

**REQUEST FOR PROPOSAL # 2019-08**  
**REPLACING CROSSTIES @ RAIL LOOP**  
**BID OPENING DATE: Friday, September 13, 2019**  
**BID OPENING TIME: 2:00 p.m. Local Prevailing Time**

**SCOPE:**

Owensboro Riverport Authority (“ORA”) invites qualified contractors to submit proposals for the above referenced project in accordance with specifications contained in the Request for Proposal.

**GENERAL COMPLIANCE:**

**Please read these instructions carefully.**

**PREBID MEETING** – None.

**“NO PROPOSAL”:** Proposors unable or unwilling to submit a proposal should immediately return the “Quote Sheet” only with “No Bid” marked clearly on the outside of the envelope. Any vendor not submitting a proposal is encouraged to indicate the reason(s) for not participating.

**ALTERNATE PROPOSALS:** It is not the intention of the specifications contained herewith to eliminate any proposer; however, quoted items must equal or exceed stated specifications. Alternate proposals will be accepted only when such alternates have been requested.

**INDICATION OF COMPLIANCE:** Any deviation from the specification or where submitted literature does not fully support meeting the specification(s), must be clearly cited on the attached page labeled “Exceptions to RFP Specifications.” No deviation below “minimum” specifications will be accepted.

**PROPOSAL SUBMISSION:** The proposal shall be signed in ink. Typed quotation sheets are preferred; however, if hand written, the sheets must be legible and in ink.

All proposals, any accompanying letters, forms, samples, pictures, catalogs, or any other pertinent material that accompanies the proposal becomes the property of ORA and will not be returned to the proposer unless an agreement in writing is secured before the proposal is submitted.

The signed completed original proposal package and **two (2) copies** must be placed in a sealed envelope with the proposal number and opening date clearly marked on the outside of the envelope. The first page of the original proposal should be marked “Original” and the first page of the copies should be marked “Copy.” **The proposal shall be addressed and delivered to Michelle Payne, Purchasing Agent, 1771 River Road, Owensboro, KY 42301 prior to proposal opening date and time listed at the top of the page.**

**ANY PROPOSAL NOT RECEIVED PRIOR TO SCHEDULED DEADLINE WILL BE REJECTED AND RETURNED UNOPENED.**

**METHOD OF PROCUREMENT:** Competitive Negotiation (KRS45A.370) will be the method of procurement for the purchase of the item(s) specified herein.

**KENTUCKY OPEN RECORDS LAW:** At the time a bid or proposal is submitted to ORA, Vendor shall identify any information that is submitted as part of the Proposal that is proprietary or confidential in nature and not subject to release for public inspection. ORA will protect any proprietary or confidential information to the extent allowable under the Kentucky Open Records Act.

**NEW GOODS, FRESH STOCK:** Unless otherwise specifically stated, all Contractors shall provide new commodities, fresh stock, latest model, design or package.

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Where applicable, all products and materials utilized on this project must be found on the Commonwealth of Kentucky, Transportation Cabinet *List of Approved Materials*.

**METHOD OF AWARD:** This Proposal will be evaluated on the evaluation criteria established in the Proposal specifications.

ORA reserves the right to reject any and all Proposal or to waive any informalities, irregularities or minor defects in said Proposal. The right is also reserved to award Proposal based on the best interest and/or most advantageous to the ORA.

Award will be made to the lowest responsive and responsible Proposor meeting specifications. ORA reserves the right to consider as a part of the Proposal evaluation the stated warranty, stated delivery schedule and payment terms.

In case of a discrepancy in the extension of a unit price, the unit price shall govern the total price.

Proposors must provide manufacturer's product literature if available and appropriate with the proposal submission.

Prices quoted shall remain firm and open to acceptance by ORA for a minimum period of sixty (60) days after proposal opening.

**SHIPPING CHARGES:** All items quoted shall be "F.O.B. Destination." No additional freight charges will be allowed.

**DELIVERY/COMPLETION SCHEDULE:** Project will begin October 1, 2019 and must be complete in 120 days.

**BID SECURITY:** Each bid must be accompanied by cash, Cashier's Check, or a Bid Bond duly executed by the bidder as principal and having as surety thereon a surety company approved by ORA, in the amount of five percent (5%) of the bid. Such checks will be returned promptly after ORA and the accepted bidder have executed the contract, or if no award has been made within sixty (60) days after the date of the opening of bids, upon demand of the bidder any time thereafter, as long as he has not been notified of the acceptance of his bid.

