

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

**ELECTRONIC APPLICATION OF KENERGY CORP.)  
FOR AN ADJUSTMENT OF RATES ) CASE NO. 2023-00276**

**NOTICE OF FILING**

**AS TO ATTORNEY GENERAL'S DATA REQUEST**

Petitioner **KENERGY CORP** supplements its data request responses with the following list of documents filed herewith in the public record for which confidential protection is **NO LONGER**<sup>1</sup> sought:

Attorney General Data Request

Attorney General  
Item No.

- |       |   |
|-------|---|
| 25(f) | Average cost per mile for ROW trimming (filed herewith)             |
| 25(i) | Asplundh Bid Proposal 10-14-2021 (submitted as an Exhibit)          |
|       | Halter bid documents (submitted as an Exhibit)                      |
|       | US Applicators Bid documents (submitted as an Exhibit) <sup>2</sup> |

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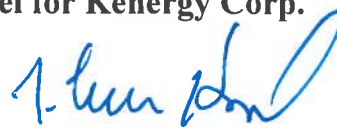
<sup>1</sup> This supplement is in light of the Order in Taylor County's rate case, 2023-00147, Order entered 10/20/23.

<sup>2</sup> US Applicators also submitted as part of its bid: a w-9, a certificate of insurance, OSHA documents and voluminous pesticide labeling information sheets. Kenergy will file those documents if requested

- 25(k) Halter Vegetation Management Contract (submitted as an Exhibit)  
Asplundh Vegetation Management Contract (submitted as an Exhibit)  
US Applicators Contract & Amendment (submitted as an Exhibit)
- 25(l) Halter Invoices (8-22-02 to 9-22-02) (submitted as an Exhibit)  
Halter Invoices (3-22 to 5-22) (submitted as an Exhibit)  
Halter Invoices (6-22 to 7-22) (submitted as an Exhibit)  
Asplundh Invoice (submitted as an Exhibit)  
Asplundh Invoice (submitted as an Exhibit)  
U.S. Applicators Invoices (submitted as an Exhibit)
- 25(n) RFP 2022 (1 or more contractors) filed herewith  
RFP 2022-2024 (1 contractor) filed herewith

**DORSEY, GRAY, NORMENT & HOPGOOD**  
318 Second Street  
Henderson, KY 42420  
Telephone (270) 826-3965  
Telefax (270) 826-6672  
Counsel for Kenergy Corp.

By \_\_\_\_\_



**J. Christopher Hopgood**  
[chopgood@dkgnlaw.com](mailto:chopgood@dkgnlaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing electronic filing was transmitted to the Kentucky Public Service Commission for filing on December 13<sup>th</sup>, 2023; that same was electronically sent to Michael West, [MICHAEL.WEST@KY.GOV](mailto:MICHAEL.WEST@KY.GOV); that there are currently no parties that the Commission has excused from participation by electronic

means in this proceeding by virtue of the Commission's Order of 2020-00085, no paper copies of this filing will be made.

A handwritten signature in blue ink, appearing to read "J. Christopher Hopgood", is positioned above a horizontal line.

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J. Christopher Hopgood  
Counsel for Kenergy Corp.

KENERGY CORP.  
CASE NO. 2023-00276  
Item 25 f avg cost per mile

**confidential**

**f. RCM, PPM**

2016- \$2464.40

2017- \$2524.21

2018- \$2551.28

2019- \$3019.45 (Townsend left)

2020- \$4571.97

2021- \$4753.48

2022- \$4740.58

2023- \$5052.16



## **Vegetation Management**

### **Request for Proposal**

**May 10, 2021**

2023-276 AG 25(n) RFP 1 or more

## Section I: Overview

### 1. Company Overview

Kenergy Corp. (Kenergy), a member-owned electric distribution cooperative, serves in excess of 58,000 households, commercial enterprises and industries in all or portions of 14 western Kentucky counties. They include Breckinridge, Caldwell, Crittenden, Daviess, Hancock, Henderson, Hopkins, Livingston, Lyon, McLean, Muhlenberg, Ohio, Union and Webster.

Kenergy Service Area



### 2. Purpose

Kenergy is issuing this Request for Proposals (RFP) to procure **one or more** qualified Independent Contractor(s) (Contractor) to perform vegetation management control activities including line clearance and herbicide application on Kenergy's electric distribution system for 2022.

Kenergy is seeking **one or more** Contractor(s) committed to controlling total cost while maintaining a high-performance focus. This relationship will focus on delivering the highest total value in the following areas: safety, quality, productivity, member satisfaction, cost effectiveness and adherence to schedule.

**Kenergy will accept proposals for line clearance only, herbicide application only or both activities.**

## Section II: Technical Requirements

### 1. Scope of Work

The scope of work includes performing the following vegetation management activities on Kenergy's electric distribution facilities.

#### A. Line Clearance

##### i. Routine Circuit Maintenance

Vegetation management control activities performed on an entire circuit, including all primary, secondary, neutral, service line conductors and associated overhead electrical facilities using the below specifications. Work should also include clearing of rights-of-way floors (i.e. mowing, stubble spraying, etc.).

Tree Pruning: Contractor is responsible to obtain the following minimum tree and conductor clearances. **Contractor will be required to remove limbs back to the previous cut. All clearances are minimum distances. Proper pruning techniques may require greater clearances.**

- Primary: All multi-phase & single-phase conductors:
  - \*\* All pine trees shall be conductor to sky clearance\*\*
- Primary: All multi-phase conductors:
  - 20 feet overhead clearance
  - 20 feet side clearance (40 feet total)
  - 14 feet under phase clearance
- Primary: All single-phase conductors:
  - 20 feet overhead
  - 10 feet side clearance (20 feet total)
  - 14 feet under phase clearance
- Secondary: All open wire conductors:
  - 10 feet overhead
  - 10 feet of side clearance (20 feet total)
  - 10 feet under phase clearance
- Service Line: All service line conductors:
  - All vegetation conditions that pose an immediate safety and/or reliability threat shall be eliminated

Strategic Tree Removal: Contractor is responsible to remove all undesirable trees and brush that are not suitable for herbicide application. This includes all trees located within 10 feet of either side of the outside phase.

Contractor must obtain signed permission from members for removals and submit to Kenergy the names and addresses for all member refusals associated with tree removals. All trees removed must be stump treated with appropriate herbicide application. The names and address of all members that refuse stump treatment must be submitted to Kenergy.

