
To: gbaker <gbaker@tobaccorose.com>

Tue, Jun 11, 2024 at 4:28 PM

Sheila, hate to ask, but bonding lady needs our numbers by tomorrow to get our bond in time.
Would you have a quote available tomorrow?

[Quoted text hidden]
[Quoted text hidden]

sbaker@tobaccorose.com <sbaker@tobaccorose.com>
To: Cindy Owens <cowens@mccainbros.com>
Cc: Greg Baker <gbaker@tobaccorose.com>

Thu, Jun 13, 2024 at 10:35 AM

Cindy

Here is the quote. If you have any questions, please feel free to give me a call.


Thanks,

Shelia Baker

From: Cindy Owens <cowens@mccainbros.com>
Sent: Thursday, May 30, 2024 2:07 PM
To: Shelia Baker <sbaker@tobaccorose.com>
Cc: Greg Baker <gbaker@tobaccorose.com>
Subject: LFUCG Dogwood Park Storm - Bid Due 6/13/24

Shelia,

[Quoted text hidden]

 **Quote Dogwood Park McCain Brothers.pdf**
125K

Cindy Owens <cowens@mccainbros.com>
To: sbaker@tobaccorose.com
Cc: Greg Baker <gbaker@tobaccorose.com>

Thu, Jun 13, 2024 at 11:14 AM

Received, thank you.

[Quoted text hidden]

[Quoted text hidden]



Cindy Owens <cowens@mccainbros.com>

LFUCG Dogwood Park Storm - Bid Due 6/13/24 (A) Bids/LFUCG Dogwood Park SW Improvements

2 messages

Cindy Owens <cowens@mccainbros.com>
To: Susan Redmon <cvseeding@outlook.com>

Thu, May 30, 2024 at 2:17 PM

Would you be interested in quoting the Erosion Controls and the Park (Site) Restoration?
If so, have a quote back by 6/13 please.
I've attached the plans, bid sheet and specs.

If you have any questions at all please let me know.

No Reply

Thank you,



Cindy Owens
Estimator

859-300-3615
859-583-2729
PO Box 208
Springfield, KY 40069

mccainbros.com

4 attachments

23337 - Dogwood Park 2024-05-08.pdf
10155K

Bid Items.pdf
330K

Measurement and Payments.pdf
305K

Dogwood Park Contract Documents and Specifications 15 May 2024.pdf
5697K

Cindy Owens <cowens@mccainbros.com>
To: Susan Redmon <cvseeding@outlook.com>

Tue, Jun 11, 2024 at 4:28 PM

Susan, will you be able to supply a quote for this project?

[Quoted text hidden]

[Quoted text hidden]



Cindy Owens <cowens@mccainbros.com>

QUOTE - Dogwood Park SW Imp


2 messages

Susan Redmon <cvseeding@outlook.com>
To: "cowens@mccainbros.com" <cowens@mccainbros.com>

Mon, Jun 17, 2024 at 1:10 AM

Incomplete quote

Susan Redmon
Cedar Valley Seeding, Inc.
851 Redmon Road
Paris, KY 40361
859-749-8006 (cell)
cvseeding@outlook.com

 Dogwood Park SW Improvements, LFUCG.doc
28K

Cindy Owens <cowens@mccainbros.com>
To: Susan Redmon <cvseeding@outlook.com>

Mon, Jun 17, 2024 at 7:09 AM

Received.

Thank you,



Cindy Owens
Estimator

859-300-3615
859-583-2729
PO Box 208
Springfield, KY 40069

mccainbros.com

[Quoted text hidden]



Cindy Owens <cowens@mccainbros.com>

LFUCG Dogwood Park Storm - Bid Due 6/13/24

3 messages

Cindy Owens <cowens@mccainbros.com>
To: Ed Mayfield <emayfield@smprecast.com>
Cc: Matt McNicholas <mmcnicholas@smprecast.com>

Thu, May 30, 2024 at 1:27 PM

Ed,

Attached are the plans and specs.
Let me know soon if you can or can't precast the Headwall.

If possible, please have a quote back by 6/13.

