

**Request for Qualifications (RFQ)  
For  
Appalachian Wildlife Center  
Special Inspection Agency  
(AML) Pilot Project  
RFQ ELK-30-20180012**

**Issued by  
Eastern Kentucky PRIDE, Inc.  
Solicitation Contact: Tammie Wilson, President/CEO**

**Release Date: September 28, 2018**

**CLOSING DATE AND TIME: Friday, October 12, 2018  
2:00 P.M., ET**

**Statements of Qualifications will be reviewed at a later date by a  
Selection Committee chosen by Owner therefore it is not  
necessary that a representative of the firm attend the selection  
committee meeting**

This Statement of Qualifications will remain on file with the Owner for a period of one year from date of submittal.

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

Address: \_\_\_\_\_ City \_\_\_\_\_ St. \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

By Signing below, I certify I am an authorized representative of the above named Organization, authorized to submit this Statement of Qualifications on behalf of the above named organization. I certify the information provided with this RFQ submission is true and sufficiently complete as to not be misleading. I further certify I have read the terms of this solicitation in its entirety.

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Signature of Authorized Individual Title Date

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Printed Name of Individual (Required)

**Eastern Kentucky PRIDE, Inc.  
Request for Qualifications (RFQ)  
for Appalachian Wildlife Center  
Special Inspection Agency  
(AML) Pilot Project  
RFQ ELK-30-20180012**

**PLEASE READ THIS SOLICITATION AND ITS INSTRUCTIONS IN ITS ENTIRETY. This is a Request for Qualifications (RFQ). Offerers shall comply with the terms and conditions stated in the solicitation as well as all applicable statutes, regulations and policies related to this solicitation.**

Requirements that include the words “Shall”, “Will”, “Must” indicate a mandatory requirement.

**Section 1 - Scope of Work**

Special Inspection testing and inspection services as defined in Chapter 17 of the 2013 Kentucky Building Code for the building structures (main building, entry pavilion, and restroom building), earthwork below building structures (soil undercut and engineered backfill), and fireproofing is included. Quality Control for site work (including, but not limited to over excavation and engineered backfill of soil undercut outside the building pad, drainage subgrade course, drainage wall backfill to walls, stone base course for pavements, site concrete walks and pavements, site retaining walls and their foundations, and site pavements) where specified to be by Owner within the construction drawings and specifications is also to be included in this scope of work. Refer to specification Divisions 31, 32 and 33 for requirements of Field Quality Control testing to be included. There may be other testing and inspection deemed Quality Control which is to be provided by the Contractor separate from these code-mandated and quality control inspections, testing, and observations provided for by the Owner.

Current construction drawings and specifications will be made available electronically (PDF) through the architect by file sharing site. There may be subsequent addenda and changes from what is originally shared for RFP response. An electronic copy of approved shop drawings will be provided by the General Contractor to you as they become available.

The Architect for the project is:

Clotfelter Samokar  
228 E Reynolds Road  
Suite One  
Lexington, Kentucky 40517  
(p) 859.273.3700  
Project Manager: Russ McFarland [rmcfarland@clotfelter-samokar.com](mailto:rmcfarland@clotfelter-samokar.com)

The Structural Engineer for the project is:

Brown+Kubican, PSC  
2224 Young Drive  
Lexington, Kentucky 40404  
(p) 859.543.0933  
Principal in Charge: Dan Kubican [dkubican@bkse.net](mailto:dkubican@bkse.net)

The General Contractor for the project is:

Hacker Brothers, Inc.  
PO Box 1448

London, Kentucky 40743  
(p) 606.877.2029  
President: David Jackson [djackson@hbiky.com](mailto:djackson@hbiky.com)

Inspector certifications listed herein are mandatory and a minimum. Any variation from minimum certifications (must be comparable) shall be requested a minimum of seven (7) days prior to response date for consideration by the Architect/Structural Engineer of Record. The following qualifications are required of the Special Inspection/Quality Control firm and its personnel:

- A. *Qualified Certification Authorities: Subject to compliance with Kentucky Building Code Requirements, Qualified Certification Authorities providing certification which may be applicable to Project include, but are not limited to, the following:*
  - 1. *American Concrete Institute (ACI).*
  - 2. *American Institute of Steel Construction (AISC).*
  - 3. *American Society of Nondestructive Testing (ASNT).*
  - 4. *American Welding Society (AWS).*
  - 5. *International Code Council (ICC).*
  - 6. *National Fireproofing Contractors Association (NFCA).*
  - 7. *National Institute of Certified Engineering Technology (NICET).*
  
