

Ohio County Fiscal Court
March 24, 2026 5:00 PM
Ohio County Community Center
Hartford, KY

Attendance Taken at 5:00 PM:

Present Board Members:

David Johnston
Dale Beavin
Larry Morphew
Michael McKenney
Bo Bennett

Absent Board Members:

Jason Bullock

I. Call to Order Judge Executive David Johnston

I.A. Prayer and Pledge to American Flag

II. Proclamation - Arbor Day

Discussion: Judge Johnston signed a proclamation, proclaiming April 3, 2026 Arbor Day in Ohio County

III. Proclamation Child Abuse Awareness

Discussion: Judge Johnston signed a proclamation for the Month of April to be Child Abuse and Neglect Prevention Month in Ohio County. The court was joined by representatives from the Children's Advocacy Center and DCBS; Alexis Sinnett, Bell Tolle, Samantha Sigler, Chad Wilson and Annette Rigdon.

IV. Approve March 10, 2026 Minutes

Motion Passed: Approved March 10, 2026 Minutes passed with a motion by Michael McKenney and a second by Bo Bennett.

5 Yeas - 0 Nays.

David Johnston	Yes
Dale Beavin	Yes
Larry Morphew	Yes
Michael McKenney	Yes
Jason Bullock	Absent
Bo Bennett	Yes

V. Bills, Claims, Payments and Transfers

Motion Passed: Bills, Claims, Payments and Transfers stand approved as presented passed with a motion by Bo Bennett and a second by Michael McKenney.

5 Yeas - 0 Nays.

David Johnston	Yes
Dale Beavin	Yes
Larry Morphew	Yes
Michael McKenney	Yes
Jason Bullock	Absent
Bo Bennett	Yes

VI. Treasurer's February 2026 Financial Statement

Motion Passed: Acknowledge receiving February's Financial Statement. passed with a motion by Dale Beavin and a second by Larry Morphew.

5 Yeas - 0 Nays.

David Johnston	Yes
Dale Beavin	Yes
Larry Morphew	Yes

Michael McKenney	Yes
Jason Bullock	Absent
Bo Bennett	Yes

VII. Ambulance Service Bid Opening

Motion Passed: Motion to take the Ambulance Bid/Proposals to committee, committee comprised of the fiscal court members. Committee to meet at 4:00 pm on April 14, prior to the regular scheduled fiscal court meeting passed with a motion by Larry Morphew and a second by Bo Bennett.

Discussion: Two Ambulance Bid/Proposals were received and were opened, Com-Care and AMR. No action was taken at this meeting, as the committee will review and a vote will be taken at the next Fiscal Court Meeting, April 14, 2026.

5 Yeas - 0 Nays.

David Johnston	Yes
Dale Beavin	Yes
Larry Morphew	Yes
Michael McKenney	Yes
Jason Bullock	Absent
Bo Bennett	Yes

VIII. Justin Keown -- New Opioid Settlement Signing

Motion Passed: Motion to sign agreement to participate in a new opioid settlement passed with a motion by Larry Morphew and a second by Bo Bennett.

5 Yeas - 0 Nays.

David Johnston	Yes
Dale Beavin	Yes
Larry Morphew	Yes
Michael McKenney	Yes
Jason Bullock	Absent
Bo Bennett	Yes

IX. First Reading Ordinance 2026-3

Discussion: Michael McKenney asked County Attorney Justin Keown if he was comfortable with the wording of the ordinance. Mr. Keown stated that he had looked it over and felt the wording was in good order, but that there could be a few small changes for the 2nd reading.

Motion Passed: Motion to pass first reading of Ordinance 2026-3 passed with a motion by Larry Morphew and a second by Bo Bennett.

5 Yeas - 0 Nays.

David Johnston	Yes
Dale Beavin	Yes
Larry Morphew	Yes
Michael McKenney	Yes
Jason Bullock	Absent
Bo Bennett	Yes

X. Nick Woolen - Road Department

Discussion: Road Superintendent, Nick Woolen gave an update/report on the Road Department. He said they had been in the process of ditching, tile repair, fixing potholes and the new pothole patcher is doing good. They are getting ready for mowing season and the new mow trim is working well. The funds from the April floods last year will be slow coming due to government shut down, but they will come. They have repaired 2 bridges, one Bethel Church Road and Mill Run. They are in the process of replacing the last wooden bridge in the county on Shreve Road. They have another bridge submitted on Quarter Horse Lane and in the next few weeks will be replacing a culvert on Roby Lane.

