

CALL NO. <u>401</u> CONTRACT ID. <u>191243</u> <u>LYON - LIVINGSTON COUNTIES</u> FED/STATE PROJECT NUMBER <u>121GR19D43 - FD04</u> DESCRIPTION <u>KY 453 & I-24 (NAVIGATION LIGHTING IN LYON & LIVINGSTON)</u> WORK TYPE <u>LIGHTING</u> PRIMARY COMPLETION DATE <u>10/1/2020</u>

LETTING DATE: October 25,2019

Sealed Bids will be received electronically through the Bid Express bidding service until 10:00 AM EASTERN DAYLIGHT TIME October 25,2019. Bids will be publicly announced at 10:00 AM EASTERN DAYLIGHT TIME.

PLANS AVAILABLE FOR THIS PROJECT.

REQUIRED BID PROPOSAL GUARANTY: Not less than 5% of the total bid.

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PART I

SCOPE OF WORK

ADMINISTRATIVE DISTRICT - 01

CONTRACT ID - 191243

121GR19D43 - FD04

COUNTY - LIVINGSTON

PCN - DE07000241944 FD04 070 0024 033-034

I-24 (NAVIGATION LIGHTING IN LIVINGSTON COUNTY) (MP 33.600) UPGRADE NAVIGATIONAL LIGHTING ON I-24 BRIDGE OVER CUMBERLAND RIVER IN LIVINGSTON COUNTY (MP 34.000)LIGHTING SYP NO. 01-04901.00. GEOGRAPHIC COORDINATES LATITUDE 37:03:38.00 LONGITUDE 88:13:02.00

COUNTY - LYON

PCN - DE07204531943 FD04 072 0453 000-001

KY 453 (NAVIGATION LIGHTING IN LYON COUNTY) (MP 0.100) UPGRADE NAVIGATIONAL LIGHTING ON KY 453 BRIDGE OVER BARKLEY CANAL IN LYON COUNTY (MP 0.300), A DISTANCE OF 0.20 MILES.LIGHTING SYP NO. 01-04901.00.

GEOGRAPHIC COORDINATES LATITUDE 37:03:38.00 LONGITUDE 88:13:02.00

COMPLETION DATE(S):

COMPLETED BY 10/01/2020

APPLIES TO ENTIRE CONTRACT

CONTRACT NOTES

PROPOSAL ADDENDA

All addenda to this proposal must be applied when calculating bid and certified in the bid packet submitted to the Kentucky Department of Highways. Failure to use the correct and most recent addenda may result in the bid being rejected.

BID SUBMITTAL

Bidder must use the Department's electronic bidding software. The Bidder must download the bid file located on the Bid Express website (www.bidx.com) to prepare a bid packet for submission to the Department. The bidder must submit electronically using Bid Express.

JOINT VENTURE BIDDING

Joint venture bidding is permissible. All companies in the joint venture must be prequalified in one of the work types in the Qualifications for Bidders for the project. The bidders must get a vendor ID for the joint venture from the Division of Construction Procurement and register the joint venture as a bidder on the project. Also, the joint venture must obtain a digital ID from Bid Express to submit a bid. A joint bid bond of 5% may be submitted for both companies or each company may submit a separate bond of 5%.

UNDERGROUND FACILITY DAMAGE PROTECTION

The contractor shall make every effort to protect underground facilities from damage as prescribed in the Underground Facility Damage Protection Act of 1994, Kentucky Revised Statute KRS 367.4901 to 367.4917. It is the contractor's responsibility to determine and take steps necessary to be in compliance with federal and state damage prevention directives. When prescribed in said directives, the contractor shall submit Excavation Locate Requests to the Kentucky Contact Center (KY811) via web ticket entry. The submission of this request does not relieve the contractor from the responsibility of contacting non-member facility owners, whom shall be contacted through their individual Protection Notification Center. Non-compliance with these directives can result in the enforcement of penalties.

REGISTRATION WITH THE SECRETARY OF STATE BY A FOREIGN ENTITY

Pursuant to KRS 176.085(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 <u>KRS 14A.9-010</u> to obtain a certificate of authority to transact business in the Commonwealth ("certificate") from the Secretary of State under <u>KRS 14A.9-030</u> unless the person produces the certificate within fourteen (14) days of the bid or proposal opening. If the foreign entity is not required to obtain a certificate as provided in <u>KRS 14A.9-010</u>, the foreign entity should identify the applicable exception. Foreign entity is defined within <u>KRS 14A.1-070</u>.