Herbicide Application: All undesirable trees and brush less than 10 feet in height that are located within 20 feet of either side of the multi-phase pole centerline and within 10 feet of either side of the single-phase pole centerline must be treated with an appropriate herbicide, using application techniques and chemical formulas approved by Kenergy.

Hazardous Tree Removal: Contractor is responsible to identify and remove all hazardous trees that pose a high degree of reliability risk to single-phase and multi-phase conductors. A hazardous tree will be defined as a large mature tree that poses imminent risk to the conductors. Contractor shall report the locations, number, and tree type of all hazardous tree removals to Kenergy.

*Circuit single phase, multi-phase and total mileage identified on Exhibit 1 is correct to the best of Kenergy's knowledge. The Contractor is solely responsible to verify mileage during bid preparation and pricing and notify Kenergy of any changes to the project mileage within the returned RFP.*

ii. *Service Orders and Work Orders*

Vegetation management control activities performed on a specific portion of a circuit identified by Kenergy through a Kenergy generated Service Order or Work Order.

The following specifications shall be used when clearing vegetation for proposed line extensions. **All clearances are minimum distances. Proper pruning techniques may require greater clearances.**

- Primary: All multi-phase conductors:
  - 20 feet side clearance (40 feet total)
  - From centerline, ground to sky
- Primary: All single-phase conductors:
  - 10 feet side clearance (20 feet total)
  - From centerline, ground to sky
- Secondary: All bundled conductors (triplex or quadraplex):
  - 6-foot radius clearance



Construction & Access Requirements: Where appropriate, Contractor is responsible to clear a path along proposed line route for ingress, egress and safe working conditions for Kenergy Personnel and equipment. Path shall be clear of downed vegetation and any undergrowth.

Stump Requirements: Cut trees at ground level, leaving no stumps above ground.

Hazardous Tree Removal: Contractor is to remove all hazardous trees that pose a high degree of reliability risk to single-phase, multi-phase, and service conductors. A hazardous tree will be defined as a large mature tree that poses imminent risk to the conductors.

Contractor is solely accountable for the following activities:

- **Member Notification:** Contractor must consistently maintain a minimum of two weeks advanced member notification of field crew execution. Contractor is to supply an appropriate number of pre-work planners to conduct this notification.
- **Pre-Work Planning:** Contractor must utilize a pre-work planner(s) to assess and plan work scope a minimum of two weeks in advance of field crew execution. Contractor is responsible to manage all member refusals and file a written notification to Kenergy of all cases. Kenergy will work with Contractor pre-work planner to optimize the use of Kenergy's Trade-A-Tree program. Contractor will be responsible to provide a list to Kenergy of hazardous tree removals.
- **Quality Assurance:** Contractor must complete all quality assurance activities including written certification of quality assurance per circuit. Kenergy will conduct quality control inspections and issue a quality deficiency notice, as appropriate, on circuit miles completed and submitted by the Contractor within two weeks. Contractor must complete all quality control rework identified by Kenergy within one week of the notice

## **B. Herbicide Application**

Herbicide Application – Vegetation management control activities involving foliar application to Kenergy's rights of way and bare ground application to Kenergy's substations and lots. Foliar application is performed in the year following line clearance. Bare ground application is performed every year.

Contractor is solely accountable for the following activities:

- Contractor will achieve a 95% kill for all foliar application and 100% kill for bare ground application.

- Kenergy must approve, in advance, all chemical formulas used for foliar and bare ground application.
- Kenergy must approve, in advance, all application techniques used for foliar and bare ground application.
- Member Notification: Contractor must consistently maintain a minimum of two weeks advanced member notification of field crew execution. Contractor is to supply an appropriate number of pre-work planners to conduct this notification.
- Pre-Work Planning: Contractor must utilize a pre-work planner(s) to assess and plan work scope a minimum of two weeks in advance of field crew execution. Contractor is responsible to manage all member refusals and file a written notification to Kenergy of all cases.
- Quality Assurance: Contractor must complete all quality assurance activities including written certification of quality assurance per circuit. Kenergy will conduct quality control inspections and issue a quality deficiency notice, as appropriate, on work completed and submitted by the Contractor within two weeks. Contractor must complete all quality control rework identified by Kenergy within one week of the notice

## **2. Proper Pruning Techniques**

Directional pruning techniques are used on Kenergy's system, where appropriate. Pruning activities are based on accepted arboricultural standards, including ANSI A300 – Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices (Pruning), International Society of Arboriculture Best Management Practices, Utility Pruning of Trees – Special Companion Publication to the ANSI A300 Standard and Pruning Trees Near Electric Utility Lines, A Field Pocket Guide for Qualified Line-Clearance Tree Workers by Dr. Alex Shigo.

## **3. Schedule**

For line clearance work, the successful Contractor(s) must initiate personnel and equipment mobilization on the Kenergy system no later than January 11, 2022. The entire scope of work must pass final Kenergy quality control no later than December 31<sup>st</sup> of each year.

For herbicide, the successful Contractor(s) must initiate personnel and equipment mobilization on the Kenergy system no later than April 5, 2022. The entire scope of work must pass final Kenergy quality control no later than September 30 of each year.

## **4. Reporting**

Contractor(s) will maintain and submit to Kenergy weekly timesheets that track labor and equipment utilization that addresses the scope of work. A copy of each crew

timesheet will also be submitted with each invoice. In addition, the following minimum circuit work summary details will be included:

- # of cuts and trims
- # of strategic removals
- # of hazardous tree removals
- # of spans and fit brush (skytrim)
- Equipment down time status
- Herbicide: # of acres, gallons used and locations applied

Kenergy reserves the right to modify reporting requirements by adding or deleting items.

### **5. Invoicing**

Contractor shall invoice Kenergy monthly, no later than the 5<sup>th</sup> calendar day of each month, for all work completed during the previous month.

### **6. Sub-Contractors**

List any sub-contractors that are included as a part of your RFP response.

Sub-Contractor	Role

### **7. Trade Classification and Union Affiliation**

Please list trade classifications and union affiliations for your or your sub-contractor employees in the table provided below.