- B. *Special Inspector Qualifications: A professional engineer who is legally authorized to practice in the State of Kentucky and who is experienced in providing testing and inspection services of structure system types similar to this Project in material, design, and extent.*
  
- C. *Inspection Agency Qualifications: To qualify for acceptance, the independent testing agency must demonstrate to that it has the experience and capability to satisfactorily conduct the testing indicated without delaying the Work. The Inspection Agency shall have and demonstrate experience with the geotechnical design for buildings to be sited over deep spoil fills.*
  - 1. *Each inspector performing work on the Project shall be qualified to perform inspections for the particular type of construction or operation requiring special inspection by a Qualified Certification Authority as defined in the Kentucky Building Code. "Qualification" for purposes of this notification shall mean a certified professional where certification in that jurisdiction exists. Minimum personnel qualifications and certifications must be met by the personnel who will be on site performing the full extent of testing and inspections (certifications must be held by field personnel, not just the office managers).*
    - a. *Steel Construction*
      - 1) *Material verifications, bolted connections, visual observation of welds –AWS Certified Weld Inspector (CWI) or ICC Structural Weld Inspector (SWSI).*
      - 2) *Ultrasonic, Radiographic, and Liquid Penetrant and Magnetic Particle weld inspection – AWS Ultrasonic Testing Level II in accordance with current ASNT-TC-1A standards.*
      - 3) *Steel frame connection details – Professional Engineer licensed in the State of Kentucky whose principal work experience has been the design of building structures (minimum 8 years design experience).*

- b. *Concrete Construction*
  - 1) *Use of design mix – ACI Level 2, NICET Level 1, or ICC Reinforced Concrete Special Inspector (RCSI).*
  - 2) *Material verifications, sampling of fresh concrete – ACI Level 2, NICET Level 1 (concrete), or ICC Reinforced Concrete Special Inspector (RCSI).*
  - 3) *Reinforcing inspection – NICET Level 2 (concrete) or ICC Reinforced Concrete Special Inspector (RCSI).*
- c. *Masonry*
  - 1) *ICC Structural Masonry Special Inspector (SMSI).*
- d. *Wood Construction*
  - 1) *Professional Engineer licensed in the State of Kentucky whose principal work experience has been the design of building structures (minimum 8 years design experience).*
- e. *Soils and Rock Bearing Materials*
  - 1) *NICET Level 2 (soils) or ICC Soils (SSI).*
- f. *Fireproofing*
  - 1) *NFCA ICC Certified Inspector*

The materials, systems, components, and work required to have Special Inspections as well as the type and extent of each inspection or test should be based on the 014110 Special Inspection specification; the proposal response must make reference to the 014110 specification and include all work defined in said specification as well as this request for proposal. As the interpretation of certain provisions Chapter 17 of the Kentucky Building Code varies with inspector or design professional, we request that you compare this request for proposal and the 014110 specification with Chapter 17 of the Kentucky Building Code. Should you have any differing interpretations or feel that any inspections were missed or excessively required, please forward an RFI to [the](#) architect a minimum of seven (7) days prior to response deadline. In addition to, or in modification of, specification 014110, the following shall also be binding and incorporated into the proposal:

- A. *All inspections and tests performed shall be documented by report including, but not limited to, inspections for grout placement, reinforcing inspection, curing, deck attachment, fabricators, etc.*
- B. *The buildings utilize a mat foundation system. See structural drawing S001 for a commentary on risks and construction for the mat foundation.*
- C. *The Steel Fabricator is required to be AISC or AWS certified. Therefore, no shop inspection of the structural fabricator is required.*
- D. *All concrete work shown on the structural drawings is to be tested and inspection in accordance with specification 014110.2.8, except that concrete placement for slabs may be performed “periodically.”*
- E. *Attachments and connections of stair stringers shall be inspected as for general structural steel or timber requirements.*
- F. *Both laminated timber decking and its APA sheathing overlay shall be inspected.*

