

Boone County, Kentucky

INVITATION TO BID# BCFY22-17

FISCAL YEAR 2022 ASPHALT MILLING AND PAVING Florence Area

ACCEPTANCE DATE: September 10, 2021, 2:00 pm “local time”

ACCEPTANCE PLACE
Boone County Fiscal Court –
2950 Washington Street
PO Box 960
Finance Department – Room #205
2nd Floor Administration Building
Burlington, Kentucky 41005

Requests for information related to this Invitation should be directed to:

Robert Franxman, County Engineer
Email: rfranxman@boonecountyky.org

Issue Date: August 26, 2021

IF YOU NEED ANY REASONABLE ACCOMMODATION FOR ANY TYPE OF DISABILITY IN ORDER TO PARTICIPATE IN THIS PROCUREMENT, PLEASE CONTACT OUR OFFICE AS SOON AS POSSIBLE.

NOTICE

The Boone County Fiscal Court will receive sealed bids in the Finance Department, Second Floor, Administration Building, 2950 Washington Street, PO Box 960, Burlington, Kentucky 41005, **until 2:00 p.m. (local time), September 10, 2021 for Milling and Paving of County Roads and Streets.** Work shall include all labor, equipment, materials and services necessary to complete the work described in each Invitation to Bid. The County intends to bid and award multiple contracts that will be split regionally. Bids will be opened and publicly read aloud at that time in the Fiscal Courtroom, First Floor, Administration Building. Late, electronically submitted or facsimile bids will not be accepted.

- Milling and Paving – Florence Area
- Milling and Paving – Hebron Area
- Milling and Paving – Walton / Union Area

Each Category is to be bid separately and placed in separate envelopes.

Bid Envelope must be labeled exactly as listed above with the notation “Sealed Bid” along with the name of the vendor submitting the bid.

All bidding instructions are in the Milling and Paving Invitations to Bid on the Boone County website: www.boonecountky.org/publicnotices

Questions may be directed to Robert Franxman, Boone County Fiscal Court, rfranxman@boonecountky.org. Bids that do not follow the invitation instructions will not be considered. Boone County reserves the right to reject any and all bids, to waive any informalities and to negotiate for the modifications of any bid or to accept that bid which is deemed the most desirable and advantageous from the standpoint of customer value and service and concept of operations, even though such bid may not, on its face, appear to be the lowest and best price. No bid may be withdrawn for a period of sixty (60) days after scheduled time of receipt of bids.

IMPORTANT INSTRUCTIONS TO BIDDERS

(Read all instructions, terms and conditions carefully)

1. **Intent:** It is the intent of this bid process to establish contractual source(s) for the furnishing and delivery of Boone County Fiscal Court's requirements for the material(s) specified elsewhere herein.
2. **Term:** The completion Date for this project shall be **June 30, 2022.**
3. **Prices:** All prices contained herein will be firm and fixed for the above-mentioned Fiscal Year. **No minimum quantity requirements.**
4. **F.O.B.:** All pricing quoted herein shall be on a F.O.B. destination basis. **Includes vendor paid freight to delivery location.**
5. **Delivery:** Unless shown otherwise in bid item, it is required that the resultant order (s) be delivered complete within seven (7) calendar days after receipt of order. Offers quoting deliveries in excess time may be considered as alternate offers only to be considered in the event no responsive, responsible bids are received based on this specific delivery requirement. Bidders are reminded that their quotes are binding.
6. **Specifications:** The specifications shown on the attached Price Quotation Sheet are intended to represent item (s) of a quality level known to meet the County's requirements. While the County endeavors to promulgate written specifications that are accurate and non-restrictive for bidding purposes, they may also reference any items by manufacturer's name and number.
7. **Quantities:** The quantities shown are estimates only and the County reserves the right to purchase more or less of any item in accordance with its actual usage. **No minimum requirement will be accepted.**
8. **Known Acceptable Products:** Manufacturers and brands listed as "Known Acceptable Products" are shown for the purpose of indicating the quality of the products required by the County and are not intended to be restrictive. The term "or equal" shall apply.
9. **Award:** The award will be made to the lowest responsive, responsible bidder.
10. **Descriptive Literature:** Please submit descriptive literature showing specifications of items offered if other than the referenced "Known Acceptable Product." Failure to submit literature with bid or within three days of verbal request may result in bidder being declared non-responsive for that item.
11. **Sample:** Samples for alternate items offered may be required subsequent to bid opening. Failure to supply samples within seven (7) calendar days of verbal request may result in bidder being declared non-responsive for that item.
12. **Safety Data Sheet:** Safety Data Sheets, when applicable, are required to be submitted in three (3) copies with the bid document. Failure or delay in providing data sheets may result in bidder being declared non-responsive for that item.

