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# Bid Bond

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KNOW ALL MEN BY THESE PRESENTS, that we

**L-M Asphalt Partners, Ltd. dba ATS Construction**

as Principal, hereinafter call the Principal, and

**Hartford Fire Insurance Company**

A corporation duly organized under laws of the State of Connecticut  
As Surety, hereinafter called the Surety, are held and firmly bound unto

**Lexington-Fayette Urban County Government**  
**Division of Central Purchasing**

as Obligee, hereinafter called the Obligee, in the sum of

**Five Percent of the Amount Bid**

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

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents,

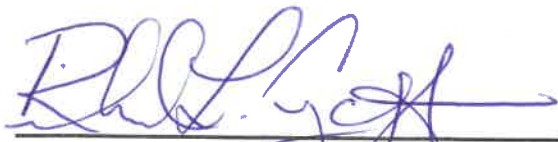
WHEREAS, the Principal has Submitted a bid for


**Invitation to Bid #35-2019, Polo Club Boulevard Public Improvement Project, SVP 7-8507,  
STP 3003 (312)-Lexington, KY**

NOW, THEREFORE, if the Obligee shall accept the bid of Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this

**17th** day of **May, 2019**

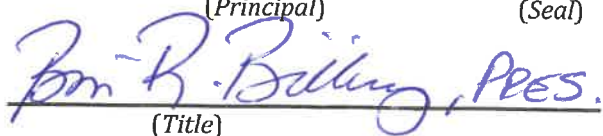
  
\_\_\_\_\_  
(witness)  
**Richard L. Craycraft**

  
\_\_\_\_\_  
(witness)

**L-M Asphalt Partners, Ltd. dba ATS Construction**

(Principal)

(Seal)

  
\_\_\_\_\_  
(Title)

**Brian R. Billings, President**

**Hartford Fire Insurance Company**

(Surety)

(Seal)

  
\_\_\_\_\_  
Kim Watson (Title) Attorney-In-Fact

# POWER OF ATTORNEY

Direct Inquiries/Claims to:

**THE HARTFORD**  
 BOND, T-12  
 One Hartford Plaza  
 Hartford, Connecticut 06155  
[bond.claims@thehartford.com](mailto:bond.claims@thehartford.com)

call: 888-266-3488 or fax: 860-757-5835

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Name: **GCH INSURANCE GROUP**  
 Agency Code: **14-732421**

- Hartford Fire Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company**, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois**, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest**, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast**, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of unlimited:**

*Tina Carpenter, Betty Royalty, Jerry Catlett, Mary Crouch, Russell Griffith, John W. Hampton, David Henry, Kim Watson*  
 of  
 Lexington, KY

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

**In Witness Whereof**, and as authorized by a Resolution of the Board of Directors of the Companies on May 6, 2015 the Companies have caused these presents to be signed by its Senior Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



*John Gray*

John Gray, Assistant Secretary

*M. Ross Fisher*

M. Ross Fisher, Senior Vice President

STATE OF CONNECTICUT }  
 COUNTY OF HARTFORD } SS.

On this 5<sup>th</sup> day of January 2018, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Senior Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



*Katherine T. Maynard*

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of May 17, 2019.

Signed and sealed at the City of Hartford.



*Kevin Heckman*

Kevin Heckman, Assistant Vice President

MAYOR LINDA GORTON



**LEXINGTON**

TODD SLATIN  
DIRECTOR  
CENTRAL PURCHASING

**ADDENDUM #3**

Bid Number: #35-2019

Date: May 14, 2019

Subject: Polo Club Boulevard Public Improvement Project

Address inquiries to:  
Sondra Stone  
859.258.3320

**TO ALL PROSPECTIVE SUBMITTERS:**

**Please be advised of the following clarification ONLY to the above referenced Bid:**

The street light pole bases will be installed by KU. The contractor is only responsible for installing the conduit leading up to the bases.



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: L-M Asphalt Partners, Ltd. dba ATS Construction

ADDRESS: 3009 Atkinson Avenue, Suite 400, Lexington, Kentucky 40509

SIGNATURE OF BIDDER: Brian R. Billings, PRES.  
Brian R, Billings, President





3009 Atkinson Avenue  
Suite 400  
Lexington, Kentucky 40509

MAYOR LINDA GORTON



**LEXINGTON**

TODD SLATIN  
DIRECTOR  
CENTRAL PURCHASING

**ADDENDUM #2**

Bid Number: 35-2019

Date: May 10, 2019

Subject: Polo Club Boulevard Public Improvement Project

Please address inquiries to:  
Sondra Stone, Buyer Senior  
859.258.3320

**TO ALL PROSPECTIVE BIDDERS:**

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

Questions	Answers
Can we use HDPE corrugated plastic pipe or polypropylene corrugated plastic pipe on this project?	HDPE is acceptable for round pipe. See attached Specification Sections 25, 25A, 26, and 26A.
Can we have cad files to compute earthwork?	No. The cross sections are adequate for preparing an estimate for earthwork.

**SPECIFICATIONS**

a. PART III – FORM OF PROPOSAL

Added allowance.  
Revised item descriptions.

b. SECTION D - ALLOWANCES

Added this new section.

c. SECTION E – QUALITY CONTROL SERVICES

Added this new section.





d. SECTION 25, STORM SEWER PIPE

Corrected title to include "RCP".

e. SECTION 25A, HDPE STORM SEWER PIPE  
SECTION 26A, CCTV HDPE PIPE INSPECTION

Added these new sections.

f. SECTION 26, INTERNAL INSPECTION OF STORM SEWER PIPE: CCTV

26.4 deleted "...if the conduit is not properly cleaned upon inspection"

26.4 deleted "Manual winches, power winches, TV cable and power rewinds or other devices that do not obstruct the camera view or interfere with proper documentation of the sewer conditions may be used to move the camera through the sewer line."

26.5 deleted "...and with each Contractor the logs and recordings must start at number 1 and progress upward till the end of this contract"

**Attachments:**

- Specification Section – Part III – Form of Proposal
- Specification Section D – Allowances
- Specification Section E – Quality Control Services
- Specification Section 25, 25A, 26, 26A

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: L-M Asphalt Partners, Ltd. dba ATS Construction

ADDRESS: 3009 Atkinson Avenue, Suite 400, Lexington, Kentucky 40509

SIGNATURE OF BIDDER: Brian R. Billings, Pres.

**Brian R. Billings, President**





3009 Atkinson Avenue  
Suite 400  
Lexington, Kentucky 40509

MAYOR LINDA GORTON



**LEXINGTON**

TODD SLATIN  
DIRECTOR  
CENTRAL PURCHASING

**ADDENDUM #1**

Bid Number: #35-2019

Date: May 9, 2019

Subject: Polo Club Boulevard Public Improvement Project

Address inquiries to:  
Sondra Stone  
859.258.3320

**TO ALL PROSPECTIVE SUBMITTERS:**

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

1. Bid opening is extended to May 17, 2019, 2:00 pm. Addendum #2 is expected to be posted May 10, 2019.
2. Pre-bid sign-in sheet is attached.

