

# **FY 2026 Kentucky Industrial Access and Safety Improvement (KIASI) Projects**

## **Project Guidance and Specifications**

By: KENTUCKY TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS, DIVISION OF PLANNING

### **Kentucky Industrial Access and Safety Improvement Project (KIASI) Funds**

The Kentucky Industrial Access and Safety Improvement Project (KIASI) Program was established to provide grants to expand rail access, enhance the marketability of available industrial sites, increase job creation and capital investment, and increase safety on Kentucky's rail system. The program began with funds transferred from the Budget Reserve Trust Fund Account to the Kentucky Transportation Cabinet (KYTC) to support the KIASI program. House Bill 1 designates **\$7,500,000.00** from the Budget Reserve Trust Fund Account in each fiscal year for railroad equipment, construction, reconstruction, improvement, or rehabilitation of rail facilities or engineering work associated with capital projects. In addition to the FY 26 funds, there is **\$903,895.00** remaining in FY 25 funds. This guidance establishes the policies and procedures for applicants within the Commonwealth to apply for KIASI financial assistance from the Cabinet and complete project requirements.

#### **I. Definitions**

- (1) "Applicant" means an eligible applicant for KIASI funds as outlined below.
- (2) "Cabinet" means the Kentucky Transportation Cabinet (KYTC).
- (3) "Coordinating Cabinet" means the Kentucky Cabinet for Economic Development (CED).
- (4) "Application" means the grant application and the required attachments.
- (5) "Director" means the director of the Division of Planning in KYTC.
- (6) "Division" means the Division of Planning in KYTC.
- (7) "Secretary" means the Secretary of KYTC.
- (8) "MOA" means the Memorandum of Agreement between the Cabinet and the applicant.
- (9) "AREMA" means American Railway Engineering and Maintenance-of-Way Association.
- (10) "KIASI" means Kentucky Industrial Access and Safety Improvement

#### **II. Eligible Applicants**

- (1) Eligible applicants for KIASI funds are any:
  1. Freight railroad company classified as a Class I, Class II, or Class III carrier by the federal Surface Transportation Board.
  2. Railroad Authority.
  3. Port Authority
  4. Industrial and Economic Development Authority Board
  5. Rail served industry.
- (2) Eligible applicants that meet the definition of "railroad" as defined in 603 KAR 7:090, Section 1 shall have completed their Annual Report and Railroad Routes requirements as outlined in 603 KAR 7:090 Section 2 and Section 3 through the submission of a completed Kentucky Railroad Annual Report (TC 59-102). Railroad applicants who have not submitted their completed TC 59-102 at the time of their application for the KIASI program are not considered eligible applicants.

- (3) Applications submitted by ineligible applicants shall immediately be rejected by Division staff without consideration for KIASI funds and returned to applicant without review.

### III. Eligible Projects

- (1) As outlined in House Bill 1, funds shall be used for railroad equipment, construction, reconstruction, improvement, or rehabilitation of rail facilities or engineering work associated with capital projects that expand rail access, enhance the marketability of available industrial sites, increase job creation and capital investment, and increase safety on Kentucky's rail system.
- (2) Applicants that have been awarded federal grants can submit for KIASI funds to offset part of their required local match if the agreement with the federal agency has been executed and the project is ready to begin construction.
- (3) Applicants that are applying for federal grants can submit for KIASI funds to offset part of their required local match if the application includes a detailed, practical timeline of when the funds would be utilized.