Trade Classification	Union Affiliation (if none, so state)

## **8. Communication**

The following modes and instances of communication will be used for the duration of work:

- A. Contractor shall ensure that all crews and General Foremen have immediate telephone communications with Kenergy's Control Center. Kenergy will provide the proper telephone numbers.
- B. Contractor shall e-mail to Kenergy the specific crew locations each Monday by 7:00 AM (CST). Additionally, Contractor shall e-mail Kenergy the specific crew locations each time crews change locations from one circuit to another. Also, Contractor shall notify Kenergy when crews will be working non standard work days or hours.
- C. Contractor shall immediately notify Kenergy by telephone of any safety violation or incident and provide a written follow-up report within 48 hours of the occurrence detailing the event, the root cause of the event and the steps the Contractor will take in the future to prevent a reoccurrence. Contractor shall develop a Report Form, approved by Kenergy, to be used for this purpose.
- D. Contractor shall immediately notify Kenergy of any instances in which a member issue has a likelihood of being elevated in status with Kenergy
- E. Periodic project update meetings will be held between Kenergy and Contractor. Such meetings will be held on an as-needed basis, but will be no less frequent than every eight (8) weeks.

## **9. Resource Availability and Response Time**

Kenergy requires Contractor to have all system resources available 24/7 during the contract term for any emergency restoration work that may emerge on the Kenergy system. Contractor cannot at any time remove these personnel and/or equipment resources without prior approval from Kenergy. Crew(s) will be required to report to the designated Kenergy work location within 1 hour of notification.

## **10. Work Time**

Normal working days will be Monday through Saturday. Contractor must coordinate their standard working schedule with Kenergy.

## **11. Debris Disposal**

The disposal and associated cost will be the full responsibility of Contractor and will be performed in accordance with all local, state and federal regulations. Kenergy will work with Contractor in identifying debris disposal opportunities.

## **12. Contractor Safety and Environmental Rules**

Kenergy's goal is to be a leader in safety and environmental stewardship. Contractor is expected to be knowledgeable of and adhere to all federal, state, local and Contractor company specific rules and regulations pertaining to safety and the environment. **A complete bid submission must include responses to and required attachments as found in Exhibit 1 – Safety Information.**

## **13. Contractor Proposed Organization Structure**

Provide an organization chart describing your proposed company structure to support this RFP response. Include at a minimum title, reporting relationship and number of Full Time Equivalent (FTEs).

## **14. Contractor Mobilization Plan**

Provide a mobilization plan outline that includes key milestones and associated timeframes to support the January 11, 2022 deadline for project mobilization and initiation. For example, describe how you plan to hire and retain qualified employees to fulfill your obligations within this project.

### Section III: Pricing

#### Line Clearance

Kenergy is requesting pricing for Contractor to perform vegetation management control activities on Kenergy's electric distribution facilities.

- a. Routine Circuit Maintenance - Please provide TWO lump sum per circuit prices for those circuits identified below. One price is to trim the circuit **NOT** removing overhang, and the second price is to trim the circuit and **REMOVE ALL** overhang.

#### 2022 Proposed Circuits

2022 RCM Circuits with Completion Dates			
Substation	Feeder	Miles	COMPLETION DATE
012-Lewisport	2- Lewisport	10.36	MAY 2022
012-Lewisport	3- Shopping Center	28.37	MAY 2022
012-Lewisport	5- Dal Tile	0.78	MAY 2022
012-Lewisport	6- McGill Lane	6.23	MAY 2022
012-Lewisport	7- Maxwell Bros	33.15	APRIL 2022
015- Whitesville	1- Hwy 54 West	20.46	JUNE 2022
015- Whitesville	2- Whitesville	49.76	JULY 2022
015- Whitesville	3- Ralph	90.45	November 2022
015- Whitesville	4- Stevens Sch. Rd	43.6	December 2022
018- South Dermont	1- Lake Forrest	2.73	November 2022
018- South Dermont	2- Old Mill	2.34	November 2022
018- South Dermont	3- Windridge Club	12.86	December 2022
018- South Dermont	4- Scotty Lane	3.76	November 2022
018- South Dermont	5- Southeastern Pkwy	5.41	November 2022
018- South Dermont	6- Kenergy	3.59	November 2022
026- Pleasant Ridge	2- Maple Leaf Lake	37.97	December 2022
026- Pleasant Ridge	3- Popular Log Brg	29.15	December 2022
027- Bon Harbor	1- Post Office	2.59	MAY 2022
027- Bon Harbor	2- Ben Hawes Park	10.63	APRIL 2022
027- Bon Harbor	3- Worthington Rd	1.6	MAY 2022
027- Bon Harbor	4- 5th Street Rd	9.82	APRIL 2022
027- Bon Harbor	5- Lee Rudy/Hwy 60	20.94	MAY 2022
041- Beda	1- 231 North	50.68	December 2022
063- Geneva	1- Alzey	48.21	December 2022
063- Geneva	2- Airport/Office	37.79	December 2022
063- Geneva	3- Smith Mills	99.53	December 2022
080- Niagara	1- Niagara	78.13	November 2022
080- Niagara	2- Hwy 283 S	43.5	November 2022

082- RaceCreek	1- Spottsville	18.78	December 2022
082- RaceCreek	2- Country Club	10.91	December 2022
082- RaceCreek	3- Rucker Rd #1	21.33	December 2022
085- Sullivan	2- Blackford	71.65	MAY 2022
085- Sullivan	3- KyStone	50.98	JUNE 2022
090- Zion	1- Hwy 1078 North	9.67	JUNE 2022
090- Zion	2- Beals/Reed	56.17	AUGUST 2022
090- Zion	3- Hebbardsville	69.38	OCTOBER 2022
090- Zion	4- Galloway Corner	16.95	OCTOBER 2022
106- Adams Lane	1- Happy Acres	8.56	November 2022
106- Adams Lane	2- Adams Lane	18.69	November 2022
106- Adams Lane	3- Creslime	1.67	OCTOBER 2022
		<b>1139.13</b>	

Please note: Kenergy strongly recommends an on-site field assessment of the scope of work. Kenergy will provide maps of each circuit proposed to be cleared during 2022 in shape files or PDF format.

- b. Service Orders and Work Orders - Vegetation management control activities performed on a specific portion of a circuit identified by Kenergy through a Kenergy generated Job Order or Work Order. This work will be paid using time and equipment cost (T & E), based on the labor rates and equipment rates provided in 3. Labor Rates and 4. Equipment Rates below.

All work orders will be bid using these T & E rates. Work order bids must be returned to Kenergy within three (3) business days from the time received by Contractor.