Thank you,

*Precast Supplier
Quote higher
than other suppliers*





Cindy Owens
Estimator

859-300-3615
859-583-2729
PO Box 208
Springfield, KY 40069

mccainbros.com

2 attachments

 23337 - Dogwood Park 2024-05-08.pdf
10155K

 Dogwood Park Contract Documents and Specifications 15 May 2024.pdf
5697K

Matt McNicholas <mmcnicholas@smprecast.com>
To: Cindy Owens <cowens@mccainbros.com>, Ed Mayfield <emayfield@smprecast.com>

Mon, Jun 10, 2024 at 11:18 AM

Hey Cindy – plz see attached.

Thanks,

Matt McNicholas

Estimating / Engineering Mgr

812.246.6258 | Office

812.294.4862 | Fax

mmcnicholas@smprecast.com

Plant | Shipping Billing
16700 Sima Gray Road 7515 Old Highway 111
Henryville, IN 47126 Memphis, IN 47143



"NPCA" & "WBE" CERTIFIED PLANT

This message and any attachment are confidential and may be privileged or otherwise protected from disclosure. If you are not the intended recipient, please telephone or email the sender and delete this message and any attachment from your system. If you are not the intended recipient you must not copy this message or attachment or disclose the contents to any other person.

From: Cindy Owens <cowens@mccainbros.com>
Sent: Thursday, May 30, 2024 1:28 PM
To: Ed Mayfield <emayfield@smprecast.com>
Cc: Matt McNicholas <mmcnicholas@smprecast.com>
Subject: LFUCG Dogwood Park Storm - Bid Due 6/13/24

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Ed,

Attached are the plans and specs.

Let me know soon if you can or can't precast the Headwall.

If possible, please have a quote back by 6/13.

Thank you,

Cindy Owens
Estimator

859-300-3615
859-583-2729



10. EQUAL OPPORTUNITY AGREEMENT

Standard Title VI Assurance

The Lexington Fayette-Urban County Government, (hereinafter referred to as the "Recipient") hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78Stat.252, 42 U.S.C. 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, (49 CFR, Part 21) Nondiscrimination in Federally Assisted Program of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, sex, age (over 40), religion, sexual orientation, gender identity, veteran status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the U.S. Department of Transportation, including the Federal Highway Administration, and hereby gives assurance that will promptly take any necessary measures to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations.

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

McCain Bros Excavating, LLC

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, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, disability, age, genetic information, political affiliation, or veteran status, 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 contract will post notices in conspicuous places, available to employees and applicants for employment, setting forth the provisions of the non-discrimination clauses required by this section; and*
- (4) *The contractor will send a notice to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding advising the*

labor union or workers' representative of the contractor's commitments under the nondiscrimination clauses.

The Act further provides:

KRS 45.610. Hiring minorities – Information required

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

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

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

KRS 45.630 Termination of existing employee not required, when

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

KRS 45.640 Minimum skills

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

It is recommended that all of the provisions quoted above to be included as special conditions in each contract. In the case of a contract exceeding \$250,000, the contractor is required to furnish evidence that his work-force in Kentucky is representative of the available work-force in the area from which he draws employees, or to supply an Affirmative Action plan which will achieve such representation during the life of the contract.

12. **WORKFORCE ANALYSIS FORM**

Name of Organization: McCain Bros Excavating, LLC

Categories	Total	White (Not Hispanic or Latino)		Hispanic or Latino		Black or African-American (Not Hispanic or Latino)		Native Hawaiian and Other Pacific Islander (Not Hispanic or Latino)		Asian (Not Hispanic or Latino)		American Indian or Alaskan Native (not Hispanic or Latino)		Two or more races (Not Hispanic or Latino)		Total	
		M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Administrators	4	1	3													1	3
Professionals	0																
Superintendents	1	1														1	
Supervisors	1	1														1	
Foremen	5	3		2												5	
Technicians	0																
Protective Service	0																
Para-Professionals	0																
Office/Clerical	1	1														1	1
Skilled Craft	18	15		3												18	
Service/Maintenance	2	2														2	
Total:	32	24	3	5												29	4

Prepared by: Amber Medley - Office Mgr
 (Name and Title)

Date: 06 / 14 / 2024
 Revised 2015-Dec-15

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</u>	<u>DBE</u> <u>Work</u>	<u>% of EACH MAJOR ITEM</u>
APM Paving	N/A	Item 12 ~95%
Tobacco Rose	DBE	Item 13 ~13%
Bob Ray	N/A	Item 2 ~95%
Bob Ray	N/A	Item 3 ~95%

LIST OF MATERIALS/ SUPPLIERS

Bidders are hereby advised that this list must be complete and submitted with the Bid.