### IV. Eligible Expenses

- (1) **Any project work done before the MOA is signed by the Secretary shall not be paid with awarded grant funds and shall not count towards the applicants required cash match.**
- (2) Eligible expenses for which financial assistance may be provided are those directly related to:
  - a. Capital projects on track that actively serve or will actively serve rail customers located on the line, including but not limited to grading, rail bed preparation, right of way acquisition, and construction.
  - b. Engineering work associated with capital projects (up to 10% of total project cost).
    - i. If engineering services are to be part of the project, the work performed by the engineer must be performed during the term of the agreement.
  - c. Non-engineering construction administration by a third-party contractor (up to 2% of construction costs)
  - d. Rail equipment that will be based in Kentucky and primarily utilized on rail lines in Kentucky.
- (3) Ineligible expenses include:
  - a. Railroad operating costs, indirect costs, and other internal administrative costs associated with applying for or administering grants.
  - b. Maintenance such as brush cutting, routine tie replacement, maintaining roadway crossing surfaces, routine inspections, etc.
  - c. Loan payments on existing loans.
  - d. Overhead, profit, food, unreasonable travel, entertainment, honoraria.
  - e. Expenses incurred outside the effective dates of the MOA.
  - f. Expenses that are outside the scope of the MOA.
  - g. Pre expended money or previously incurred costs.

- h. Contingency or miscellaneous fees for construction.

## **V. Project Funding**

- (1) Grant assistance awarded to applicants shall be limited to a maximum of fifty (50) percent of the actual project cost, not to exceed the amount approved by the Secretary, with the applicant providing fifty (50) percent or more of the project cost.
- (2) The fifty (50) percent minimum match is required to be a cash match as outlined in the Project Budget.
- (3) The applicant is responsible for any costs in excess of awarded amount that are necessary for completion of the approved Scope of Work and any authorized or unauthorized changes to the project.
- (4) No single project shall receive more than \$1,875,000.00 in grant funds from the KIASI.
- (5) No one entity shall be eligible to receive more than twenty-five percent (25%) of KIASI program funds in a fiscal year.
- (6) If the project will have ANY impact on a public road, the road authority (county, city, or the Cabinet's Highway District Office) is to be consulted about the potential project prior to making an application for KIASI funds. This consultation is to be documented in a letter from the road authority on their official letterhead indicating they have been made aware of the potential project. This consultation letter shall specify the impacted road(s) and crossing ID number(s) and be attached to the application. The road authority is under no obligation to provide any assistance with the applicant's KIASI project (paving, signage, etc.). If the road authority has agreed to do any part of the work associated with applicant's project (paving, signage, etc.), the consultation letter attached to the application shall indicate their exact level of contribution.

## **VI. Application for Financial Assistance**

- (1) An eligible applicant shall complete the requisite application and provide the following supporting documentation:
  - a. A detailed Statement of Work for the project;
    - i. The Statement of Work is a text-based narrative describing the purpose of the project and why it is being done and how it will preserve and enhance existing rail lines and corridors, retain existing rail-served industries, and attract new industries, and preserve and modernize Kentucky's rail system.
    - ii. The Statement of Work provided in the application will be included in the MOA for the project as an attachment.
  - b. A detailed Scope of Work for the project;
    - i. The Scope of Work is a text and table-based document describing the exact work that must be done, estimated quantities of materials involved, and type of the work to be done.
    - ii. The Scope of Work provided in the application will be included in the

MOA for the project as an attachment.

- c. A detailed Project Schedule/Timeline;
- i. The project schedule/timeline specifies each phase of the work to be done and how long each phase will last. Provide proposed project start date, appropriate project milestones, proposed project completion date, and how soon after completion will rail connectivity begin utilization. This should be done in Gantt chart format and can be done by day, week, or month depending on the nature of the project.
  - ii. The project schedule/timeline provided in the application will be included in the MOA for the project as an attachment.
- d. Diagrams/maps with sufficient detail showing as applicable:
- Location of project in county
  - Proposed work to be completed
  - Current or proposed connections to Class I, II, or III rail lines (with Mile Post numbers)
  - Location and Crossing ID numbers of any public at-grade crossings that could be impacted by the proposed project.
  - Location and name of industries that will benefit from the proposed project.
  - Location and name of industrial sites that would be enhanced by the proposed project
- e. Rail Connectivity Letter, as applicable.
- i. A letter from the Class I, Class II, or Class III railroad(s) indicating willingness to serve the site/industries benefiting from the proposed project. This is only required if the applicant is NOT a railroad.
- f. A detailed engineering assessment report on the project, as applicable;
- g. Aerial photo(s) (8 ½ inch x 11 inch) and photographic documentation of the project location, clearly depicting the project location and current condition in appropriate scale;
- h. Plans, schematics, details, drawings of the proposed project, as applicable;
- i. For equipment purchases, a price quote on letterhead from vendor;
- i. Applicants should understand that the vendor who provided the price quote may not be the vendor ultimately selected in the competitive purchasing process.
- j. For construction projects, a detailed estimate for the project including but not limited to:
- Mobilization
  - Site preparation costs
  - Construction costs (track, foundation, ties, timbers, drainage, asphalt, rail, etc.) including manpower, equipment, and materials.