13. **Bidder Affidavit:** Included with the Bidder's Response Copy of this bid is a section entitled: Purchase Order Acknowledgment. Read this section carefully. Failure to comply may result in the disqualification of your bid/contract anytime during the term of the contract.
14. **Termination for Convenience:** The County may terminate the contract, in whole or in part, without showing cause upon giving at least thirty (30) days written notice to contractor. The County shall make payment for goods or services delivered and accepted up to the date of termination.
15. **Termination for Default:** The contract may be terminated by the Assistant County Administrator in whole or in part by written notice of default to the contractor upon non-performance or violation of a contract's terms or conditions. An award may be made to the next low bidder, or services specified may be purchased on the open market similar to those so terminated. In either event, the defaulting contractor (or his surety) shall be liable to the County for costs to the County in excess of the defaulter contract price. Failure of the contractor to deliver the specified services within the time stipulated on his bid, unless extended in writing by the Assistant County Administrator, shall constitute contract default.
16. **Contract Provision for other Boone County Agencies:** Each bidder agrees when submitting their bid, unless otherwise stipulated, that the bidder will make available to all County Agencies and departments the prices offered in accordance with the bid terms and conditions. Verification of eligibility of participate in a contract may be requested from the County.
17. **OSHA Regulations, Bloodborne Pathogens:** The successful bidder/offeror shall during the course of performance under the proposed contract comply with Part 1910 of Title 29 of the Code of Federal Regulations (OSHA). This regulation deals with occupational exposures to bloodborne pathogens and other potentially infectious materials. During the performance of your contractual requirements, the contractor is expected to be alert to any potentially high risk of exposure opportunities and take all mandated precautionary measures contained in the regulation, including making available to all employees who have occupational exposure Hepatitis B vaccine and vaccinations series and post exposure follow-up following exposure incidents.
18. **Boone County Occupational License:** The successful bidder maybe required to obtain a Boone County Occupational License. If required and bidder fails to obtain, it may result in termination of the contract.

ASPHALT PAVING/MILLING GENERAL SPECIFICATIONS

1. Unless otherwise noted, the County estimates the rate of application for all asphalt mixtures to be 110 lbs/sy per inch of depth. Be advised that the County will control and accept asphalt mixtures furnished on this project under Division 400 of the Kentucky Department of Highway's 2019 Standard Specifications for Road and Bridge Construction (including Supplemental Specifications Effective with June 25, 2021 Letting). Compaction shall be accepted under Option B. Contrary to Division 400, Asphalt Tack shall be Non-Tracking according to the attached special note and all labor, equipment and materials required for application the tack will be incidental to the cost of the surfacing material