Listing "as per plans and specifications", will not be considered as sufficient identification. Where more than one "Make or Brand" is listed for any one item, the Owner has the right to select the one to be used.

Item	Brand Name, Manufacturer and/or Supplier
Item 7	ICast
Item 8	ICast
Item 9	ICast
Item 10	Vulcan

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: McCain Bros. Excavating, LLC

2. Permanent Place of Business: 591 Co Op Loop, Springfield, KY 40069

3. When Organized: Sept 2013

4. Where Incorporated: KY

5. Construction Plant and Equipment Available for this Project:

Please see attached equipment list

(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:

Nationwide Mutual Insurance Company (Surety)

Signed: Melissa Prapost (Representative of Surety)

Description	Manufacturer	Model	Model year	Value
Dozer	Caterpillar	D6R III	2011	92000
Hydraulic Excav	Caterpillar	324EL	2013	92000
Hydraulic Excav	Caterpillar	313FL	2017	92000
Hydraulic Excav	Caterpillar	324EL	2014	92000
Skid Steer	Caterpillar	259D	2019	34500
Excavator	Caterpillar	302.4	2013	17250
Skid Steer	Caterpillar	259D3	2019	34500
Dozer	Caterpillar	D6K 2XL	2019	161000
Skid Steer	Caterpillar	259D3	2019	34500
Compactor	Dynapac	CA2500	2015	57500
Tile Plow	Hydramaxx	3320	2019	632500
54" Smooth Drum	Ingersoll Rand	SD45	2008	17250
Street Sweeper	Lay-Mor	8HC	2015	17250
Excavator	Link-Belt	80X3	2018	69000
Dozer	Caterpillar	D5K2	2018	115000
Cab Kit - Rover	Trimble	T7 SPS 985 Rover/Cab Kit		23000
Excavator	Caterpillar	336FL	2018	230000
Trencher / Boring	Hydramaxx	2600	2012	316250
Excavator	Caterpillar	315CL	2004	34500
Excavator	Caterpillar	313FL	2017	103500
Compact Track L	Caterpillar	289D3	2021	86250
Compact Track L	Caterpillar	289D3	2022	86250
Tile Plow	Hydramaxx	3300	2011	287500
Compact Track L	Caterpillar	259D3	2022	74750
Excavator	Caterpillar	326	2023	284000
Compact Track L	Caterpillar	259D3	2024	78315
Dozer	Caterpillar	D8T	2018	115000

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>
Boyle Co High School Softball	Danville, KY	\$299,694.00
Caliber Collision	Shelbyville, KY	\$284,000.00
Fifteen51	Lexington, KY	\$202,593.00
Jaggers	Louisville, KY	\$128,998.00
Thoroughbred Distillery	Lebanon, KY	\$1,844,903.00

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

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
LGE/KU Limekiln	Louisville, KY	\$1,248,892.00
Augusta Distillery	Maysville, KY	\$1,696,515.31
Divine Woods	Elizabethtown, KY	\$109,630.00
Parkway Ind Dev	Lawrenceburg, KY	\$321,045.00
Capstone	Springfield, KY	\$957,827.78

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>
Terrence McCain	President	10.5
Cindy Owens	Project Estimator	5
Brice Kilgore	Project Manager	1
Charlie Metcalfe	Superintendent	5

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>
N/A			

(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:

McCain Bros Excavating, LLC
(Name of Contracting Firm)

BY: 

TITLE: President

DATE 6/17/24

9. STATEMENT OF EXPERIENCE

Please see attached resumes of individuals

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

NAME OF INDIVIDUAL: _____

POSITION/TITLE: _____

STATEMENT OF EXPERIENCE: _____

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.)



Terrence P. McCain
PO Box 208
Springfield, KY 40069
(859) 940-6431
tmccain@mccainbros.com

OBJECTIVE:

To obtain approval and a Certificate of Eligibility from the Kentucky Transportation Cabinet Department of Highways Division of Construction Procurement by exhibiting my experience in construction and my background in production-agriculture.