- Lighting, signals, signage, if applicable.
  - Other miscellaneous construction costs
  - Traffic control costs (highway and rail)
  - Demobilization
  - Total estimated project cost
- k. The road authority consultation letter with road(s) and crossing ID number(s) for any projects that will impact public roadways, as applicable.
- l. When applicable, if applicant plans to use their own manpower, equipment or materials on the project as outlined in **Section XIII. Force Account**, a Public Interest Finding must be attached to the application.
- m. Required Annual Affidavit for Bidders, Offerors and Contractors from applicant (see Appendices)
- (2) **Completed applications and all required attachments must be combined and submitted electronically in a single PDF. PDF copies should be sent via email to address specified in the call for projects email but are the responsibility of the applicant to ensure delivery and receipt by Cabinet.**
- (3) Applicants can submit multiple projects in response to this solicitation. Each project requires a separate pdf application with all necessary attachments included. Each project shall demonstrate an independent utility.
- (4) Incomplete applications shall immediately be rejected by Division staff without consideration for KIASI funds and returned to applicant without review.

## **VII. Prioritization of Applications**

- (1) Submitted projects will be ranked and prioritized by the Division led selection committee comprised of members of the Cabinet and Coordinating Cabinet based upon the following criteria, including but not limited to:
- How the project would provide Kentucky communities and industries with transportation options, connectivity and opportunities.
  - How the project would enhance rail line corridors to increase on-time performance.
  - How the project would improve rail services to existing industries and encourage investment in the Commonwealth.
  - Project readiness or how soon after award can construction begin.
  - Ability to leverage KIASI funds against awarded federal grants.
- (2) The ranked and prioritized list of submitted projects will be sent by the Division to the Secretary for final award decision. The decision of the Secretary is final
- (3) Total KIASI funds awarded from the FY 26 allocation shall not exceed twenty-five (25) percent to a single applicant regardless of how a project scores as referenced in **VII. Prioritization of Applications, Section 1.**

## **VIII. Award of Grant**

- (1) The Division shall announce the awards to applicants in writing.
- (2) Grant fund award amounts cannot be increased after the award has been made. Applicants are responsible for any costs in excess of awarded amount that are necessary for completion of the approved Scope of Work and any authorized or unauthorized changes to the project.

**IX. Project Standards and Practices**

- (1) All project work done by the applicant, contractors, and/or its subcontractors shall be in accordance with all applicable state, federal, and association design and construction criteria and recommended practices for the type of work undertaken, including but not limited to current editions of:
  - a. KYTC Standard Specifications for Road and Bridge Construction
  - b. KYTC Highway Design Manual;
  - c. KYTC Standard Drawings;
  - d. KYTC Drainage Manual;
  - e. KYTC Structural Design Manual;
  - f. American Association of State Highway Transportation Officials' (AASHTO) Policy on Geometric Design of Highways and Streets;
  - g. Manual on Uniform Traffic Control Devices (MUTCD);
  - h. Federal Railroad Administration (FRA) standards;
  - i. American Railway Engineering and Maintenance-of-Way Association (AREMA) Manuals; and
  - j. Kentucky Rail Crossing Improvement (KRCI) Guidance Document.
- (2) All materials purchased or used as part of the project shall be in accordance with the "List of Approved Materials" initiated and maintained by the Cabinet's Division of Materials, as applicable or with the current edition of the AREMA specifications and any and all other applicable rail industry standards.
- (3) In the event of a conflict between standards, the most stringent standard as determined by the Cabinet shall be applied. The applicant shall perform the project work in accordance with the application submitted to the Cabinet.