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: L-M Asphalt Partners, Ltd. dba ATS Construction

ADDRESS: 3009 Atkinson Avenue, Suite 400, Lexington, Kentucky 40509

SIGNATURE OF BIDDER:

Brian R. Billings, President



**PART III**  
**FORM OF PROPOSAL**

**INDEX**

1. FORM OF PROPOSAL
2. LEGAL STATUS OF BIDDER
3. BIDDERS AFFIDAVIT
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5. STATEMENT OF BIDDER'S QUALIFICATIONS
6. LIST OF PROPOSED SUBCONTRACTORS
7. LIST OF MATERIALS/SUPPLIERS
8. DBE SUB-CONTRACTOR BIDDERS LIST
9. CERTIFICATION FOR FEDERAL-AID CONTRACTS
10. CERTIFICATION OF PERFORMANCE
11. CERTIFICATION OF ORGANIZATION(S)
12. CERTIFICATION OF BID PROPOSAL / DBE
13. KENTUCKY TRANSPORTATION CABINET–DISADVANTAGED BUSINESS  
ENTERPRISE PROVISIONS
14. NON-COLLUSION CERTIFICATION
15. STATEMENT OF EXPERIENCE
16. EQUAL OPPORTUNITY AGREEMENT
17. EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE  
ACTION POLICY
18. WORKFORCE ANALYSIS FORM
19. EVIDENCE OF INSURABILITY
20. DEBARRED FIRMS



3009 Atkinson Avenue  
Suite 400  
Lexington, Kentucky 40509

21. DEBARMENT CERTIFICATION
22. PROVISIONS RELATIVE TO SENATE BILL 258 (1994)
23. EXECUTIVE BRANCH CODE OF ETHICS
24. EXAMPLE KENTUCKY CERTIFICATE OF ELIGIBILITY



**PART III**

**Invitation to Bid No. 35-2019**

**Polo Club Boulevard Public Improvement Project**

**1. FORM OF PROPOSAL**

Place: Lexington, Kentucky

Date: May 17, 2019

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

This Proposal Submitted by L-M Asphalt Partners, Ltd. dba ATS Construction  
3009 Atkinson Avenue, Suite 400, Lexington, Kentucky 40509  
(Name and Address of Bidding Contractor)

(Hereinafter called "Bidder"), organized and existing under the laws of the State of Kentucky, doing business as " A Partnership "  
"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 **Polo Club Boulevard Public Improvement Project** 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. 1 Date May 9, 2019  
Addendum No. 2 Date May 10, 2019  
Addendum No. 3 Date May 14, 2019



3. **ANNUAL AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS**

Affidavit Effective Date: January 1, 2019  
Affidavit Expiration Date: December 31, 2019  
Maximum Length **One-Year**

**REQUIRED AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS**

PAGE 1 OF 2

**FOR BIDS AND CONTRACTS IN GENERAL:**

- I. Each bidder or offeror swears and affirms under penalty of perjury, that to the best of their knowledge:
- a. In accordance with KRS 45A.110 and KRS 45A.115, neither the bidder or offeror as defined in KRS 45A.070(6), nor the entity which he/she represents, has knowingly violated any provisions of the campaign finance laws of the Commonwealth of Kentucky; and the award of a contract to the bidder or offeror or the entity which he/she represents will not violate any provisions of the campaign finance laws of the Commonwealth.
  - b. The bidder or offeror swears and affirms under penalty of perjury that, to the extent required by Kentucky law, the entity bidding, and all subcontractors therein, are aware of the requirements and penalties outlined in KRS 45A.485; have properly disclosed all information required by this statute; and will continue to comply with such requirements for the duration of any contract awarded.
  - c. The bidder or offeror swears and affirms under penalty of perjury that, to the extent required by Kentucky law, the entity bidding, and its affiliates, are duly registered with the Kentucky Department of Revenue to collect and remit the sales and use tax imposed by KRS Chapter 139, and will remain registered for the duration of any contract awarded.
  - d. The bidder or offeror swears and affirms under penalty of perjury that the entity bidding is not delinquent on any state taxes or fees owed to the Commonwealth of Kentucky and will remain in good standing for the duration of any contract awarded.
  - e. The bidder or offeror swears and affirms under penalty of perjury that the entity bidding, is not currently engaged in, and will not for the duration of the contract engage in, the boycott of a person or an entity based in or doing business with a jurisdiction with which Kentucky can enjoy open trade, as defined in Executive Order No. 2018-905.
  - f. The bidder or offeror swears and affirms that the entity bidding, and all subcontractors therein, have not violated any of the prohibitions set forth in KRS 11A.236 during the previous ten (10) years, and further pledge to abide by the restrictions set forth in such statute for the duration of the contract awarded.

**FOR "NON-BID" CONTRACTS (I.E. SOLE-SOURCE; NOT-PRACTICAL OR FEASIBLE TO BID; OR EMERGENCY CONTRACTS, ETC):**

- II. Each contractor further swears and affirms under penalty of perjury, that to the best of their knowledge:
- a. In accordance with KRS 121.056, and if this is a non-bid contract, neither the contractor, nor any member of his/her immediate family having an interest of 10% or more in any business entity involved in the performance of any contract awarded, have contributed more than the amount specified in KRS 121.150 to the campaign of the gubernatorial slate elected in the election last preceding the date of contract award.
  - b. In accordance with KRS 121.330(1) and (2), and if this is a non-bid contract, neither the contractor, nor officers or employees of the contractor or any entity affiliated with the contractor, nor the spouses of officers or employees of the contractor or any entity affiliated with the contractor, have knowingly contributed more than \$5,000 in aggregate to the campaign of a candidate elected in the election last preceding the date of contract award that has jurisdiction over this contract award.

**ANNUAL AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS**

**REQUIRED AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS**

**PAGE 2 OF 2**

c. In accordance with KRS 121.330(3) and (4), and if this is a non-bid contract, to the best of his/her knowledge, neither the contractor, nor any member of his/her immediate family, his/her employer, or his/her employees, or any entity affiliated with any of these entities or individuals, have directly solicited contributions in excess of \$30,000 in the aggregate for the campaign of a candidate elected in the election last preceding the date of contract award that has jurisdiction over this contract.

As a duly authorized representative for the bidder, offeror, or contractor, I have fully informed myself regarding the accuracy of all statements made in this affidavit, and acknowledge that the Commonwealth is reasonably relying upon these statements, in making a decision for contract award and any failure to accurately disclose such information may result in contract termination, repayment of funds and other available remedies under law. If the bidder, offeror, or contractor becomes non-compliant with any statements during the affidavit effective period, I will notify the Finance and Administration Cabinet, Office of Procurement Services immediately. I understand that the Commonwealth retains the right to request an updated affidavit at any time.

Brian R. Billings, PRES.  
Signature

Brian R. Billings  
Printed Name

President  
Title

May 17, 2019  
Date

Company Name

L-M Asphalt Partners, Ltd. dba ATS Construction

3009 Atkinson Avenue, Suite 400

Lexington, Kentucky 40509

Commonwealth of Kentucky Vendor Code (if known) \_\_\_\_\_

Subscribed and sworn to before me by

Brian R. Billings

President

(Affiant)

Title

of L-M Asphalt Partners, Ltd.

dba ATS Construction

this 17th.

day of May,

of 20 19.

Notary Public  
[seal of notary]

Richard L. Craycraft



April 22, 2020



3009 Atkinson Avenue  
Suite 400  
Lexington, Kentucky 40509

#### 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 lump sum based bid, the item total is the bid amount the Division uses for bid comparison.

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.

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

The estimated quantities of items of unit price work are not guaranteed and are solely for the purpose of comparison of bids and determining an initial Contract price. Determination of the actual quantities and classification of unit price work performed by the Contractor will be made by the Engineer in accordance with the General Conditions.

#### Payment:

Accepted quantities for Work shall be paid for at their respective Contract "Unit Price" as quoted (which shall be for all Work required under this Section) and paid per "Unit To Bid On" of specified "Description" satisfactorily placed. All labor, materials, equipment, and excavation shall be incidental to the Work.