2. Contractor shall be responsible for necessary signage and traffic control per the Manual on Uniform Traffic Control Devices (MUTCD) current edition. Furnish new, or used in like new condition, traffic control devices at the beginning of the work and maintain in like new condition until completion of the work. Do not leave lane closures in place during non-working hours. The County may specify days and hours when lane closures will not be allowed. Maintain alternating one-way traffic during construction. If traffic should be stopped due to construction operations, and a school bus on an official run arrives on the scene, make provisions for the passage of the bus as quickly as possible.
3. Please notify the County two (2) weeks prior to beginning construction operations. Ideally, sidewalk construction would be completed prior to milling and paving; however, sidewalks may be completed after paving provided appropriate care is taken and sealing of sawcuts is performed at the contractor's expense.
4. Avoid cold longitudinal joints when practical by either placing the full width of the course in one pass or moving pavers back each day after placing sufficient tonnage in each traffic lane so the course placed will be the full width of the pavement at the end of each day. Obtain the County's approval for the method of paving. Wedge all transverse transitions between resurfaced and un-resurfaced areas which traffic may cross with asphalt mixture. Remove the wedges prior to placement of the final surface course.
5. Begin paving operations within 48 hours of commencement of the milling operations. Continue paving operations continuously until completed. Take possession of the millings and recycle the millings or dispose of the millings off of the Right-of-Way at sites obtained by the Contractor at no additional cost to the County.
6. Be advised, there may be an active project(s) adjacent to or within this project. The County will coordinate the work of the contractors.
7. The County's estimated quantities appear in the bid schedule only for the purpose of comparing the bid proposals. The County will pay the contractor only for the actual quantities of work performed and accepted or materials furnished according to the contract. The County may increase, decrease, or omit the estimated quantities of work and materials furnished.
8. The County will attempt to geographically group the in-place patching locations as to reasonably accomplish a 200 Ton daily production.
9. **FAILURE TO COMPLETE ON TIME.** For each calendar day that the Contractor fails to complete the work after the final completion date, the County will deduct \$750/day from any money due the Contractor; not as a penalty, but as agreed liquidated damages. The County will deduct daily charges as agreed liquidated damages for each calendar day without regard to inclement weather or the temperature limitations in the Contract, except that the County will not deduct liquidated damages when the specified seasonal or temperature limitations prohibit the Contractor from performing work. Because the prosecution of work in connection with the construction of road projects will inconvenience the public, obstruct traffic, and interfere with business, complete the work as quickly as practical. Also, the County's costs for the administration of the Contract, including inspection, engineering, supervision, and maintaining detours, increases with the time that the Contractor takes to execute the work. When the County allows the Contractor to continue and to finish the project beyond the Contract time, such permission does not operate as a waiver by the County of any of its rights under the Contract.

- 10. All work to be completed and invoiced by June 30, 2022.**
11. For Technical Specifications, see Exhibit I.
12. Asphalt and Fuel Adjustments will be conducted according to section 109.07 of the Kentucky Standard Specifications for Road and Bridge Construction.
13. For Road Paving List, see Exhibit II.
14. For any paving section without curb, wedge edge of pavement as indicated on The Durable Pavement Edge Detail, see Exhibit III.
15. Special Note for Non-Tracking Tack, See Exhibit IV.
16. Special Note for Sidewalk Ramps, See Exhibit V.
17. For Paving Maps, see Attachment A.

BID SHEET

ITEM	ITEM BID	ESTIMATED QUANTITY	UNIT	UNIT PRICE	TOTAL
1	Class 2 Asphalt Surface 0.38D PG64-22*, installed and compacted; including road preparation (weed burning / crack cleaning as necessary), cutting edge keys, raising utilities, trackless tack coat (NTSS-1HM or equivalent), hauling, flagging, foremen & paving crew. Durable pavement edge on non curb & gutter streets. Contractor shall crack seal all edge joints between concrete curbs and asphalt paving with joint sealer compound.	6,463	Ton		
2	Mill Existing Asphalt Pavement, Concrete Pavement or Asphalt over Concrete, Minimum Six (6) Feet in Width From Gutter Line See Additional Specifications For Milling	917	Ton		
3	Remove and replace concrete sidewalk ramps according to special note and drawings. Detectable warning pads to be provided by Boone County Public Works. Ramps estimated at 16 SY per ramp.	256	SY		
GRAND TOTAL:					
*Class 2 as described in Section 402 of the 2019 edition of Kentucky Department of Highway's Standard Specifications for Road and Bridge Construction (including 4/23/21 Letting Supplemental Specifications).					
NOTE: PLEASE READ EVALUATION OF BIDS TECHNICAL SPECIFICATIONS					

Exhibit I - TECHNICAL SPECIFICATIONS FOR ASPHALT PAVING/MILLING

Description/Scope of work: This work shall consist of improving the profile and cross section on the attached list of streets. The streets are constructed of either concrete, asphalt, or concrete overlaid with asphalt. The Contractor's scope of work shall include all labor, materials, equipment and incidentals to complete the paving and milling operation including but not limited to:

- a) All flagmen, trucking, disposal of the cuttings and cleaning of the milled surface.
- b) Adjusting any structures within the paving area including manholes, drainage structures and valve boxes.
- c) Any temporary traffic control devices or pavement markings (per current MUTCD).