For all foreign entities required to obtain a certificate of authority to transact business in the Commonwealth, if a copy of the certificate is not received by the contracting agency within the time frame identified above, the foreign entity's solicitation response shall be deemed non-responsive or the awarded contract shall be cancelled.

Businesses can register with the Secretary of State at <u>https://secure.kentucky.gov/sos/ftbr/welcome.aspx</u>.

SPECIAL NOTE FOR PROJECT QUESTIONS DURING ADVERTISEMENT

Questions about projects during the advertisement should be submitted in writing to the Division of Construction Procurement. This may be done by fax (502) 564-7299 or email to <u>kytc.projectquestions@ky.gov</u>. The Department will attempt to answer all submitted questions. The Department reserves the right not to answer if the question is not pertinent or does not aid in clarifying the project intent.

The deadline for posting answers will be 3:00 pm Eastern Daylight Time, the day preceding the Letting. Questions may be submitted until this deadline with the understanding that the later a question is submitted, the less likely an answer will be able to be provided.

The questions and answers will be posted for each Letting under the heading "Questions & Answers" on the Construction Procurement website (<u>www.transportation.ky.gov/contract</u>). The answers provided shall be considered part of this Special Note and, in case of a discrepancy, will govern over all other bidding documents.

HARDWOOD REMOVAL RESTRICTIONS

The US Department of Agriculture has imposed a quarantine in Kentucky and several surrounding states, to prevent the spread of an invasive insect, the emerald ash borer. Hardwood cut in conjunction with the project may not be removed from the state. Chipping or burning on site is the preferred method of disposal.

INSTRUCTIONS FOR EXCESS MATERIAL SITES AND BORROW SITES

Identification of excess material sites and borrow sites shall be the responsibility of the Contractor. The Contractor shall be responsible for compliance with all applicable state and federal laws and may wish to consult with the US Fish and Wildlife Service to seek protection under Section 10 of the Endangered Species Act for these activities.

ACCESS TO RECORDS

The contractor, as defined in KRS 45A.030 (9) agrees that the contracting agency, the Finance and Administration Cabinet, the Auditor of Public Accounts, and the Legislative Research Commission, or their duly authorized representatives, shall have access to any books, documents, papers, records, or other evidence, which are directly pertinent to this contract for the purpose of financial audit or program review. Records and other prequalification information confidentially

disclosed as part of the bid process shall not be deemed as directly pertinent to the contract and shall be exempt from disclosure as provided in KRS 61.878(1)(c). The contractor also recognizes that any books, documents, papers, records, or other evidence, received during a financial audit or program review shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884.

In the event of a dispute between the contractor and the contracting agency, Attorney General, or the Auditor of Public Accounts over documents that are eligible for production and review, the Finance and Administration Cabinet shall review the dispute and issue a determination, in accordance with Secretary's Order 11-004.

April 30, 2018

SPECIAL NOTE FOR RECIPROCAL PREFERENCE

RECIPROCAL PREFERENCE TO BE GIVEN BY PUBLIC AGENCIES TO RESIDENT BIDDERS

By reference, KRS 45A.490 to 45A.494 are incorporated herein and in compliance regarding the bidders residency. Bidders who want to claim resident bidder status should complete the Affidavit for Claiming Resident Bidder Status along with their bid in the electronic bidding software. Submittal of the Affidavit should be done along the bid in Bid Express.

April 30, 2018



KENTUCKY TRANSPORTATION CABINET Department of Highways DIVISION OF RIGHT OF WAY & UTILITIES

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RIGHT OF WAY CERTIFICATION

ITEM # COUNTY PROJECT # (FEDERAL) 01-4901.00 LYON & LIVINGSTON 1100 FD04 070 033-034 N/A 01-4901.00 LYON & LIVINGSTON 1100 FD04 070 033-034 N/A PROJECT DESCRIPTION UPGRADE NAVIGATIONAL LIGHTING ON KY 453 BRIDGE OVER BARKLEY CANAL AND 1-24 BRIDGE OVER CUMBERLAND RIVER. Secondational Right of Way Required Construction will be within the limits of the existing right of way. The right of way as acquired in accordance to FHWA regulations under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970, as amended. No additional right of way or relocation assistance were required for this project. I condition at 1 (Additional Right of Way Required and Cleared) All necessary right of way, including control of access rights when applicable, have been acquired including legal and physical possession. Trial or appeal of cases may be pending in court but legal possession has been be ablained. There mays be some limprovements and enter on all lands and improvements, and the typical possession and the right of way but all occupants the Reception) Condition # 2 (Additional Right of Way Required with Exception) The right of way has not been policing in accordance with the provisions of the current FHWA directive. Condition # 2 (Additional Right of Way Required with Exception) The registion for all pending parcels will be pending in court and on other parcels full legal possession has no teen obtained, but right of entry has been obtained, but coccupants have wasted be reassary	Original		Re-Cert	tificatio	n	RIGHT O	F WAY CERTIFICATI	ON			
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MATERIAL SUMMARY

CONTRACT ID: 191243

121GR19D43 - FD04

DE07000241944

I-24 (NAVIGATION LIGHTING IN LIVINGSTON COUNTY) UPGRADE NAVIGATIONAL LIGHTING ON I-24 BRIDGE OVER CUMBERLAND RIVER IN LIVINGSTON COUNTY LIGHTING.