EDUCATION:

University of Kentucky
B.S. in Agriculture, December 2009
Major: Agricultural Economics
Minor: Business

Recent Notable projects:

Bulleit Distillery - Shelbyville, KY
Augusta Distillery - Augusta, KY
Bullitt County Library - Shepherdsville, KY
Manchester Tank - Campbellsville, KY
Fifteen51 - Lexington, KY
Franklin County Humane Society - Frankfort, KY
Tractor Supply - Stanford, KY

EXPERIENCE:

President: Business Management

McCain Bros. Excavating, LLC., Springfield, KY (Sept 2013-Present)
Responsibilities: Overseeing the project management of projects regarding Grade/Drain, Underground Utilities, Storm Sewer Installation, Sanitary Sewer Installation, Waterline Installation, Concrete, Storm Drainage. Incidental Work includes,

but is not limited to, Clearing/Grubbing, Dredging, Residential site work, Field Drainage and Land Improvement Projects, Demolition, Hydraulic Embankment Construction, Seeding and Strawing, Culvert Installation. Also managing the business's department of agricultural tile installation with various projects located in as many as 11 states.

Operations Supervisor

Homestead Family Farms, GP., New Haven, KY (2006-Sept 2013)

Responsibilities: Primary Focus: Operating and managing field tile drainage installation and maintenance. Secondary Focus: Management of and operating to ensure that the annual soybean and wheat crops are planted in a timely and efficient manner.



Cindy Owens
PO Box 208
Springfield, KY 40069
(859) 583-2729
cowens@mccainbros.com

OBJECTIVE:

To obtain approval and a Certificate of Eligibility from the Kentucky Transportation Cabinet Department of Highways Division of Construction Procurement by exhibiting my experience in civil construction work

Certifications:

KYTC (Grading I & II, KEPSC, Structures, Troxler Nuclear, Asphalt, Aggregate, ACI and Engineer Assistant & Technician) Graduate of Minority & Women in Construction-Gatton College of Business

Recent Notable projects:

Bulleit Distillery - Shelbyville, KY
Augusta Distillery - Augusta, KY
Bullitt County Library - Shepherdsville, KY
Manchester Tank - Campbellsville, KY
Fifteen51 - Lexington, KY
Franklin County Humane Society - Frankfort, KY
Tractor Supply - Stanford, KY

Experience:

Estimator/Project Manager

McCain Bros. Excavating, LLC., Springfield, KY (May 2018 - Present)

Responsibilities: Estimating and overseeing the project management of projects regarding the principal work of Grade/Drain, Underground Utilities, Storm Sewer Installation, Sanitary Sewer Installation, Waterline Installation, and Storm Drainage. Incidental Work includes, but is not limited to, Clearing/Grubbing, Dredging, Demolition, Hydraulic Embankment Construction, Seeding and Strawing.

Construction Contract Administration

RJ Corman RailRoad, Nicholasville, KY (March 2014-May 2018)

Responsibilities: Administer Contract specifications to daily productions reports, tracking sheets and invoicing. Create project specific daily production reports based on Contractors and Client's requests. Seek answers through the Contract Update Daily Production Reports for Field Personnel and tracking sheets to reflect any changes.

Project Representative/Construction Management/Inspection

CIC Services - Self Employed, Danville, KY (October 2005 to March 2014)

Responsibilities: The "Eyes and Ears" of Owners and Civil Engineers. As a Resident Project Representative on construction projects - ensure contractor's compliance with specifications, drawings, and contracts. Provide engineering support, construction management, interpretations and inspections. Verify, monitor and review compliance, production quantity and quality, estimating, change orders, project controls and impact on traffic, local public, and neighboring properties. Related business operations, payroll, taxes, insurance, permits, accounting, advertising, procurement and equipment maintenance.

Foreman

Haydon Brothers Contracting, Inc., Springfield, KY (April 2004 to October 2005)

Responsibilities: Supervised, instructed, scheduled and co-coordinated heavy equipment and crews on a variety of large and small scale Federal and Kentucky Transportation Highway and Bridge Projects. Experience includes grade and drain, aggregate and asphalt lay down, concrete, pipe and related incidentals and operations to each. Experience in the local governments and private sector work areas including streets and roads, commercial/industrial building sites, subdivision, and capital improvement projects. Related paperwork: record/time keeping, production/materials, safety meetings, reading/understanding/implementating drawings and specifications.

Compliance Administrator

Danville/Boyle County Planning and Zoning, Danville, KY (April 2003 to April 2004)

Responsibilities: Enforcement of Planning and Zoning Regulations. Work experience includes research and writing permits, verifying and documenting compliance, filing, investigating complaints, and attending public forums.