Milling Specifications: Streets with a "Mill @ Curb" Rehabilitation listed shall be milled at a width of 6 feet along each curb line, to the depth listed on the paving list at the curb and 1/4" at the nearest edge to the centerline. Streets with a "FW Mill" shall be milled to the depth listed on the paving list for the full width of the street.

Paving/Milling Specifications: Division 400 of the 2019 Kentucky Department of Highways Standard Specifications for Road and Bridge Construction shall apply (including the April 23, 2021 Letting Supplemental Specifications).

Workmanship: The workmanship and finished surface shall meet the specifications of current Kentucky Department of Highways Standard Specifications for Road and Bridge Construction.

Insurance: Contractor shall submit a "Certificate of Insurance" showing proof of Kentucky Workmen's Compensation Insurance, and Liability insurance of not less than \$500,000, prior to the County issuing a Purchase Order for the project.

Bond: Contractor shall submit a Proposal Guaranty according to section 102.09 of the 2019 KY Standard Specifications for Road and Bridge Construction. The Guaranty shall be 5% of the total bid.

EVALUATION OF BIDS: Bids will be evaluated on the total cost (based on the estimated tons of paving and milling based on the Rehabilitation on the Paving List) of the Contractor's Paving bid plus the Milling bid.

Approximate lengths are based along the centerline of street.

Exhibit II – Boone County Public Works FY20/21 Paving Road List

STREET NAME	Subdivision	Limits	Type of Rehabilitations	LENGTH	WIDTH	Sq Yrds	Paving Tonnage	Milling Sq. yds	Milling Tonnage	Street Type	Sidewalk Ramps(EA)
BRITTANY TRAIL	SOUTHAMPTON ESTATES	761 BRITTANY TRAIL - EOP	Mill @curbs + 1.5" ACC OIL	1595	23	4076	336	2127	88	BT	
LANES END	SOUTHAMPTON ESTATES	BRITTANY TRAIL - CUL-DE-SAC	Mill @curbs + 1.5" ACC OIL	951	23	2430	201	1268	52	BT	
JASONS BLUFF	SOUTHAMPTON ESTATES	BRITTANY TRAIL - CUL-DE-SAC	Mill @curbs + 1.5" ACC OIL	1068	23	2704	223	1411	58	BT	
TENDER CT	UNION STATION	STATION LANE - CUL-DE-SAC	Mill @curbs + 1.5" ACC OIL	215	23	549	45	287	12	BT	
STATION LANE	UNION STATION	BUCKSHIRE GLEN - FROGTOWN RD	Mill @curbs + 1.5" ACC OIL	1465	23	3718	307	1940	80	BT	2
BUCKSHIRE GLEN	UNION STATION	CUL-DE-SAC - CUL-DE-SAC	Mill @curbs + 1.5" ACC OIL	2763	23	7061	777	3684	203	BT & Concrete	2
DUNCAN DR.	CHARLES DUNCAN	MT. ZION RD. - EOP	Mill @curbs + 2" ACC OIL	1608	23	4109	339	2144	88	BT	
ESTELLA CT	CHARLES DUNCAN	DUNCAN DR - CUL-DE-SAC	Mill @curbs + 1.5" ACC OIL	429	23	1096	90	572	24	BT	
KENT CIR	CHESHIRE RIDGE	CHESHIRE RIDGE - CUL-DE-SAC	Mill @curbs + 2" ACC OIL	290	23	741	82	387	21	Concrete	
ELYSE WAY	CHESHIRE RIDGE	CHESHIRE RIDGE - CUL-DE-SAC	Mill @curbs + 2" ACC OIL	713	23	1822	200	951	52	Concrete	
DEVONSHIRE CIR.	CHESHIRE RIDGE	CUL-DE-SAC - CUL-DE-SAC	Mill @curbs + 2" ACC OIL	960	23	2453	270	1280	70	Concrete	
CHESHIRE RIDGE DR	CHESHIRE RIDGE	JASONS BLUFF - CUL-DE-SAC	Mill @curbs + 2" ACC OIL	2292	23	5857	644	3056	188	Concrete	12
SUNNYBROOK DR		GUNPOWDER RD. - END OF COUNTY MAINTENANCE	1.5", ACC OIL	5249	16	9332	770	0	0	BT	
CLOVER HILL RD		SUNNYBROOK DR. - EOP	1.5", ACC OIL	1119	16	1989	164	0	0	BT	
CHITWOOD CIR		SUNNYBROOK DR. - EOP	1.5", ACC OIL	934	17	1764	146	0	0	BT	
TIBURON DR.	SOUTHAMPTON ESTATES	MT. ZION RD. - BRITTANY TRAIL	1.5", ACC OIL	4565	25	12681	1046	0	0	BT	
WATERLOT CT.	SOUTHAMPTON ESTATES	TIBURON DR. - CUL-DE-SAC	1.5", ACC OIL	1014	25	2817	232	0	0	BT	
BRITTANY TRAIL	SOUTHAMPTON ESTATES	761 BRITTANY TRAIL - CUL-DE-SAC	1.5", ACC OIL	1543	25	4286	354	0	0	BT	
RUSTIC LN	BOONE ACRES	KENNER DR. - CUL-DE-SAD	1.5", ACC OIL	512	25	1422	117	0	0	BT	
KENNER DR.	BOONE ACRES	KY 18 - EOP	1.5", ACC OIL	596	22	1457	120	0	0	BT	
			TOTALS:				6463		917		16