The successful bidder upon failure or refusal to execute and deliver the contract and bonds required within ten (10) days after receipt of notice of acceptance of bid, shall forfeit to ORA the security deposited with his bid as damages for such failure or refusal.

Furthermore, any vendor awarded a contract who fails to fulfill all obligations on this contract may be disqualified from bidding on any ORA bids for a period of up to five (5) years.

**PERFORMANCE BONDS:** The contractor will be required to furnish a 100% Performance Bond. Bond shall be furnished within ten (10) working days after receipt of award notification.

Should the contractor fail to perform as indicated herein ORA reserves the right to procure the required services elsewhere at its discretion, either temporarily or permanently, and to either suspend or cancel all or part of the contract. Should such action be taken the contractor shall be responsible for all excess costs incurred by ORA. In addition, should the contractor fail to perform as indicated herein the Performance Bond may be forfeited in part or its entirety.

**REQUEST FOR PROPOSAL # 2019-08**  
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**PAYMENT BOND:** The contractor will be required to furnish a Payment Bond in an amount equal to 100% of the contract amount to assure payment as required by any or all persons supplying labor and material in the execution of the work provided herein.

**TERMINATION:** This agreement may be terminated by either party, by giving written notice thereof, at least sixty (60) days prior to the expiration of each term.

**FAILURE TO PERFORM:** Any vendor awarded a contract who fails to fulfill all obligations on this contract may be disqualified from bidding on any ORA bids for a period of up to five (5) years

Should the contractor fail to perform as indicated herein ORA reserves the right to procure the required services elsewhere at its discretion, either temporarily or permanently, and to either suspend or cancel all or part of the contract. Should such action be taken the contractor shall be responsible for all excess costs incurred by ORA.

**SAFETY:** Vendor must perform work in a safe and timely fashion, maintain a clean and safe work environment, follow safety requirements established by OSHA and ORA, and may be required to provide safety equipment. If, in the opinion of ORA, safety precautions are not in existence, work will cease immediately until corrective action is taken. Work will begin again only when vendor demonstrates to the satisfaction of ORA that conditions are without risk.

**INSURANCE REQUIREMENTS:** The successful Proposor covenants and agrees to maintain and keep in force during the term of the contract worker's compensation, property, casualty, and general liability in the following minimum amounts:

<u>Type of Insurance</u>	<u>Limits</u>
Worker's Compensation	Statutory
Commercial General Liability	\$1,000,000/\$1,000,000 CSL
Commercial Automobile Liability	\$1,000,000

On all general and automobile liability policies of insurance contractor shall have ORA named as an additional insured and shall further require that their liability carrier(s) notify ORA at least thirty (30) days prior to the effective date of any change(s) in or cancellations of said insurance policies. A current copy of Proposor's insurance certificate providing proof of insurance as stated above must be on file at ORA prior to Proposal award. Submission of insurance certificate copy may be included with the Proposal package.

**HOLD HARMLESS AGREEMENT:** The contractor/subcontractor covenants to save, defend, keep harmless, and indemnify ORA and all of its officers, departments, agencies, agents, and employees from and against all claims, loss, damage, injury, fine, penalties, and costs including court costs and attorney's fees, charges, liability, and exposure however caused resulting from, arising out of, or in any way connected with the contractor's/subcontractor's negligent performance or non-performance of the terms of the contract.

**PROPOSER'S QUALIFICATIONS:** Bidder must be a Pre-Qualified Contractor with the Commonwealth of Kentucky Transportation Cabinet. To obtain Pre-Qualification status, bidder may contact KYTC-Construction Procurement at (502)564-3500.

Proposer must demonstrate to the satisfaction of ORA that he has adequate equipment, personnel, experience and understanding of the specifications to perform service under the contract.