**DO NOT ROUND OR USE FORMAT NUMBER TO ROUND OR TRUNCATE VALUES**

Polo Club Boulevard Public Improvement Project

LFUCG Bid No.: 35-2019

Contractor: L-M Asphalt Partners, Ltd. dba ATS Construction

KYTC Project No.: 07-8507

Item	Quantity	Unit To Bid On	Description	Unit Price	Total Amount Bid
1	1	LP Sum	Maintenance of Traffic	\$ 80,000.00	\$ 80,000.00
2	1	LP Sum	Mobilization ( $\leq 5\%$ )	\$ 125,000.00	\$ 125,000.00
3	1	LP Sum	Demobilization ( $\geq 1.5\%$ )	\$ 50,000.00	\$ 50,000.00
4	1	LP Sum	Construction Staking	\$ 25,000.00	\$ 25,000.00
5	1	LP Sum	Clearing and Grubbing	\$ 65,000.00	\$ 65,000.00
6	22,836	CY	Earthwork (Plan Quantity)	\$ 18.75	\$ 428,175.00
7	6,806	TN	Dense Graded Aggregate	\$ 28.90	\$ 196,693.40
8	295	TN	Traffic Bound Base Crushed Stone	\$ 43.00	\$ 12,685.00
9	598	TN	No. 2 Crushed Stone	\$ 38.00	\$ 22,724.00
10	2,316	SY	Sidewalk-4 1/2 inch Concrete	\$ 43.00	\$ 99,588.00
11	199	SY	Concrete Entrance Pavement – 6 inch	\$ 70.00	\$ 13,930.00

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**Polo Club Boulevard Public Improvement Project**

**LFUCG Bid No.: 35-2019**

**Contractor: L-M Asphalt Partners, Ltd. dba ATS Construction**

**KYTC Project No.: 07-8507**

Item	Quantity	Unit To Bid On	Description	Unit Price	Total Amount Bid
12	5,293	LF	Curb and Gutter (LFUCG – Modified Type 1)	\$ 20.00	\$ 105,860.00
13	17	TN	Asphalt Pavement Milling	\$ 245.00	\$ 4,165.00
14	5,726	TN	Class 3 Asphalt Base 1.50D PG64-22	\$ 67.20	\$ 384,787.20
15	633	TN	Class 3 Asphalt Surface 0.38B PG64-22	\$ 88.65	\$ 56,115.45
16	23	GAL	Asphalt Material for Tack Coat	\$ 24.05	\$ 553.15
17	4	EA	Curb Box Inlet – Type A (LFUCG)	\$ 4,600.00	\$ 18,400.00
18	4	EA	Curb Box Inlet – Type A (KDOH)	\$ 5,400.00	\$ 21,600.00
19	5	EA	Curb Box Inlet – Type B (LFUCG) Including Top Phase	\$ 5,200.00	\$ 26,000.00
20	1	EA	Curb Box Inlet – Top Phase Only (LFUCG)	\$ 2,800.00	\$ 2,800.00
21	1	EA	Drop Box Inlet – Type 7 (KDOH)	\$ 7,000.00	\$ 7,000.00
22	4	EA	Drop Box Inlet– Type 14 (KDOH)	\$ 2,400.00	\$ 9,600.00

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**Polo Club Boulevard Public Improvement Project**

**LFUCG Bid No.: 35-2019**

**Contractor: L-M Asphalt Partners, Ltd. dba ATS Construction**

**KYTC Project No.: 07-8507**

Item	Quantity	Unit To Bid On	Description	Unit Price	Total Amount Bid
23	1	EA	Drop Box Inlet – Type 15 (KDOH)	\$ 3,700.00	\$ 3,700.00
24	1	EA	Storm Sewer Manhole – Type “A” – 4’ Dia. (LFUCG)	\$ 3,500.00	\$ 3,500.00
25	1	EA	Storm Sewer Manhole – Type “A” – 5’ Dia. (LFUCG)	\$ 4,100.00	\$ 4,100.00
26	4	EA	Adjust Sanitary Sewer Manhole Frame to Grade	\$ 1,521.73	\$ 6,086.92
27	670	LF	Storm Sewer Pipe – 15-inch	\$ 99.00	\$ 66,330.00
28	564	LF	Storm Sewer Pipe – 24-inch	\$ 209.00	\$ 117,876.00
29	112	LF	Storm Sewer Pipe – 30-inch	\$ 123.00	\$ 13,776.00
30	207	LF	Storm Sewer Pipe – 48-inch	\$ 255.00	\$ 52,785.00
31	80	LF	RCEP Storm Sewer Pipe – 42-inch Equivalent	\$ 307.00	\$ 24,560.00
32	1,633	LF	Internal Inspection of Storm Sewer Pipe CCTV	\$ 4.60	\$ 7,511.80
33	1	EA	Pipe Culvert Headwall – 24-inch (LFUCG)	\$ 1,900.00	\$ 1,900.00



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Polo Club Boulevard Public Improvement Project

LFUCG Bid No.: 35-2019

Contractor: L-M Asphalt Partners, Ltd. dba ATS Construction

KYTC Project No.: 07-8507

Item	Quantity	Unit To Bid On	Description	Unit Price	Total Amount Bid
34	1	EA	Pipe Culvert Headwall – 42-inch Equivalent	\$ 4,200.00	\$ 4,200.00
35	82	TN	Channel Lining Class II	\$ 36.00	\$ 2,952.00
36	420	TN	Cyclopean Stone Rip Rap	\$ 33.50	\$ 14,070.00
37	7,264	SY	Sodding	\$ 5.75	\$ 41,768.00
38	5,040	LF	Perforated Pipe Edge Drain – 6-inch	\$ 14.30	\$ 72,072.00
39	1	LP Sum	Erosion and Sediment Control	\$ 129,000.00	\$ 129,000.00
41	27,202	SY	Geotextile Type IV (KDOH)	\$ 1.46	\$ 39,714.92
41	157	SY	Turf Reinforcement Mat 1 (KDOH)	\$ 8.00	\$ 1,256.00
42	1	LP Sum	Reinforced Concrete Box Culvert Sta. 514+57	\$ 397,900.00	\$ 397,900.00
43	72	SF	Detectable Surface Warning Tile	\$ 25.00	\$ 1,800.00
44	2,904	LF	Electrical Conduit for Lighting	\$ 7.07	\$ 20,531.28

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Polo Club Boulevard Public Improvement Project

LFUCG Bid No.: 35-2019

Contractor: L-M Asphalt Partners, Ltd. dba ATS Construction

KYTC Project No.: 07-8507

Item	Quantity	Unit To Bid On	Description	Unit Price	Total Amount Bid
45	11,306	SY	Geogrid Reinforcement TENSAR TX140 or equivalent	\$ 2.53	\$ 28,604.18
46	150	LF	Steel Encasement Pipe – 20-inch	\$ 205.25	\$ 30,787.50
47	18	EA	Inlaid Pavement Marker Type V-MW (KDOH)	\$ 50.00	\$ 900.00
48	22,196	LF	Pavement Marking Striping – Permanent Paint 4-in White or Yellow	\$ 0.35	\$ 7,768.60
49	249	LF	Pavement Marking – Thermo X-Walk 12-inch	\$ 5.50	\$ 1,369.50
50	54	LF	Pavement Marking – Thermo Stop Bar 24-inch	\$ 8.00	\$ 432.00
51	14	EA	Pavement Marking – Thermo Curve Arrow	\$ 85.00	\$ 1,190.00
52	4	EA	Pavement Marking – Thermo Comb Arrow	\$ 105.00	\$ 420.00
53	9	EA	Pavement Marking – Thermo Bike Lane Arrow	\$ 140.00	\$ 1,260.00
54	9	EA	Pavement Marking – Thermo Helmeted Bicycle	\$ 265.00	\$ 2,385.00
55	749	SF	Pavement Marking – Thermo Chevron Markings	\$ 5.50	\$ 4,119.50

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Polo Club Boulevard Public Improvement Project

LFUCG Bid No.: 35-2019

Contractor: L-M Asphalt Partners, Ltd. dba ATS Construction

KYTC Project No.: 07-8507

Item	Quantity	Unit To Bid On	Description	Unit Price	Total Amount Bid
56	23	EA	Aluminum Sheet Signs	\$ 350.00	\$ 8,050.00
57	1	LS	Quality Control Services ALLOWANCE (paid on time and expense basis)	\$ 20,000.00	\$ 20,000.00
+			<b>Total:</b>		\$ 2,890,352.40

