

# REQUEST FOR PROPOSALS

## Wastewater Cost of Service Rate Study

Hardin County Water District No. 1



June 2022



## REQUEST FOR PROPOSALS

The Hardin County Water District No. 1 ("HCWD1") is soliciting proposals to perform a detailed Cost of Service Rate Study for its Radcliff Wastewater Utility. Only proposals from experienced consultants will be considered. Request for Proposal documents are on HCWD1 website under "Bid Information", site address [www.hcwd.com](http://www.hcwd.com). Interested parties may also ask that an RFP be mailed by contacting Ms. Nora Gocking at [ngocking@hcwd.com](mailto:ngocking@hcwd.com). Proposals must be submitted no later than Monday, July 11, 2022 at 4:30 pm. HCWD1 reserves the right to award or reject any and all proposals or to waive technical defects, irregularities and omissions, if in its judgment the best interests of the District. Final contract is to be awarded and approved only after approval by the District's Board of Commissioners, Mr. William Gossett, Chairman.

REQUEST FOR PROPOSAL Wastewater Cost  
of Service Rate Study  
Hardin County Water District No. 1

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1. DISTRICT GENERAL INFORMATION

Hardin County Water District No. 1 ("HCWD1") owns and operates five distinct utility systems, using fund accounting to maintain separation between the enterprises. These include a County water utility (urban and rural), the Ft. Knox ("FK") Sanitary, Storm sewer and Water systems, and the Radcliff Sanitary sewer utility. The FK Sanitary and Storm sewer systems were privatized by the U.S. Government in 2005 and turned over to HCWD1. The FK Water system was privatized by the U.S. Government in 2012 and turned over to HCWD1. The water utility was formed and has been owned and operated by HCWD1 since 1952.

In January, 2008, the City of Radcliff and HCWD1 entered into an agreement by which the City would transfer the utility to HCWD1 also agreed to assume the City's outstanding sewer debt, and transfer certain parcels of real estate from HCWD1 to the City.

After approval by the Public Service Commission ("PSC") to assume the debt (PSC Case No. 2008-00074), HCWD1 took over operations of the system on April 20, 2008.

HCWD1 filed a general rate case with the Public Service Commission on June 24, 2013 (PSC Case No. 213-00050). After multiple meetings and negotiations, a rate adjustment was approved effective May 1, 2014. Further, per the order the PSC ordered HCWD1 to look into self-operations of the Sewer Utility. In July 2015, HCWD1 began self-operating the Radcliff Sewer System.

As of April 2022, the Radcliff system consists of 9,191 sewer connections, 2,989 manholes, 48 collection system lift stations, a 4 mg/d design wastewater treatment plant, 130 miles of sewer mains (excluding force mains) and year end 2021 total net asset value of \$28,964,255 (unaudited).

2. SCOPE OF SERVICES REQUESTED - HCWD1 is requesting all tasks related to completing a general wastewater rate case / cost of service study ("study") for its Radcliff sewer utility. In addition to a typical study, HCWD1 will ask the consultant to also calculate some new rate classes, and compare changes between classes to the current rate structure. In addition, the consultant will be asked to calculate several new, non-recurring charges fees for services provided by HCWD1. The consultant should assume the following list of services / rates will be developed and include the costs to provide for same in their proposed fee:

- a. Update Current Minimum Bill Rate
- b. Volume + Customer Charge Rate (Update/New)
- c. Commercial / Industrial Rate (Update/New)
- d. Wholesale Treatment Rate (Update)
- e. High Strength Surcharge Rate (Update)
- f. Customer Charge (New)
- g. Non-Recurring Charges (All New)

- i. Sewer Tap Fee
- ii. Pre-treatment / Permit Inspection Charge
- iii. Daytime Service Call
- iv. After Hours Service Call
- v. Private Service Line Clearing Charge
- vi. Septage Dumping Charge
- vii. Illegal or Delinquent Sewer Service Disconnect Charge

3. METHODOLOGY - HCWD1 will request that the consultant use industry standard methods in developing the new sewer rates and non-recurring charges. Regardless of methods used, the new proposed rates and study must be acceptable to the PSC. The consultant, prior to submitting their proposal, may wish to discuss sewer rate design with the PSC staff. The PSC number is 1-502-564-3940.