XI. Tourism Report - Jody Flener

Discussion: Tourism Director, Jody Flener gave an update on how tourism is doing in the county. She said that to date the museum has now had visitors from all 50 states and 10 countries including 9 tour groups. She spoke about the need for a hotel in the county as her funding comes from "Heads and Beds" to do with the stays in the hotels, airbnbs and campgrounds. She spoke about the mowing at Everett Park in the 5th District and asked Magistrate Larry Morphew if he could help with his discretionary funds, he stated that he had committed his to the fire departments. She then talked about how good tourism is picking up and asked everyone to encourage people to stay in the county when they come for events.

XII. Committee Reports

Discussion: Michael McKenney said the housing committee was to meet the next week and he should have a report at the next fiscal court meeting.

XIII. Magistrate's Comments and Requests

XIII.A. District 1 - Magistrate Michael McKenney

XIII.B. District 2 - Magistrate Jason Bullock

XIII.C. District 3 - Magistrate Bo Bennett

XIII.D. District 4 - Magistrate Dale Beavin

Discussion: Dale stated that he and the judge would be on a Facebook live the next morning at Shreve Bridge

XIII.E. District 5 - Magistrate Larry Morphew

XIV. County Officials Comments and Requests

XV. Citizen's Comments


Discussion: Mr. Hamilton spoke again concerning his situation, County Attorney Justin Keown addressed his questions as best he could.

Judge Johnston then gave a quick update on Highway 1903, stating that the court had received the report, the mine was in violation and the state highway department legal team is now involved.

XVI. Adjournment

Judge Executive

Ohio County Fiscal Court Clerk

	Ohio County Fiscal Court Meeting REGULAR Judge Executive - David Johnston				
Michael McKenney Magistrate District 1	Jason Bullock Magistrate District 2	Bo Bennett Magistrate District 3	Dale Beavin Magistrate District 4	Larry Morphew Magistrate District 5	Justin Keown County Attorney
Ohio County Fiscal Court Meeting March 24, 2026 5:00 pm <ol style="list-style-type: none">1. Call to Order Prayer and Pledge2. Proclamation – Arbor Day3. Proclamation – Child Abuse Awareness4. Approve March 10, 2026 Minutes5. Bills, Claims, Payments and Transfers6. Treasurer’s February 2026 Financial Report7. Ambulance Service Bid Opening8. Justin Keown – New Opioid Settlement Signing9. First Reading Ordinance 2026-310. Nick Woolen – Road Department11. Tourism Report – Jody Flener12. Closed Session Under KRS 61.810 Chapter 1 Section C & F Return From Closed Session13. Committee Reports14. Magistrates Comments and Requests15. County Officials Comments and Requests16. Citizens Comments17. Adjournment					



P.O. Box 165 • Hartford, Kentucky 42347 • 270-298-4415 • 270-298-4417 Fax

PROPOSAL FOR SERVICES

To: Ohio County Fiscal Court
Date: 03/20/2026
Subject: Proposal for operation of the Ohio County Emergency Medical Services.

Com-Care Inc. respectfully submits the following proposal for your consideration.

Proposal for EMS Service Management

- Com-Care Inc., A locally owned and operated company, hereinafter referred to as "Com-Care" proposes to provide to the Ohio County Fiscal Court the following services related to the operation of the Ohio County Emergency Medical Services.
- Com-Care will operate an Advanced Life Support, Class 1 ground ambulance service as set forth in KRS 311.030 and 202 KAR Chapter 5. The period of this proposal will be from 7/1/26 thru 6/30/27. A base will be maintained at the location of the current EMS building located in Hartford and owned by the Ohio County fiscal court. Com-Care will staff 2- 24 hour ALS coverage units plus additional crews as needed for non-emergency transfers. Additional on-call staff will be scheduled daily to address periods of increased run volume.
- Com-Care Inc. is a subchapter "S" Corporation owned by James Duke (52%) Cynthia Adams (36%) and John Holder (12%)
- Com-Care will furnish materials, supplies, storage, and any other items necessary or convenient to the operation of a complete emergency and non-emergency Ambulance Service for Ohio County, Kentucky, except as hereinafter provided.