- G. *The steel frame will be fireproofed with applied fireproofing intumescent paint (depending on location) and wood connections will have intumescent paint. Inspection of applied fireproofing shall be included in your proposal. Some of this work may be applied offsite prior to erection.*
- H. *Inspect Sprayed Fire-Resistant Materials (SFRM) per section 1704.13 of the 2012 International Building Code.*
- I. *Inspect Intumescent Fire-Resistant Coatings (IFRM) per section 1704.5 of the 2012 International Building Code and AWC1 12-B.*
- J. *Inspect Fire Resistant Penetrations and Joints per section 1705.16 of the 2012 International Building Code, per ASTM E2174 for penetrations, and per ASTM E2383 for joints.*

The Special Inspector shall observe work for conformance with the approved drawings and specifications and prepare inspection reports stating his/her observations. Copies of the inspection reports shall be submitted to the Contractor, the Architect and the Structural Engineer. All discrepancies between the construction documents / approved shop drawings and the work being performed shall be brought to the immediate attention of the Contractor for correction. Subsequent correction of the discrepancies shall be confirmed and documented by the Special Inspector. If the discrepancies are not corrected, the discrepancies shall be brought to the attention of the Code Official and the Design Professional prior to the completion of that phase of the work. The Special Inspector shall submit a final report of inspections documenting completion of all required special inspections and correction of any discrepancies noted in the inspections. As part of the Special Inspector's contract, the following additional requirements and responsibilities are placed upon the Special Inspector:

- A. *The Inspection Agency shall carry professional liability insurance for errors and omissions to a minimum limit of \$1,000,000 per occurrence.*
- B. *The Inspection Agency is not permitted a limitation of liability within their contract greater than \$1,000,000.00.*
- C. *The Inspector's designated Project Manager shall attend any pre-construction meetings which may be conducted at the construction site by the Design Professionals to discuss quality issues.*
- D. *The Inspector's designated Project Manager shall attend construction progress meetings which will be held at the construction site by the Architect, Engineer, and General Contractor.*
- E. *Cooperate with the Contractor and provide timely service.*
- F. *Notify Contractor of minimum advance notice for each type of inspection/test.*
- G. *Upon arriving at the construction site, sign in and notify the Contractor of presence.*
- H. *Select the representative samples that are to be tested/inspected.*
- I. *Perform tests/inspections as outlined in Contract Documents, the applicable codes, and as directed by the Structural Engineer.*
- J. *Keep records of all inspections.*
- K. *Furnish inspection reports to the Architect, Structural Engineer, and General Contractor weekly as construction progresses.*
- L. *Inform General Contractor and / or Fabricator of all discrepancies immediately for correction.*
  - 1. *Document in writing correction of discrepancies.*
  - 2. *Highlight discrepancies within the report.*
  - 3. *If discrepancies are not corrected, the discrepancies shall be brought to the attention of the Code Official and the Structural Engineer prior to the completion of that phase of the work.*

- M. Leave copies of field notes with the Contractor prior to leaving the construction site. Field notes shall include the message given to the Contractor, date, time of message, name of Contractor's representative informed, type and location of work or materials tested/inspected, whether the work or materials complies with Contract Documents and name of the Structural Testing/Inspection Agency's representative.
- N. Immediately notify General Contractor, Architect, and Structural Engineer by separate letter if work yet to be inspected is found on site that is either being covered by other work or was to receive continuous inspection.
- O. Structural Testing/Inspection Agency shall not alter requirements of Contract Documents, approve or reject any portion of the work, or perform duties of the Contractor.
- P. Submit a final report of inspections documenting completion of **all** required Special Inspections and correction of any discrepancies noted in inspections to the Structural Engineer. Final report shall be prepared by, sealed, and signed by the Special Inspector and shall include a complete list of materials and work inspected during the course of the project.
  - 1. Submit one complete hard copy set of all special inspection reports (with final letter) to the Owner. Submit complete electronic PDF of all special inspection reports with final report of special inspections to Structural Engineer, Architect, and General Contractor. Report sets shall be bound, divided by construction type, and in chronological order.

## **Section 2 - Signing Solicitation**

An authorized representative shall **complete and sign** where indicated on the solicitation sheet that is the front page of this solicitation and elsewhere as identified in this solicitation. **FAILURE TO DO SO SHALL RESULT IN A NON-RESPONSIVE BID/PROPOSAL.**

## **Section 3 - Solicitation Submission Requirements**

Respondents shall submit one (1) signed original of the solicitation response, along with five copies, under sealed cover, which shall be received no later than the date and time indicated on the face of this solicitation. Any response received after this date and time **shall be rejected** and returned unopened to respondent. Any response not under sealed cover **shall be rejected**.