The consultant, as part of the study, will be required to describe and justify the proposed methodology to HCWD1, before proceeding with the study. Following are typical steps required to complete a cost of service study, acceptable to the PSC, however the consultant will be required to develop and explain their methodology selected to use:

- a. Calculate the total revenue requirements, including operations, contracted services, maintenance, indirect (allocated) costs, capital costs and debt service or depreciation. Expenses are assigned to the activities that generate them. The PSC requires an audited “test year” with known and measurable expenses. Sub-tasks for this step also include:
  - i. Review depreciation expense and fixed asset schedule which make up depreciation expense. Check for assets which may need to be scrapped, life / years used and if consistent with NaRUC/PSC requirements and check for any missing assets (fixed asset list transferred from City of Radcliff which was not regulated and was not subject to PSC review).
  - ii. Calculation of revenue offsets or other sources of non-rate revenue that help meet revenue requirements. This will lower total revenue requirements needed from rate base.
  - iii. Review indirect or allocated costs for shared assets / resources from other HCWD1 departments or utilities for appropriateness and total impact of all allocated costs on rate(s).
- b. Cost components are typically divided into volume/capacity, measures of sewage strength such as Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) as well as customer billing, administration and other categories as appropriate.
- c. The total for each cost component is then divided among the customer classes in accordance with the total use each customer class makes of that component. Classes that use more of a given component pay for more of that component. This step and the two that precede it are collectively called “cost allocation”.
- d. Rate Design: The current Radcliff rate charges a minimum monthly bill, which includes 2 thousand gallons (“kgals”) of water use and then uses a two tier volume rate per kgal for all water used above 2 kgal. However, separate charges can also be levied on some customer classes for the number of pounds of BOD and TSS their wastewater contains above the standard levels. Other rates HCWD1 will want to calculate and possibly propose include:

- i. Volume Rate Residential: For residential customers, design a water volume based rate with any defensible rate tiers based on empirical data, which charges customer a rate per kgal (not including the Customer Charge).
- ii. Commercial / Industrial Rate: Design a separate rate, if data and study determines rate class can be separated, for commercial or industrial customers that may discharge higher volume or higher strength than residential class, or require maintenance of a discharge permit. This class may include restaurants, laundries, car washes, beauty shops, etc.
- iii. Wholesale Treatment Rate: HCWD1 already provides wholesale treatment to the City of Muldraugh, with a special tariff rate. HCWD1 would like a new rate designed for potential other wholesale customers where flows from parts of Hardin County, from other cities or water district service areas, and would flow into HCWD1's system for conveyance and treatment. The new rate shall include an option or component to pay for existing and future capital investments, recognizing portion of capacity being dedicated to wholesale customer.
- iv. High Strength Surcharge: A surcharge, per kgal, times strength levels above normal, could be developed to charge commercial and industrial customers who discharge higher than normal levels. Costs related to BOD and TSS removal, and sludge hauling could be included and recovered in this surcharge.
- v. Customer Charge: This would replace the Minimum Bill method. In 2001, HCWD1 replaced its minimum bill for water rate with a Customer Meter Charge (does not include any water volume and increases with meter size). HCWD1 would like to use same approach for sewer bills as well to be consistent.
- vi. HCWD1's current sewer rate is based on monthly water meter readings, which most are provided by HCWD1 water utility. Readings for HCWD2 water customers, who are connected to HCWD1 sewer, and provided monthly from HCWD2 for sewer billing. The current rate design, as developed by the City of Radcliff is:
  - \$19.63 - Minimum bill for 2 kgal or less water used per month. (Same amount regardless of customer class)
  - \$6.40 - Rate per kgal of water used between 2 and 15 kgal
  - \$5.76 - Rate per kgal of water used over 15 kgal
- e. Rate Testing: After all rate design is complete the consultant will then apply the various rates, including options, against the current bill tabulation provided by HCWD1. The bill tabulation will be based on most recent 12 month period, and will provide number of bills produced within various use blocks. The number of use blocks and range will be recommended by the consultant.
- f. Financial Modeling: Once HCWD1 Board decides which rate design to accept, then the consultant will prepare a pro-forma income statement, with working capital cash flow component, for future 5 years for the Radcliff Sewer Utility. Model should increase revenue and expenses based on projected

growth and inflation rates, and assume an estimated use of capital, beginning and ending cash and working capital available, as well as calculate bond coverage ratios. The intent of the model is to allow HCWD1 to see impact of selecting various new rates, fees and charges, and how these will affect the utility's net income and cash flow for the next five (5) years.

- g. **PSC General Rate Case Application:** After Board approval, the consultant will then complete all documents, submittals, reports, spreadsheets and explanations as required by PSC for general rate case. The PSC provides checklists and lists of all information required. All work to prepare this information, and provide all copies required, is to be included in cost proposal presented by the consultant.

(see: <http://psc.ky.gov/agencies/psc/forms/checklist/chk022.pdf> and <https://apps.legislature.ky.gov/law/kar/titles/807/005/001/>, sections 8 and 10)

4. **REFERENCES / AUTHORITIES:** There are several general reference manuals available for wastewater cost of service rate study methods. The consultant will be required to determine which to use or follow, and confirm that this method will be acceptable to the PSC. Available manuals used throughout the country include:
  - a. "Financing and Charges for Wastewater Systems: WEF Manual of Practice No. 27": By WPCF Task Force on Financing & Charges. Published by McGraw-Hill Professional, 2004. ISBN 0071453040, 9780071453042
  - b. "Water and Wastewater Finance and Pricing: A Comprehensive Guide": By George A. Raftelis, 3rd Edition, 2005, Published by CRC Press. ISBN 1566706807, 9781566706803.
  - c. "M1 - Principle of Water Rates, Fees & Charges 5th Edition": American Water Works Association, 5th Edition, 2000. Published by AWWA, ISBN 1583210695 - Catalog No. 30001.
  - d. Additional References may be utilized as deemed authoritative and cited within the proposal.
5. **TENTATIVE SCHEDULE OF SELECTION PROCESS:** The District's intended schedule for selection of consultant and completing the study is set forth below, however, the District reserves the right to modify this schedule as necessary:

Item / Task	Date	Comments
Request for Proposals Distributed	June 1, 2022	Will be advertised in local paper once, emailed to appropriate consultants directly, and publicized on District Website and Social Media
Pre- Submittal Request for Information (RFI)	June 27, 2022	Deadline for questions, June 27, 2022, emailed to <a href="mailto:ngocking@hcwd.com">ngocking@hcwd.com</a>
Proposals Due	July 11, 2022	
Staff Completes Reviews	July 18, 2022	No later than July 18, 2022
Board approves selection of Consultant	July 26, 2022	At regular July meeting date
District and Consultant negotiate final terms of agreement / tasks	July 29, 2022	Standard District professional services agreement, with any changes by consultant, approved by District. All tasks included in RFP will be included as scope of work in final agreement
Consultant submits list of required information / data to District	August 12, 2022	Any accounting reports, data, studies, summaries

Item / Task	Date	Comments
District provides all request to consultant	August 26, 2022	District will send data as collected and will use email, FTP sites, PDF and other electronic formats as available
Consultant completes draft report of all rates, fees and charges	October 28, 2022	
District and consultant hold workshop to review report and finalize for Board presentation	November 14, 2022	As long as needed to cover all aspects of report and study
Board presentation of recommended new rates	November 22, 2022	Special Board meeting
HCWD1 publishes Intent to File Rate Case to PSC	December 9, 2022	Required by KRS - 45 days prior to filing
Consultant finalizes report and also prepares PSC application	January 17, 2023	
Submit final study and application to PSC and prepare public notices	January 23, 2023	File all copies required as well
Consultant assists District with answering all interrogatories and data requests of PSC	Through April 28, 2023	(All depends on PSC time available and questions staff has)
New rates effective	May 1, 2023	Or earlier if PSC takes less time to review and approve, or consultant is able to cut time during study

6. **OWNER PROVIDED INFORMATION / RESOURCES:** The following is minimum list of reports, data and information that HCWD1 will provide and assumed the consultant will need in completion of the study:
- a. 2021 Annual Financial Report & Statements (prepared by Ray, Foley, Hensley & Associates, CPA's, PLLC, Lexington, Kentucky).
  - b. 2020 & 2021 Trial balance report and general ledger entries for all Radcliff sewer expenses and revenues.
  - c. Most recent HCWD1 general Radcliff Sewer rate case documents, including application, data requests, data answers and final order. (Case No. 2013-0050).
  - d. 12 Month billing tabulation matrix with number of bills in each volume/use block, by month for 12 month period (Excel® spreadsheet).
  - e. Current Radcliff Sewer Tariff sheets which include Muldraugh Sewer Wholesale Treatment Rate & Terms
  - f. Case No. 2008-00074 Order by PSC, approving assumption of debt and transfer of Radcliff Sewer System to HCWD1, dated April 23, 2008. (HCWD1 application is also available).

- g. Hardin County Wastewater Facilities Plan.
  - h. Radcliff GIS mapping system. HCWD1 uses ArcGIS® 9.3 and SDI Maps® platform to maintain its mapping system.
7. PROPOSAL FORMAT AND TIME REQUIREMENTS: To be considered for selection a proposal must be received at the address and time set forth on the advertisement sheet of this RFP. The District assumes no responsibility for delays in the US mail or courier systems, or delays due to weather conditions.
- a. A proposal received after the deadline will not be accepted. Receipt by the District of a proposal received after the closing date and time as stated herein shall not be construed as acceptance of the proposal.
  - b. Submission of a PDF file by electronic mail does not relieve the Consultant the responsibility of having an original, signed and single paper copy of their proposal to the District by the required time and date.
8. PROPOSAL FORMAT, GUIDELINES & TERMS:
- a. All proposals shall be submitted in three-ring binders with graphic exhibits no larger than 11 x 17 inch sheets (may be folded). All pages, except pre-printed technical inserts, must be sequentially numbered within each document submitted as part of the proposal.
  - b. Four (4) copies of each proposal shall be submitted, including one original with original signatures. Consultants shall bear all costs of preparing, copying and printing the proposals. The District will, however, accept a single original paper copy, and an electronic Adobe® PDF file submitted on thumb drive, or sent via email prior to the deadline, as long as the PDF file is an exact duplicate of the paper copy including all attachments or appendices.
  - c. DURATION OF OFFER: Proposals submitted in response to this solicitation are irrevocable for 90 days following the deadline for submission of proposals. This period may be extended by written mutual agreement between a responder and the District.
  - d. PUBLIC INFORMATION AND TRADE SECRETS: All materials submitted in response to this RFP will be considered private or nonpublic until the responses are reviewed. All other data in a responder's proposal is private or non-public data until completion of the evaluation process. After the District has completed the evaluation process, all remaining data submitted by all responders is public with the exception of trade secret data as defined or classified by Kentucky statutes. A proposal by a responder that submitted data is copyrighted or otherwise protected does not prevent public access to the data contained in the response.
  - e. RIGHTS RESERVED BY DISTRICT: The District reserves the right to:
    - i. Reject any and all proposals received in response to this RFP
    - ii. Waive or modify any information, formalities, irregularities, or inconsistencies in proposals received
    - iii. The District's Board may select a different consultant than that recommended by the staff
    - iv. Consider and/or accept a written modification (requested by the District) of a proposal if the proposal itself was submitted on time, and the modified proposal is more favorable to the District
    - v. May negotiate any aspect of a proposal with any Consultant and

negotiate with more than one Consultant at the same time

- vi. If negotiations fail to result in a contract, terminate negotiations and prepare and release a new RFP or take such other action as the District deems appropriate
- vii. The selection of the consultant shall remain the sole and final decision of the District's Board of Commissioners

9. PROPOSAL CONTENT: The proposal must include:

- a. Transmittal Letter from the lead representative of the proposing consultant. The letter must be on the Consultant's official business letterhead, and must transmit the proposal, identify all materials and enclosures being forwarded in response to this RFP, and identify the key contact individual involved in the preparation of the proposal and must be signed by an individual authorized to commit the consultant to the scope of work proposed.
- b. Table of Contents. All proposals must include a table of contents with an identifiable tab sheet must precede each document submitted as part of the proposal.
- c. Consultant Acknowledgment and Certification - complete the form (Attachment B) included in this RFP.
- d. All requested additional information or items as listed below:
  - i. A project organization chart showing names and titles of key individuals and firms assigned to the project, what their role will be respective to other parties or members of the consultant, how District staff will be involved in the project and other sub-contractors or consultants that will carry out key tasks of the project.
  - ii. List of prior sewer rate studies which were completed by the consultant and presented to the Kentucky Public Service Commission (or other state utility regulatory agencies). DO NOT include those which were approved by Farmer's Home, Rural Development or other grant agencies which approve rate design separate from the PSC.
  - iii. List of MOST RECENT rate studies completed in last five (5) years of any type, for any client. List contact names and references.
  - iv. A completed Questionnaire (Attachment A).
  - v. A Study Approach Plan which shall include:
    - (1) A detailed explanation for the methodology to be followed and study phases to complete the study. Include who will be assigned to complete each phase, how long each is expected to take, and approximate percent of total budget each phase will consume.
    - (2) A study schedule showing each major component or milestone, with date to be completed and also for each item, what dependencies are related (outside approval, information from HCWD1 or sub-consultants work).
  - vi. Biographies of key individuals that will be assigned to the project including their involvement and experience with similar studies in last five (5) years, and other information regarding other sub-consultants that would play a key role in completing the study.
  - vii. Other relevant publications, brochures, photographs or back-up information adding information about prior studies or individuals.
  - viii. The signed Proposal Certification & Submittal form (Attachment B) which

includes certification of the non-collusion and conflict of interest proposals.