### 3. Labor Rates

Complete the following billable labor rate table for each individual labor classification that you will be utilizing.

Labor Classification	Rates		
	Straight	OT	Premium





**Herbicide Application**

Kenergy is requesting pricing for Contractor to perform **High Volume** foliar application to Kenergy's rights of way and bare ground application to Kenergy's substations and lots. Foliar application is performed in the year following line clearance. Bare ground application is performed every year.

Type of Application	Price Per Acre Sprayed
Foliar	
Bare Ground	

Please describe the application technique proposed (low volume, high volume, stubble spraying, etc.) and the chemical formula proposed for use on Kenergy's system.

2022 Foliar Herbicide Application Circuits			
Sub/Feeder	Substation	Feeder	Miles
081-04	PROVIDENCE	LIBERTY	64.52
081-01	PROVIDENCE	PROVIDENCE	52.07
080-03	NIAGARA	ANTHOSTON	27.13
028-02	MACEO	MACEO	12.4
028-03	MACEO	FISH/GAME DAV.	26.55
028-04	MACEO	CARPENTERS LAKE	11.42
042-03	NUCKOLS	NUCKOLS	46.74
033-01	BEECH GROVE	WEBSTER WATER	25.87
033-02	BEECH GROVE	BEECH GROVE	13.37
033-03	BEECH GROVE	ELBA	34.95
033-04	BEECH GROVE	HUDSON FOOD	32.15
013-02	HAWESVILLE	KELLY HEIGHTS	30.64
013-03	HAWESVILLE	HWY 69	45.54
013-04	HAWESVILLE	UTILITY/HWY1389	55.65
062-02	DIXON	DIXON	34.18
			<b>513.18</b>

**Section IV: Insurance Requirements**

The successful Contractor(s) shall take out and maintain throughout the term of the agreement the following types and minimum amounts of insurance:

Workers' Compensation - Workers' compensation and employers' liability insurance, as



required by law, covering all its employees who perform any of the obligations of the Contractor(s) under the contract. If any employer or employee is not subject to the workers' compensation laws of Kentucky, the insurance shall be obtained voluntarily to extend to the employer and employee coverage to the same extent as though the employer or employee were subject to the workers' compensation laws.

Public Liability Insurance - Covering all operations under the agreement shall have limits for bodily injury or death of not less than \$1 million each occurrence, limits for property damage of not less than \$1 million each occurrence, and \$2 million aggregate for accidents during the policy period. A single limit of \$1 million on bodily injury and property damage is acceptable. This required insurance may be in a policy or policies of insurance, primary and excess including the umbrella or catastrophe form.

Automobile Liability Insurance - For all motor vehicles used in connection with the agreement, whether owned, non-owned, or hired, shall have limits for bodily injury or death of not less than \$1 million per person and \$1 million each occurrence and property damage limits of \$1 million for each occurrence. A single limit of \$1 million of bodily injury and property damage is acceptable. This required insurance may be in a policy or policies of insurance, primary and excess including the umbrella or catastrophe form.

Kenergy shall have the right at any time to require public liability insurance and property damage liability insurance greater than those required in the previous paragraphs. In any such event, the additional premium or premiums payable solely as the result of such additional insurance shall be added to the agreement price.

Kenergy shall be named as Additional Insured on all policies of insurance. The firm shall furnish Kenergy a certificate evidencing compliance with the foregoing requirements which shall provide not less than (30) days prior written notice to Kenergy of any cancellation or material change in the insurance.

## Section V: RFP Process and Schedule

### 1. Contractor Selection Timeline

Milestone	Due Date	Responsible
1. Issue RFP	5/14/21	Kenergy
2. Submit RFP	10/15/21	Contractor(s)
3. Evaluate proposals and negotiate agreement	10/15/21 – 11/1/21	Kenergy/Contractor(s)
4. Award contract	12/1/21	Kenergy
5. Initiate Project	1/11/22	Contractor(s)

## **2. Kenergy RFP Response**

Kenergy is committed to providing an opportunity to every qualified company that has a genuine interest in our business. Recognizing that preparing a response to this RFP can be expensive and time consuming, we encourage you to be realistic about your ability to meet our requirements and schedule. All expenses, related to developing and submitting this RFP are entirely the responsibility of your company, and the submission of this proposal in no way obligates Kenergy to you or any other Contractor.

## **3. Process for Inquiries and/or Clarifications**

Please direct any questions and/or comments in writing via email to Steve Thompson ([sthompson@kenergycorp.com](mailto:sthompson@kenergycorp.com)). Formal responses to questions will be delivered via email.

## **4. Proposal Submission Deadline**

Proposals will be accepted electronically via email to [sthompson@kenergycorp.com](mailto:sthompson@kenergycorp.com). The subject line of the email should read "RFP No. O202140 – Vegetation Management".

RFP responses are due no later than 3:00 PM CST on October 15, 2021. To be considered, all materials must be received by the deadline stated above. No extension of time will be granted for the submission of responses to this RFP. Any proposals or supplemental information received after 12:00 PM CST on October 15, 2021 will not be considered.

## **5. Selection Criteria**

Final negotiations will address each of these performance areas.

- Cost
- Safety
- Work Scope
- Quality

## **6. Exceptions**

Identify and explain any exceptions you are taking to any portion of this RFP. Any deviation from the specifications contained in the RFP or where submitted literature does not fully support the specifications contained in this RFP must be identified and explained.

## **7. Disclaimer**

Kenergy reserves the right to reject any and all responses to this RFP. Although it is Kenergy's intent to perform vegetation management control activities for the scope of work stated herein, Kenergy reserves the right to modify the 2022 scope of work following receipt and review of the responses to this RFP.

## **8. Confidentiality**

All information contained in this Request for Proposal and its Exhibits is considered Confidential. Contractors must take all reasonable precautions to prevent such Confidential Information from being disclosed to third parties, including officers and employees not having a legitimate need for the information, and shall not disclose any Confidential Information to third parties. "Confidential Information" includes any information or technical data including, but not limited to, commercially sensitive or proprietary information, processes, methods, specifications, protocols, designs, drawings, diagrams, engineering, documentation, procedures, data concepts, financial information, business opportunities, software and related documentation, hardware information, in any form whatsoever, including in writing, orally, machine readable form or through access to party's premises.