John Holder
Vice President - Operations

Jim Duke
President

Cynthia Adams
Vice President - Finance

- **Com-Care will provide all vehicle maintenance to ambulances provided by the fiscal court and will maintain said vehicles in good operational order.**
- **Com-Care will act as an agent for the county to secure grant funding from state and federal sources as related to Emergency Medical Services. Any equipment or funds secured would be the sole property of the Ohio County Fiscal Court and will be maintained for a period of no less than 7 years. From 2009 until present, Com-Care has secured through Homeland Security and the Hospital preparedness partnership approximately \$200,000 in emergency response supplies.**
- **Com-Care shall be in complete and total control of the management of said Ambulance Service, will have complete and unlimited discretion in the hiring, discharge, payment, and assignment of duties of the employees and personnel of the Ambulance Service; and in the billing and collection of fees and charges generated by such Ambulance Service. All billings and receipts for services which occur during the period contractually agreed upon by both parties shall be the property of Com-Care.**
- **Com-Care will provide professional liability insurance in the amount of no less than 3 million dollars (\$3,000,000.00), in addition to a 5 million dollar (\$5,000,000) Umbrella Policy.**
- **Com-Care will maintain all run records as required through 202 KAR Chapter 7 during the period of any contractual agreement and provide all stored run data to the Ohio County Fiscal Court whenever any agreement terminates.**
- **Com-Care will provide the fiscal court any data related to run volume, response times and demographic information as requested.**
- **Com-Care will implement a plan with the local EMT's, Firefighter's, Law Enforcement and First Responders for consumable supply replenishment at no cost to the responding agencies. Training as requested will be provided in the county for all First Responders.**
- **Any proposal and/or subsequent contract will have an exemption clause for operations during a National, State or locally declared disaster. It would be necessary for said operations to be treated as a supplemental service and be subject to mutually agreed upon reconciliation of disaster related costs or loss of revenue.**

For inclusion in this proposal, Com-Care would request that the following commitment be made by the Ohio County Fiscal Court during the period of any contractual agreement between Com-Care and the Ohio County Fiscal Court regarding EMS management.

- 1) Building space for EMS stations to include major maintenance, Utilities and Phone service of the station currently located at 500 St Rt 69N.
- 2) Emergency Dispatching from the current county 911 center to include any necessary telecommunications infrastructure.
- 3) To provide and replace as necessary Six (6) ambulances, in good operating condition and meeting all requirements as set forth by 202 KAR Chap 7. Also all vehicle collision, comprehensive and liability insurance for the county owned ambulances.
- 4) Purchase of capital medical equipment necessary for the operation of service. Capital equipment will be defined as Ambulances and one each of a Cardiac monitor, Ambulance stretcher and mobile radio per ambulance. There is a \$20,000 grant that must be spent on equipment before 7/1/27. Also as part of this proposal, Med 5 will need to be contracted for a remount that will need to be ordered by 7/30/26.
- 5) Use of up to One (1) Ohio County Ambulance to use during Disaster deployments within the region. Use would not exceed 28 days under this proposal per year.
- 6) An annual subsidy of \$204,011.00_ payable in 12 equal monthly payments of \$17,000.92 being paid at the beginning of each month. The amount will not include any needed ambulance vehicles or large capital equipment which would remain sole property of Ohio County Fiscal Court.
- 7) If the Court agrees provide fuel for the Ohio County fleet, Com-Care will deduct \$62,000 from the bid total, In addition at the end of the year, Com-Care will reimburse the County at their cost for any related fuel expenses in excess of \$62,000.00.

In closing Com-Care would like to thank the Fiscal Court, Judge Executive and all those involved in allowing Com-Care to manage your emergency medical services during FYE 2026 and over the previous 17 years.

Respectfully

Jim Duke, President

OHIO COUNTY FISCAL COURT
FOR FISCAL YEAR JULY 1, 2026 THROUGH JUNE 30, 2027

AMBULANCE SERVICE

The bidder understands that he/she/it will be bound by the prices quoted irregardless of any changes to the cost of materials, supplies, labor, ect, to the bidder and the bidder shall not invoice the County for any additional costs incurred unless agreed by majority of Ohio Fiscal Court.

The bidder agrees that if the bid is accepted within thirty (30) days from date of opening, to furnish any of the aforementioned upon which prices are quoted. The bid, unless stated otherwise therein, are to be effective for one year from the date of bid acceptance by the County and will be accepted considering the lowest responsible bidder (which means the lowest bid may not always be accepted as the County may consider factors other than price).

The County reserves the right (a) to reject all bids or any bids not in compliance with the requirements of the bid sought; (b) to accept the bid or accept multiple bids assuming that all terms are the same and any bidder shall have the right to amend his/her/its bid consistent with the lowest and best bid submitted; (c) or any item of any bid, deemed most advantageous to the County.

Com-Care Inc
BIDDER

[Signature]
AUTHORIZED SIGNATURE

P.O. BOX 165 HARTFORD KY 42347

ADDRESS

270-298-4415 270-298-4417
TELEPHONE FAX

26 3271893
FEDERAL ID OR SOCIAL SECURITY NO. FOR 1099

COUNTY OF OHIO
NON-COLLUSIVE BID STATEMENT

The undersigned Bidder, having fully informed himself regarding the accuracy of the statements made herein, certifies that:

- 1) The bid has been arrived at by the bidder independently and has been submitted without collusion with, and without any agreement, understanding, or planned common course of action with, any other vendor of materials, supplies, equipment, or services described in the invitation to bid, designed to limit independent bidding or competition, and
- 2) The contents of the bid have not been communicated by the bidder or its employees or agents to any person not an employee or agent or its surety on any bond furnished with the bids, and will not be communicated to any such person prior to the official opening of the bid. The undersigned bidder further certifies that this statement is executed for the purpose of enabling the County of Ohio to consider the bid and make an award in accordance therewith.