DO NOT ROUND OR USE FORMAT NUMBER TO ROUND OR TRUNCATE VALUES

Polo Club Boulevard Public Improvement Project

LFUCG Bid No.: 35-2019

Contractor: L-M Asphalt Partners, Ltd. dba ATS Construction

KYTC Project No.: 07-8507

Item	Quantity	Unit To Bid On	Description	Unit Price	Total Amount Bid

Signature:



Brian R. Billings, President

Name and Company:

L-M Asphalt Partners, Ltd. dba ATS Construction

3009 Atkinson Avenue, Suite 400

Lexington, Kentucky 40509

Item No.	Quantity	Unit To Bid On	Description w/Unit Bid Price Written In Words	Unit Price	Total Amount Bid
1.	1	LP Sum	Maintenance of Traffic		
				Dollars \$	\$ _____
				Cents	
			Per Lump Sum		
2.	1	LP Sum	Mobilization ( $\leq 5\%$ )		
				Dollars \$	\$ _____
				Cents	
			Per Lump Sum		
3.	1	LP Sum	Demobilization ( $\geq 1.5\%$ )		
				Dollars \$	\$ _____
				Cents	
			Per Lump Sum		
4.	1	LP Sum	Construction Staking		
				Dollars \$	\$ _____
				Cents	
			Per Lump Sum		
5.	1	LP Sum	Clearing and Grubbing		
				Dollars \$	\$ _____
				Cents	
			Per Lump Sum		
6.	22,836	CY	Earthwork (Plan Quantity)		
				Dollars \$	\$ _____
				Cents	
			Per Cubic Yard		
7.	6806	TN	Dense Graded Aggregate		
				Dollars \$	\$ _____
				Cents	
			Per Ton		
8.	295	TN	Traffic Bound Base Crushed Stone		
				Dollars \$	\$ _____
				Cents	
			Per Ton		
9.	598	TN	No. 2 Crushed Stone		
				Dollars \$	\$ _____
				Cents	
			Per Ton		
10.	2,316	SY	Sidewalk-4 1/2 inch Concrete		
				Dollars \$	\$ _____
				Cents	
			Per Square Yard		



Item No.	Quantity	Unit To Bid On	Description w/Unit Bid Price Written In Words	Unit Price	Total Amount Bid
11.	199	SY	Concrete Entrance Pavement – 6 inch	Dollars \$	\$ _____
				Cents	
			Per Square Yard		
12.	5,293	LF	Curb and Gutter (LFUCG – Modified Type 1)	Dollars \$	\$ _____
				Cents	
			Per Linear Foot		
13.	17	TN	Asphalt Pavement Milling	Dollars \$	\$ _____
				Cents	
			Per Ton		
14.	5726	TN	Class 3 Asphalt Base 1.50D PG64-22	Dollars \$	\$ _____
				Cents	
			Per Ton		
15.	633	TN	Class 3 Asphalt Surface 0.38B PG64-22	Dollars \$	\$ _____
				Cents	
			Per Ton		
16.	23	GAL	Asphalt Material for Tack Coat	Dollars \$	\$ _____
				Cents	
			Per Gallon		
17.	4	EA	Curb Box Inlet – Type A (LFUCG)	Dollars \$	\$ _____
				Cents	
			Per Each		
18.	4	EA	Curb Box Inlet – Type A (KDOH)	Dollars \$	\$ _____
				Cents	
			Per Each		
19.	5	EA	Curb Box Inlet – Type B (LFUCG) Including Top Phase	Dollars \$	\$ _____
				Cents	
			Per Each		
20.	1	EA	Curb Box Inlet – Top Phase Only (LFUCG)	Dollars \$	\$ _____
				Cents	
			Per Each		
21.	1	EA	Drop Box Inlet – Type 7 (KDOH)	Dollars \$	\$ _____
				Cents	
			Per Each		



Item No.	Quantity	Unit To Bid On	Description w/Unit Bid Price Written In Words	Unit Price	Total Amount Bid
22.	4	EA	Drop Box Inlet- Type 14 (KDOH)		
				Dollars \$	\$ _____
				Cents	
			Per Each		
23.	1	EA	Drop Box Inlet - Type 15 (KDOH)		
				Dollars \$	\$ _____
				Cents	
			Per Each		
24.	1	EA	Storm Sewer Manhole - Type "A" - 4' Dia. (LFUCG)		
				Dollars \$	\$ _____
				Cents	
			Per Each		
25.	1	EA	Storm Sewer Manhole -- Type "A" - 5' Dia. (LFUCG)		
				Dollars \$	\$ _____
				Cents	
			Per Each		
26.	4	EA	Adjust Sanitary Sewer Manhole Frame to Grade		
				Dollars \$	\$ _____
				Cents	
			Per Each		
27.	670	LF	Storm Sewer Pipe - 15-inch		
				Dollars \$	\$ _____
				Cents	
			Per Linear Foot		
28.	564	LF	Storm Sewer Pipe - 24-inch		
				Dollars \$	\$ _____
				Cents	
			Per Linear Foot		
29.	112	LF	Storm Sewer Pipe - 30-inch		
				Dollars \$	\$ _____
				Cents	
			Per Linear Foot		
30.	207	LF	Storm Sewer Pipe - 48-inch		
				Dollars \$	\$ _____
				Cents	
			Per Linear Foot		
31.	80	LF	RCEP Storm Sewer Pipe - 42-inch Equivalent		
				Dollars \$	\$ _____
				Cents	
			Per Linear Foot		



Item No.	Quantity	Unit To Bid On	Description w/Unit Bid Price Written In Words	Unit Price	Total Amount Bid
32.	1633	LF	Internal Inspection of Storm Sewer Pipe CCTV	Dollars \$	\$ _____
				Cents	
			Per Linear Foot		
33.	1	EA	Pipe Culvert Headwall – 24-inch (LFUCG)	Dollars \$	\$ _____
				Cents	
			Per Each		
34.	1	EA	Pipe Culvert Headwall – 42-inch Equivalent	Dollars \$	\$ _____
				Cents	
			Per Each		
35.	82	TN	Channel Lining Class II	Dollars \$	\$ _____
				Cents	
			Per Ton		
36.	420	TN	Cyclopean Stone Rip Rap	Dollars \$	\$ _____
				Cents	
			Per Ton		
37.	7264	SY	Sodding	Dollars \$	\$ _____
				Cents	
			Per Square Yard		
38.	5040	LF	Perforated Pipe Edge Drain – 6-inch	Dollars \$	\$ _____
				Cents	
			Per Linear Foot		
39.	1	LP Sum	Erosion and Sediment Control	Dollars \$	\$ _____
				Cents	
			Per Lump Sum		
41.	27,202	SY	Geotextile Type IV (KDOH)	Dollars \$	\$ _____
				Cents	
			Per Square Yard		
41.	157	SY	Turf Reinforcement Mat 1 (KDOH)	Dollars \$	\$ _____
				Cents	
			Per Square Yard		
42.	1	LP Sum	Reinforced Concrete Box Culvert Sta. 514+57	Dollars \$	\$ _____
				Cents	
			Per Lump Sum		