*This institution is an equal opportunity provider and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@USDA.gov](mailto:program.intake@USDA.gov).*

## **Exhibit 1 Safety Information**

Contractor Name: \_\_\_\_\_

- A. Provide a copy of the most recent OSHA Form 300A for your company.**
- B. Provide a copy of your company's safety program, policy, procedures and manual.**
- C. Provide a summary of recordable and lost-time incidents from the time of your last submitted OSHA Form 300A to the present.**
- D. Please describe the following about your occupational safety and health program:**
  - D-1. How your on-site supervisors are held accountable for safety performance & how this performance is monitored, assessed, and communicated to them.
  - D-2. How your safety programs apply to subcontractors, and how you assure successful implementation of and compliance with these programs.
  - D-4. Your incident investigation procedures and the types of incidents that are investigated.
- E. Please describe the following about your environmental experience:**
  - E-1. A list of the employees that maintain a Commercial Pesticide Applicator Supervisory License for Kentucky.
  - E-2. A list of the employees that maintain a Commercial Pesticide Applicator License for Kentucky.
  - E-3. The product label and material safety data sheet for all pesticides you propose to use during this project.
  - E-4. A copy of your pesticide safety and training manuals.
  - E-5. A description of where and how you intend to store and distribute pesticides during this project.
  - E-6. Your pesticide spill clean up policies and procedures.
  - E-7. A list of the Personal Protective Equipment and clothing worn by your workforce.
  - E-8. A description of how you propose to dispose of empty pesticide containers.
  - E-9. A list of the employees that maintain an ISA Certified Arborist license (name and license number).



## **Vegetation Management**

### **Request for Proposal**

**May 10, 2021**

## Section I: Overview

### 1. Company Overview

Kenergy Corp. (Kenergy), a member-owned electric distribution cooperative, serves in excess of 58,000 households, commercial enterprises and industries in all or portions of 14 western Kentucky counties. They include Breckinridge, Caldwell, Crittenden, Daviess, Hancock, Henderson, Hopkins, Livingston, Lyon, McLean, Muhlenberg, Ohio, Union and Webster.

Kenergy Service Area



### 2. Purpose

Kenergy is issuing this Request for Proposals (RFP) to procure **one** qualified Independent Contractor (Contractor) to perform vegetation management control activities including line clearance and herbicide application on Kenergy's electric distribution system for 2022-2024.

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- Primary: All multi-phase & single-phase conductors:
  - \*\* **All pine trees shall be conductor to sky clearance\*\***
- Primary: All multi-phase conductors:
  - 20 feet overhead clearance
  - 20 feet side clearance (40 feet total)
  - 14 feet under phase clearance
- Primary: All single-phase conductors:
  - 20 feet overhead
  - 10 feet side clearance (20 feet total)
  - 14 feet under phase clearance
- Secondary: All open wire conductors:
  - 10 feet overhead
  - 10 feet of side clearance (20 feet total)
  - 10 feet under phase clearance
- Service Line: All service line conductors:
  - All vegetation conditions that pose an immediate safety and/or reliability threat shall be eliminated



Strategic Tree Removal: Contractor is responsible to remove all undesirable trees and brush that are not suitable for herbicide application. This includes all trees located within 10 feet of either side of the outside phase.

Contractor must obtain signed permission from members for removals and submit to Kenergy the names and addresses for all member refusals associated with tree removals. All trees removed must be stump treated with appropriate herbicide application. The names and address of all members that refuse stump treatment must be submitted to Kenergy.

Herbicide Application: All undesirable trees and brush less than 10 feet in height that are located within 20 feet of either side of the multi-phase pole centerline and within 10 feet of either side of the single-phase pole centerline must be treated with an appropriate herbicide, using application techniques and chemical formulas approved by Kenergy.

Hazardous Tree Removal: Contractor is responsible to identify and remove all hazardous trees that pose a high degree of reliability risk to single-phase and multi-phase conductors. A hazardous tree will be defined as a large mature tree that poses imminent risk to the conductors. Contractor shall report the locations, number, and tree type of all hazardous tree removals to Kenergy.

*Circuit single phase, multi-phase and total mileage identified on Exhibit 1 is correct to the best of Kenergy's knowledge. The Contractor is solely responsible to verify mileage during bid preparation and pricing and notify Kenergy of any changes to the project mileage within the returned RFP.*

## *ii. Service Orders and Work Orders*

Vegetation management control activities performed on a specific portion of a circuit identified by Kenergy through a Kenergy generated Service Order or Work Order.

**The following specifications shall be used when clearing vegetation for proposed line extensions. All clearances are minimum distances. Proper pruning techniques may require greater clearances.**

- Primary: All multi-phase conductors:
  - 20 feet side clearance (40 feet total)
  - From centerline, ground to sky
- Primary: All single-phase conductors:
  - 10 feet side clearance (20 feet total)
  - From centerline, ground to sky
- Secondary: All bundled conductors (triplex or quadraplex):
  - 6-foot radius clearance

Construction & Access Requirements: Where appropriate, Contractor is responsible to clear a path along proposed line route for ingress, egress and safe working conditions for Kenergy Personnel and equipment. Path shall be clear of downed vegetation and any undergrowth.

Stump Requirements: Cut trees at ground level, leaving no stumps above ground.

Hazardous Tree Removal: Contractor is to remove all hazardous trees that pose a high degree of reliability risk to single-phase, multi-phase, and service conductors. A hazardous tree will be defined as a large mature tree that poses imminent risk to the conductors.

Contractor is solely accountable for the following activities:

- **Member Notification:** Contractor must consistently maintain a minimum of two weeks advanced member notification of field crew execution. Contractor is to supply an appropriate number of pre-work planners to conduct this notification.
- **Pre-Work Planning:** Contractor must utilize a pre-work planner(s) to assess and plan work scope a minimum of two weeks in advance of field crew execution. Contractor is responsible to manage all member refusals and file a written notification to Kenergy of all cases. Kenergy will work with Contractor pre-work planner to optimize the use of Kenergy's Trade-A-Tree program. Contractor will be responsible to provide a list to Kenergy of hazardous tree removals.
- **Quality Assurance:** Contractor must complete all quality assurance activities including written certification of quality assurance per circuit. Kenergy will conduct quality control inspections and issue a quality deficiency notice, as appropriate, on circuit miles completed and submitted by the Contractor within two weeks. Contractor must complete all quality control rework identified by Kenergy within one week of the notice

## **B. Herbicide Application**

Herbicide Application – Vegetation management control activities involving foliar application to Kenergy's rights of way and bare ground application to Kenergy's substations and lots. Foliar application is performed in the year following line clearance. Bare ground application is performed every year.