Com-Care Inc
BIDDER

[Signature]
AUTHORIZED SIGNATURE

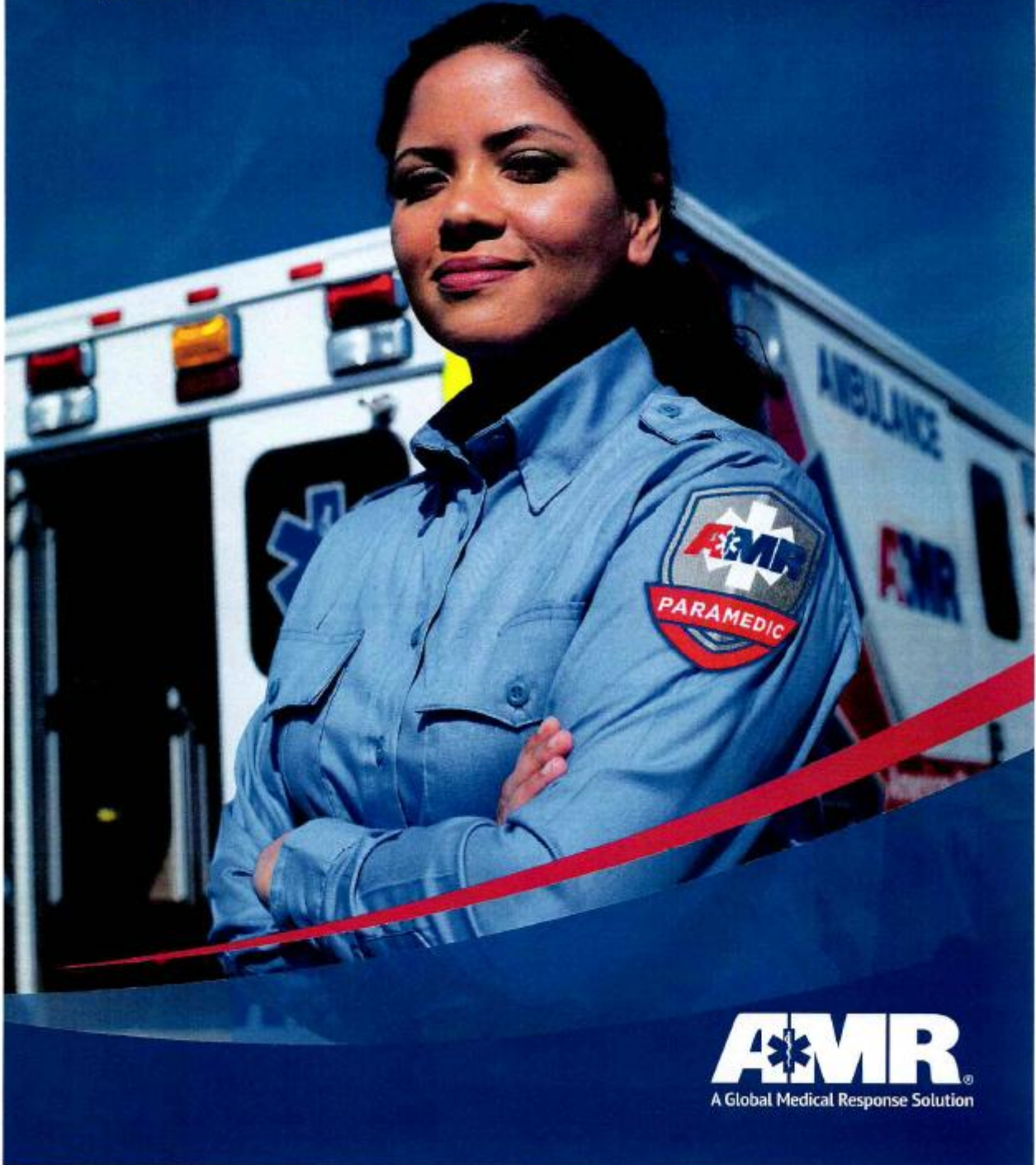
P.O. Box 165 HARTFORD Ky 42347
ADDRESS

270-298-4415 270-298-4417
TELEPHONE FAX

3/26/26
DATE



AMBULANCE SERVICE
Ohio County, Kentucky
BID # 12985284 | MARCH 23, 2026



AMR[®]
A Global Medical Response Solution

OHIO COUNTY FISCAL COURT
FOR FISCAL YEAR JULY 1, 2026 THROUGH JUNE 30, 2027

AMBULANCE SERVICE

To perform ambulance services for the County—including labor, cost of materials, supplies, etc.—

American Medical Response (AMR) requests a subsidy in the amount of \$355,659. We are interested in proposing a potential multiple-year arrangement if the County is open to engaging in those discussions.