Item No.	Quantity	Unit To Bid On	Description w/Unit Bid Price Written In Words	Unit Price	Total Amount Bid
43.	72	SF	Detectable Surface Warning Tile _____ Dollars _____ Cents Per Square Foot	\$ _____	\$ _____
44.	2,904	LF	Electrical Conduit for Lighting _____ Dollars _____ Cents Per Linear Foot	\$ _____	\$ _____
45.	11,306	SY	Geogrid Reinforcement TENSAR TX140 or equivalent _____ Dollars _____ Cents Per Square Yard	\$ _____	\$ _____
46.	150	LF	Steel Encasement Pipe – 20-inch _____ Dollars _____ Cents Per Linear Foot	\$ _____	\$ _____
47.	18	EA	Inlaid Pavement Marker Type V-MW (KDOH) _____ Dollars _____ Cents Per Each	\$ _____	\$ _____
48.	22,196	LF	Pavement Marking Striping – Permanent Paint 4-in White or Yellow _____ Dollars _____ Cents Per Linear Foot	\$ _____	\$ _____
49.	249	LF	Pavement Marking – Thermo X-Walk 12-inch _____ Dollars _____ Cents Per Linear Foot	\$ _____	\$ _____
50.	54	LF	Pavement Marking – Thermo Stop Bar 24-inch _____ Dollars _____ Cents Per Linear Foot	\$ _____	\$ _____
51.	14	EA	Pavement Marking – Thermo Curve Arrow _____ Dollars _____ Cents Per Each	\$ _____	\$ _____
52.	4	EA	Pavement Marking – Thermo Comb Arrow _____ Dollars _____ Cents Per Each	\$ _____	\$ _____



3009 Atkinson Avenue  
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Item No.	Quantity	Unit To Bid On	Description w/Unit Bid Price Written In Words	Unit Price	Total Amount Bid
53.	9	EA	Pavement Marking – Thermo Bike Lane Arrow		
			Dollars	\$	\$ _____
			Cents		
			Per Each		
54.	9	EA	Pavement Marking – Thermo Helmeted Bicycle		
			Dollars	\$	\$ _____
			Cents		
			Per Each		
55.	749	SF	Pavement Marking – Thermo Chevron Markings		
			Dollars	\$	\$ _____
			Cents		
			Per Square Foot		
56.	23	EA	Aluminum Sheet Signs		
			Dollars	\$	\$ _____
			Cents		
			Per Each		
57.	1	LS	Quality Control Services ALLOWANCE		
			Twenty thousand	Dollars	\$ 20,000.00
			No	Cents	\$ 20,000.00
			Lump Sum (paid on time and expense basis)		

TOTAL OF ALL BID PRICES FOR Polo Club Boulevard Public Improvement Project (Items 1 through 57) in words and figures. In case of discrepancy, the amount shown in words will govern.

**Two Million Eight Hundred Ninety Thousand Three Hundred Fifty Two Dollars**

**and Forty Cents**

**(\$ 2,890,352.40).**

**See Attached EXCEL BID SHEET per Addendum No. 2**

Submitted by:

**L-M Asphalt Partners, Ltd. dba ATS Construction**

*Firm*

**3009 Atkinson Avenue, Suite 400**

*Address*

**Lexington, Kentucky 40509**

*City, State & Zip*

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

  
**Signature of Authorized Company Representative – Title**

**Brian R. Billings, President**

*Representative/s Name (Typed or Printed)*

**( 859 ) 223-7001**

**( 859 ) 231-0946**

*Area Code – Phone – Extension*

*Fax #*

**bbillings@atsconstruction.com**

*E-Mail Address*

**OFFICIAL ADDRESS:**

**L-M Asphalt Partners, Ltd. dba ATS Construction**

**3009 Atkinson Avenue, Suite 400**

**Lexington, Kentucky 40509**

\_\_\_\_\_  
(Seal if Bid is by Corporation)

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

**5. STATEMENT OF BIDDER'S QUALIFICATIONS**

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

1. Name of Bidder: L-M Asphalt Partners, Ltd. dba ATS Construction
2. Permanent Place of Business: 3009 Atkinson Avenue, Suite 400  
Lexington, Kentucky 40509
3. When Organized: April 3, 1992
4. Where Incorporated: Kentucky
5. Construction Plant and Equipment Available for this Project:

See Attachment " A "

(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:

Hartford Fire Insurance Company (Surety)

Signed: Kim Watson (Representative of Surety)

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

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
	<b>See Attachment " B "</b>	

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

<u>NAME</u>	<u>LOCATION</u>	<u>CONTRACT SUM</u>
	<b>See Attachment " C "</b>	

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>
	<b>See Attachment " D "</b>	



3009 Atkinson Avenue  
Suite 400  
Lexington, Kentucky 40509

11. DBE Participation on current bonded projects under contract:

<u>SUBCONTRACTORS</u> <u>(LIST)</u>	<u>PROJECT</u> <u>(SPECIFIC TYPE)</u>	<u>DBE</u>	<u>% of WORK</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(USE ADDITIONAL SHEETS IF NECESSARY)

12. We acknowledge that, if we are the apparent low Bidder, we may be required to submit to the OWNER within 7 calendar days following the Bid Opening, a sworn statement 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).

Respectfully submitted:

**L-M Asphalt Partners, Ltd. dba ATS Construction**

(Name of Contracting Firm)

BY: Brian R. Billings, PRES.

TITLE: Brian R. Billings, President

DATE May 17, 2019

**6. LIST OF PROPOSED SUBCONTRACTORS**

The following list of proposed subcontractors is required by the OWNER to be executed, completed and submitted with the BIDDER'S FORM OF PROPOSAL. All subcontractors are subject to approval of the Lexington-Fayette Urban County Government. Failure to submit this list completely filled out may be cause for rejection of bid.

<u>BRANCH OF WORK - LIST EACH MAJOR ITEM</u> Such as: Grading, bituminous paving, concrete, seeding and protection, construction staking, etc.	<u>SUBCONTRACTOR</u>	<u>DBE</u> <u>Yes/No</u>	<u>% of Work</u>
1. <u>Sod, Signs</u>	Name: <u>N. H. Stone, Inc.</u> <u>P. O. Box 239</u> Address: <u>Sharpsburg, Kentucky 40374</u>	<u>Yes</u>	<u>1.77</u>
2. <u>Electrical Conduit</u>	Name: <u>Arrow Electric Company, Inc.</u> <u>P. O. Box 36215</u> Address: <u>Louisville, Kentucky 40233</u>	<u>No</u>	<u>0.71</u>
3. <u>Pavement Striping</u>	Name: <u>Central Seal Company</u> <u>P. O. Box 490</u> Address: <u>Danville, Kentucky 40423</u>	<u>No</u>	<u>0.69</u>
4. <u>Drainage</u>	Name: <u>Spartan Construction, Inc.</u> <u>1619 Distribution Drive, Burlington, Kentucky 41005</u>	<u>Yes</u>	<u>6.92</u>
5. <u>Concrete Structure</u>	Name: <u>Central Bridge Company, LLC</u> <u>3009 Atkinson Avenue, Suite 220 Lexington, Kentucky 40509</u>	<u>No</u>	<u>14.45</u>
6. <u>Concrete Structure Reinforcing Steel Labor Only</u>	Name: <u>Bar-Tie Reinforcing, Inc.</u> <u>1520 Adams Road, Owingsville, Kentucky 40360</u>	<u>No</u>	<u>0.58</u>
7. _____	Name: _____ Address: _____		

(Attach additional sheet(s) if necessary.)



3009 Atkinson Avenue  
Suite 400  
Lexington, Kentucky 40509

**7. 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
1. Concrete Supplier	<b>Irving Materials, Inc.</b>
2. Asphalt Supplier	<b>ATS Construction</b>
3. Stone Supplier	<b>Vulcan Materials Company</b>
4. Storm Sewer Supplier	<b>Interstate Construction Products, Inc.</b>
5. Storm Structure Supplier	<b>Forterra Pipe &amp; Precast</b>
6. Geogrid Supplier	<b>Interstate Construction Products, Inc.</b>
7. Pedestrian Guardrail Supplier	<b>No Materials on this project</b>





## **8. DBE SUB-CONTRACTOR BIDDERS LIST**

The Department of Transportation Federal Regulations requires that the Kentucky Transportation Cabinet provide a bidders list to be maintained in the Office of Personnel Management, Small Business Development Branch (49CFR 26:11) for each federally funded project awarded.