***\*For purposes of this proposal, PRIDE defines SEALED as "a closure that must be broken to be opened and that thus reveals tampering". (Merriam-Webster Dictionary, <http://www.merriam-webster.com/dictionary/seal>)***

**Respondent shall identify their response to a solicitation on the response envelope. Any response not sufficiently identified on the sealed cover, requiring it to be opened for identification, shall be rejected.**

**Statement of Qualifications shall be addressed and submitted to:**

**EASTERN KENTUCKY PRIDE, INC.  
ATTN: TAMMIE WILSON  
2292 S. Hwy 27  
Somerset, KY 42501**

**The outside cover of the package containing the Statement of Qualifications, at a minimum, shall be marked with:**

**NAME OF SOLICITATION  
SOLICITATION NUMBER  
NAME OF FIRM SUBMITTING RESPONSE  
DATE AND TIME OF CLOSING**

**Fax Response copies and Electronic responses are NOT acceptable for this RFQ and shall be considered non-responsive.**

#### **Section 4 – Required Information**

Statements of Qualifications should include, at a minimum, the following information:

1. Organization
  - a. If your firm is a corporation:
    - i. The date of incorporation, state of incorporation and tax ID #
  - b. If your firm is a partnership:
    - i. The date of organization, type of partnership, name(s) of general partners
  - c. If your firm is individually owned:
    - i. The date of organization and name of owner
2. Identification of the firm's experience in similar projects. Specifically include projects constructed over deep spoil (geotechnical) fills, the size and year completed of each project, and the firm's role.
3. Identification of the firm's experience with this project site.
4. Identification of specific personnel to be assigned to this project, including resumes of those persons indicating their experience on previous projects of this nature. Personnel qualifications shall include the name and certification level (qualification) of each inspector and the name and professional engineering registration number of the Special Inspector.
5. Identification of references of prior clients of similar projects
6. Identification of familiarity with local factors
7. Distance of firm's office to the project site. If inspector's travel would be predominantly from their home to the construction site, include that distance also
8. Proposals shall also include a schedule of unit rates and an estimate of the total cost of work
9. Proof of insurance certificate
10. In addition to the above, the following questions must be answered:
  - a. Has your organization ever failed to complete work it has been awarded?
  - b. Are there any judgments, claims, arbitration proceedings or suits pending or outstanding against your organization or its officers?
  - c. Has your organization filed any claims, lawsuits or requested arbitration with regards to contracts within the last five years?
  - d. If the answer is yes to any of the above, please include details
11. Within the last five years, has any officer of principal of your organization been an officer or a principal of another organization when it failed to complete a contract?

Each firm is responsible for submitting all relevant, factual and correct information with the Statement of Qualifications to enable the evaluator(s) to afford each firm the maximum opportunity based on the available data submitted. Incomplete proposals will be deemed unresponsive and may be cut from further consideration.

## Section 5 - Determination

A selection committee appointed by the Owner will review all Statements of Qualifications. Statements of Qualifications will be evaluated and ranked on the basis of the following considerations:

1. Past Experience with site and Record on similar projects
2. Overall qualifications of firm
3. Experience and availability of qualified personnel
4. Responses from references contacted concerning previous performance on similar projects and familiarity with local factors
5. Resident Bidder Status (See Section 6)

All Statements of Qualifications will be evaluated and awarded points on the basis of the following criteria:

- |   |      |
|---|------|
| 1. Past Experience on this Site and Record on Similar Projects  | 0-40 |
| 2. Qualifications of Firm                                       | 0-30 |
| 3. Key Personnel Experience, Availability, and Distance to Site | 0-20 |
| 4. References/Familiarity                                       | 0-10 |

### **TOTAL POINTS POSSIBLE**

**100**

After evaluation, the Owner will then contact the highest ranking firm and enter into negotiations with that firm. If the Owner is unable to negotiate a satisfactory agreement, the second-ranked firm will be contacted. Once a firm has been selected, all unsuccessful firms will be promptly notified.