10. **SELECTION PROCESS:** The process for selecting the consultant to complete this study will use the following steps:
- a. **Pre-Proposal Request for Information (RFI):** An email(s) with your questions must be submitted to [ngocking@hcwd.com](mailto:ngocking@hcwd.com) by June 27, 2022. Your questions will be answered via email response by the appropriate staff member.
  - b. **Review of Proposals:** The enclosed questionnaire (Attachment A) includes questions and information requests to provide the District objective information to score and evaluate proposals objectively. Further steps will include:
    - i. The District will review each proposal submitted for completeness, signatures, and all requested data before consideration for further review.
    - ii. The District will use a committee to review, evaluate and score each proposal. It is anticipated that the committee will be made up of the General Manager, Finance & Accounting Manager and County Systems Manager. The District, however, reserves the right to change the make-up of the committee prior to review.
    - iii. The District will use both objective, and subjective scoring in the review process. Both yes / no (1 or 0) responses to questions will be used, and also a response scale of 0 - 5 will be used for some questions or criteria. Review of other qualifications, past studies, comments from references and other more free form responses will be combined and scored by category using the 0 - 5 scale.
    - iv. The District committee will then take its recommendation to the Water District's Board of Commissioners ("Board"). The final selection of the successful consultant will be the decision of the District's Board, after consideration of the staff's recommendation. The Board may or may not accept the recommendation, and will have the ability to make selection of the consultant that it feels would be best for the District.
    - v. Evaluation criteria may be weighed among various categories. The District reserves the right to add or change the criteria actually used compared to what is presented herein. It is anticipated that the main criteria for scoring and evaluation will include:

FACTOR SCORED	SCORING METHOD
Does the consultant have previous experience on wastewater cost of service studies?	Yes / No (1 or 0)
Has the consultant ever prepared a wastewater rate case for review by the Kentucky Public Service Commission?	Yes / No (1 or 0)
Has the consultant prepared other water/wastewater rate studies which were approved by other state utility regulatory commissions?	Yes / No (1 or 0)
Will the consultant agree to commit key persons listed in proposal to work on HCWD1 study for its duration as part of agreement terms?	Yes / No (1 or 0)
Amount of experience on prior water/wastewater rate studies	0 - 5 Score Assigned
Amount of experience on prior rate studies of any type, regulated or non-regulated review	0 - 5 Score Assigned
Extent and quality of relevant education, experience and related experience of individuals as signed to work on HCWD1 study	0 - 5 Score Assigned
Clarity and quality of explanations of methodology proposed to use for this study	0 - 5 Score Assigned
Clarity and quality of study timeline and responsiveness to this item in content	0 - 5 Score Assigned
Value of quality of study, amount of services being provided for cost proposed to HCWD1	0 - 5 Score Assigned
Length of time (shorter = better) consultant proposes to complete total study and submit to PSC and extent of guarantee or assurances will be completed within proposed timeframe	0 - 5 Score Assigned
HCWD1's prior experience working with consultant on previous rate studies (water or sewer)	0 - 5 Score Assigned
Overall compliance with RFP requirements and how well proposal responds to content and items requested	0 - 5 Score Assigned

11. **QUESTIONS:** All questions regarding this RFP shall be directed to Ms. Nora Gocking, Executive Assistant, [ngocking@hcwd.com](mailto:ngocking@hcwd.com). The consultant shall refrain from talking to other employees or seeking to gain information from other staff members. HCWD1 reserves the right to share any answers with any other interested parties or known proposers.

# ATTACHMENT A

## Required Proposal Questionnaire

(Type or Print Clearly)

### SECTION A - COMPANY CONTACT INFORMATION:

	Answer / Information
1. Name of Firm / Company	
2. Address	
3. City, State, ZIP	
4. Contact Person Name	
5. Contact Person Title	
6. Phone Number	
7. FAX Number	
8. Email Address	
9. Website Address	

### SECTION B - CONSULTANT BACKGROUND:

10. Has the consultant prepared and submitted any wastewater cost of service rate studies which were submitted and approved by the Kentucky Public Service Commission?