Project No.: STPM 3003-312

List all quotes/bids received on this project.

DBE (Disadvantaged Business Enterprise) Contractors, Consultants, and Suppliers submitting quotes/bids for this project:

1. **N. H. Stone, Inc.**
2. **Spartan Construction, Inc.**
3. **Bar-Tie Reinforcing, Inc.**
- 4.
- 5.
- 6.
- 7.
- 8.

DBE (Disadvantaged Business Enterprise) Contractors, Consultants, and Suppliers contacted who did NOT submit quotes/bids for this project.

1. **None**
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

Non-DBE (Disadvantaged Business Enterprise) Contractors, Consultants, and Suppliers submitting quotes/bids for this project:

1. **Central Bridge Company, LLC**
2. **Arrow Electric Company, Inc.**
3. **Central Seal Company**
4. **Interstate Construction Products, Inc.**
5. **Forterra Pipe and Precast**
6. **Vulcan Materials Company**
7. **Carthage Mills**
8. **Hanes GEO Components**

If you need additional space, please attach a separate page. If you need assistance regarding this form, please contact Melvin Bynes or Anita Hall at (502)564-3601.



3009 Atkinson Avenue  
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Lexington, Kentucky 40509

**9. CERTIFICATION FOR FEDERAL-AID CONTRACT**

The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the Improvements Project, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agent.

2. If any funds other than the Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participation also agrees by submitting his or her bid proposal that he or she shall require the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

**L-M Asphalt Partners, Ltd. dba ATS Construction**

(Name of Individual, Co-Partnership, or Corporation submitting bid)

**Brian R. Billings**

**President**

(Name of Officer or Authorized Agent)

(Title)

*Brian R. Billings, Pres.*  
(Signature)

**May 17, 2019**

(Date)

**10. CERTIFICATION OF PERFORMANCE**

Certification with regard to the Performance of Previous Contracts or Subcontracts subject to the Equal Opportunity Clause and the filing of Required Reports.

The **Bidder** , hereby certifies that he **Has** , participated in previous contract or subcontract subject to the equal opportunity clause, as required by Executive Orders 10925, 11114, or 11246, and that he, filed with the Joint Reporting committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the Former President’s Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.

**L-M Asphalt Partners, Ltd. dba ATS Construction**

\_\_\_\_\_  
(Name of Individual, Co-Partnership, or Corporation submitting bid)

**Brian R. Billings**

**President**

\_\_\_\_\_  
(Name of Officer or Authorized Agent)

\_\_\_\_\_  
(Title)

*Brian R. Billings, PRES.*

**May 17, 2019**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

NOTE: The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR 60-1.7 (b) (1) ), and must be submitted by bidders and proposed subcontractors only in connection with the contracts and subcontracts which are subject to the equal opportunity clause. Contracts and subcontracts which are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5. (Generally only contracts or subcontracts of \$10,000 or under are exempt.)

Currently, Standard Form 100 (EE0-1) is the only report required by the Executive Orders of their implementing regulation.

Proposed prime contractors and subcontractors who have participated in a previous contract or subcontract subject to the Executive Orders and have not filed reports should note that 41 CFR 60-1.7 (b) (1) prevents the award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director or by the Director, Office of Federal Contract Compliance, U.S. Department of Labor.

**11. CERTIFICATION OF ORGANIZATION(S)**

COMMONWEALTH OF KENTUCKY

COUNTY: FAYETTE

FEDERAL PROJECT NO: SPM 3003-312

I, **Brian R. Billings**, **President**  
(Name of officer or Authorized Agent) (Title)

under penalty of perjury under the laws of the United States, do hereby certify that, except as noted below,

**L-M Asphalt Partners, Ltd. dba ATS Construction**  
(Name of Individual, Co-Partnership, or Corporation submitting bid)

any person associated therewith in the capacity of (owner, partner, director, officer, principal investigator, project director, manager, auditor, or any position involving the Administration of Federal Funds): is not currently under suspension, debarment, voluntarily exclusion, or determination of ineligibility by any federal agency; has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past 3 years; does not have a proposed debarment pending; and has not been indicted, convicted, or had a civil judgment rendered against (it) by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

Please list below any exceptions to the foregoing, to whom it applies, initiating agency and dates of action.

Exceptions: - None

**L-M Asphalt Partners, Ltd. dba ATS Construction**  
(Name of Individual, Co-Partnership, or Corporation submitting bid)

**Brian R. Billings** **President**  
(Name of Officer or Authorized Agent) (Title)

*Brian R. Billings, PRES.* **May 17, 2019**  
(Signature) (Date)

**12. CERTIFICATION OF BID PROPOSAL/DBE**

We (I) proposed to furnish all labor, equipment and material necessary to construct and/or improve the subject project in accordance with the plans, the Transportation Cabinet's Standard Specifications for Road and Bridge Construction, current edition, special provisions, notes applicable to the project as indicated herein and all addenda issued on this project subsequent to purchase of proposal.

We (I) attach a bid guaranty as provided in the special provisions in an amount not less than 5% of the total bid. We agree to execute a contract in accordance with this proposal within 15 calendar days after the receipt of the notice of award for the project.

We (I) have examined the site of proposed work, project plans, specifications, special provisions, and notes applicable to the project referred to herein. We understand that the quantities shown herein are estimated quantities subject increase or decrease as provided in the specifications.

We (I) acknowledge receipt of all addendum(s) (if applicable) and have made necessary revisions to the bid proposal. We have considered all addendum(s) in calculation of the submitted bid and applied the updated bid items, which are included.

"The bidder certifies that it has secured participation by Disadvantaged Business Enterprises (DBE) in amount of <sup>Seven</sup> ( 7 %) percent of the total value of this contract and that the DBE participation is in compliance with the requirements of 49 CFR 26 and the policies of the Kentucky Transportation Cabinet pertaining to the DBE Program."

**L-M Asphalt Partners, Ltd. dba ATS Construction**

\_\_\_\_\_  
 (Name of Individual, Co-Partnership, or Corporation submitting bid)

**Brian R. Billings**

**President**

\_\_\_\_\_  
 (Name of Officer or Authorized Agent)

\_\_\_\_\_  
 (Title)

*Brian R. Billings, PRES.*  
 \_\_\_\_\_  
 (Signature)

**May 17, 2019**

\_\_\_\_\_  
 (Date)

When two or more organizations bid as a joint venture, enter names of each organization and an authorized agent for each organization must sign above.



### 13. KENTUCKY TRANSPORTATION CABINET – DBE PROVISIONS

#### KENTUCKY TRANSPORTATION CABINET – DISADVANTAGED BUSINESS ENTERPRISE PROVISIONS

##### SECOND TIER SUBCONTRACTS

Second Tier subcontracts on federally assisted projects shall be permitted. However, in the case of DBE's, second tier subcontracts will only be permitted where the other subcontractor is also a DBE. All second tier subcontracts shall have the consent of both the Contractor and the Engineer.

##### DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

It is the policy of the Lexington-Fayette Urban County Government ("LFUCG") that Disadvantaged Business Enterprises ("DBE") shall have the opportunity to participate in the performance of highway construction projects financed in whole or in part by Federal Funds in order to create a level playing field for all businesses who wish to contract with the LFUCG. To that end, the LFUCG will comply with the regulations found in 49 CFR Part 26, and the definitions and requirements contained therein shall be adopted as if set out verbatim herein.

The LFUCG, contractors, subcontractors, and sub-recipients shall not discriminate on the basis of race, color, national origin, or sex in the performance of work performed pursuant to LFUCG contracts. The contractor shall carry out applicable requirements of 49 CFR 26 in the award and administration of federally assisted highway construction projects. The contractor will include this provision in all its subcontracts and supply agreements pertaining to contracts with the LFUCG.

Failure by the contractor to carry out these requirements is a material breach of its contract with the LFUCG, which may result in the termination of the contract or such other remedy as the LFUCG deems necessary.