Project Line No	Bid Code	DESCRIPTION	Quantity	Unit
0065	02562	TEMPORARY SIGNS	212.00	SQFT
0070	02650	MAINTAIN & CONTROL TRAFFIC - (I-24 LIVINGSTON COUNTY)	1.00	LS
0075	02775	ARROW PANEL	4.00	EACH
0080	04775	NAVIGATION LIGHT 360 DEG GREEN	2.00	EACH
0085	04776	NAVIGATION LIGHT 180 DEG RED	4.00	EACH
0090	04940	REMOVE LIGHTING - (I-24 LIVINGSTON COUNTY)	1.00	LS
0095	06406	SBM ALUM SHEET SIGNS .080 IN	8.00	SQFT
0100	20410ED	MAINTAIN LIGHTING - (I-24 LIVINGSTON COUNTY)	1.00	LS
0105	23365EC	LIGHTING-NAV MONITORING SYSTEM - (I-24 LIVINGSTON COUNTY)	1.00	LS
0110	24838EC	SOLAR POWERED NAV LIGHTING SYSTEM	6.00	EACH
0115	02569	DEMOBILIZATION	1.00	LS

CONTRACT ID: 191243

121GR19D43 - FD04

DE07204531943

KY 453 (NAVIGATION LIGHTING IN LYON COUNTY) UPGRADE NAVIGATIONAL LIGHTING ON KY 453 BRIDGE OVER BARKLEY CANAL IN LYON COUNTY LIGHTING, A DISTANCE OF .2 MILES.

Project Line No	Bid Code	DESCRIPTION	Quantity	Unit
0005	02562	TEMPORARY SIGNS	144.00	SQFT
0010	02650	MAINTAIN & CONTROL TRAFFIC - (KY 453 LYON COUNTY)	1.00	LS
0015	02775	ARROW PANEL	4.00	EACH
0020	04775	NAVIGATION LIGHT 360 DEG GREEN	2.00	EACH
0025	04776	NAVIGATION LIGHT 180 DEG RED	4.00	EACH
0030	04933	TEMP SIGNAL 2 PHASE	1.00	EACH
0035	04940	REMOVE LIGHTING - (KY 453 LYON COUNTY)	1.00	LS
0040	06406	SBM ALUM SHEET SIGNS .080 IN	16.00	SQFT
0045	20410ED	MAINTAIN LIGHTING - (KY 453 LYON COUNTY)	1.00	LS
0050	23365EC	LIGHTING-NAV MONITORING SYSTEM - (KY 453 LYON COUNTY)	1.00	LS
0055	24838EC	SOLAR POWERED NAV LIGHTING SYSTEM	6.00	EACH
0060	02569	DEMOBILIZATION	1.00	LS

PART II

SPECIFICATIONS AND STANDARD DRAWINGS

SPECIFICATIONS REFERENCE

Any reference in the plans or proposal to previous editions of the *Standard Specifications* for Road and Bridge Construction and Standard Drawings are superseded by Standard Specifications for Road and Bridge Construction, Edition of 2019 and Standard Drawings, Edition of 2016.

SUPPLEMENTAL SPECIFICATIONS

The contractor shall use the Supplemental Specifications that are effective at the time of letting. The Supplemental Specifications can be found at the following link:

http://transportation.ky.gov/Construction/Pages/Kentucky-Standard-Specifications.aspx

PART III

EMPLOYMENT, WAGE AND RECORD REQUIREMENTS

TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS

LABOR AND WAGE REQUIREMENTS APPLICABLE TO OTHER THAN FEDERAL-AID SYSTEM PROJECTS

I. Application

II. Nondiscrimination of Employees (KRS 344)

I. APPLICATION

1. These contract provisions shall apply to all work performed on the contract by the contractor with his own organization and with the assistance of workmen under his immediate superintendence and to all work performed on the contract by piecework, station work or by subcontract. The contractor's organization shall be construed to include only workmen employed and paid directly by the contractor and equipment owned or rented by him, with or without operators.