**REQUEST FOR PROPOSAL # 2019-08**  
**REPLACING CROSSTIES @ RAIL LOOP**  
**BID OPENING DATE: Friday, September 13, 2019**  
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No contract will be awarded to any proposer who, in the opinion of ORA, is not qualified to perform satisfactorily due to a previously unfavorable performance, reputation or lack of experience, capital, organization, equipment, and/or personnel to conduct and complete the services in accordance with the terms and conditions of the contract.

Successful bidder must comply with the City of Owensboro ordinances relating to Occupational License Fees, Business Licenses, payroll and net profits and any other ordinances which may apply to any particular bid package.

**SUBCONTRACTORS:** Any subcontractors who may be employed by the prime contractor to fulfill the terms of the contract must be listed on the page entitled "Subcontractors Registry Page" within this proposal package. Subcontractors must adhere to the same requirements as the prime contractors. Copies of subcontractors insurance policies including general liability and worker's compensation must be submitted with the proposal package

**EQUAL OPPORTUNITY STATUTES:** ORA is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, national origin, age, marital status, physical or mental disability, or any other characteristic protected by law. ORA is also committed to employing only United States citizens and aliens who are authorized to work in the United States. ORA complies with the Immigration Reform and Control Act of 1986. Therefore, the successful proposer must demonstrate to the satisfaction of ORA that he also conforms to all Federal, state, and local equal opportunity statutes. Further, the contractor will reimburse ORA for any damages incurred due to any violation of the above mentioned statutes by the contractor while under contract to ORA.

**ADDENDA AND INTERPRETATIONS:** No interpretation of the documents will be made to any proposal orally.

Every request for such interpretation should be in writing addressed to **Michelle Payne**, Purchasing Agent, P.O. Box 21955, Owensboro, KY 42304, or by e-mail at [mpayne@owensbororiverport.com](mailto:mpayne@owensbororiverport.com). All requests to be given consideration must be received at least three (3) days prior to the date fixed for the deadline of proposals. Any and all such interpretations and any supplemental instructions will be in the form of written addenda to the specifications which, if issued, will be emailed when available or mailed by certified mail with return receipt requested to all prospective proposers (at the respective addresses furnished for such purposes). Failure of any proposer to receive any such addendum or interpretation shall not relieve such proposer from any obligation under his/her proposal as submitted. All addenda so issued shall become part of the contract documents and must be acknowledged on bid form.

**CONFLICTS OF INTEREST:**

**All proposers are responsible for complying with the following KRS 45A.455: Conflicts of Interest - Gratuities and Kickbacks - Use of Confidential Information**

*It shall be a breach of ethical standards for any employee with procurement authority to participate directly in any proceeding or application; request for ruling or other determination; claim or controversy; or other particular matter pertaining to any contract or subcontract, and any solicitation or proposal therefore, in which to his knowledge:*

*He, or any member of his immediate family has a financial interest therein; or a business or organization in which he or any member of his immediate family has a financial interest as an officer, director, trustee, partner, or employee, is a party; or any other person, business, or organization with whom he or any member of his immediate family is negotiating or has an arrangement concerning prospective*

**REQUEST FOR PROPOSAL # 2019-08**  
**REPLACING CROSSTIES @ RAIL LOOP**  
**BID OPENING DATE: Friday, September 13, 2019**  
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*employment is a party. Direct or indirect participation shall include but not be limited to involvement through decision, approval, disapproval, recommendations, preparation of any part of a purchase request, influencing the content of any specification or purchase standard, rendering of advice, investigation, auditing, or in any other advisory capacity.*

*It shall be a breach of ethical standards for any person to offer, give, or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment, in concoction with any decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or purchase standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling or other determination, claim or*

*controversy, or other particular matter, pertaining to any contract or subcontract any solicitation or proposal therefore.*

*It is a breach of ethical standards for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the price contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.*

*The prohibition against conflicts and gratuities and kickbacks shall be conspicuously set forth in every local public agency written contract and solicitation therefore.*

*It shall be a breach of ethical standards for any public employee or former employee knowingly to use confidential information for his actual or anticipated personal gain, or the actual or anticipated personal gain of another person.*

For further information on the conflict of interest statutes, see the "Recovery of Value of Anything Transferred or Received in Breach of Ethical Standards" at KRS 45A.460, and "Definitions for Terms Used in KRS 45A.445 to 45A.460" at KRS 45A.445.