The bidder understands that he/she/it will be bound by the prices quoted irregardless of any changes to the cost of materials, supplies, labor, ect, to the bidder and the bidder shall not invoice the County for any additional costs incurred unless agreed by majority of Ohio Fiscal Court.

The bidder agrees that if the bid is accepted within thirty (30) days from date of opening, to furnish any of the aforementioned upon which prices are quoted. The bid, unless stated otherwise therein, are to be effective for one year from the date of bid acceptance by the County and will be accepted considering the lowest responsible bidder (which means the lowest bid may not always be accepted as the County may consider factors other than price).

The County reserves the right (a) to reject all bids or any bids not in compliance with the requirements of the bid sought; (b) to accept the bid or accept multiple bids assuming that all terms are the same and any bidder shall have the right to amend his/her/its bid consistent with the lowest and best bid submitted; (c) or any item of any bid, deemed most advantageous to the County.

American Medical Response (AMR)
BIDDER


AUTHORIZED SIGNATURE

1730 East 18th Street | Owensboro, KY 42303
ADDRESS

270/297-3461 909/891-0608
TELEPHONE FAX

351494500
FEDERAL ID OR SOCIAL SECURITY NO. FOR 1099

COUNTY OF OHIO
NON-COLLUSIVE BID STATEMENT

The undersigned Bidder, having fully informed himself regarding the accuracy of the statements made herein, certifies that:

- 1) The bid has been arrived at by the bidder independently and has been submitted without collusion with, and without any agreement, understanding, or planned common course of action with, any other vendor of materials, supplies, equipment, or services described in the invitation to bid, designed to limit independent bidding or competition, and
- 2) The contents of the bid have not been communicated by the bidder or its employees or agents to any person not an employee or agent or its surety on any bond furnished with the bids, and will not be communicated to any such person prior to the official opening of the bid. The undersigned bidder further certifies that this statement is executed for the purpose of enabling the County of Ohio to consider the bid and make an award in accordance therewith.

American Medical Response (AMR)

BIDDER



AUTHORIZED SIGNATURE

1730 East 18th Street | Owensboro, KY 42303

ADDRESS

270/297-3461 909/891-0608

TELEPHONE FAX

March 23, 2026

DATE



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Ambulance Services Proposal

Invitation to Bid | Ohio County, KY | March 23, 2026

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Cover Letter

March 23, 2026

Ohio County Fiscal Court
ATTN: David Johnston, Judge-Executive
Ohio County Community Center
130 E. Washington Street, Suite 209 | Hartford, KY 42347

RE: Ambulance Service Invitation to Bid

Dear Judge-Executive Johnston,

American Medical Response (AMR) presents the Ohio County Fiscal Court (the County) with our bid for the provision of ambulance service.

AMR attests that we have adhered to all submission and response guidelines of your recent invitation to bid. We understand that our organization will be bound by the prices quoted regardless of any changes. We agree that the bid, unless stated otherwise therein, are to be effective for one year from the date of bid acceptance by the County.

To perform ambulance services for the County—including labor, cost of materials, supplies, etc.—AMR requests a subsidy in the amount of **\$355,659**. We are interested in proposing a potential multiple-year arrangement if the County is open to engaging in those discussions.

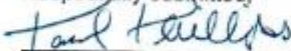
It's safe to say the new era of emergency medical services (EMS) is here. The last five years alone have brought a national staffing shortage, reimbursement changes, an ongoing public health pandemic, new technologies, and emerging examples of successful public and private partnerships. As an organization, we have led the way as municipalities and industries adapt to these changes.

That's why we view this Invitation to Bid as so important. We pledge to enhance clinical quality and build a collaborative and accountable EMS system for the community. With AMR, the County will receive:

- Highly skilled workforce and a leadership team with years of EMS expertise
- EMS that will support and enhance the delivery system of patient care in Kentucky
- Community focused public education and outreach
- The stability and sustainability of contracting with a trusted local and national EMS provider

We look forward to investing in the future of your EMS system, creating new efficiencies and improving the lives of Ohio County residents and guests. Please contact me directly with any questions. Thank you for consideration.

Respectfully submitted,



PAUL PHILLIPS, PARAMEDIC, MS

Regional Director | Southeast Region
859/338.4225 | paul.phillips@gmr.net



Our Approach for Ohio County

Ohio County will receive highly skilled personnel, reliable and compliant response times, as well as a commitment to transparency and accountability in all aspects of service. AMR provides the peace of mind of contracting with the nation's leading EMS provider, with proven solutions delivered to dozens of similar EMS partners.

AMR understands and agrees to conform to the expectations outlined in the invitation to bid. AMR will provide frontline clinician teams comprised of Paramedics and EMTs who will operate County vehicles 24 hours a day, seven days a week. We will be responsible for all medical supply purchasing and supplies necessary to service this contract. All supplies will be kept readily available within the coverage areas. Also, AMR shall be responsible for stocking and restocking all medical supplies for fire department first responder units.

Why AMR?

Our unmatched strength and proven reliability mean that you can count on us to deliver innovative services and exceed your needs no matter the circumstances. We look forward to serving you as a collaborative and accountable EMS provider – now and in the years ahead.

Unique Benefits

We build customizable solutions focused on ensuring a high performance, sustainable, reliable and efficient system. We pledge to work alongside you to incorporate new solutions from other systems that address your specific needs. While we look forward to having more active discussions with your key stakeholders, the list below summarizes the unique benefits the County will receive from AMR:

- ✔ First preference to the incumbent field personnel with no loss of wages or seniority
- ✔ Immediate surge support through our regional air & ground footprint
- ✔ Total integration with fire partners (supply restocking, training, etc.)
- ✔ Collaborative service implementation with no disruption
- ✔ Unmatched clinical excellence and quality assurance
- ✔ Financial stability of the nation's leading EMS provider
- ✔ Total transparency into every aspect of our operation
- ✔ State-of-the-art ambulances and emergency equipment, including battery-powered stretchers and LIFEPAK 15 defibrillators/monitors
- ✔ Regular reporting on desired metrics, including monthly response time reports
- ✔ Unique disaster preparedness capabilities through our local leaders and the support of our national organization
- ✔ Proven employee support solutions including wellness initiatives, therapy dogs and a robust employee assistance program



Proven Experience

A Robust Organization

AMR is a wholly owned subsidiary of American Medical Response, Inc. Founded in 1992, we operate in Kentucky and 35 other states. Supporting these communities is a staff of more than 24,000 personnel who care for 5.3 million patients each year.

A Local Provider

Although we are national company, we serve each community on a local level, one patient at a time. We operate several successful high-performance emergency and non-emergency systems in Kentucky and have the support of our parent and sister companies throughout the region. Throughout the years, AMR has continued to expand our footprint all over the region; we are committed to providing unmatched quality care and customer service excellence to the communities we serve. Alongside our local partners, we have led the way as the industry adapts to an ever-changing environment.

We provide ground ambulance and air services throughout Kentucky, as listed in the bullets below.

Ground Service

- Owensboro, KY
- Erlanger, KY
- Harlan County, KY
- Pike County, KY
- Floyd County, KY
- Leslie County, KY

Air Services

- Hopkinsville, KY
- Albany, KY
- Middlesboro, KY
- Campbellsville, KY
- Danville, KY
- Bowling Green, KY
- Corbin, KY
- Harlan, KY
- Breckinridge County, KY
- Mayfield, KY
- Manchester, KY
- Prestonsburg, KY
- Morgan County, KY



- ❑ Crittenden County, KY
- ❑ Grant County, KY
- ❑ Paducah, KY
- ❑ Jenkins, KY
- ❑ Lebanon, KY

Unmatched Stability

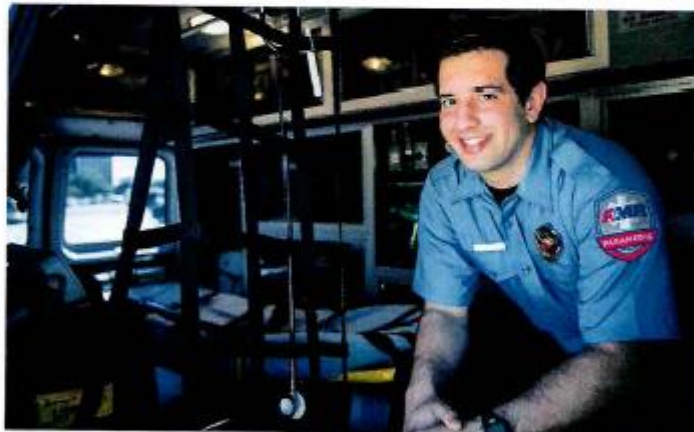
In March 2018, our organization joined with the nation's leading private air ambulance providers to form Global Medical Response, Inc. (GMR), making AMR part of a global company reaching 5.5 million patients in nearly every state. This level of stability and support is unmatched in EMS today.

With 34,000 employees, GMR teams deliver compassionate, quality medical care, primarily in the areas of emergency and patient relocation services in the United States, the District of Columbia and around the world.

AMR continues to provide stellar services as a subsidiary of GMR with the resources to cover all transport modalities for its customers, making us well-equipped to respond to the needs of the Ohio County. This national support provides AMR with unprecedented access to a depth of industry resources, financial backing, disaster response teams and a pool of certified personnel.

Looking Forward

We appreciate Ohio County's consideration of AMR to serve your system. We take pride in our approach to patient care and are equally proud of the professional systems we operate. Our local management team has years of experience and will provide exceptional service for you in the years ahead.



We are eager to work with the County to simplify workflow, automate labor-intensive processes, improve the delivery of care and reduce the cost of operations. We are confident we have the right solution for you in the combination of our platform and our delivery expertise and are happy to provide any additional information you may require. Thank you for your consideration.



**COMMONWEALTH OF KENTUCKY
COUNTY OF OHIO
ORDINANCE NO. 2026-_____**

AN ORDINANCE ESTABLISHING RESPONSIBLE BIDDER REQUIREMENTS FOR COUNTY FUNDED CONSTRUCTION PROJECTS IN EXCESS OF TEN THOUSAND DOLLARS (\$10,000.00)

WHEREAS, pursuant to KRS 67.080 and KRS 424.260, the Ohio County Fiscal Court is authorized to contract for public works and to protect public funds; and

WHEREAS, the Fiscal Court finds that awarding contracts solely based on lowest price without regard to bidder responsibility may increase the risk of project failure, delay, or additional cost; and

WHEREAS, the Fiscal Court intends by this ordinance to establish objective standards of bidder responsibility without regulating wages, benefits, or collective bargaining.

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1. PURPOSE AND INTENT

The purpose of this ordinance is to ensure that construction contracts funded by Ohio County are awarded to responsible bidders who possess the qualifications, experience, integrity, and financial capacity necessary to successfully perform public construction work.

SECTION 2. APPLICABILITY

This ordinance shall apply to all construction, reconstruction, renovation, repair, or improvement projects funded in whole or in part by Ohio County with an estimated total cost exceeding Ten Thousand Dollars (\$10,000.00) and subject to competitive bidding under KRS 424.260.

SECTION 3. RESPONSIBLE BIDDER DEFINED

A Responsible Bidder is a bidder who demonstrates, at the time of bid submission or upon request, that the bidder:

1. Legal Authority
 - a. It is legally authorized to do business within the Commonwealth of Kentucky.
 - b. Holds all licenses required for the work to be performed.
2. Compliance With Law
 - a. Is following applicable federal, state, and local laws, including tax, safety, and employment laws.
 - b. Has not been debarred or suspended from public contracting.

3. Financial Capability
 - a. Has adequate financial resources to complete the project.
 - b. Can obtain bonding and insurance as required by law or contract.
4. Experience and Performance
 - a. Proven experience performing work of similar type, size, and scope.
 - b. Has a history of satisfactory completion of prior projects.
5. Safety Record
 - a. Maintains a workplace safety record demonstrating compliance with applicable safety regulations.
6. Subcontractor Responsibility
 - a. Utilization of subcontractors who meet the requirements of this ordinance when applicable.

SECTION 4. DISCLOSURE REQUIREMENTS

The Fiscal Court or its designee may require bidders to submit documentation sufficient to determine responsibility, including but not limited to:

1. Proof of licensing and registration
2. Proof of insurance and bonding capability
3. References and project history
4. Disclosure of contract defaults, terminations, or litigation related to construction work within the previous five (5) years

Failure to provide requested information may result in a finding of non-responsibility.

SECTION 5. DETERMINATION OF RESPONSIBILITY

The determination of bidder responsibility shall be made by the Fiscal Court or its designated official prior to award.

The County reserves the right to:

1. Reject any bid submitted by a bidder determined to be non-responsible; and
2. Reject all bids as permitted by law.

Award shall be given to the lowest responsive and responsible bidder, consistent with KRS 424.260.

SECTION 6. ENFORCEMENT AND PENALTIES

1. False Statements

Any bidder who knowingly submits false or misleading information to establish responsibility may be:

- a. Disqualified from the bid; and/or
- b. Declared non-responsible for a period not to exceed two (2) years; and/or
- c. Referred for civil or criminal action as permitted by law.

2. Contract Remedies

A contractor found to have materially misrepresented responsibility qualifications may be subject to:

- a. Contract termination for cause;
- b. Withholding payment; and/or
- c. Disqualification of future county contracts.

SECTION 7. APPEAL PROCEDURE

A bidder determined to be non-responsible may submit a written appeal to the Fiscal Court within ten (10) calendar days of written notice.

The Fiscal Court shall review the appeal and issue a final written determination. The decision of the Fiscal Court shall be final and conclusive, subject only to remedies available under Kentucky law.