## Section 6 – Resident Bidder

### **KRS 45A.494 Reciprocal preference to be given by public agencies to resident bidders -- List of states -- Administrative regulations.**

- 1) Prior to a contract being awarded to the lowest responsible and responsive bidder on a contract by a public agency, a resident bidder of the Commonwealth shall be given a preference against a nonresident bidder registered in any state that gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the nonresident bidder.
- 2) A resident bidder is an individual, partnership, association, corporation, or other business entity that, on the date the contract is first advertised or announced as available for bidding:
  - a. Is authorized to transact business in the Commonwealth; and
  - b. Has for one (1) year prior to and through the date of the advertisement, filed Kentucky corporate income taxes, made payments to the Kentucky unemployment insurance fund established in KRS 341.490, and maintained a Kentucky workers' compensation policy in effect.
- 3) A nonresident bidder is an individual, partnership, association, corporation, or other business entity that does not meet the requirements of subsection (2) of this section.
- 4) If a procurement determination results in a tie between a resident bidder and a



nonresident bidder, preference shall be given to the resident bidder.

- 5) This section shall apply to all contracts funded or controlled in whole or in part by a public agency.
- 6) The Finance and Administration Cabinet shall maintain a list of states that give to or require a preference for their own resident bidders, including details of the preference given to such bidders, to be used by public agencies in determining resident bidder preferences. The cabinet shall also promulgate administrative regulations in accordance with KRS Chapter 13A establishing the procedure by which the preferences required by this section shall be given.
- 7) The preference for resident bidders shall not be given if the preference conflicts with federal law.
- 8) Any public agency soliciting or advertising for bids for contracts shall make KRS 45A.490 to 45A.494 part of the solicitation or advertisement for bids.

The reciprocal preference as described in KRS 45A.490-494 above shall be applied in accordance with 200 KAR 5:400.

### **Determining the residency of a bidder for purposes of applying a reciprocal preference**

Any individual, partnership, association, corporation, or other business entity claiming resident bidder status shall submit along with its response the attached Required Affidavit for Bidders, Offerors, and Contractors Claiming Resident Bidder Status. PRIDE reserves the right to request documentation supporting a bidder's claim of resident bidder status. Failure to provide such documentation upon request shall result in disqualification of the bidder or contract termination.

A nonresident bidder shall submit, along with its response, its certificate of authority to transact business in the Commonwealth as filed with the Commonwealth of Kentucky, Secretary of State. The location of the principal office identified therein shall be deemed the state of residency for that bidder. If the bidder is not required by law to obtain said certificate, the state of residency for that bidder shall be deemed to be that which is identified in its mailing address as provided in its bid.

### **Section 6 - Sole Point of Contact**

The PRIDE contact listed below shall be the sole point of contact throughout the procurement process. All communications, oral and written (regular, express, or electronic mail, or fax), concerning this procurement shall be addressed to:

**Tammie Wilson, President/CEO**  
**EASTERN KENTUCKY PRIDE, INC.**  
**2292 S. HWY 27**  
**SOMERSET, KY 42501**  
**888-577-4339**  
**Email: [twilson@centertech.com](mailto:twilson@centertech.com)**

## **Section 7 - Restrictions on Communications**

From the issue date of this solicitation until a contractor(s) is selected and the selection is announced, respondents are not allowed to communicate with any PRIDE Staff, members of the Appalachian Wildlife Foundation, any Commonwealth of Kentucky staff, including engineer assigned to this project, concerning this solicitation except:

- The Sole Buyer cited in this solicitation or
- Via written questions submitted to the Sole Point of Contact

Respondents should clearly understand that any verbal representation made or assumed to be made during any oral discussions held between representatives of potential bidders and any official or staff member noted above are not binding on PRIDE.

For violation of this provision, PRIDE shall reserve the right to disqualify the Statement of Qualifications.

## **Section 8 - Governing Law**

This solicitation shall be governed by and construed in accordance with the laws of the Commonwealth of Kentucky and any litigation with respect to this solicitation shall be brought in state or federal court in **Franklin County, Kentucky in accordance with KRS 45A.245.**

## **Section 9 - Registration with the Secretary of State by a Foreign Entity**

Pursuant to KRS 45A.480(1)(b), an agency, department, office, or political subdivision of the Commonwealth of Kentucky shall not award a state contract to a person that is a foreign entity required by [KRS 14A.9-010](#) to obtain a certificate of authority to transact business in the Commonwealth ("certificate") from the Secretary of State under [KRS 14A.9-030](#). **Therefore, foreign entities should submit a copy of their certificate with their solicitation response.** If the foreign entity is not required to obtain a certificate as provided in [KRS 14A.9-010](#), the foreign entity should identify the applicable exception in its solicitation response. Foreign entity is defined within [KRS 14A.1-070](#). Businesses can register with the Secretary of State at <https://secure.kentucky.gov/sos/ftbr/welcome.aspx> .