Exhibit III – DURABLE PAVEMENT EDGE DETAILS

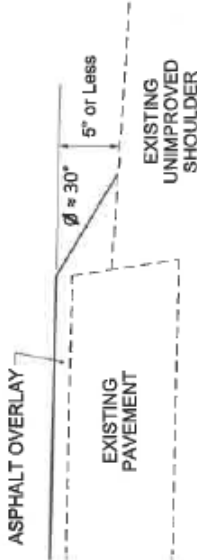
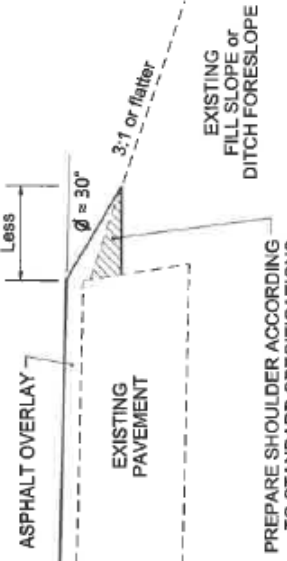
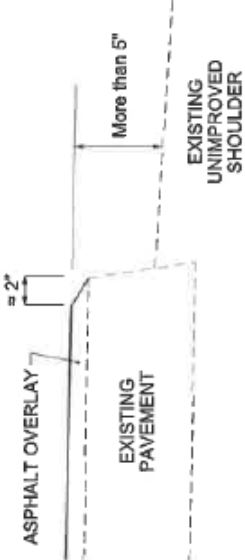
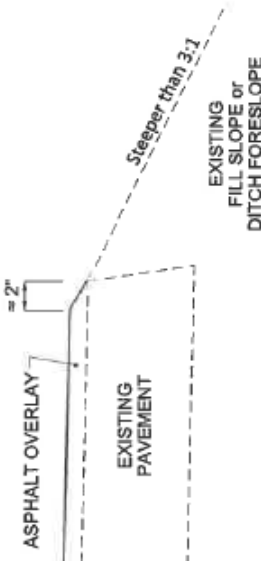
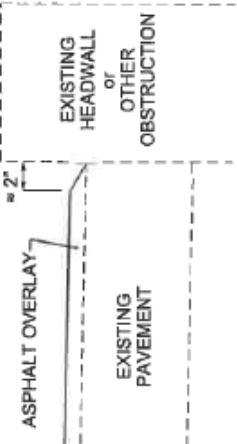
<p>DURABLE PAVEMENT EDGE DETAIL (Resurfacing adjacent to low shoulder with dropoff of 5 inches or less)</p>  <p>ASPHALT OVERLAY</p> <p>EXISTING PAVEMENT</p> <p>EXISTING UNIMPROVED SHOULDER</p>	<p>DURABLE PAVEMENT EDGE DETAIL (Resurfacing adjacent to fill slope or ditch foreslope that is 3:1 or less)</p>  <p>ASPHALT OVERLAY</p> <p>EXISTING PAVEMENT</p> <p>EXISTING FILL SLOPE or DITCH FORESLOPE</p> <p>PREPARE SHOULDER ACCORDING TO STANDARD SPECIFICATIONS</p>
<p>DURABLE PAVEMENT EDGE DETAIL (Resurfacing adjacent to low shoulder with dropoff of more than 5 inches)</p>  <p>ASPHALT OVERLAY</p> <p>EXISTING PAVEMENT</p> <p>EXISTING UNIMPROVED SHOULDER</p>	<p>DURABLE PAVEMENT EDGE DETAIL (Resurfacing adjacent to fill slope or ditch foreslope that is steeper than 3:1)</p>  <p>ASPHALT OVERLAY</p> <p>EXISTING PAVEMENT</p> <p>EXISTING FILL SLOPE or DITCH FORESLOPE</p>
<p>DURABLE PAVEMENT EDGE DETAIL (Resurfacing adjacent to an obstruction, such as an existing headwall)</p>  <p>ASPHALT OVERLAY</p> <p>EXISTING PAVEMENT</p> <p>EXISTING HEADWALL or OTHER OBSTRUCTION</p>	<p>NOTES</p> <ol style="list-style-type: none"> 1. DETAILS DO NOT APPLY TO OVERLAYS LESS THAN 1 INCH THICK. 2. THE DURABLE PAVEMENT EDGE DEVICE MAY BE DISENGAGED AT DRIVEWAYS, SIDE STREETS, HIGH SHOULDERS, AND OTHER LOCATIONS NOT FEASIBLE TO CONSTRUCT, AS APPROVED BY THE ENGINEER. <p style="text-align: center;">DRAWING NOT TO SCALE</p> <p style="text-align: center;">DURABLE PAVEMENT EDGE DETAILS</p>

Exhibit IV - Special Note for Non-Tracking Tack Coat

SPECIAL NOTE FOR NON-TRACKING TACK COAT

1. **DESCRIPTION AND USEAGE.** This specification covers the requirements and practices for applying a non-tracking tack asphalt coating. Place this material on the existing pavement course, prior to placement of a new asphalt pavement layer. Use when expedited paving is necessary or when asphalt tracking would negatively impact the surrounding area. This material is not suitable for other uses. Ensure material can “break” within 15 minutes under conditions listed in 3.2.

2. **MATERIALS, EQUIPMENT, AND PERSONNEL.**

2.1 **Non-Tracking Tack.** Provide material conforming to Subsection 2.1.1.

2.1.1 Provide a tack conforming to the following material requirements:

Property	Specification	Test Procedure
Viscosity, SFS, 77 ° F	20 – 100	AASHTO T 72
Sieve, %	0.3 max.	AASHTO T 59
Asphalt Residue ¹ , %	50 min.	AASHTO T 59
Oil Distillate, %	1.0 max.	AASHTO T 59
Residue Penetration, 77 ° F	20 max.	AASHTO T 49
Original Dynamic Shear (G*/sin δ), 82 ° C	1.0 min.	AASHTO T 315
Softening Point, ° F	149 min.	AASHTO T 53
Solubility, %	97.5 min.	AASHTO T 44

¹ Bring sample to 212 °F over a 10-15 minute period. Maintain 212 °F for 15-20 minutes or until 30-40 mL of water has distilled. Continue distillation as specified in T59.

- 2.2. **Equipment.** Provide a distributor truck capable of heating, circulating, and spraying the tack between 170 °F and 180 °F. Do not exceed 180 °F. Circulate the material while heating. As required by the manufacturer, ensure the spray bar is equipped with #1 or #2 ¼” V-slot Etnyre nozzles. Other nozzles are not acceptable. Arrange the nozzles in the following patterns from left to right:

Nozzle number(s)	Activity	Orientation
1	On	Vertical
2	Off	-
3	On	Horizontal
4 & 5	Off	-
6	On	Horizontal
Continue 2 off and 1 on pattern through rest of spray bar system.		

Ensure the bar can be raised to between 14 and 18” from the roadway.

Exhibit V - SPECIAL NOTE FOR SIDEWALK RAMPS

GENERAL

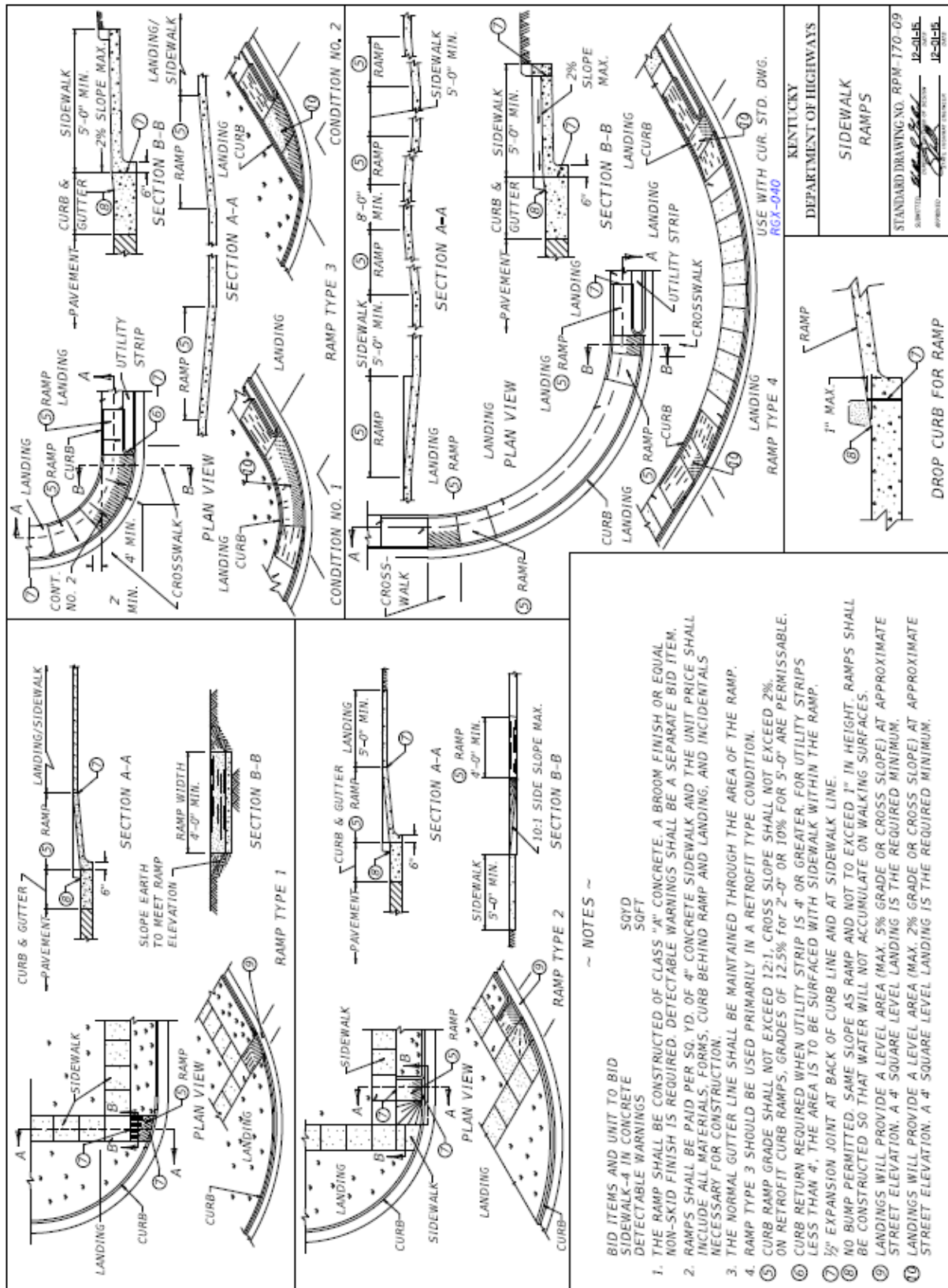
Unless otherwise stated in the contract, or as directed by or with prior approval from the Engineer, construct Sidewalk Ramps and Detectable Warnings in accordance with Section 505 of the 2019 Kentucky Standard Specifications for Road and Bridge Construction; the KYTC Supplemental Specifications in effect at the time of bid; and KYTC Standard Drawing RPM-170-09. Boone County Public Works will supply Detectable Warnings pads to be installed during by the contractor during sidewalk ramp construction. The Detectable Warnings shall be installed according to the manufacturer's recommendations. Unless specified otherwise in the Contract, construct sidewalk with 4" nominal minimum required thickness; however, if the existing sidewalk thickness is found to be greater or less than the thickness specified, transition the thickness as directed by the Engineer.

