



Andy Beshear
GOVERNOR

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

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Frankfort, Kentucky 40601-3462

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EXECUTIVE DIRECTOR

**NOTICE TO CONTRACTORS
FOR
23085 AMLBAML
AML PROJECT
PIKE COUNTY, KENTUCKY**

Attached hereto is a copy of the "Advertisement for Bids" for furnishing all labor, equipment, appliances and materials necessary for 23085 AMLBAML, AML Project, Pike County, Kentucky.

SAME IS DESIGNATED AS:

REQUEST NO.	Request for Bid No. RFB-89-27
BID ON:	23085 AMLBAML AML PROJECT PIKE COUNTY, KENTUCKY
BID DATE:	October 27, 2026 9:30 A.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.

**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 Vendor Self Service VSS 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 23085 AMLBAML, AML Project, Pike County, Kentucky, as set forth in the specifications and as shown on the drawings prepared by 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:

Project limits include 3.8 acres, with an expected disturbance of 2 acres within project boundaries. Project limits for the offsite waste area(s) include 1.7 acres, with an expected disturbance of 1.1 acres for the fill area. The adjacent blueline stream to the waste area, Robinson Creek, will not be disturbed and is outside the project limits. Within the unstable slide area, a total of 0.1 acres of trees will be disturbed. For installation of the ditch outlet, up to 0.1 acres of trees will be removed, with an additional 0.1 acres tree removal for access to the portal area, for a total of 0.3 acres of tree removal. No trees will be disturbed at the waste area.

Proposed construction efforts include removing enough material within the unstable areas to construct two 10' high, reinforced concrete walls, one to protect the Johnson home and the other one to protect their adjacent rental home, as well as a rock toe buttress below the shed where a small slip of material has occurred. Also, three portal closures are proposed, one open portal approximately 2'x4' using standard wildlife closures and two portal closures using a non-wildlife closure. Appropriate drainage is also proposed to be constructed including but not limited to subdrains, culverts, drop boxes, headwalls, and ditches including swale ditches lined with block tied mat, a hoe ram ditch, and ECB ditches.

3. METHOD OF BIDDING:

Allowable Price Limit (APL) is part of the contract documents and is stated on the Bid Schedule. The Unit Price (UP) / Lump Sum Price (LS) has a low value defined for each item on the Bid Schedule. Any Unit Price / Lump Sum Price outside this value may be considered an unbalanced bid and may have to be justified in writing if such bid is deemed the low responsive bid. The CONTRACTOR is also cautioned that other considerations for rejection, notwithstanding the APL, may be enforced (e.g. total bid price being excessively over the ENGINEER'S ESTIMATE). 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.

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

4. METHOD OF AWARD:

Award shall be issued to the lowest-cost responsive bid properly submitted 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 state 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. **DIVISION OF ABANDONED MINE LAND REQUIREMENTS:**

Federal Funding Source

One hundred percent funding for this project has been authorized by the U.S. Department of the Interior, Office of Surface Mining, under the provisions of 29 CFR 5.5 Davis Bacon Act Requirements.

Funds for this project are subject to the 29 CFR 5.5 Davis Bacon Act Requirements, of which are included in the specification book. Contractors and subcontractors must pay laborers and mechanics employed on the project's work site on a weekly basis, no less than the wages and benefits that are prevailing in the area as determined by the federal Secretary of Labor and in accordance to the wage scale provided.

The apparent low bidder or proposed subcontractor must be in good standing with the Commonwealth of Kentucky, Energy and Environment Cabinet, Department for Natural Resources, and the federal Office of Surface Mining. The low bidder or proposed subcontractor must also be up-to-date on payments of all associated State and Federal Severance Taxes, civil penalties, fees, and not have outstanding violations with the Energy and Environment Cabinet, Department for Natural Resources and the federal Office of Surface Mining.

Any contractor who has listed a proposed subcontractor who is found not to be in good standing with the Energy and Environment Cabinet, Department for Natural Resources, and the federal Office of Surface Mining after a check with the Applicant Violator System (AVS) must substitute a new subcontractor that is eligible without changes in any of the unit prices or bid amounts.

Any prime bidder (low bidder) who is found not to be in good standing with the Energy and Environment Cabinet, Department for Natural Resources, and the federal Office of Surface Mining after a check with the Applicant Violator System (AVS) will not be eligible for award of contracts on projects funded by PL 95-97 Surface Mining Reclamation Control Act of 1977 (SMRCA) and award of contract will proceed to next ranked eligible bidder.

6. **PROJECT CONTACTS:**

Agency:	Michael Kearney, Division of Abandoned Mine Lands, michael.kearney@ky.gov, (502) 682-2151
Purchasing Agent:	Susan Ward, Division of Engineering and Contract Administration, Susan.Ward@ky.gov, (502) 226-0335

7. **BID SUBMITTAL:**

Solicitation responses ("bid") shall be received by electronic submission through the Commonwealth's eProcurement system.

Please be advised: Bids shall not be accepted via postal carrier (USPS, UPS, FED EX, etc.) nor can bids be hand delivered.

Response must contain all information required by the Solicitation and be executed by an authorized agent of the Bidder, affirmed by electronically submitting the bid through the eProcurement system.

To bid, all bidders **SHALL** be registered in the Commonwealth eProcurement System via the Vendor Self Service (VSS) System at <https://vss.ky.gov>. Allow 24 – 48 hours to complete Vendor Registration. Vendors must be logged in to their Vendor Self Service account to submit a response. The Customer Resource Center is not able to complete registrations and activate accounts on the same day. Closing dates will not be extended for Vendors not registered by the date/time of the bid closing. Vendor Self Registration Guides are provided at <https://vss.ky.gov> under "Download Vendor Forms and Quick Reference Guides."

All bidders are cautioned to begin their electronic submission in sufficient time to complete before the closing date and time. Delays due to inability to register, document upload impediments, or technical difficulties shall not be justification for acceptance of a late bid or proposal. If you need assistance, contact:

Customer Resource Center (CRC)

- Email at Finance.CRCGroup@ky.gov;
- Locally at 502-564-9641 or toll-free 877-973- HELP (4357).

Online bid responses must be in an "Accepted" status prior to the closing date and time of the solicitation. The assigned date and time stamp from the eProcurement system generated at the time of final acceptance and formal submission by the vendor shall establish the date and time the bid was submitted. A bid may be modified or withdrawn electronically through VSS prior to the bid closing date and time.

Please be advised, VSS will not allow submission of an online response after the published date and time for closing.

Bidders shall attach the Official Bid Document and Bid Bond (if required) as a single combined attachment when submitting their electronic bids. If using a certified check, please upload copy of check with your Official Bid Document in lieu of bid bond.

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

All results will be posted to <https://www.stateofkyplanroom.com> after the bid opening and review. If additional information is needed from the successful bidder, the buyer may be in contact.

There will be a public bid reading by conference call on the bid opening date at 11:00 AM, ET.

The dial in number is 502-782-2663 or 844-603-5060.

Conference ID# 240522018#

Participant code is 75309#

8. **BID WITHDRAWAL:**

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

9. **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 by the Kentucky Secretary of State and the Kentucky Department of Insurance within the Commonwealth of Kentucky.

10. **RIGHT TO REJECT:**

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

11. **SUBCONTRACTING:**

- A. Any contractor who has listed a proposed subcontractor who is found not to be in good standing with the Energy and Environment Cabinet, Department for Natural Resources, and the federal Office of Surface Mining after a check with the Applicant Violator System (AVS) must substitute a new subcontractor that is eligible without changes in any of the unit prices or bid amounts.

- B. No subcontractor may be added to the project or substitute for a previously approved subcontractor without prior written permission from the Director of the Division of Abandoned Lands, Energy and Environment Cabinet, Department for Natural Resources and then only after a completed and acceptable AVS check.

12. **GENERAL INFORMATION:**

- A. Bidder's Qualifications, List of Unit Prices, List of 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" or "eComm") 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, upon notification to the Commissioner of the Department for Facilities and Support Services, may be 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. **EEO Requirements:**
The Equal Employment Opportunity Act of 1978 applies to All State government projects with an estimated value exceeding \$500,000. The contractor shall comply with all terms and conditions of the Act. The successful bidder shall visit <https://www.prod.eeocc.ky.gov/eeoc/epic> and sign in with their VSS credentials and click on **New EEO-1 Certification** to complete EEO-1 report form.
- G. **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.
- H. **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://www.sos.ky.gov/Pages/default.aspx>

I. REGISTRATION with eMARS (eProcurement):

All bidders MUST be registered in the Commonwealth eProcurement System via the Vendor Self Service System at <https://vss.ky.gov>

Allow 24 – 48 hours to complete Vendor Registration. Vendors must be logged in to their Vendor Self Service (VSS) account to submit a response. Registrations completed the day of bid closing must be completed by the Vendor in the VSS portal. The Customer Resource Center is not able to complete registrations and activate accounts on the same day. Closing dates will not be extended for Vendors not registered by the date/time of the bid closing. Vendor Self Registration Guides are provided at <https://finance.ky.gov/eProcurement/Pages/doing-business-with-the-commonwealth.aspx>

All bidders are cautioned to begin their electronic submission in sufficient time to complete before the closing date and time. Delays due to technical difficulties or document upload impediments shall not be justification for acceptance of a late bid or proposal. Vendor attention to this advisory is encouraged. If you need assistance, please contact the Customer Resource Center (CRC) by email at Finance.CRCGroup@ky.gov or phone 502-564-9641 or toll-free 877-973- HELP (4357).

J. DAVIS BACON ACT REQUIREMENTS:

This project contains the provisions from the Davis Bacon Act. All contractors must pay the suitable amount listed on the federal wage rates for Pike County, Kentucky. The rates are titled General Decision Number KY20260056 dated 5/18/2026. See attached.

K. SITE VISIT MEETING:

There will be a site visit meeting on this project. Interested contractors are encouraged to attend. The site visit will be held on 10/14/2026 at 10:30 A.M. Eastern Time. Michael Kearney from the Division of Abandoned Mine Lands will meet contractors at 3830 Abner Mountain Road (KY-122) 37.3411N, 82.6457W.

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

L. HEALTH AND SAFETY GUIDELINES:

IMPORTANT: For any health and safety guideline refer to the Team Kentucky website:

<https://www.chfs.ky.gov/agencies/dph/Pages/RespiratoryDiseases.aspx>