SECTION 8. WAIVER

The Fiscal Court may waive the requirements of this ordinance by majority vote upon a finding that:

1. An emergency exists, or
2. Waivers are in the best interest of Ohio County.

SECTION 9. SEVERABILITY

If any provision of this ordinance is held invalid, such invalidity shall not affect the remaining provisions.

SECTION 10. EFFECTIVE DATE

This Ordinance shall take effect and be in force after its passage and publication, in accordance with the laws of the Commonwealth of Kentucky.

Date of First Reading: _____, 2026

Motion by: _____

Seconded by: _____

Vote: _____

Date of Second Reading and Passage: _____, 2026

Motion by: _____

Seconded by: _____

Vote: _____

DAVID JOHNSTON Date
OHIO COUNTY JUDGE EXECUTIVE

ATTESTED:

SONJA DAVIS, COURT CLERK

STANDARD BID SPECIFICATION LANGUAGE
(Insert into every Ohio County construction bid packet over \$10,000)

1. Responsible Bidder Requirement

All bidders shall comply with Ohio County Fiscal Court Responsible Bidder Ordinance No.26-_____.

Award of contract shall be made to the lowest responsive and responsible bidder as determined by the Ohio County Fiscal Court pursuant to KRS 424.260.

Submission of a bid constitutes acknowledgment and acceptance of all responsible bidder requirements. Failure to demonstrate responsibility may result in bid rejection.

2. Responsibility Determination

Ohio County reserves the right to investigate the responsibility of any bidder, including but not limited to:

1. Legal authority to do business in Kentucky
2. Licensing and insurance compliance
3. Financial capacity and bonding ability
4. Experience of comparable projects
5. Record of satisfactory past performance
6. The County may require additional documentation prior to award.

3. Right to Reject

Ohio County reserves the right to:

1. Reject any or all bids
2. Waive informalities or minor irregularities
3. Reject bids from bidders determined to be non-responsible

4. REQUIRED BID FORMS

1. Bidder Responsibility Affidavit
 - a. Include an affidavit requiring the bidder to certify:
 - i. Business name and address
 - ii. Kentucky Secretary of State registration
 - iii. Required licenses held
 - iv. Confirmation of compliance with federal/state/local laws

- v. Disclosure of Contract defaults or terminations (past 5 years) and Debarment or suspension
- vi. Acknowledgment of ordinance compliance

2. Failure to submit this affidavit renders the bid non-responsive.

5. SUBCONTRACTOR DISCLOSURE FORM (Optional but Recommended)

Require listing of major subcontractors (e.g., over 20% of project value) with a certification that they meet responsibility standards.

1. PROCUREMENT WORKFLOW ALIGNMENT

- a. Step 1: Bid Advertisement
 - i. Advertise per KRS 424.130
 - ii. Include reference to Responsible Bidder Ordinance
- b. Step 2: Bid Opening
 - i. Open bids publicly as usual
 - ii. Do not decide responsibility at opening
- c. Step 3: Responsibility Review
 - i. Review low bid for:
 - 1. Completed affidavit
 - 2. Insurance and bonding ability
 - 3. Past performance (internal records count)
 - ii. If concerns exist, request clarification in writing
- d. Step 4: Fiscal Court Determination
 - i. Make responsibility determination in open meeting
 - ii. Enter finding into minutes (brief, factual basis)

6. RESPONSIBILITY CHECKLIST (INTERNAL USE)

- a. Bid affidavit complete
- b. KY registration verified
- c. Insurance certificates acceptable
- d. Bonding capacity confirmed

- e. No unresolved defaults
- f. Safety or performance issues noted

7. BID SPECIFICATION/ CONTRACT CLAUSE

a. Occupational Tax Compliance

The Contractor shall comply with all applicable Ohio County and municipal occupational license tax ordinances, including the duty to withhold, report, and remit occupational license taxes for all employees performing work on the project, as required by law.

The Contractor shall be solely responsible for ensuring compliance by its subcontractors and shall require subcontractors to comply with all applicable occupational tax requirements.

Failure to comply with occupational tax obligations may result in withholding payment, termination for cause, or other remedies available to Ohio County under the contract or applicable law.

8. CERTIFIED PAYROLL CLAUSE (NON-PREVAILING WAGE)

a. Certified Payroll and Audit Rights

Where required by federal law, state law, grant conditions, or as otherwise deemed necessary by Ohio County for compliance verification, the Contractor shall submit certified payroll records for work performed on the project.

b. Certified payroll records shall include, at a minimum:

1. Employee name and classification
2. Hours worked
3. Gross wages paid
4. Applicable deductions
5. Confirmation of occupational tax withholding

Ohio County reserves the right to audit payroll records to verify compliance with applicable tax, employment, and contract requirements.

Nothing in this section shall be construed to require the payment of a prevailing wage, minimum wage beyond that required by law, or specific employee benefits.