- YES  
 NO

11. If YES, how many studies have been completed by consultant?

12. If NO to #10, how many studies have been completed for other state regulatory commissions in other states?

\_\_\_\_ List total number

13. List total number of all rate studies, water or sewer, regulated or non-regulated, completed in last five (5) years:

\_\_\_\_ List total number

14. Include a list MOST RECENT five (5) references of clients for which wastewater rate studies have been completed. Include client name, contact name, title, phone number and email address

15. Provide list of hourly rates which will be charged during study for these services / disciplines:

\$ \_\_\_\_\_ Principal Partner

\$ \_\_\_\_\_ Lead Economist / Engineer

\$ \_\_\_\_\_ Financial Analyst

\$ \_\_\_\_\_ Junior professional engineer / economist

\$ \_\_\_\_\_ Graphics publications specialist

\$ \_\_\_\_\_ Administrative Support / Specialist

16. Provide rates for supplemental charges (if any) which will be charged during study:

\$ \_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_

17. Provide total NOT TO EXCEED fee that consultant expects would be charged for all items and tasks listed in the RFP, and using the study schedule and assumed hours/personnel/task that the consultant has determined (the final agreement will include language to increase / decrease not to exceed amount based on changes to scope or unanticipated tasks or delays)

\$ \_\_\_\_\_ Total Study Estimated Not to Exceed Fee

18. Has the consultant filed for bankruptcy in last 5 years (in any company name that consultant member or principal / partner was associated with or owned)

- YES
- NO

19. Checklist for all information or items to include with proposal:

- Transmittal Letter
- Table of Contents
- Proposal Certification & Acknowledgment Submittal form (Use form provided)
- Project Organization Chart
- List of prior wastewater rate studies before PSC with five (5) references
- List of all other rate studies with five (5) references
- Completed Attachment A
- Study Approach Plan
- Study Schedule
- Biographies of Key Individuals assigned to study
- Other attached relevant publications or documents, drawings or exhibits
- Six (6) copies of Complete Proposal with One (1) being signed original, OR...
- One (1) signed paper original and six (6) PDF Proposals on CD's or 1 PDF sent via email as an attachment

SIGNATURE & CONTACT INFORMATION (Provide single point of contact for the consultant):

\_\_\_\_\_  
Submitted By (Print or Type) \_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Name of Firm Submitting Proposal

\_\_\_\_\_  
Contact Person for Questionnaire - Phone & email Contact Information

**ATTACHMENT B**  
**Proposal Certification & Submittal Form**

By signing below, the undersigned does hereby agree and certify the following terms, understanding and commitments:

1. That the consultant, including officers, partners or principals, have thoroughly read and understand all sections of the Request for Proposal and that any exceptions or variances requested have been submitted with their proposal and that the fee(s) submitted with the proposal assume completing all tasks and requirements listed in the Request for Proposal.
2. That all information and answers are correct for all parties to the best of their knowledge, and that should any information be found to be materially incorrect or false, the District may terminate any contract or agreement with the parties.
3. By submitting a proposal, the Consultant agrees to release the District from any liability resulting from the District's disclosure of such materials and the information contained in them.
4. By submitting a proposal, the Consultant also agrees to defend any legal or administrative action seeking release of materials, the Consultant believes to be trade secret information and will indemnify and hold harmless the District, its agents and employees from any judgments or damages awarded against any of them in favor of any party requesting the materials, including any costs connected to that defense. If a request is made under Kentucky Statutes for release of any materials submitted by a consultant that the Consultant deems to be trade secret information, the District will notify the Consultant of such a request, but the District will have no obligation to commence or defend any action to prevent the disclosure of any materials, including materials the Consultant believes to be trade secret information or otherwise confidential.
5. That no member of the proposing consultant, its employees, principals or partners have not given, offered to give, nor intends to give at any time here after, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a District employee or Commissioner in connection with this proposal and offer.
6. That the undersigned have the authority and approval to submit this proposal and bind their corporation or organization to the terms required in the Request for Proposal and if selected for further consideration will in good faith negotiate with the District to provide additional pricing or cost information, and to enter into an agreement for completion of this study.

**Firm Certification:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name & Title

\_\_\_\_\_  
Name of Corporation / Company

\_\_\_\_\_  
Witness Signature

Date of Proposal: \_\_\_\_\_