## **Section 10 - Funding Limitations**

If any or all responses received exceed the amount of funding available, then PRIDE reserves the right to cancel this RFQ.

## **Section 11 - Provisions for Termination of the Contract**

Any contract resulting from this solicitation shall be subject to the termination provisions set forth in 200 KAR 5:312.

## **Section 12 - Discrimination (Effective April 8, 2015)**

Discrimination (because of race, religion, color, national origin, sex, sexual orientation, gender identity, age, or disability) is prohibited. Eastern Kentucky PRIDE, Inc. and selected firm will enter into an agreement that adheres to the following:

1. The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, national origin, sex, sexual orientation,

gender identity, or age. The contractor further agrees to comply with the provisions of the Americans with Disabilities Act (ADA), Public Law 101-336, and applicable federal regulations relating thereto prohibiting discrimination against otherwise qualified disabled individuals under any program or activity. The contractor agrees to provide, upon request, needed reasonable accommodations. The contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, religion, color, national origin, sex, sexual orientation, gender identity, age or disability. Such action shall include, but not be limited to the following; employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensations; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, sex, sexual orientation, gender identity, age or disability.
3. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance.
4. The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965 as amended, and of the rules, regulations and relevant orders of the Secretary of Labor.
5. The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.
6. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further government contracts or federally-assisted construction contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended, and such other sanctions may be imposed and remedies invoked as provided in or as otherwise provided by law.
7. The contractor will include the provisions of paragraphs (1) through (7) of section

202 of Executive Order 11246 in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor, issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, as amended, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

### **Section 13 - Affirmative Action Compliance**

Eastern Kentucky PRIDE, Inc. requires all contractors to agree that he/she is in compliance with the Code of Federal Regulation No. 41 CFR 60-1.8(b) that prohibits the maintaining of segregated facilities.

### **Section 14 Contract Provisions**

Vendor is required to comply with Copeland "Anti-Kickback" Act (40 U.S.C. § 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontracts on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each subcontractor or sub-recipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

Vendor is required to comply with the Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352) for bids that exceed \$100,000.00, and are required to file certification.

Vendor is required to comply with the Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 125101387), as amended, for contracts in excess of \$150,000.00.

For any "funding agreement" under 37 CFR § 401.2(a), Vendor will be required to provide rights to inventions made under the contract or agreement.

All contracts for supplies or construction materials require compliance with the Buy American Act (41 U.S.C. Chapter 83).

It is the policy that supplier diversity (M/W/DV/BE) and small disadvantaged business concerns (SB/SDB) shall have the maximum practical opportunity to participate in the performance of government and commercial subcontracts awarded by consistent and efficient performance while balancing cost, timeliness, quality, technical suitability, legal requirements and other business best value considerations. PRIDE recognizes that providing competitive opportunities for M/W/DV/BE and small businesses supports the free enterprise system in which it operates. Additionally, broad-based competition contributes to the goal of providing all clients with the highest quality services at competitive costs. Therefore, it is the intention to aggressively pursue, wherever practical, subcontracting

opportunities which support our clients' objectives and requirements in accordance with applicable laws and regulations.

Eastern Kentucky PRIDE, Inc. is an Equal Opportunity Employer and encourages responses from all qualified firms, including local, minority and female owned firms.

**Campaign Finance Law Compliance**

In accordance with the provisions of KRS 45A.110 and KRS 45A.115, each bidder or offeror shall submit this affidavit with the bid or proposal.

I hereby swear or affirm under penalty of perjury that:

- (1) neither the bidder or offeror as defined in KRS 45A.076(6), nor the entity which he/she represents, has knowingly violated any provisions of the campaign finance laws of the Commonwealth of Kentucky, and
- (2) 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 of Kentucky.

I have fully informed myself regarding the accuracy of the statement made above.

\_\_\_\_\_  
SIGNATURE Printed Name

\_\_\_\_\_  
Title Date

Company Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me by \_\_\_\_\_, \_\_\_\_\_  
(Affiant) (Title)

of \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(Company Name)

\_\_\_\_\_  
Notary Public

(seal of notary) My commission expires:\_\_\_\_\_

# AML CONTRACTOR/SUBCONTRACTOR INFORMATION FORM

The requested information is necessary to obtain an AVS data evaluation to determine eligibility to work on AML-funded projects. Provide the requested information for the prime contractor and for each subcontractor.