2. The contractor shall insert in each of his subcontracts all of the stipulations contained in these Required Provisions and such other stipulations as may be required.

3. A breach of any of the stipulations contained in these Required Provisions may be grounds for termination of the contract.

II. NONDISCRIMINATION OF EMPLOYEES

AN ACT OF THE KENTUCKY GENERAL ASSEMBLY TO PREVENT DISCRIMINATION IN EMPLOYMENT KRS CHAPTER 344 EFFECTIVE JUNE 16, 1972

The contract on this project, in accordance with KRS Chapter 344, provides that during the performance of this contract, the contractor agrees as follows:

1. The contractor shall not fail or refuse to hire, or shall not discharge any individual, or otherwise discriminate against an individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, national origin, sex, disability or age (forty and above); or limit, segregate, or classify his employees in any way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, national origin, sex, disability or age forty (40) and over. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

2. The contractor shall not print or publish or cause to be printed or published a notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by the employment agency, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, national origin, sex, or age forty (40) and over, or because the person is a qualified individual with a disability, except that such a notice or advertisement may indicate a preference, limitation, or specification based on religion, national origin, sex, or age forty (40) and over, or because the person is a qualified individual with a disability, when religion, national origin, sex, or age forty (40) and over, or because the person is a qualified individual with a disability, is a bona fide occupational qualification for employment. 3. If the contractor is in control of apprenticeship or other training or retraining, including on-the-job training programs, he shall not discriminate against an individual because of his race, color, religion, national origin, sex, disability or age forty (40) and over, in admission to, or employment in any program established to provide apprenticeship or other training.

4. 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 to be provided 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 administrating agency may direct as a means of enforcing such provisions, including sanctions for non-compliance.

Revised: January 25, 2017

EXECUTIVE BRANCH CODE OF ETHICS

In the 1992 regular legislative session, the General Assembly passed and Governor Brereton Jones signed Senate Bill 63 (codified as KRS 11A), the Executive Branch Code of Ethics, which states, in part:

KRS 11A.040 (7) provides:

No present or former public servant shall, within six (6) months following termination of his office or employment, accept employment, compensation, or other economic benefit from any person or business that contracts or does business with, or is regulated by, the state in matters in which he was directly involved during the last thirty-six (36) months of his tenure. This provision shall not prohibit an individual from returning to the same business, firm, occupation, or profession in which he was involved prior to taking office or beginning his term of employment, or for which he received, prior to his state employment, a professional degree or license, provided that, for a period of six (6) months, he personally refrains from working on any matter in which he was directly involved during the last thirtysix (36) months of his tenure in state government. This subsection shall not prohibit the performance of ministerial functions, including but not limited to filing tax returns, filing applications for permits or licenses, or filing incorporation papers, nor shall it prohibit the former officer or public servant from receiving public funds disbursed through entitlement programs.

KRS 11A.040 (9) states:

A former public servant shall not represent a person or business before a state agency in a matter in which the former public servant was directly involved during the last thirty-six (36) months of his tenure, for a period of one (1) year after the latter of:

- a) The date of leaving office or termination of employment; or
- b) The date the term of office expires to which the public servant was elected.

This law is intended to promote public confidence in the integrity of state government and to declare as public policy the idea that state employees should view their work as a public trust and not as a way to obtain private benefits.

If you have worked for the executive branch of state government within the past six months, you may be subject to the law's prohibitions. The law's applicability may be different if you hold elected office or are contemplating representation of another before a state agency.

Also, if you are affiliated with a firm which does business with the state and which employs former state executive-branch employees, you should be aware that the law may apply to them.

In case of doubt, the law permits you to request an advisory opinion from the Executive Branch Ethics Commission, 3 Fountain Place, Frankfort, Kentucky 40601; telephone (502) 564-7954.

Revised: January 27, 2017

Kentucky Equal Employment Opportunity Act of 1978

The requirements of the Kentucky Equal Employment Opportunity Act of 1978 (KRS 45.560-45.640) shall apply to this Contract. The apparent low Bidder will be required to submit EEO forms to the Division of Construction Procurement, which will then forward to the Finance and Administration Cabinet for review and approval. No award will become effective until all forms are submitted and EEO/CC has certified compliance. The required EEO forms are as follows:

- EEO-1: Employer Information Report
- Affidavit of Intent to Comply
- Employee Data Sheet
- Subcontractor Report

These forms are available on the Finance and Administration's web page under *Vendor Information, Standard Attachments and General Terms* at the following address: <u>https://www.eProcurement.ky.gov</u>.