Except as required by the work, do not disturb drainage pipe, catch basins, and other roadway features, appurtenances and installations. Restore any roadway features, appurtenances, surrounding areas and installations damaged by the work in like kind materials and design at no additional cost to the County. Dispose of all waste off the right of way at sites obtained by the Contractor at no additional cost to the County.

MEASUREMENT & PAYMENT

SIDEWALK RAMPS – The County will measure Sidewalk Ramps by the SY of concrete removed and replaced. The County will not measure Roadway Excavation or Embankment, or stone used to level and grade the sidewalk subgrade but shall consider these and other items incidental to the Sidewalk. Accept payment at the Contract unit price per square yard as full compensation for all labor, materials, equipment, traffic control and incidentals required for removal and disposal of existing sidewalk and curb and gutter, excavation / embankment, stone / grading, construction of the sidewalk ramps, reconstruction of the adjacent curb and/or sidewalk as necessary to install the sidewalk ramps, and restoration of disturbed areas in accordance with these notes or as directed by the Engineer.

DETECTABLE WARNINGS – The County will not measure installation of the Detectable Warnings for payment. Installation of the County provided detectable warnings shall be incidental to the sidewalk construction

Exhibit V - SPECIAL NOTE FOR SIDEWALK RAMPS (cont.)

KENTUCKY PREFERENCE LAWS

The scoring of bids/bids is subject to Reciprocal preference for Kentucky resident bidders and Preferences for a Qualified Bidder or the Department of Corrections, Division of Prison Industries. ***Vendors not claiming resident bidder or qualified bidder status need not submit the corresponding affidavit.**

Reciprocal preference for Kentucky resident bidders

KRS 45A.490 Definitions for KRS 45A.490 to 45A.494.

As used in KRS 45A.490 to 45A.494:

- (1) "Contract" means any agreement of a public agency, including grants and orders, for the purchase or disposal of supplies, services, construction, or any other item; and
- (2) "Public agency" has the same meaning as in KRS 61.805.

KRS 45A.492 Legislative declarations.

The General Assembly declares:

- (1) A public purpose of the Commonwealth is served by providing preference to Kentucky residents in contracts by public agencies; and
- (2) Providing preference to Kentucky residents equalizes the competition with other states that provide preference to their residents.

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. 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.

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.

Preferences for a Qualified Bidder or the Department of Corrections, Division of Prison Industries.

Pursuant to 200 KAR 5:410, and KRS 45A.470, Kentucky Correctional Industries will receive a preference equal to twenty (20) percent of the maximum points awarded to a bidder in a solicitation. In addition, the following "qualified bidders" will receive a preference equal to fifteen (15) percent of the maximum points awarded to a bidder in a solicitation: Kentucky Industries for the Blind, any nonprofit corporation that furthers the purposes of KRS Chapter 163 and any qualified nonprofit agencies for individuals with severe disabilities as defined in KRS 45A.465(3). Other than Kentucky Industries for the Blind, a bidder claiming "qualified bidder" status shall submit along with its response to the solicitation a notarized affidavit which affirms that it meets the requirements to be considered a qualified bidder-affidavit form included. If requested, failure to provide documentation to a public agency proving qualified bidder status may result in disqualification of the bidder or contract termination.

**REQUIRED AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS CLAIMING
RESIDENT BIDDER STATUS (Not required)**

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:

Is authorized to transact business in the Commonwealth;

Has for one year prior to and through the date of advertisement

Filed Kentucky income taxes;

Made payments to the Kentucky unemployment insurance fund established in KRS 341.49; and

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: _____

REQUIRED AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS CLAIMING QUALIFIED BIDDER STATUS (Not Required)

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 _____ this ____ day of _____, 20____.
(Company Name)

Notary Public

[seal of notary]

My commission expires: _____

Attachment A – Florence Area Paving Maps



Attachment A – Florence Area Paving Maps (cont.)