Contractor is solely accountable for the following activities:

- Contractor will achieve a 95% kill for all foliar application and 100% kill for bare ground application.

- Kenergy must approve, in advance, all chemical formulas used for foliar and bare ground application.
- Kenergy must approve, in advance, all application techniques used for foliar and bare ground application.
- Member Notification: Contractor must consistently maintain a minimum of two weeks advanced member notification of field crew execution. Contractor is to supply an appropriate number of pre-work planners to conduct this notification.
- Pre-Work Planning: Contractor must utilize a pre-work planner(s) to assess and plan work scope a minimum of two weeks in advance of field crew execution. Contractor is responsible to manage all member refusals and file a written notification to Kenergy of all cases.
- Quality Assurance: Contractor must complete all quality assurance activities including written certification of quality assurance per circuit. Kenergy will conduct quality control inspections and issue a quality deficiency notice, as appropriate, on work completed and submitted by the Contractor within two weeks. Contractor must complete all quality control rework identified by Kenergy within one week of the notice.

## **2. Proper Pruning Techniques**

Directional pruning techniques are used on Kenergy's system, where appropriate. Pruning activities are based on accepted arboricultural standards, including ANSI A300 – Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices (Pruning), International Society of Arboriculture Best Management Practices, Utility Pruning of Trees – Special Companion Publication to the ANSI A300 Standard and Pruning Trees Near Electric Utility Lines, A Field Pocket Guide for Qualified Line-Clearance Tree Workers by Dr. Alex Shigo.

## **3. Schedule**

For line clearance work, the successful Contractor must initiate personnel and equipment mobilization on the Kenergy system no later than January 11 of each year. The entire scope of work must pass final Kenergy quality control no later than December 31<sup>st</sup> of each year.

For herbicide, the successful Contractor must initiate personnel and equipment mobilization on the Kenergy system no later than April 5 of each year. The entire scope of work must pass final Kenergy quality control no later than September 30 of each year.

#### 4. Reporting

Contractor will maintain and submit to Kenergy weekly timesheets that track labor and equipment utilization that addresses the scope of work. A copy of each crew timesheet will also be submitted with each invoice. In addition, the following minimum circuit work summary details will be included:

- # of cuts and trims
- # of strategic removals
- # of hazardous tree removals
- # of spans and ft brush (skytrim)
- Equipment down time status
- Herbicide: # of acres, gallons used and locations applied

Kenergy reserves the right to modify reporting requirements by adding or deleting items.

#### 5. Invoicing

Contractor shall invoice Kenergy monthly, no later than the 5<sup>th</sup> calendar day of each month, for all work completed during the previous month.

#### 6. Sub-Contractors

List any sub-contractors that are included as a part of your RFP response.

Sub-Contractor	Role

#### 7. Trade Classification and Union Affiliation

Please list trade classifications and union affiliations for your or your sub-contractor employees in the table provided below.

Trade Classification	Union Affiliation (if none, so state)

## **8. Communication**

The following modes and instances of communication will be used for the duration of work:

- A. Contractor shall ensure that all crews and General Foremen have immediate telephone communications with Kenergy's Control Center. Kenergy will provide the proper telephone numbers.
- B. Contractor shall e-mail to Kenergy the specific crew locations each Monday by 7:00 AM (CST). Additionally, Contractor shall e-mail Kenergy the specific crew locations each time crews change locations from one circuit to another. Also, Contractor shall notify Kenergy when crews will be working non standard work days or hours.
- C. Contractor shall immediately notify Kenergy by telephone of any safety violation or incident and provide a written follow-up report within 48 hours of the occurrence detailing the event, the root cause of the event and the steps the Contractor will take in the future to prevent a reoccurrence. Contractor shall develop a Report Form, approved by Kenergy, to be used for this purpose.
- D. Contractor shall immediately notify Kenergy of any instances in which a member issue has a likelihood of being elevated in status with Kenergy
- E. Periodic project update meetings will be held between Kenergy and Contractor. Such meetings will be held on an as-needed basis, but will be no less frequent than every eight (8) weeks.

## **9. Resource Availability and Response Time**

Kenergy requires Contractor to have all system resources available 24/7 during the contract term for any emergency restoration work that may emerge on the Kenergy system. Contractor cannot at any time remove these personnel and/or equipment resources without prior approval from Kenergy. Crew(s) will be required to report to the designated Kenergy work location within 1 hour of notification.

## **10. Work Time**

Normal working days will be Monday through Saturday. Contractor must coordinate their standard working schedule with Kenergy.

## **11. Debris Disposal**

The disposal and associated cost will be the full responsibility of Contractor and will be performed in accordance with all local, state and federal regulations. Kenergy will work with Contractor in identifying debris disposal opportunities.

## **12. Contractor Safety and Environmental Rules**

Kenergy's goal is to be a leader in safety and environmental stewardship. Contractor is expected to be knowledgeable of and adhere to all federal, state, local and Contractor company specific rules and regulations pertaining to safety and the environment. **A complete bid submission must include responses to and required attachments as found in Exhibit 1 – Safety Information.**

## **13. Contractor Proposed Organization Structure**

Provide an organization chart describing your proposed company structure to support this RFP response. Include at a minimum title, reporting relationship and number of Full Time Equivalents (FTEs).

## **14. Contractor Mobilization Plan**

Provide a mobilization plan outline that includes key milestones and associated timeframes to support the January 11 deadline for project mobilization and initiation. For example, describe how you plan to hire and retain qualified employees to fulfill your obligations within this project.

### Section III: Pricing

#### Line Clearance

Kenergy is requesting pricing for Contractor to perform vegetation management control activities on Kenergy's electric distribution facilities.

- a. Routine Circuit Maintenance - Please provide TWO lump sum per circuit prices for those circuits identified below. One price is to trim the circuit **NOT** removing overhang, and the second price is to trim the circuit and **REMOVE ALL** overhang.