**X. Execution of Performance Agreements**

- (1) After an applicant has been awarded grant assistance, the applicant and the Cabinet shall execute an MOA. The Division shall draft the MOA with the Statement of Work, Scope of Work, and Project Schedule/Timeline provided with the application included in the MOA as attachments.
- (2) The Cabinet will only execute an agreement with the KIASI applicant. No three-party agreements will be made. Applicant is free to enter into agreements with other parties that may be providing funding, materials, or services as part of the project, but the Cabinet will not be a signatory to these agreements.

- (3) If the applicant plans to use their own manpower, equipment, or materials on the project, a Public Interest Finding shall be completed and attached to the MOA. The Public Interest Finding details why it is in the public's best interest not to require competitive bids on a state funded project.
- (4) Grantees may request extensions of time, changes to the Scope of Work, or amendments to the MOA; such requests must be in written form (email is sufficient) and must be supplied to the Division for pre-approval.

#### **XI. Notice to Proceed- Project Administration**

- (1) Work shall not begin until after the MOA is signed by the Secretary and a Notice to Proceed has been issued by the Division. **Any project work done before the Notice to Proceed shall not be paid for with awarded grant funds and shall not count towards the applicant's required cash match.**
- (2) If consultation with local, state, and federal agencies indicated permits were required, the applicant shall have obtained the necessary permits and provided copies to the Division before the Notice to Proceed will be issued.
- (3) For projects that involve work on or will impact a public road (federal, state, county, or city), a Notice to Proceed shall not be issued until the applicant submits to the Division an approved Maintenance of Traffic (MOT) plan that meets current MUTCD Part 6- Temporary Traffic Control requirements, and the necessary permits have been issued.
  - a. If the road to be worked on is part of the federal or state highway system, the applicant shall obtain an encroachment permit issued by the Cabinet.
  - b. If the road to be worked on is a county or city road, the applicant shall obtain the required permit(s) from the roadway jurisdiction. If the roadway jurisdiction does not require a permit, the applicant shall obtain a letter from the roadway jurisdiction giving project clearance.
  - c. The applicant is responsible for providing all the required signage and temporary traffic control devices required in the approved MOT and the installation, maintenance during, and removal of these signs and devices upon completion of the project.
  - d. The applicant is responsible for communicating with local Cabinet District Office Public Information Officers to notify local traffic, police, school, and emergency jurisdictions of road work and proposed closures and detours, if applicable.
- (4) If the project will impact a sidewalk, multi-use path, or recreational trail, the work shall meet both Americans with Disabilities Act (ADA) requirements and MUTCD guidelines. Local ordinances shall also be consulted to ensure compliance.
- (5) Procurement thresholds for total project costs for construction projects are as follows:
  - a. \$0-\$20,000 purchase with one quote;
  - b. \$20,001-\$40,000 applicant shall obtain three quotes and select lowest qualified;
  - c. \$40,001 and up shall advertise a Request for Bid for a minimum of seven (7) days.

- d. The project may not be divided to adjust requirements for obtaining quotes or bids.
- (6) Procurement thresholds for total project costs for equipment purchases are as follows:
  - a. \$0-\$10,000 purchase with one quote;
  - b. \$10,001-\$20,000 applicant shall obtain three quotes and select lowest qualified;
  - c. \$20,001 and up shall prepare RFP/RFQ/BP and advertise as outlined above.
  - d. The project may not be divided to adjust requirements for obtaining quotes or bids.
- (7) The applicant shall use Cabinet prequalified contractors/subcontractors when an applicable work category exists. A list of these firms can be obtained by contacting the Division. If no work category exists, applicants shall use the following process:
  - a. Issue a Request For Qualifications (RFQ).
  - b. Review the RFQ submissions and rank the three most qualified firms in order of their qualifications.
  - c. Qualified firms are then asked to provide a Proposal.
- (8) The grantee is expected to prepare a Request for Qualifications (RFQ), Request for Proposals (RFP), Bid Packet (BP), or similar document describing the project on which the contractors/subcontractors will make their proposal (bid, quote, etc.). The grantee is also responsible for the advertisement, opening of quotes/bids, selection of/contracting for construction services, and materials purchases.
- (9) The RFQ/RFP/BP, or similar document developed by the grantee should include the following components:
  - a. Information regarding requirements that could cause a proposal or bid to be ineligible.
  - b. Detailed selection criteria must be outlined. Criteria used to score a bid should include price and delivery, references, previous experience, etc.
  - c. Applicable affidavits for contractors/subcontractors shall be included for interested contractors/subcontractors to complete as part of their quote or bid.
  - d. Reference to KYTC's Standard Specifications for Roadway and Bridge Construction ("Spec Book"). This is true even if the project is not for the building of Roadways or Bridges. The Spec Book contains procedures and requirements that apply to all infrastructure projects. Any special provisions, project notes, or deadlines indicating a deviation from the standards contained in the Spec Book or containing requirements not discussed in the Spec Book must also be included in the BP.
  - e. KYTC Work Items required on the project, if applicable
  - f. Requirement that the bidder is a Cabinet Prequalified Contractor and description of how bidder could become a Cabinet Prequalified Contractor, if applicable.
  - g. Shall require the listing of every contractor and subcontractor to be utilized on the project, if applicable. Contractors and subcontractors not listed on submitted bids are not reimbursable.
  - h. Requirement to use Cabinet Approved Materials, if applicable.
- (10) The applicant shall submit the RFQ/RFP/BP to the Division for review and approval. Upon written approval from the Division, the applicant may proceed with its required advertisement to promote open competition for the project.



- (11) Copies of the winning proposal and either the unsuccessful proposals or the Bid Tabulation Sheet, as appropriate, must be supplied to the Division before any invoices will be processed.
- (12) The rejection of any or all bids, or winning bid selection that varied from the outlined RFQ/RFP/BP selection criteria, must first be approved by the Division. The reason for the rejection of any or all bids or variance from the outlined selection criteria must be thoroughly documented.
- (13) Prior to issuance of the Notice to Proceed, the applicant shall complete the following documents (see Appendices), with applicant, contractor, and/or subcontractor signatures, notarized as required and copies provided to the Division.
  - a. Affidavit for Bidders, Offerors, and Contractors, as applicable
  - b. Affidavit for Qualified Bidder Status, as applicable
  - c. Affidavit for Resident Bidder Status, as applicable
  - d. Affidavit Regarding Subcontractors, as applicable
  - e. Affidavit Regarding Illegal Immigrants, as applicable
  - f. Roadway Maintenance of Traffic Plans and permits from the Cabinet or the roadway jurisdiction if project will close or block roadways.
  - g. All required permits from USACE, Division of Water, etc. which are the responsibility of the applicant.
- (14) The Division shall be notified of ALL hired subcontractors within fourteen (14) days of bid acceptance. The applicant is responsible for securing signatures on all Cabinet required documents (See **Section XI, (13), a-g**).
- (15) The applicant shall hold a preconstruction meeting (virtual or on-site) a minimum of fourteen (14) days prior to the start date with the Division.

## **XII. Advertisements**

- (1) Grantee shall develop the advertisement for their RFQ/RFP/BP AND an advertisement plan detailing how the RFQ/RFP/BP will be publicized. The advertisement plan should outline all methods to publicize the RFQ/Bid Packet (local paper, magazines, trade journals, websites, social media, etc.).
- (2) The advertisement developed by the grantee shall include the requirements that bidders must be a Prequalified Contractor with the Cabinet, if applicable and use Cabinet Approved Materials, if applicable.
- (3) The advertisement plan and the advertisement developed by the grantee **MUST** be reviewed and approved by the Division before posting.
- (4) Advertisement of the bidding opportunity must be published in a newspaper of general circulation in the region where the activity for which bids are submitted will be conducted to make sure solicitation is open to anyone who could perform the work.
- (5) The approved RFQ/RFP/BP must be posted in local paper a minimum of 7 days before posted bid opening. Any revisions or clarifications of RFQ/RFP/BP require delaying bid opening 7 days from the last issued revision/clarification.
- (6) The approved RFQ/RFP/BP for construction projects can be posted on the Cabinet's Division of Construction Procurement website in an effort to publicize project. However,

posting on the Construction Procurement website does not satisfy the requirement to post in a local paper.

- (7) The approved RFQ/RFP/BP can also be posted on grantees own website or in applicable trade journals, but these sources do not satisfy the requirement to post in a local paper.
- (8) During the time the bid is advertised, up until the time the bids are announced, the grantee may accept sealed bids, but must not open them until the close of the advertising period.
- (9) If a contractor/subcontractor or subcontractor needs to be changed after a bid has been awarded, written approval must be given by grantee who must verify new contractors/subcontractors are Cabinet Prequalified, as applicable. Grantee must also notify the Division in writing of the change.

### **XIII. Force Account**

- (1) If the applicant plans to competitively bid out all work related to the project (as described in Section XI), this section does not apply. If the applicant plans to use their own manpower, equipment, or materials on the project, a Public Interest Finding shall be completed and attached to the MOA. The Public Interest Finding details why it is in the public's best interest not to require competitive bids on a state funded project.
- (2) Manpower
  - a. Only direct manpower expenses shall be reimbursed. Non-production supervisors/management/administration cannot be reimbursed.
  - b. Manpower through force account submitted for reimbursement shall be documented by copies of certified payrolls, daily/weekly production reports, and daily/weekly employee signed time sheets. This documentation shall be part of the project closeout submittal and request for reimbursement or reimbursement will be delayed.
- (3) Equipment
  - a. Only direct equipment expenses shall be reimbursed. Applicant shall only be reimbursed for the actual number of hours the equipment was operated on the project, not the number of hours the equipment was assigned to the project.
  - b. Each piece of equipment submitted for reimbursement on the project shall have an equipment identification number assigned (unit number, VIN number, license plate #, etc.).
  - c. Hour meter readings/odometer readings for each piece of equipment submitted for reimbursement shall be recorded at the beginning of the project and at the end of the project to document actual use.
  - d. Equipment shall be reimbursed based upon the number of hours used, not as a daily or weekly rate except as outlined below for pickup trucks, passenger cars, and vans.
  - e. The Cabinet shall reimburse the applicant for the number of hours the equipment was operated on-site (except as outlined below) based upon the FHWA approved Rental Blue Book Rates, which determine an hourly rental rate that takes into account equipment ownership and operating costs.

- f. The applicant shall include a copy of the current FHWA approved Rental Blue Book rate for each piece of equipment with their invoices.
  - g. For cars and vans used primarily to transport personnel to the project, the Cabinet shall reimburse a flat rate of three (3) hours per day at the FHWA Rental Blue Book Rate.
  - h. For light duty trucks used on the project, the Cabinet shall reimburse a flat rate of four (4) hours per day at the FHWA Rental Blue Book Rate.
  - i. If it can be shown that a light duty truck is in constant use during the day (mechanics truck, welding truck, etc.), it can be billed for the actual number of hours used at the FHWA Rental Blue Book Rate.
- (4) Materials
- a. Materials must meet standards as described in **Section IX**.
  - b. Only direct material expenses shall be reimbursed.
  - c. Materials the applicant has on hand that will be used on the project can be reimbursed upon documentation of a unit cost for the material in its current condition. This can be based upon a copy of the invoice from when the material was purchased, or by obtaining quotes from suppliers on the unit costs of an equivalent product.
  - d. Only materials that become part of the final project shall be reimbursed. No temporary materials shall be reimbursed (cold patch asphalt, temporary joint bars, etc.).

#### **XIV. Project Documentation & Required Updates**

- (1) The applicant shall pay for all project expenses and ONLY upon meeting all terms and conditions of the MOA and this guidance document shall the applicant receive any reimbursement funding up to the amount of the awarded grant amount.
- (2) All checks, invoices, contracts, vouchers, orders, or other accounting documents pertaining in whole or in part to the project shall be clearly identified, readily accessible, and to the extent feasible, kept separate and apart from all other such documents for Cabinet viewing.
- (3) Project documentation must include, but may not be limited to, copies of the following:
  - a. Proof of fund disbursement
    - i. This must be in the form of a copy of all checks (front and back) or a record of EFT payment, indicating the funds have been transferred from the Grantee to the contractor or appropriate entity, as required.
  - b. Invoices
    - i. Paid invoices should be formatted & itemized as defined in the RFQ/RFP/BP, or similar document and must appropriately reference the applicable proof of fund disbursement. This includes invoices from contractors, suppliers, etc.
  - c. RFQ/RFP/BP, and/or newspaper ad, as applicable.

- d. Winning proposal and either the unsuccessful proposals or the Bid Tabulation Sheet
  - e. Signed required affidavits: Grantee and contractors, as applicable.
  - f. Record of request and approval for time extension, if applicable.
  - g. Record of request and approval for changes to agreed upon Scope of Work.
- (4) The Grantee shall submit monthly progress status updates in the form of an email to the Division detailing the status of the project, including the following, as applicable: the project work completed, work pending, photos of the project, and estimated completion date. The status updates begin the month after notification MOA has been executed and are due monthly until the project is complete (construction and administrative requirements).
  - (5) Upon completion of the project the applicant shall notify the Division that the project is completed and shall provide adequate documentation, including photographs of the completed project, as applicable.
  - (6) The Division shall conduct a site inspection prior to approving the final invoice. The Division shall verify that all items in the Scope of Work have been completed as outlined. Only then shall the payment be approved.
  - (7) Failure of the applicant to communicate the project work timeline with the Division as outlined in **Section XIV (4 & 5)** and **Section XVI (1)** or elsewhere in this guidance document will result in a delay in reimbursement.

**XV. Project Accounting & Invoicing**

- (1) The Grantee shall pay for all project expenses and ONLY upon meeting all terms and conditions of the MOA and this guidance document shall the applicant receive reimbursement funding up to the amount of the allocated fund amount.
- (2) Grantee may submit invoices to the Division for reimbursement of eligible expenses paid toward completion of the awarded project as described in the MOA.
- (3) The Cabinet shall only reimburse the applicant for the final placement of materials. No temporary materials shall be reimbursed (cold patch asphalt, temporary joint bars, etc.).
- (4) Grantee shall document one hundred percent (100%) of the eligible costs incurred for the work performed. The grantee shall request payment for the fifty percent (50%) state share of the cost incurred.
- (5) With the Cabinet Standard Invoice (TC 31-519 (see Appendices)), the Grantee shall provide the Division documentation of all eligible project expenses. All charges shall be supported by properly executed invoices, contracts, vouchers, and receipts for any materials, equipment, and labor used on the project evidencing in proper detail the nature and propriety of the charges.
- (6) Grantees seeking reimbursement for expenses paid on invoices from suppliers, contractors, etc. shall also show proof of disbursement as outlined in **Section XIV (3)**.
- (7) The Division will delay or withhold payment of any submitted invoice until the Grantee submits accompanying backup information needed to justify the payment of the invoices.
- (8) Grantee can determine frequency of invoices submitted to the Division but cannot exceed

one invoice per month.

- (9) If submitting more than one invoice, the Division will reimburse the Grantee for approved project expenses during the project until eighty percent (80%) of the allocated state fund amount for a project has been expended. The remaining twenty percent (20%) will be reimbursed upon submission and approval of the final invoice and Division completes its final inspection.
- (10) Lack of supporting documentation for an invoice will result in delayed reimbursement to the applicant.

#### **XVI. Project Closeout**

- (1) Within 10 business days after construction of the project is complete, the Grantee should notify the Division in writing via email and include the expected timeline for final invoice(s) documentation of completion including photographs of the completed project, as applicable.
- (2) Upon completion of the project, all fouled ballast and old materials shall have been totally removed from the site and disposed of properly and the site shall be free of wheel ruts, piles of soil/rock, disturbed areas shall be reseeded, and if project work involved a crossing, all crossing signage shall be to current MUTCD standards (correct signage, pavement markings, reflectivity, etc.) before the final inspection is requested.
- (3) The Grantee must request in writing a final inspection by the Division. The Division shall conduct a closeout site inspection prior to approving the final invoice. The Division shall verify during the closeout site inspection that all items in the Scope of Work have been completed in accordance with plans and specifications including legal disposal of ties and timber if applicable. Only then shall the final invoice be approved for payment.
  - a. For equipment purchases or personnel safety reasons, the Division may determine at its discretion that a closeout site inspection is unnecessary and rely on the provided documentation.
- (4) After the final inspection is complete and approved to Division satisfaction, the Grantees final invoice for the final twenty percent (20%) of the contract may be paid.

#### **XVII. Questions and Clarifications**

For further information concerning this guidance please contact the Division of Planning at 502-782-5095 or via mail at Division of Planning, 200 Mero Street, Frankfort, Kentucky 40622.

# TC 31-519 Standard Invoice

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## Required Affidavit for Bidders, Offerors, and Contractors



### Required Affidavit for Bidders, Offerors and Contractors (KRS 45A.110 & 45A.115)

Rev. 9-16-22

#### Affidavit Effective for One (1) Year from Date of Execution

**Instructions:** Pursuant to [KRS 45A.110](#) and [45A.115](#), a bidder, offeror, or contractor ("Contractor") is required to submit a Required Affidavit for Bidders, Offerors, and Contractors to be awarded a contract, or for the renewal of a contract. An authorized representative of the contracting party must complete the attestation below, have the attestation notarized, and return the completed affidavit to the Commonwealth.

#### Attestation

As a duly authorized representative for the Contractor, I swear and affirm under penalty of perjury, that that the Contractor has not knowingly violated campaign finance laws of the Commonwealth of Kentucky and that the award of a contract will not violate any provision of the campaign finance laws of the Commonwealth. For purposes of this attestation, "Knowingly" means that the bidder or offeror is aware or should have been aware of the existence of a violation. The bidder or offer understands that the Commonwealth retains the right to request an updated affidavit at any time.

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Bidder or Offeror Name: \_\_\_\_\_

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

Commonwealth of Kentucky Vendor Code (If known): \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

State of: \_\_\_\_\_ Notary: \_\_\_\_\_

County of: \_\_\_\_\_ My Commission Expires: \_\_\_\_\_

## Required Affidavit for Qualified Bidder Status

Qualified Bidder Status

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

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

#### **FOR BIDS AND CONTRACTS IN GENERAL:**

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

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

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

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

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

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Address

Subscribed and sworn to before me by

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

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

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

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

[seal of notary]

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



## Required Affidavit for Resident Bidder Status

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

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

#### **FOR BIDS AND CONTRACTS IN GENERAL:**

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

1. Is authorized to transact business in the Commonwealth;
2. Has for one year prior to and through the date of advertisement
  - a. Filed Kentucky 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: \_\_\_\_\_

## Required Affidavit Regarding Subcontractors

### Attachment C 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  
[seal of notary]

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

## Affidavit Regarding Illegal Immigrants

### REQUIRED AFFIDAVIT REGARDING CONTRACTOR & SUBCONTRACTOR 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

\_\_\_\_\_  
Phone Number

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