**REQUEST FOR PROPOSAL # 2019-08**  
**REPLACING CROSSTIES @ RAIL LOOP**  
**BID OPENING DATE: Friday, September 13, 2019**  
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**GENERAL REQUIREMENTS:**

The proposal should include:

1. A list of qualifications.
2. A statement of your understanding of the work, descriptions of the work to be performed.
3. The approximate date the work will begin (including preliminary field work) and end.
4. The not-to-exceed fee for performing the engagement, including out-of-pocket expenses. In addition, indicate the expected fees on future engagements.
5. Estimated hours and rate per hour required to complete the work.
6. Names, addresses and telephone numbers of persons who may be contacted for reference.

**SCOPE OF WORK:**

1. Furnish and install approximately 575 new crossties.
2. Furnish and install approximately 60 new switch ties. (mix of lengths 20 ties per turnout)
3. Gage approximately 1,000 feet of track (amount may increase and must be approved by the project manager before exceeding 1,000 feet). This shall include new spikes and creosote tie plugs.
4. Surface and dress ballast approximately 5,750 feet of track.
5. Surface and dress turnouts
6. Furnish and install approximately 1,000 tons of limestone ballast
7. Surfacing track must be done by a production tamper and regulator
8. Additional items may be requested at quoted unit price, if budget allows and addition is approved by Owensboro Riverport Authority, President/CEO.

Removed crossties will remain on property and must be placed and stacked in area designated by Project Manager.

If required, please contact Michelle Payne @ [mpayne@owensbororiverport.com](mailto:mpayne@owensbororiverport.com) for onsite visits.

Construction will not begin until October 1, 2019.

Work must be completed no later than 120 calendar days from project start date.

As applicable, all work shall be done in adherence to the current edition of KYTC Standard Specifications for Road and Bridge Construction.

The AREMA Manual of Railway Engineering (MRE) shall apply to all track work in this project unless otherwise specified in the Contract Documents.

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**PRICING:** All prices shall be quoted inclusive of any taxes. All materials will be purchased directly by Contractor.

Labor prices should be based on standard labor rates.

**MANNER OF PAYMENT:** Successful Proposer will submit a detail of hours required and cost and ORA will make payment after the work is completed to the satisfaction of the Owensboro Riverport Authority.

**EVALUATION PROCESS:** Proposals will be evaluated using three sets of criteria. Firms meeting the mandatory criteria will have their proposals evaluated and scored for both technical qualifications and price. The following represent the principal selection criteria which will be considered during the evaluation process.

1. Mandatory Elements
  - a. The contractor is independent and qualified.
  - b. The contractor has no conflict of interest with regard to any other work performed by the contractor for ORA.
  - c. The contractor adheres to the instructions in this request for proposal on preparing and submitting the proposal.
2. Technical Qualifications – ORA Safety Requirements
  - a. Expertise and Experience
    - i. The contractor's past experience and performance on comparable work
    - ii. The expertise and experience of the contractor's to be assigned to the engagement
3. Ability to meet project deadline
4. Price

**ORAL PRESENTATIONS:** During the evaluation process, ORA may, at its discretion, request any one or all contractors to make oral presentations. Such presentations will provide contractors with opportunity to answer any questions ORA may have on a contractor's proposal. Not all contractors may be asked to make such oral presentations.

**RIGHT TO REJECT PROPOSALS:** Submission of a proposal indicates acceptance by the contractor of the conditions contained in this request for proposal unless clearly and specifically noted on the exception page in the proposal submitted and confirmed in the contract between the ORA and the firm selected.

ORA reserves the right without prejudice to reject any or all proposals.

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REPLACING CROSSTIES @ RAIL LOOP  
BID OPENING DATE: Friday, September 13, 2019  
BID OPENING TIME: 2:00 p.m. Local Prevailing Time**

**EXCEPTIONS TO RFP SPECIFICATIONS:**

Exceptions to RFP specifications should be noted by number on the appropriate specifications sheet and those exceptions are to be explained on this page.

