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**FINANCE AND ADMINISTRATION CABINET
DEPARTMENT FOR FACILITIES AND SUPPORT SERVICES
OFFICE OF FACILITY DEVELOPMENT**

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**NOTICE TO CONTRACTORS
FOR
RE-AD OF RFB-205-22
REAR ACP PROJECT
DMA - BOONE NATIONAL GUARD CENTER
FRANFORT, KENTUCKY**

Attached hereto is a copy of the "Advertisement for Bids" for furnishing all labor, equipment, appliances and materials necessary for Re-Ad of RFB-205-22, Rear ACP Project, DMA - Boone National Guard Center, Franfort, Kentucky.

SAME IS DESIGNATED AS:

REQUEST NO.	Request for Bid No. RFB-24-23
BID ON:	RE-AD OF RFB-205-22 REAR ACP PROJECT DMA - BOONE NATIONAL GUARD CENTER FRANFORT, KENTUCKY
BID DATE:	August 18, 2022 2:00 P.M., Eastern Time

Responsible Contractors who have proper experience, equipment and qualifications are invited to bid on this work. These factors will be considered in the Award of Contract and all work will be performed under the standard regulations for construction of the Commonwealth of Kentucky.

IMPORTANT:

FOR ANY SITE VISIT OR PREBID INFORMATION REFER TO ARTICLE 10, ITEM I.

FOR COVID RELATED INFORMATION REFER TO ARTICLE 10, ITEM J.

**PART I
ADVERTISEMENT FOR BIDS**

1. **INVITATION:**

Sealed bid documents for the following work will be received by the Division of Engineering and Contract Administration. Bids will be received through MOVEit as described in the manner and on the date hereinafter specified for the furnishing of all labor, materials, supplies, tools, appliances, equipment, services, etc., necessary for Re-Ad of RFB-205-22, Rear ACP Project, DMA - Boone National Guard Center, Frankfort, Kentucky, as set forth in the specifications and as shown on the drawings prepared by Nick Feldman, The Feldman Group, and approved by the Department for Facilities and Support Services of the Commonwealth of Kentucky and under the terms and conditions to this Request for Bid.

2. **PROJECT DESCRIPTION:**

The scope of work includes complete construction of one (1) Access Control Facility and associate site improvements at the rear entrance to the Boone National Guard facility in Frankfort, Franklin Co., Kentucky. Site improvements include site stripping, rough and finish grading, roadway improvements, bitumen paving, concrete walks and curbs, security specialties, water, sewer and gas utilities. Electrical site improvements include cameras, data cabling and site lighting. Building construction includes construction of one (1) brick clad concrete masonry entry Gatehouse. Gatehouse will include standing seam roofing and metal roof framing, metal stud and gypsum interior partitions, ballistic rated exterior doors and windows and associated architectural improvements. Mechanical and plumbing improvements include supply and waste piping for 2 toilet rooms, kitchen and water cooler, installation of plumbing fixtures, forced air gas heating, ductwork and heat pump cooling. Electrical includes lighting and receptacles, data cabling and connections and the installation of one emergency generator. A stand-alone canopy to cover site entry lanes adjacent to the Gatehouse is also part of the work. One Add Alternate is included for the provision and installation of one (1) Security Guard Booth to be located between driving lanes at the site entrance.

3. **METHOD OF BIDDING:**

Bids will be received from Prime Contractors on a Lump Sum Bid Basis for the total project. All phases of work shall be bid to and through the Prime Contracting Firms. Bids shall be submitted in the manner herein described and on the official bid document form included with the conditions and specifications and shall be subject to all the conditions as set forth and described in the Bid Documents.

SPECIAL NOTE:

Bids shall be submitted on the Official Form supplied by the Division of Engineering and Contract Administration. Failure to comply with the foregoing requirements will be cause for invalidation of bid.

4. **METHOD OF AWARD:**

Award shall be issued on the lowest responsive bid by a responsible bidder. The Bid Document shall contain all qualifying requirements and forms. It is the intent of the Commonwealth of Kentucky to use all available funds.

Kentucky Workers' Compensation:

Pursuant to KRS 45A.480, the Commonwealth of Kentucky may not contract with any person not in compliance with Kentucky's KRS Chapter 342 workers' compensation insurance requirements.

Bid is subject to **Reciprocal preference for Kentucky resident bidders and Preferences for a Qualified Bidder or the Department of Corrections, Division of Prison Industries (KAR 200 5:410).**

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

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

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

KRS 45A.492 Legislative declarations.

The General Assembly declares:

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

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

- (1) Prior to a contract being awarded to the lowest responsible and responsive bidder on a contract by a public agency, a resident bidder of the Commonwealth shall be given a preference against a nonresident bidder registered in any state that gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the nonresident bidder.
- (2) A resident bidder is an individual, partnership, association, corporation, or other business entity that, on the date the contract is first advertised or announced as available for bidding:
 - (a) Is authorized to transact business in the Commonwealth; and
 - (b) Has for one (1) year prior to and through the date of the advertisement, filed Kentucky corporate income taxes, made payments to the Kentucky unemployment insurance fund established in KRS 341.490, and maintained a Kentucky workers' compensation policy in effect.
- (3) A nonresident bidder is an individual, partnership, association, corporation, or other business entity that does not meet the requirements of subsection (2) of this section.
- (4) If a procurement determination results in a tie between a resident bidder and a nonresident bidder, preference shall be given to the resident bidder.
- (5) This section shall apply to all contracts funded or controlled in whole or in part by a public agency.
- (6) The Finance and Administration Cabinet shall maintain a list of states that give to or require a preference for their own resident bidders, including details of the preference given to such bidders, to be used by public agencies in determining resident bidder preferences. The cabinet shall also promulgate administrative regulations in accordance with KRS Chapter 13A establishing the procedure by which the preferences required by this section shall be given.
- (7) The preference for resident bidders shall not be given if the preference conflicts with federal law.
- (8) Any public agency soliciting or advertising for bids for contracts shall make KRS 45A.490 to 45A.494 part of the solicitation or advertisement for bids.

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

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

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

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

5. **PROJECT CONTACTS:**

1. Architect: Nick Feldman, The Feldman Group, (859) 225-5170, nick@tfgai.com
2. Project Manager: Donna Farmer, Division of Engineering and Contract Administration, (502) 330-8603, Dfarmer@ky.gov
3. Agency: Chuck Ammons, Military Affairs, (502) 352-8820, charles.c.ammonsjr.nfg@army.mil
4. Purchasing Agent: Susan Ward, Division of Engineering and Contract Administration, (502) 226-0335, susan.ward@ky.gov

6. **BID SUBMITTAL:**

Bids will no longer be accepted via postal carrier (USPS, UPS, FED EX, etc.) nor can bids be delivered to the Bush Building. All forms in your bid document shall be completely filled out when your bid is submitted. **Bids**

must be submitted electronically through MOVEit in order to be accepted. Instructions are attached. **Contractors must load their Bid Documents *COMBINED* into one PDF document under the corresponding RFB in MOVEit in order for it to be received. IF BID IS NOT UPLOADED IN THE CORRECT FOLDER IN MOVEit, THE BID WILL BE DEEMED NON-RESPONSIVE.** *Bidders are encouraged to take a screen shot verifying bid submittal.* This is a secure website, no one can see these bids but the buyers. They are date and time stamped when submitted.

Please note that the instructions for MOVEit state that contractors will be notified when their bid is received. Buyers will NOT be notifying contractors.

All results will be posted to Lynn Imaging planroom after the bid opening and review. If additional information is needed from the successful bidder the buyer will be in contact.

NOTE: Your bid must be uploaded prior to the bid closing date and time. THE UPLOAD TIME MAY VARY DUE TO THE SIZE OF YOUR BID/PROPOSAL AND/OR INTERNET SPEED. NO LATE BIDS WILL BE ACCEPTED.

Bidder assumes full responsibility for timely delivery of the bid in compliance with the above described procedures and conditions.

**There will be a public bid reading by conference call on the bid opening date at 2:30 PM ET.
The dial in number is 502-782-2663 or 844-603-5060.
Participant code is 960605#**

7. **BID WITHDRAWAL:**

No bidder may withdraw his bid for a period of thirty (30) days after the date set for the opening of bids.

8. **BONDING:**

All bids shall be accompanied by a bid guarantee (in the form of a bid bond or certified check) of not less than five (5%) percent of the amount of the lump sum base bid. A 100% Performance Bond and a separate 100% Payment Bond shall be furnished by the successful bidder. All bonding and insurance requirements are contained in the Instructions to Bidders and/or General Conditions. Bonds should be executed by a surety company authorized to do business in the Commonwealth of Kentucky.

9. **RIGHT TO REJECT:**

The Division of Engineering and Contract Administration, Commonwealth of Kentucky, reserves the right to reject any and all bids and to waive all informalities and/or technicalities where the best interest of the Commonwealth may be served.

10. **GENERAL INFORMATION:**

- A. Bidder's Qualifications, Unit Prices, Proposed Subcontractors, and List of Materials are required to be submitted with the bid.
- B. All documents related to this project shall be submitted, transmitted, transferred, reviewed, approved or rejected, and/or otherwise processed using the Owner's Document Collaboration System (eCommunications) which is the Owner's web-based document collaboration system that shall be used by all project participants. No submission, transmittal, transfer, review, approval or processing shall be deemed Official without the use of this system. All additions or deletions of employees to their ecomm vendor record will be the responsibility of the contractor.
- C. KRS 337.550 (1) Provides that if any contractor or subcontractor is found to be in violation of any provisions of KRS 337.505 to 337.550 by the Department of Labor and upon notification to the Commissioner of the Department for Facilities and Support Services, the Commissioner of the Department for Facilities and Support Services shall hold such contractor or subcontractor ineligible to bid on public works until such a time as that contractor or subcontractor is in substantial compliance as determined by the Commissioner of Labor.

D. Each demolition/renovation project must comply with Kentucky Division of Air Pollution Control Regulation 401 KAR 57:011. This includes notification, in writing, to the Division of Air Pollution Control, ten (10) days before start of the project.

E. **Tobacco-Free:** Pursuant to Executive Order, use of any tobacco products (including e-cigarettes) is prohibited in all Executive Branch buildings and parking lots and on the grounds. Please refer to Executive Order # 2014-747 for complete details.
For FAQ's go to: <http://tobacco-free.ky.gov/Pages/FAQs.aspx>

F. **REGISTRATION WITH SECRETARY OF STATE:**

Domestic and foreign corporations shall be registered with the Kentucky Secretary of State and declared to be in "good standing" prior to award of contract. Offeror should verify status at the following website: <http://www.sos.ky.gov> and click on "Business Services". Failure to comply with this requirement within (5) days after notification may render your bid non-responsive.

G. **REGISTRATION WITH SECRETARY OF STATE BY A FOREIGN ENTITY:**

Pursuant to KRS 45A.480(1)(b), an agency, department, office, or political subdivision of the Commonwealth of Kentucky shall not award a state contract to a person that is a foreign entity required by [KRS 14A.9-010](#) to obtain a certificate of authority to transact business in the Commonwealth ("certificate") from the Secretary of State under [KRS 14A.9-030](#) unless the person produces the certificate within fourteen (14) days of the bid or proposal opening. Therefore, foreign entities should submit a copy of their certificate with their solicitation response. If the foreign entity is not required to obtain a certificate as provided in [KRS 14A.9-010](#), the foreign entity should identify the applicable exception in its solicitation response. Foreign entity is defined within [KRS 14A.1-070](#).

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 <https://secure.kentucky.gov/sos/ftbr/welcome.aspx>.

H. **REGISTRATION with eMars (eProcurement):**

In order to receive a contract in the State's electronic procurement system (eMars/eProcurement), a vendor/contractor shall be registered to conduct business therein. Business entities not already registered may register by visiting the eProcurement website at <https://finance.ky.gov/eprocurement/pages/default.aspx> and complete the registration information. The website has phone numbers and email addresses to facilitate answering any questions you may have with the registration or update process. Failure to comply with this requirement within (5) days after notification may render your bid non-responsive.

I. **SITE VISIT AND/OR VIRTUAL PREBID INFORMATION:**

There will be a site visit on 8/4/2022 at 1:00 P.M., Eastern Time. Interested contractors are encouraged to attend. The site visit will be held at BNGC, Facilities Conference Room, 101 Minuteman Pkwy., Frankfort, Kentucky. No questions will be answered at the site visit. All questions need to be emailed to the Architect, Nick Feldman, nick@tfgai.com, by August 9, 2022, to be answered by addendum.

ALL PROCUREMENT QUESTIONS SHALL BE DIRECTED TO BUYER OF RECORD FOR THIS PROJECT.

J. **COVID INFORMATION:**

IMPORTANT: For any COVID information refer to the Team Kentucky website: <https://govstatus.egov.com/kycovid19>.