Bidders currently certified as being in compliance by the Finance and Administration Cabinet may submit a copy of their approval letter in lieu of the referenced EEO forms.

For questions or assistance please contact the Finance and Administration Cabinet by email at **finance.contractcompliance@ky.gov** or by phone at 502-564-2874.

	ATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION
	FEDERAL MINIMUM WAGE \$7.25 PER HOUR BEGINNING JULY 24, 2009
OVERTIME PAY	At least 1^{1}_{2} times your regular rate of pay for all hours worked over 40 in a workweek.
CHILD LABOR	An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor.
	Youths 14 and 15 years old may work outside school hours in various non-manufactur- ing, non-mining, non-hazardous jobs under the following conditions:
	 No more than 3 hours on a school day or 18 hours in a school week;
	• 8 hours on a non-school day or 40 hours in a non-school week.
	Also, work may not begin before 7 a.m. or end after 7 p.m. , except from June 1 through Labor Day, when evening hours are extended to 9 p.m. Different rules apply in agricultural employment.
TIP CREDIT	Employers of "tipped employees" must pay a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference. Certain other conditions must also be met.
ENFORCEMENT	The Department of Labor may recover back wages either administratively or through court action, for the employees that have been underpaid in violation of the law. Violations may result in civil or criminal action.
	Employers may be assessed civil money penalties of up to \$1,100 for each willful or repeated violation of the minimum wage or overtime pay provisions of the law and up to \$11,000 for each employee who is the subject of a violation of the Act's child labor provisions. In addition, a civil money penalty of up to \$50,000 may be assessed for each child labor violation that causes the death or serious injury of any minor employee, and such assessments may be doubled, up to \$100,000, when the violations are determined to be willful or repeated. The law also prohibits discriminating against or discharging workers who file a complaint or participate in any proceeding under the Act.
ADDITIONAL INFORMATION	 Certain occupations and establishments are exempt from the minimum wage and/or overtime pay provisions. Special provisions apply to workers in American Samoa and the Commonwealth of the Northern Mariana Islands. Some state laws provide greater employee protections; employers must comply with both The law requires employers to display this poster where employees can readily see it. Employees under 20 years of age may be paid \$4.25 per hour during their first 90
	 consecutive calendar days of employment with an employer. Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.
	For additional information: 1-866-4-USWAGE
	(1-866-487-9243) TTY: 1-877-889-5627 U.S. Wage and Hour Division

U.S. Department of Labor | Wage and Hour Division

PART IV

INSURANCE

Refer to Kentucky Standard Specifications for Road and Bridge Construction, current edition

PART V

BID ITEMS

191243

PROPOSAL BID ITEMS

Report Date 9/26/19

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Section: 0001 - LIGHTING

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
0010	02562		TEMPORARY SIGNS	356.00	SQFT		\$	
0020	02650		MAINTAIN & CONTROL TRAFFIC (I-24 LIVINGSTON COUNTY)	1.00	LS		\$	
0030	02650		MAINTAIN & CONTROL TRAFFIC (KY 453 LYON COUNTY)	1.00	LS		\$	
0040	02775		ARROW PANEL	8.00	EACH		\$	
0050	04775		NAVIGATION LIGHT 360 DEG GREEN	4.00	EACH		\$	
0060	04776		NAVIGATION LIGHT 180 DEG RED	8.00	EACH		\$	
0070	04933		TEMP SIGNAL 2 PHASE	1.00	EACH		\$	
0080	04940		REMOVE LIGHTING (I-24 LIVINGSTON COUNTY)	1.00	LS		\$	
0090	04940		REMOVE LIGHTING (KY 453 LYON COUNTY)	1.00	LS		\$	
0100	06406		SBM ALUM SHEET SIGNS .080 IN	24.00	SQFT		\$	
0110	20410ED		MAINTAIN LIGHTING (I-24 LIVINGSTON COUNTY)	1.00	LS		\$	
0120	20410ED		MAINTAIN LIGHTING (KY 453 LYON COUNTY)	1.00	LS		\$	
0130	23365EC		LIGHTING-NAV MONITORING SYSTEM (I-24 LIVINGSTON COUNTY)	1.00	LS		\$	
0140	23365EC		LIGHTING-NAV MONITORING SYSTEM (KY 453 LYON COUNTY)	1.00	LS		\$	
0150	24838EC		SOLAR POWERED NAV LIGHTING SYSTEM	12.00	EACH		\$	

Section: 0002 - DEMOBILIZATION &/OR MOBILIZATION

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
0160	02569		DEMOBILIZATION	1.00	LS		\$	