LIST ALL EXCEPTIONS:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

OTHER REMARKS AND COMMENTS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE \_\_\_\_\_ FIRM \_\_\_\_\_ SIGNED \_\_\_\_\_



**REQUEST FOR PROPOSAL # 2019-08  
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**SUBCONTRACTORS REGISTRY PAGE**

All subcontractors performing work in fulfillment of this bid must be listed on this page with the information requested.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>FAX</u>	<u>CRAFT</u>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
9.	_____	_____	_____	_____
10.	_____	_____	_____	_____

**REQUEST FOR PROPOSAL # 2019-08**  
**REPLACING CROSSTIES @ RAIL LOOP**  
**BID OPENING DATE: Friday, September 13, 2019**  
**BID OPENING TIME: 2:00 p.m. Local Prevailing Time**

**REQUIRED AFFIDAVIT REGARDING SUBCONTRACTORS**

I agree to fully provide any and all subcontracts used throughout the duration of any resulting contract a full copy of applicable prevailing wage rates and a copy of the contract terms and conditions. Furthermore, I understand that as the primary contractor I am fully responsible for any and all actions taken by my subcontractors.

SIGNATURE	Printed Name
Title	Date
Company Name	_____
Address	_____
Phone Number	_____ Email Address_____

List planned subcontractors and their contact information below. If more space is needed you may provide the information on a separate sheet. If subcontractors are not known prior to bid closing, but are utilized after award, the contractor shall provide the subcontractor's information to the contract's buyer of record prior to use of the subcontractor. Failure to do so may result in cancellation of the contract.

**Subcontractor 1:**

Company Name	_____
Address	_____
Phone Number	_____ Email Address_____

**Subcontractor 2:**

Company Name	_____
Address	_____
Phone Number	_____ Email Address_____

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

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

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

**REQUEST FOR PROPOSAL # 2019-08**  
**REPLACING CROSSTIES @ RAIL LOOP**  
**BID OPENING DATE: Friday, September 13, 2019**  
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**ANNUAL AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS**

**Affidavit Effective Date:**  
**Affidavit Expiration Date:**  
**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 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.

**REQUEST FOR PROPOSAL # 2019-08**  
**REPLACING CROSSTIES @ RAIL LOOP**  
**BID OPENING DATE: Friday, September 13, 2019**  
**BID OPENING TIME: 2:00 p.m. Local Prevailing Time**

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

**REQUIRED AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS PAGE 2 OF 2**

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.

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.

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

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

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

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

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

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

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

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

**REQUEST FOR PROPOSAL # 2019-08  
REPLACING CROSSTIES @ RAIL LOOP  
BID OPENING DATE: Friday, September 13, 2019  
BID OPENING TIME: 2:00 p.m. Local Prevailing Time**

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

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

**REQUEST FOR PROPOSAL # 2019-08  
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 BID OPENING DATE: Friday, September 13, 2019  
 BID OPENING TIME: 2:00 p.m. Local Prevailing Time**

**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: \_\_\_\_\_

**REQUEST FOR PROPOSAL # 2019-08  
REPLACING CROSSTIES @ RAIL LOOP  
BID OPENING DATE: Friday, September 13, 2019  
BID OPENING TIME: 2:00 p.m. Local Prevailing Time**

**REQUIRED AFFIDAVIT REGARDING CONTRACTOR EMPLOYEES**

**Illegal Immigrants**

1. The Commonwealth of Kentucky prohibits contracting with firms that utilize the services of illegal immigrants in the performance of a contract for goods or services in the performance of a contract with the Commonwealth. Additionally, such firms may not contract with any sub-contractor who utilizes the services of illegal immigrants.
2. By signing below the bidder agrees that:
  - a. The firm does not utilize the services of illegal immigrants in the performance of contracts,
  - b. The firm agrees that the Commonwealth may conduct random checks of personnel records as it pertains to this issue, and
  - c. Violation of this requirement shall be grounds for monetary and other penalties, up to and including termination of the contract. Additionally, violation of this requirement may result in the firm being prohibited from submitting bids for a period of one year.

I have fully informed myself regarding the accuracy of the statements 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: \_\_\_\_\_

**REQUEST FOR PROPOSAL # 2019-08  
REPLACING CROSSTIES @ RAIL LOOP  
BID OPENING DATE: Friday, September 13, 2019  
BID OPENING TIME: 2:00 p.m. Local Prevailing Time**

**STATEMENT REQUIRED PURSUANT TO KRS45A.395**

The provisions of KRS45A.395 require that any bidder or offeror submit a sworn statement in conformity with such statute as a prerequisite to a determination that such bidder or offeror is a responsible bidder.