Foreman

The Allen Company, Inc., Lexington, KY (August 1986 to April 2003)

Responsibilities: Supervised, instructed, scheduled and-coordinated heavy equipment and crews on a variety of large and small scale Federal and Kentucky Transportation Highway and Bridge Projects. Experience includes grade and drain, aggregate and asphalt lay down, concrete, pipe and related incidentals and operations to each. Experience in the local governments and private sector work areas including streets and roads, commercial/industrial building sites, subdivision, and capital improvement projects.



Charlie Metcalfe
PO Box 208
(502) 331-3664
cmetcalfe@mccainbros.com

OBJECTIVE:

To obtain approval and a Certificate of Eligibility from the Kentucky Transportation Cabinet Department of Highways Division of Construction Procurement by exhibiting my experience in construction and my background in production-agriculture.

Recent Notable projects:

Bulleit Distillery - Shelbyville, KY
Augusta Distillery - Augusta, KY
Bullitt County Library - Shepherdsville, KY
Manchester Tank - Campbellsville, KY
Fifteen51 - Lexington, KY
Franklin County Humane Society - Frankfort, KY
Tractor Supply - Stanford, KY

Experience:

Commercial Superintendent

McCain Bros. Excavating, LLC., Springfield, KY (Oct. 2018-Present)
Overseeing the project management of projects regarding Grade/Drain, Underground Utilities, Storm Sewer Installation, Sanitary Sewer Installation, Waterline Installation, Concrete, Storm Drainage. Incidental Work includes, but is not limited to, Clearing/Grubbing, Dredging, Residential site work, Field Drainage and Land Improvement Projects, Demolition, Hydraulic Embankment Construction, Seeding and Strawing, Culvert Installation.



Brice Kilgore
PO Box 208
Springfield, KY 40069
(859) 300-3614
bkilgore@mccainbros.com

OBJECTIVE:

To obtain approval and a Certificate of Eligibility from the Kentucky Transportation Cabinet Department of Highways Division of Construction Procurement by exhibiting my experience in construction and my background in production-agriculture.

EDUCATION:

Northern KY University
B.S. Construction Management, December 2012
Major: Construction Management
Minor: Construction Technology of Applied Science

Notable projects: *(Estimating and Project Managing on all of the following)*

Distillery and Warehouse Construction - Various Locations
I-moves Project - Louisville, KY
Gene Snyder Freeway - Louisville, KY
Western Ky Parkway - Hopkinsville, KY
Hurstbourne Parkway - Louisville, KY
Parklands of Floyds Fork - Louisville, KY
North Wilson Road - Radcliff, KY
I64 - Shelbyville, KY

Experience:

Vice President of Commercial Operations/Project Manager

McCain Bros. Excavating, LLC., Springfield, KY (June 2023-Present)

Overseeing the project management of projects regarding Grade/Drain, Underground Utilities, Storm Sewer Installation, Sanitary Sewer Installation, Waterline Installation, Concrete, Storm Drainage. Incidental Work includes, but is not limited to,

Clearing/Grubbing, Dredging, Residential site work, Field Drainage and Land Improvement Projects, Demolition, Hydraulic Embankment Construction, Seeding and Strawing, Culvert Installation.

Estimator/Project Manager

Filcon Construction, Bardstown, KY (2013 - June 2023)

Primary Focus: Operating and managing site and civil construction in both the commercial, residential and heavy highway sector. These projects regard any of the following: Grade/Drain, Underground Utilities, Storm Sewer Installation, Sanitary Sewer Installation, Waterline Installation, Concrete, Storm Drainage. Incidental Work includes, but is not limited to, Clearing/Grubbing, Dredging, Residential site work, Field Drainage and Land Improvement Projects, Demolition, Hydraulic Embankment Construction, Seeding and Strawing, Culvert Installation. This involved helping incorporate modern construction means and methods into standard practices.(Ie: GPS and grade control) Secondary Focus: Management of operations working with subcontractors and suppliers to ensure that projects are completed and constructed per plans and specifications to scope in a timely and efficient manner.

15. 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: McCain Bros Excavating, LLC

Project: LFUCG Dogwood Park

Printed Name and Title of Authorized Representative: Terrence McCain - President

Signature: 

Date: 6/17/24

END OF SECTION