## Part A: General Information

Contractor Name: \_\_\_\_\_  
Tax Payer ID No.: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone : \_\_\_\_\_

## Part B: Legal Structure

Corporation       Sole Proprietorship       Partnership       LLC  
 Other \_\_\_\_\_

## Part C: Ownership/Control Information

Provide information for the following relationships: names of officers/directors/persons (not company names) owning greater than 10% of the voting stock; partners; members; person(s) who commit the financial, real estate or working assets; and person(s) who have the authority to determine the manner in which the AML work is conducted.

\*If listed ownership does not equal 100%, provide the remaining ownership percentage and an explanation to account for the remaining ownership percentage.

\*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Position/Title: \_\_\_\_\_  
Phone: \_\_\_\_\_  
% of Ownership: \_\_\_\_\_ Fed I.D. #: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Position/Title: \_\_\_\_\_  
Phone: \_\_\_\_\_  
% of Ownership: \_\_\_\_\_ Fed I.D. #: \_\_\_\_\_

Attach additional pages as needed.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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

**FOR BIDS AND CONTRACTS IN GENERAL:**

- I. Each bidder or offeror swears and affirms under penalty of perjury, that:
  - 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.

**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:
  - 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.



Solicitation/Contract #: \_\_\_\_\_

**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.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Company Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Subscribed and sworn to before me by

\_\_\_\_\_  
(Affiant)

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

of \_\_\_\_\_  
(Company Name)

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

[seal of notary]

My commission expires: \_\_\_\_\_

Solicitation/Contract #: \_\_\_\_\_

**REQUIRED AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS CLAIMING QUALIFIED BIDDER STATUS**

**FOR BIDS AND CONTRACTS IN GENERAL:**

I. The bidder or offeror swears and affirms under penalty of perjury that the entity bidding, and all subcontractors therein, meets the requirements to be considered a "qualified bidder" in accordance with [200 KAR 5:410\(3\)](#); and will continue to comply with such requirements for the duration of any contract awarded. Please identify below the particular "qualified bidder" status claimed by the bidding entity.

\_\_\_\_\_ A nonprofit corporation that furthers the purposes of KRS Chapter 163

\_\_\_\_\_ Per KRS 45A.465(3), a "Qualified nonprofit agency for individuals with severe disabilities" means an organization that:

- (a) Is organized and operated in the interest of individuals with severe disabilities; and
- (b) Complies with any applicable occupational health and safety law of the United States and the Commonwealth; and
- (c) In the manufacture or provision of products or services listed or purchased under KRS 45A.470, during the fiscal year employs individuals with severe disabilities for not less than seventy-five percent (75%) of the man hours of direct labor required for the manufacture or provision of the products or services; and
- (d) Is registered and in good standing as a nonprofit organization with the Secretary of State.

The BIDDING AGENCY reserves the right to request documentation supporting a bidder's claim of qualified bidder status. Failure to provide such documentation upon request may result in disqualification of the bidder or contract termination.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Company Name \_\_\_\_\_

Address \_\_\_\_\_

Subscribed and sworn to before me by

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

of \_\_\_\_\_  
(Company Name)

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

[seal of notary]

My commission expires: \_\_\_\_\_

Solicitation/Contract #: \_\_\_\_\_

**REQUIRED AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS CLAIMING RESIDENT BIDDER STATUS**

**FOR BIDS AND CONTRACTS IN GENERAL:**

The bidder or offeror hereby swears and affirms under penalty of perjury that, in accordance with KRS 45A.494(2), the entity bidding is an individual, partnership, association, corporation, or other business entity that, on the date the contract is first advertised or announced as available for bidding:

1. Is authorized to transact business in the Commonwealth;
2. Has for one year prior to and through the date of advertisement
  - a. Filed Kentucky corporate income taxes;
  - b. Made payments to the Kentucky unemployment insurance fund established in KRS 341.49; and
  - c. Maintained a Kentucky workers' compensation policy in effect.

The BIDDING AGENCY reserves the right to request documentation supporting a bidder's claim of resident bidder status. Failure to provide such documentation upon request shall result in disqualification of the bidder or contract termination.

\_\_\_\_\_  
Signature Printed Name

\_\_\_\_\_  
Title Date

Company Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Subscribed and sworn to before me by \_\_\_\_\_  
(Affiant) (Title)

of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(Company Name)

\_\_\_\_\_  
Notary Public

[seal of notary] My commission expires: \_\_\_\_\_