The undersigned, individually and as the \_\_\_\_\_(office or title) of \_\_\_\_\_(bidder or offeror) states under penalty of perjury that neither he (she), nor, to the best of his (her) knowledge, anyone acting on behalf of Bidder or Offeror, has knowingly violated any provision of the campaign finance laws of the Commonwealth of Kentucky and that the award of a contract to the Bidder or Offeror will not violate any provision of the campaign finance laws of the Commonwealth. "Knowingly" means, with respect to conduct or to a circumstance described by a statute defining an offense, that a person is aware or should have been aware that his conduct is of that nature or that the circumstance exists.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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

\_\_\_\_\_  
(Typed or printed name)



**REQUEST FOR PROPOSAL # 2019-08  
REPLACING CROSSTIES @ RAIL LOOP  
BID OPENING DATE: Friday, September 13, 2019  
BID OPENING TIME: 2:00 p.m. Local Prevailing Time**

**VENDOR'S STATEMENT PURSUANT TO KRS45A.343**

The undersigned, as a duly authorized officer of \_\_\_\_\_ pursuant to KRS45A.343 states:

1. To the best of my knowledge, information and belief, \_\_\_\_\_ has not been finally determined to have violated any of the provisions of KRS Chapters 136, 139, 141, 337, 338, 341, or 342 that apply to it within the five year period preceding this statement.

2. \_\_\_\_\_ acknowledges that it will be required to be in compliance with those provisions of KRS Chapters 136, 139, 141, 337, 338, 341, and 342 that apply to it for the duration of the Contract to be entered into with the Owensboro Riverport Authority.

3. \_\_\_\_\_ acknowledges that if it fails to reveal any final determination of violation of KRS Chapters 136, 139, 141, 337, 338, 341, or 342, or to comply with the applicable provisions of those statutes for the duration of the aforesaid Contract, such shall be grounds for Owensboro Riverport Authority to:

a. Cancel its contract with \_\_\_\_\_ and,

b. Disqualify \_\_\_\_\_ from eligibility for future contracts awarded by Owensboro Riverport Authority for a period of two years.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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

By: \_\_\_\_\_

Title: \_\_\_\_\_

**REQUEST FOR PROPOSAL # 2019-08  
REPLACING CROSSTIES @ RAIL LOOP  
BID OPENING DATE: Friday, September 13, 2019  
BID OPENING TIME: 2:00 p.m. Local Prevailing Time**

BID PACKAGE: 2019-08 Replacing Cross Ties

Date \_\_\_\_\_ To Owner: \_\_\_\_\_

Name of Contractor/Supplier: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Business Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Having carefully examined the Instructions to Bidders on the above referenced project, the undersigned Bidder proposes to furnish **all labor, materials, services, equipment, tools, supplies, and temporary devices** required to complete the work in accordance with the contract documents and any addenda listed below for the price stated herein. Insert the addendum numbers received or the word "**none**" if no addendum received.

Addendum No(s).	Date
_____	_____
_____	_____

**REQUEST FOR PROPOSAL # 2019-08**  
**REPLACING CROSSTIES @ RAIL LOOP**  
**BID OPENING DATE: Friday, September 13, 2019**  
**BID OPENING TIME: 2:00 p.m. Local Prevailing Time**

In accordance with the contract documents, I/we submit the following prices which include labor and materials:

Description	Qty	UOM		Unit Price	Extended Price
1. Furnish and install new crossties	575	Each	Approx		
2. Furnish and install new switch ties. (mix of lengths 20 ties per turnout)	60	Each	Approx		
3. Gage track. Includes new spikes and creosote tie plugs	1,000	Ft	Approx		
4. Surface and dress ballast	5,750	Ft	Approx		
5. Surface and dress turnouts	4	Each	Approx		
6. Furnish and install limestone ballast	1,000	Tons	Approx		
7. Surfacing track must done by a production tamper and regulator	5,750	Ft	Approx		

TOTAL BID PRICE

\$ \_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE**