



FLOYD COUNTY BOARD OF EDUCATION
Anna Whitaker Shepherd, Superintendent
442 KY RT 550
Eastern, KY 41622
Telephone (606) 886-2354 Fax (606) 886-4550
www.floyd.kyschools.us

Linda C. Gearheart, Board Chair - District 1
William Newsome, Jr., Vice-Chair - District 3
Dr. Chandra Varia, Member - District 2
Keith Smallwood, Member - District 4
Steve Stone, Member - District 5

Consent Agenda Item (Action Item): Consider/Approve bid for the James D. Adams Middle School Re-Roof and HVAC project, pending KDE approval.

Applicable State or Regulations: General Powers and Duties of Board/Capital Construction Process 702 KAR 4:180.

Fiscal/Budgetary Impact: The initial BG-1 cost is \$4,509,529.

History/Background:

February 28, 2022

Board approved Initial BG-1 (Order# 19998).

July 25, 2022

Board approved to advertise for bid (Order# 20087).

December 20, 2022

Sealed bids were received and opened at 11:00 am in the Maintenance Conference Room.

Two (2) bids were received. Elliott Contracting, LLC in the amount of \$5,900,000 and Davis & Ploman in the amount of \$7,093,000 which are both over budget. (See attachments).

February 1, 2023

Meeting with Integrity/STW to discuss scope of work revision and rebidding.

February 27, 2023

Board approved rebidding the project (Order # 20221).

March 15, 2023

Sealed bid(s) were received and opened by Abby Davis, Integrity Architecture. Only one bid was received by Elliott Companies. The base bid is \$5,200,000. There was an alternate membrane roof system that allowed a deduct of \$638,815 for a TPO roof in lieu of metal roof (same warranty). The total base bid with alternate \$4,561,185 which is very close to our desired budget (See Attachments).

Recommended Action: To approve the bid with alternate of \$4,561,185 and grant a contract with Elliott Companies.

Contact Person(s): Linda Hackworth, 606-874-9569

N/A
Principal

Linda Hackworth
Director

Anna Whitaker Shepherd
Superintendent

Date: March 17, 2023



Date March 16, 2023

To: Floyd County Board of Education
2520 S Lake Dr.
Prestonsburg, Ky 41653

From: Abby Davis

Re James D Adams Middle School Re-Roof and HVAC Replacement

Linda, see attached bid tab and sign in sheet from yesterdays Re-bid of the James D Adams Middle School Re-Roof and HVAC Replacement. It is our recommendation pending board approval to move forward with Elliot Companies on this project as they were extremely helpful in the VE process and are already working on other projects in the district.

Respectfully Submitted,

Abby Davis
Project Manager
integrity/Architecture, pllc

CC: Joey Nolasco, Managing Principal, Co-Founder

**EXCEED
EXPECTATION**

Integrity ARCHITECTURE
2414 Palumbo Drive, Suite 125
Lexington, Kentucky 40509

P: 859.368.9712
E: info@integrityarch.com
W: integrityarch.com



BID TABULATION FORM

BIDDER	Form of Proposal	Addendum 1-3	Bid Bond	BASE BID	BID ALTERNATE #1 Membrane Roof System	TOTAL BASE & ALTERNATES
ELLIOT	X	X	X	5,200,00	638,815.00	4,561,185
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00

BG No. 22-350

Date: 3-15-23 To: (Owner) Floyd Co Bd of Ed

Project Name: James D Adams Middle School Re-Roof & HVAC Replacement Bid Package No. _____

City, County: _____

Name of Contractor: Elliott Contracting Inc

Mailing Address: P.O. Box 3038 Pikeville Ky 41502

Business Address: 55 Industrial Blvd Pikeville Ky 41501 Telephone: 606-432-7368

Having carefully examined the Instructions to Bidders, Contract Agreement, General Conditions, Supplemental Conditions, Specifications, and Drawings, for the above referenced project, the undersigned bidder proposes to furnish all labor, materials, equipment, tools, supplies, and temporary devices required to complete the work in accordance with the contract documents and any addenda listed below for the price stated herein.

Addendum none (Insert the addendum numbers received or the word "none" if no addendum received.)

BASE BID: For the construction required to complete the work, in accordance with the contract documents, I/We submit the following lump sum price of: 5,200,000.00

Use Figures

Five million two hundred thousand Dollars & zero Cents
 Use Words for both dollars and cents thousand

ALTERNATE BIDS (If applicable and denoted in the Bidding Documents)

For omission from or addition to those items, services, or construction specified in Bidding Documents by alternate number, the following lump sum price will be added or deducted from the base bid.

Alternate Bid No.	Alternate Description	+ (Add to the Base Bid)	- (Deduct from the Base Bid)	No Cost Change (from the Base Bid)
Alt. Bid No. 1	TPO Roof in lieu of S.S Metal Roof		<u>638,815.00</u>	
Alt. Bid No. 2				
Alt. Bid No. 3				
Alt. Bid No. 4				
Alt. Bid No. 5				
Alt. Bid No. 6				
Alt. Bid No. 7				
Alt. Bid No. 8				
Alt. Bid No. 9				
Alt. Bid No. 10				

A maximum of 10 Alternate Bids will be acceptable with each Base Bid. Do not add supplemental sheets for Alternate Bids to this document.

LIST OF PROPOSED SUBCONTRACTORS:

List on the lines below each major branch of work and the subcontractor involved with that portion of work. If the branch of work is to be done by the Contractor, so indicate.

The listing of more than one subcontractor in a work category shall invalidate the bid.

The listing of the bidder as the subcontractor for a work category certifies that the bidder has in current employment, skilled staff and necessary equipment to complete that category. The architect/engineer will evaluate the ability of all listed subcontractors to complete the work and notify the owner. Listing of the bidder as the subcontractor may invalidate the bid should the architect's review indicate bidder does not have skilled staff and equipment to complete the work category at the time the bid was submitted.

A maximum of 40 subcontractors will be acceptable with each bid. Do not add supplemental sheets for subcontractors to this document.

The bidder shall submit the list of subcontractors with the bid.

	BRANCH OF WORK <small>(to be filled out by the Architect)</small>	SUBCONTRACTOR <small>(to be filled out by the contractor)</small>
1.	Roofing	Dixie Roofing
2.	Temperature Controls	Emcor
3.	Insulation	Appalachian Insulation
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		

TIME LIMIT FOR EXECUTION OF CONTRACT DOCUMENTS:

In the event that a bidder's proposal is accepted by the Owner and such bidder should fail to execute the contract within ten (10) consecutive days from the date of notification of the awarding of the contract, the Owner, at his option, may determine that the awardee has abandoned the contract. The bidder's proposal shall then become null and void, and the bid bond or certified check which accompanied it shall be forfeited to and become the property of the Owner as liquidated damages for failure to execute the contract.

The bidder hereby agrees that failure to submit herein above all required information and/or prices can cause disqualification of this proposal.

Submitted by:

NAME OF CONTRACTOR / BIDDER: Elliptt Contracting Inc

AUTHORIZED REPRESENTATIVE'S NAME: [Signature]
Signature

AUTHORIZED REPRESENTATIVE'S NAME(printed): Todd Bream

AUTHORIZED REPRESENTATIVE'S TITLE: President

NOTICE: Bid security must accompany this proposal if the Base Bid price is greater than of \$25,000, \$100,000. (change effective June 3, 2019.)

This form shall not be modified.

AIA Document A310™ - 2010

Bid Bond

CONTRACTOR:
(Name, legal status and address)
Elliott Contracting, Inc.

P.O. Box 3038
Pikeville, KY 41501

OWNER:
(Name, legal status and address)
Floyd County Board of Education
106 North Front Ave.
Prestonsburg, KY 41653
BOND AMOUNT: 5% of Amount Bid

SURETY:
(Name, legal status and principal place of business)
SureTec Insurance Company
2103 CityWest Boulevard, Suite 1300
Houston, TX 77042

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

PROJECT:
(Name, location or address, and Project number, if any)
James D. Adams Middle School Re-Roof & HVAC Replacement

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted hereof, and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 15th day of March 2023

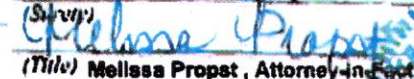

(Contractor)

Elliott Contracting, Inc.
(Principal)

(Seal)


(Witness)

(Title) Todd Graham, President
SureTec Insurance Company

(Surety)

(Title) Melissa Probst, Attorney-in-Fact

CAUTION You should sign an original AIA Contract Document, on which this text appears in RED. An original copy of this document is required for the contract to be enforceable. Changes will not be obscured.

Info.

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SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Steven M. Baas, Benjamin P. Dycus, Melissa Propst, Kenneth Albert, LaKala Carter

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for, providing the bond penalty does not exceed

Five Million and 00/100 Dollars (\$5,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20th of April, 1999.)

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 12th day of May, A.D. 2021.

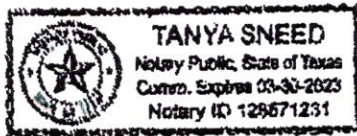
SURETEC INSURANCE COMPANY


By: 
Michael C. Keimig, President



State of Texas ss:
County of Harris

On this 12th day of May, A.D. 2021 before me personally came Michael C. Keimig, to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.




Tanya Sneed, Notary Public
My commission expires March 30, 2023

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 15th day of March, 2021 A.D.


M. Brent Beaty, Assistant Secretary



Any instrument issued in excess of the penalty stated above is totally void and without any validity. 1710002
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:30 am and 5:00 pm CST.

3. We have and share a district organization chart that is approved and shared within the district outlining departments and employees within each department as well as work assignments/duties for each.

1. Finance-Prepares and oversees a budget that aligns resources with district vision and needs
 2. Resourcing-Continually assesses programs and resource allocation
 3. Effectiveness and Efficiency-Develops and enforces clear expectations for efficient operation and the district giving priority to student learning and safety
 4. Communication-Assures and effective system of districtwide communication
- C. Accept Notification of Personnel Matters

Order #19997 - Motion Passed: passed with a motion by Mr. Keith Smallwood and a second by Mr. William Newsome.

5 Yeas - 0 Nays

Ms. Linda Gearheart	Yes
Mr. William Newsome	Yes
Dr. Chandra Varia	Yes
Mr. Steve Slone	Yes
Mr. Keith Smallwood	Yes

1. Actions Taken

2. Requests for Leaves of Absences

D. Consider/Approve Initial BG-1 for the James D. Adams Middle School Re-Roof and HVAC project, pending KDE approval

Order #19998 - Motion Passed: Approval of Initial BG-1 for the James D. Adams Middle School Re-Roof and HVAC project, pending KDE approval passed with a motion by Mr. Keith Smallwood and a second by Mr. William Newsome.

5 Yeas - 0 Nays

Ms. Linda Gearheart	Yes
Mr. William Newsome	Yes
Dr. Chandra Varia	Yes
Mr. Steve Slone	Yes
Mr. Keith Smallwood	Yes

E. Consider/Approve Initial BG-1 for the Betsy Layne Elementary Roof projects, pending KDE approval

Order #19999 - Motion Passed: Approval of Initial BG-1 for the Betsy Layne Elementary Roof projects, pending KDE approval passed with a motion by Mr. Keith Smallwood and a second by Mr. William Newsome.

Order #20084 - Motion Passed: passed with a motion by Mr. William Newsome and a second by Dr. Chandra Varia.

4 Yeas - 0 Nays

Ms. Linda Gearheart	Yes
Mr. William Newsome	Yes
Dr. Chandra Varia	Yes
Mr. Steve Slone	Yes
Mr. Keith Smallwood	Absent

1. Actions Taken

2. Requests for Leaves of Absences

E. Consider/Approve Standard Form of agreement between Owner and Architect (RossTarrant) for the Betsy Layne Elementary Roof projects, pending KDE approval

Order #20085 - Motion Passed: Approval Standard Form of agreement between Owner and Architect (RossTarrant) for the Betsy Layne Elementary Roof projects, pending KDE approval passed with a motion by Mr. William Newsome and a second by Dr. Chandra Varia.

4 Yeas - 0 Nays

Ms. Linda Gearheart	Yes
Mr. William Newsome	Yes
Dr. Chandra Varia	Yes
Mr. Steve Slone	Yes
Mr. Keith Smallwood	Absent

F. Consider/Approve Bid Package 1 (500 Building and 1995 Building) for the Betsy Layne Elementary Roof project, pending KDE approval

Order #20086 - Motion Passed: Approval of Bid Package 1 (500 Building and 1995 Building) for the Betsy Layne Elementary Roof project, pending KDE approval passed with a motion by Mr. William Newsome and a second by Dr. Chandra Varia.

4 Yeas - 0 Nays

Ms. Linda Gearheart	Yes
Mr. William Newsome	Yes
Dr. Chandra Varia	Yes
Mr. Steve Slone	Yes
Mr. Keith Smallwood	Absent

G. *Consider/Approve construction documents and request to advertise for bids for the James D. Adams Middle School Re-Roof project, pending KDE approval

Order #20087 - Motion Passed: Approval of construction documents and request to advertise for bids for the James D. Adams Middle School Re-Roof project, pending KDE approval passed with a motion by Mr. William Newsome and a second by Dr. Chandra Varia.

Order #20218 - Motion Passed: Receive Report of Superintendent passed with a motion by Mr. Keith Smallwood and a second by Mr. Steve Slone.

4 Yeas - 0 Nays

Ms. Linda Gearheart	Yes
Mr. William Newsome	Yes
Dr. Chandra Varia	Absent
Mr. Steve Slone	Yes
Mr. Keith Smallwood	Yes

D. Accept Notification of Personnel Matters

Order #20219 - Motion Passed: passed with a motion by Mr. Keith Smallwood and a second by Mr. Steve Slone.

4 Yeas - 0 Nays

Ms. Linda Gearheart	Yes
Mr. William Newsome	Yes
Dr. Chandra Varia	Absent
Mr. Steve Slone	Yes
Mr. Keith Smallwood	Yes

1. Actions Taken

2. Requests for Leaves of Absences

E. Consider/Approve revised BG-1 for the Bus Garage Re-Roof project, pending KDE approval

Order #20220 - Motion Passed: Approval of revised BG-1 for the Bus Garage Re-Roof project, pending KDE approval passed with a motion by Mr. Keith Smallwood and a second by Mr. Steve Slone.

4 Yeas - 0 Nays

Ms. Linda Gearheart	Yes
Mr. William Newsome	Yes
Dr. Chandra Varia	Absent
Mr. Steve Slone	Yes
Mr. Keith Smallwood	Yes

F. *Consider/Approve revised construction documents and request to re-advertise for bids for the James D. Adams Middle School Re-Roof and HVAC project, pending KDE approval

Order #20221 - Motion Passed: Approval of revised construction documents and request to re-advertise for bids for the James D. Adams Middle School Re-Roof and HVAC project, pending KDE approval passed with a motion by Mr. Keith Smallwood and a second by Mr. Steve Slone.

4 Yeas - 0 Nays

Ms. Linda Gearheart	Yes
Mr. William Newsome	Yes
Dr. Chandra Varia	Absent
Mr. Steve Slone	Yes
Mr. Keith Smallwood	Yes