##### DBE REQUIREMENT

The Disadvantaged Business Enterprise (DBE) requirement established for this contract, is 7%, and is the percentage of the total value of the contract.

The contractor shall exercise all necessary and reasonable steps to ensure that Disadvantaged Business Enterprises participate in a least the percent of the contract as set forth above as goals for this contract.

##### OBLIGATION OF CONTRACTORS

If a formal goal has not been designated for the contract, all contractors are expected to meet the MWDBE goal, unless otherwise stated. Contractor shall also consider DBEs for subcontract work as well as for the supply of material and services needed to perform this work.

Contractors are encouraged to use the services of banks owned and controlled by minorities and women.

##### CERTIFICATION OF CONTRACT GOAL

Contractors shall include the following certification in bids for projects for which a DBE goal has been established. BIDS SUBMITTED WHICH DO NOT INCLUDE CERTIFICATION OF DBE



PARTICIPATION WILL NOT BE ACCEPTED. These bids will not be considered for award by the LFUCG and they will be returned to the bidder.

“The bidder certifies that it has secured participation by Disadvantaged Business Enterprises (“DBE”) in the amount of KYTC **Seven** percent ( **7** %) of the total value of this contract and that the DBE participation is in compliance with the requirements of 49 CFR 26 and the policies of the Lexington-Fayette Urban County Government related to participation and Kentucky Transportation Cabinet pertaining to the DBE Program.”

DBEs utilized in achieving the DBE goal must be certified and pre-qualified for the work items at the time the bid is submitted.

#### DBE PARTICIPATION PLAN

Lowest responsive bidders must submit the DBE Plan/ Subcontractor Request, form TC 63-35 DBE, within 7 days of the letting. This is necessary before the LFUCG Division of Central Purchasing will review and make a recommendation. The project will not be considered for award prior to submission and approval of the apparent low bidder’s DBE Plan/Subcontractor Request.

The DBE Participation Plan shall include the following:

- 1 Name and address of DBE Subcontractor(s) and/or supplier(s) intended to be used in the proposed project;
- 2 Description of the work each is to perform including the work item, unit, quantity, unit price and total amount of the work to be performed by the individual DBE and the project bid number.
- 3 The dollar value of each proposed DBE subcontract and the percentage of total project contract value this represents. DBE participation may be counted as follows:
  - a) If DBE suppliers and manufactures assume actual and contractual responsibility, the dollar value of materials to be furnished will be counted toward the goal as follows:

The entire expenditure paid to a DBE manufacturer;  
60 percent of expenditures to DBE suppliers that are not manufacturers provided the supplier is a regular dealer in the product involved. A regular dealer must be engaged in, as its principal business and in its own name, the sale of products to the public, maintain an inventory and own and operate distribution equipment; and  
The amount of fees or commissions charged by the DBE firms for a bona fide service, such as professional, technical, consultant, or managerial services and assistance in the procurement of essential personnel, facilities, equipment, materials, supplies, delivery of materials and supplies or for furnishing bonds, or insurance, providing such fees or commissions are determined to be reasonable and customary.
  - b) The dollar value of services provided by DBEs such as quality control testing, equipment repair and maintenance, engineering, staking, etc;
  - c) The dollar value of joint ventures. DBE credit for joint ventures will be limited to the dollar amount of the work actually performed by the DBE in the joint venture;
- 4 Written and signed documentation of the bidder’s commitment to use a DBE contractor whose participation is being utilized to meet the DBE goal; and
- 5 Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor’s commitment.



### UPON AWARD AND BEFORE A WORK ORDER WILL BE ISSUED

Contractors must submit the signed subcontract between the contractor and the DBE contractor, the DBE's certificate of insurance, and the Required Affidavit of Bidders, Offerors, and Contractors from the DBE to the LFUCG Division of Central Purchasing. The Required Affidavit of Bidders, Offerors and Contractors is included with these bid documents and should be returned with your bid. If the DBE is a supplier of materials for the project, a signed purchase order and a Required Affidavit for Bidders, Offerors, and Contractors must be submitted to the LFUCG Division of Central Purchasing.

Changes to DBE Participation Plans or DBE substitutions must be approved by the LFUCG Division of Central Purchasing. The LFUCG may consider extenuating circumstances including, but not limited to, changes in the nature or scope of the project, the inability or unwillingness of a DBE to perform the work in accordance with the bid, and/or other circumstances beyond the control of the prime contractor.

### CONSIDERATION OF GOOD FAITH EFFORTS REQUESTS

If the DBE participation submitted in the bid by the apparent lowest responsive bidder does not meet or exceed the DBE contract goal, the apparent lowest responsive bidder must submit a Good Faith Effort documentation to satisfy the LFUCG that sufficient good faith efforts were made to meet the contract goals prior to submission of the bid. Efforts to increase the goal after bid submission will not be considered in justifying the good faith effort, unless the contractor can show that the proposed DBE was solicited prior to the bid date. DBEs utilized in achieving the DBE goal must be certified and pre-qualified for the work items at the time the bid is submitted. One complete set of this information must be received in the office of the LFUCG Division of Central Purchasing no later than 12:00 noon of the tenth calendar day after receipt of notification that they are the apparent low bidder.

Where the information submitted includes repetitious solicitation letters it will be acceptable to submit a sample representative letter along with a distribution list of the firms solicited. Documentation of DBE quotations shall be a part of the good faith effort submittal as necessary to demonstrate compliance with the factors listed below which the LFUCG considers in judging good faith efforts. This documentation may include written subcontractors' quotations, telephone log notations of verbal quotations, or other types of quotation documentation.

The Good Faith Efforts documentation shall include, but may not be limited to information showing evidence of the following:

- 1 Whether the bidder attended any pre-bid meetings that were scheduled by LFUCG to inform DBEs of subcontracting opportunities;
- 2 Whether the bidder provided solicitations through all reasonable and available means;
- 3 Whether the bidder provided written notice to all DBEs listed in the DBE directory at the time of the letting that are pre-qualified in the areas of work that the bidder will be subcontracting;
- 4 Whether the bidder followed up initial solicitations of interest by contacting DBEs to determine with certainty whether they were interested. If a reasonable amount of DBEs within the targeted districts do not provide an intent to quote or no DBEs are pre-qualified in the subcontracted areas, the bidder must notify the Minority Business Enterprise Liaison in the Division of Central Purchasing to give notification of the bidder's inability to get DBE quotes;



5 Whether the bidder selected portions of the work to be performed by DBEs 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 DBE participation, even when the prime contractor might otherwise perform these work items with its own forces;

6 Whether the bidder provided interested DBEs with adequate and timely information about the plans, specifications, and requirements of the contract;

7 Whether the bidder negotiated in good faith with interested DBEs 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;

8 Whether quotations were received from interested DBE firms but were rejected as unacceptable without sound reasons why the quotations were considered unacceptable. The fact that the DBE firm's quotation for the work is not the lowest quotation received will not in itself be considered as a sound reason for rejecting the quotation as 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 DBE quote. Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy DBE goals;

9 Whether the bidder specifically negotiated with subcontractors to assume part of the responsibility to meet the contract DBE goal when the work to be subcontracted includes potential DBE participation;

10 Whether the bidder made any efforts and/or offered assistance to interested DBEs in obtaining the necessary equipment, supplies, materials, insurance and/or bonding to satisfy the work requirements of the bid proposal; and

11 Any other evidence that the bidder submits which may show that the bidder has made reasonable good faith efforts to include DBE participation.

#### FAILURE TO MEET GOOD FAITH REQUIREMENT

Where the apparent lowest responsive bidder fails to submit sufficient participation by DBE firms to meet the contract goal and upon a determination by the LFUCG Division of Central Purchasing based upon the information submitted that the apparent lowest responsive bidder failed to make sufficient reasonable efforts to meet the contract goal, the bidder will be offered the opportunity to meet in person with representatives from the Division of Central Purchasing. The bidder will be notified of the Division of Central Purchasing's decision within 24 hours of its decision. The bidder will have 24 hours to request reconsideration of Central Purchasing's decision. The reconsideration meeting will be held within two days of the receipt of a request by the bidder for reconsideration.

The request for reconsideration will be heard by Central Purchasing. The bidder will have the opportunity to present written documentation or argument concerning the issue of whether it met the goal or made an adequate good faith effort. The bidder will receive a written decision on the reconsideration explaining the basis for the finding that the bidder did or did not meet the goal or made adequate Good Faith efforts to do so.

The result of the reconsideration process is not administratively appealable to the LFUCG Division of Central Purchasing.

The LFUCG Division of Central Purchasing reserves the right to award the contract to the next lowest responsive bidder or to rebid the contract in the event that the contract is not awarded to the low bidder as the result of a failure to meet the good faith requirement.

### SANCTIONS FOR FAILURE TO MEET DBE REQUIREMENTS OF THE PROJECT

Failure by the prime contractor to fulfill the DBE requirements of a project under contract or to demonstrate good faith efforts to meet the goal constitutes a breach of contract. When this occurs, the Cabinet will hold the prime contractor accountable, as would be the case with all other contract provisions. Therefore, the contractor's failure to carry out the DBE contract requirements shall constitute a breach of contract and as such the Cabinet reserves the right to exercise all administrative remedies at its disposal including, but not limited to the following:

Disallow credit toward the DBE goal;  
Withholding progress payments;  
Withholding payment to the prime in an amount equal to the unmet portion of the contract goal;  
and/or  
Termination of the contract.

### PROMPT PAYMENT

The prime contractor will be required to pay the DBE within seven (7) working days after he or she has received payment from the LFUCG Division of Central Purchasing for work performed or materials furnished

CONTRACTOR REPORTING All Contractors must report on their progress in meeting the DBE requirement on any construction contracts. These records may include, but shall not be limited to payroll, lease agreements, cancelled payroll checks, executed subcontracting agreements, etc. Prime contractors will be required to submit certified reports on monies paid to each DBE subcontractor or supplier utilized to meet a DBE goal.

Payment information that needs to be reported includes date the payment is sent to the DBE, check number, Contract ID, amount of payment and the check date. Before Final Payment is made on this contract, the Prime Contractor will certify that all payments were made to the DBE subcontractor and/or DBE suppliers and show the documented proof.

The Prime Contractor should supply the payment information at the time the DBE is compensated for their work. Form to use is located at:  
<http://transportation.ky.gov/Construction/Pages/Subcontracts.aspx>

Photocopied payments and completed form to be submitted to:

Office of Civil Rights and Small  
Business Development 6th Floor  
West 200 Mero Street Frankfort, KY 40622

### DEFAULT OR DECERTIFICATION OF THE DBE

If the DBE subcontractor or supplier is decertified or defaults in the performance of its work, and the overall goal cannot be credited for the uncompleted work, the prime contractor may utilize a substitute DBE or elect to fulfill the DBE goal with another DBE on a different work item. If after exerting good faith effort in accordance with the LFUCG Division of Central Purchasing policies and procedures, the prime contractor is unable to replace the DBE, then the unmet portion of the goal may be waived at the discretion of the LFUCG Division of Central Purchasing.

14. **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 \_\_\_\_\_. 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.

COMMONWEALTH OF KENTUCKY

COUNTY: FAYETTE

FEDERAL PROJECT NO: STPM 3003-312





3009 Atkinson Avenue  
Suite 400  
Lexington, Kentucky 40509

**15. STATEMENT OF EXPERIENCE**

NAME OF INDIVIDUAL: See Attachment " D "

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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



3009 Atkinson Avenue  
Suite 400  
Lexington, Kentucky 40509

NAME OF INDIVIDUAL: See Attachment " D "

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.)

**16. EQUAL OPPORTUNITY AGREEMENT**

The Law

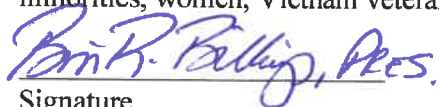
- \* Title VII of the Civil Rights Act of 1964 (amended 1972) states that it is unlawful for an employer to discriminate in employment because of race, color, religion, sex, age (40-70 years) or national origin.
- \* Executive Order No. 11246 on Nondiscrimination under Federal contract prohibits employment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

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

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

Bidders

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



Signature  
**Brian R. Billings, President**

**L-M Asphalt Partners, Ltd. dba ATS Construction**

Name of Business



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

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

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

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



3009 Atkinson Avenue  
Suite 400  
Lexington, Kentucky 40509

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

It is the policy of L-M Asphalt Partners, Ltd. dba ATS Construction 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.

Colin Faulkner has been appointed Equal Employment Compliance (EEOC) Officer and shall be available for counseling, answering of questions in regards to this company policy, and to hear any complaints of discrimination. The EEOC Officer may be reached by calling ( 859 ) 223-7001

Signature: Brian R. Billings, PRES.  
(Bidding Contractor)

Title: Brian R. Billings, President

Date: May 17, 2019

**18. WORKFORCE ANALYSIS FORM**

Name of Organization: \_\_\_\_\_

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	M	F	
Administrators																			
Professionals																			
Superintendents																			
Supervisors																			
Foremen																			
Technicians																			
Protective Service																			
Para-Professionals																			
Office/Clerical																			
Skilled Craft																			
Service/Maintenance																			
<b>Total:</b>																			

See Page 38A - Attached

*Brian R. Billings, President*

**Brian R. Billings, President**

Date: 5 / 17 / 2019

Revised 2015-Dec-15



# PR Department of Labor EEO-1 Report

**Company: 6 ATS CONSTRUCTION**

Number of Employees  
(Report employees in only one category)

**Job  
Categories**

Job Categories	Hispanic or Latino		Race/Ethnicity										Total Col A - N		
	Male	Female	Male					Female							
			White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian		American Indian or Alaska Native	Two or more races
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
Unassigned	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Professionals	0	0	3	0	0	0	0	0	0	0	0	0	0	0	3
Technicians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Laborer	2	0	96	0	0	0	0	0	0	0	0	0	0	0	107
Foremen	0	0	26	0	0	0	0	0	0	0	0	0	0	0	26
Equipment Operators	2	0	79	1	0	1	0	4	0	0	0	0	0	0	87
Mechanics	0	0	15	0	0	0	0	0	0	0	0	0	0	0	15
Truck Drivers	0	0	14	0	0	0	0	1	0	0	0	0	0	0	15
Carpenters	0	0	10	0	0	0	0	0	1	0	0	0	0	0	11
Cement Mason	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
<b>Total</b>	<b>4</b>	<b>0</b>	<b>245</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>14</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>267</b>
<b>Previous Year Total</b>	<b>5</b>	<b>0</b>	<b>328</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>26</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>365</b>



Date(s) of payroll period used: 05/05/19-05/05/19 (Omit on the Consolidated Report.)

**19. EVIDENCE OF INSURABILITY**

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

Names Insured: \_\_\_\_\_ Employee ID: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 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-3, Section 2, Part 4.1 – see provisions	CGL	\$1,000,000 per occ. And \$2,000,000 aggregate	\$			
SC-3, Section 2, Part 4.1 – see provisions	AUTO	\$2,000,000/per occ.	\$	<b>See Attached Certificate of Insurance</b>		
SC-3, Section 2, Part 4.1 – see provisions	WC	Statutory w/endorsement as noted	\$			

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

Agency or Brokerage \_\_\_\_\_ Name of Authorized Representative \_\_\_\_\_  
 Street Address \_\_\_\_\_ Title \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Authorized Signature \_\_\_\_\_  
 Telephone Number \_\_\_\_\_ 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.**