#### Proposed Circuits

2022 RCM Circuits with Completion Dates			
Substation	Feeder	Miles	COMPLETION DATE
012-Lewisport	2- Lewisport	10.36	May 2022
012-Lewisport	3- Shopping Center	28.37	MAY 2022
012-Lewisport	5- Dal Tile	0.78	MAY 2022
012-Lewisport	6- McGill Lane	6.23	MAY 2022
012-Lewisport	7- Maxwell Bros	33.15	APRIL 2022
015- Whitesville	1- Hwy 54 West	20.46	JUNE 2022
015- Whitesville	2- Whitesville	49.76	JULY 2022
015- Whitesville	3- Ralph	90.45	November 2022
015- Whitesville	4- Stevens Sch. Rd	43.6	December 2022
018- South Dermont	1- Lake Forrest	2.73	November 2022
018- South Dermont	2- Old Mill	2.34	November 2022
018- South Dermont	3- Windridge Club	12.86	December 2022
018- South Dermont	4- Scotty Lane	3.76	November 2022
018- South Dermont	5- Southeastern Pkwy	5.41	November 2022
018- South Dermont	6- Kenergy	3.59	November 2022
026- Pleasant Ridge	2- Maple Leaf Lake	37.97	December 2022
026- Pleasant Ridge	3- Popular Log Brg	29.15	December 2022
027- Bon Harbor	1- Post Office	2.59	MAY 2022
027- Bon Harbor	2- Ben Hawes Park	10.63	APRIL 2022
027- Bon Harbor	3- Worthington Rd	1.6	MAY 2022
027- Bon Harbor	4- 5th Street Rd	9.82	APRIL 2022
027- Bon Harbor	5- Lee Rudy/Hwy 60	20.94	MAY 2022

041- Beda	1- 231 North	50.68	December 2022
063- Geneva	1- Alzey	48.21	December 2022
063- Geneva	2- Airport/Office	37.79	December 2022
063- Geneva	3- Smith Mills	99.53	December 2022
080- Niagara	1- Niagara	78.13	November 2022
080- Niagara	2- Hwy 283 S	43.5	November 2022
082- RaceCreek	1- Spottsville	18.78	December 2022
082- RaceCreek	2- Country Club	10.91	December 2022
082- RaceCreek	3- Rucker Rd #1	21.33	December 2022
085- Sullivan	2- Blackford	71.65	MAY 2022
085- Sullivan	3- KyStone	50.98	JUNE 2022
090- Zion	1- Hwy 1078 North	9.67	JUNE 2022
090- Zion	2- Beals/Reed	56.17	AUGUST 2022
090- Zion	3- Hebbardsville	69.38	OCTOBER 2022
090- Zion	4- Galloway Corner	16.95	OCTOBER 2022
106- Adams Lane	1- Happy Acres	8.56	November 2022
106- Adams Lane	2- Adams Lane	18.69	November 2022
106- Adams Lane	3- Cresline	1.67	OCTOBER 2022
		<b>1139</b>	

### 2023 RCM Circuits with Completion Dates

Substation	Feeder	Miles	Completion Date
010- Yager	1- Yager Material	1.10	September 2023
017- Dermont	2- Dee Acres	7.7	December 2023
017- Dermont	3- Timber Ridge Subd	10.62	December 2023
020- Horse Fork	3- Sutherland Rd	2.28	December 2024
020- Horse Fork	4- Marlboro Apts.	3.79	December 2024
020- Horse Fork	5- Hampton Inn	3.26	December 2024
021- Stanley	1- Newman	48.63	December 2023
021- Stanley	2- Hwy 60 East	6.74	December 2023
021- Stanley	3- Birk City	20.34	December 2023
024- Utica	1- Browns Valley	47.08	October 2023
024- Utica	2- Red Hill	50.43	December 2023



024- Utica	3- Locust Grove Rd	30.19	December 2023
024- Utica	4- Utica	23.56	December 2023
024- Utica	5- Old Barmet	3.3	October 2023
041- Beda	2- Hoopee Hill	39.07	September 2023
041- Beda	3- Heflin	44.74	June 2023
041- Beda	4- Iron Mountain	23.79	September 2023
058- South Owensboro	1- Towne Square N.	0	September 2023
058- South Owensboro	2- Penny's Twn Sq.	0	September 2023
058- South Owensboro	3- Sear's Twn Sq.	0	September 2023
058- South Owensboro	4- Hollywood Video	0.28	September 2023
058- South Owensboro	5- Twin Lakes	6.48	September 2023
058- South Owensboro	6- Cracker Barrel	1.02	September 2023
058- South Owensboro	7- Todd Bridge Rd.	6.2	September 2023
069- Lyon Co.	1- Sunnyside	43.59	September 2023
069- Lyon Co.	2- Iron Hills	28.89	November 2023
069- Lyon Co.	3- Barkley Dam	18.76	November 2023
070- Marion	1- Matoon	84.54	April 2023
070- Marion	2- Princeton	63.87	May 2023
070- Marion	3- Sheridan	140.54	November 2023
070- Marion	4- Dam 50	67.5	December 2023
081- Providence	2- Dalton	53.15	August 2023
083- Riverport	1- Valley Grain	0.02	April 2023
083- Riverport	2- Unison	1.08	April 2023
083- Riverport	3- Shamrock	0.24	April 2023
091- Wolf Hills	1- WFIE	0.02	April 2023
091- Wolf Hills	3- Wathen Lane	9.98	July 2023
091- Wolf Hills	4- Ellis Park	16.22	July 2023
		<b>909.00</b>	

<b>2024 RCM Circuits with Completion Dates</b>			
<b>Substation</b>	<b>Feeder</b>	<b>Miles</b>	<b>Completion Date</b>
026- Pleasant Ridge	1- Bells Run	24.83	December 2024
026- Pleasant Ridge	4- Hwy 140 West	13.57	December 2024
031- Guffie	1- Glenville	74.47	April 2024
031- Guffie	2- Hwy 815 South	36.41	July 2024
031- Guffie	3- Poverty	27.86	July 2024
031- Guffie	4- Cleopatra	26.29	July 2024
040- Centertown	1- Matanzas	26.81	December 2024
040- Centertown	2- Goshen Road	14.26	December 2024
040- Centertown	3- Rockport	36.2	December 2024
040- Centertown	4- Bishner Road	1.62	December 2024
049- Madisonville	1- Industrial Park	5.53	November 2024
049- Madisonville	2- Manitou	23.99	December 2024
053- South Hanson	1- Otter Lake	13.3	December 2024
053- South Hanson	2- Veteran Hospital	19.25	December 2024
053- South Hanson	3- Gus Fowler Rd.	19.67	December 2024
053- South Hanson	4- Tucker Schoolhouse	12.89	December 2024
053- South Hanson	5- Wolf Hollow Rd	40.75	December 2024
061- Crossroads	1- Barnes Store	77.16	August 2024
061- Crossroads	2- Flat Rock	39.78	August 2024
061- Crossroads	3- Morganhill Rd	113.8	December 2024
061- Crossroads	4- Creswell	24.16	December 2024
065- Hudson-Tyson	1- Protein Plant	0.51	December 2024
065- Hudson-Tyson	4- Sebree Tie	6.01	December 2024
065- Hudson-Tyson	6- Water #2	14.42	December 2024
071- Morganfield	1- Waverly	85.4	May 2024
071- Morganfield	2- Boxville	101.33	September 2024
071- Morganfield	3- Caseyville	69.05	October 2024
071- Morganfield	4- Spring Grove	62.06	November 2024
		<b>1011.38</b>	

Please note: Kenergy strongly recommends an on-site field assessment of the scope of work. Kenergy will provide maps of each circuit proposed to be cleared in shape files or PDF format.

- b. Service Orders and Work Orders - Vegetation management control activities performed on a specific portion of a circuit identified by Kenergy through a Kenergy generated Job Order or Work Order. This work will be paid using time and equipment cost (T & E), based on the labor rates and equipment rates provided in 3. Labor Rates and 4. Equipment Rates below.

All work orders will be bid using these T & E rates. Work order bids must be returned to Kenergy within three (3) business days from the time received by Contractor.

### 3. Labor Rates

Complete the following billable labor rate table for each individual labor classification that you will be utilizing.

Labor Classification	Rates		
	Straight	OT	Premium

Note:

- 1) All management labor positions for this project above the Foremen level must be accounted for in overheads and will not be billed on an hourly basis.
- 2) Use this form or submit a separate spreadsheet.
- 3) Clearly define when OT and premium rates of pay would apply.

### 4. Equipment Rates





<b>2022 Foliar Herbicide Application Circuits</b>			
<b>Sub/Feeder</b>	<b>Substation</b>	<b>Feeder</b>	<b>Miles</b>
081-04	PROVIDENCE	LIBERTY	64.5
081-01	PROVIDENCE	PROVIDENCE	52.1
080-03	NIAGARA	ANTHOSTON	27.1
028-02	MACEO	MACEO	12.4
028-03	MACEO	FISH/GAME DAV.	26.6
028-04	MACEO	CARPENTERS LAKE	11.4
042-03	NUCKOLS	NUCKOLS	46.7
033-01	BEECH GROVE	WEBSTER WATER	25.9
033-02	BEECH GROVE	BEECH GROVE	13.4
033-03	BEECH GROVE	ELBA	35
033-04	BEECH GROVE	HUDSON FOOD	32.2
013-02	HAWESVILLE	KELLY HEIGHTS	30.6
013-03	HAWESVILLE	HWY 69	45.5
013-04	HAWESVILLE	UTILITY/HWY1389	55.7
062-02	Dixon	Dixon	34.2
			<b>513</b>

<b>*2023</b>
500 MILES

<b>*2024</b>
500 MILES

\* feeders to be determined based on need yearly

#### **Section IV: Insurance Requirements**

The successful Contractor shall take out and maintain throughout the term of the agreement the following types and minimum amounts of insurance:

Workers' Compensation - Workers' compensation and employers' liability insurance, as required by law, covering all its employees who perform any of the obligations of the Contractor under the contract. If any employer or employee is not subject to the workers' compensation laws of Kentucky, the insurance shall be obtained voluntarily to extend to the employer and employee coverage to the same extent as though the employer or employee were subject to the workers' compensation laws.

Public Liability Insurance - Covering all operations under the agreement shall have limits for bodily injury or death of not less than \$1 million each occurrence, limits for property damage of not less than \$1 million each occurrence, and \$2 million aggregate for accidents during the policy period. A single limit of \$1 million on bodily injury and property damage is acceptable. This required insurance may be in a policy or policies of insurance, primary and excess including the umbrella or catastrophe form.

Automobile Liability Insurance - For all motor vehicles used in connection with the agreement, whether owned, non-owned, or hired, shall have limits for bodily injury or death of not less than \$1 million per person and \$1 million each occurrence and property damage limits of \$1 million for each occurrence. A single limit of \$1 million of bodily injury and property damage is acceptable. This required insurance may be in a policy or policies of insurance, primary and excess including the umbrella or catastrophe form.

Kenergy shall have the right at any time to require public liability insurance and property damage liability insurance greater than those required in the previous paragraphs. In any such event, the additional premium or premiums payable solely as the result of such additional insurance shall be added to the agreement price.

Kenergy shall be named as Additional Insured on all policies of insurance. The firm shall furnish Kenergy a certificate evidencing compliance with the foregoing requirements which shall provide not less than (30) days prior written notice to Kenergy of any cancellation or material change in the insurance.

## **Section V: RFP Process and Schedule**

### **1. Contractor Selection Timeline**

<b>Milestone</b>	<b>Due Date</b>	<b>Responsible</b>
1. Issue RFP	5/10/21	Kenergy
2. Submit RFP	10/15/21	Contractor(s)
3. Evaluate proposals and negotiate agreement	10/15/21 – 11/1/21	Kenergy/Contractor
4. Award contract	12/1/21	Kenergy
5. Initiate Project	1/11/22	Contractor

### **2. Kenergy RFP Response**

Kenergy is committed to providing an opportunity to every qualified company that has a genuine interest in our business. Recognizing that preparing a response to this RFP can be expensive and time consuming, we encourage you to be realistic about your ability to meet our requirements and schedule. All expenses, related to developing and submitting this RFP are entirely the responsibility of your company, and the submission of this proposal in no way obligates Kenergy to you or any other Contractor.

### **3. Process for Inquiries and/or Clarifications**

Please direct any questions and/or comments in writing via email to Steve Thompson ([sthompson@kenergycorp.com](mailto:sthompson@kenergycorp.com)). Formal responses to questions will be delivered via email.

### **4. Proposal Submission Deadline**

Proposals will be accepted electronically via email to [sthompson@kenergycorp.com](mailto:sthompson@kenergycorp.com). The subject line of the email should read "RFP No. O202140 – Vegetation Management".

RFP responses are due no later than 3:00 PM CST on October 15, 2021. To be considered, all materials must be received by the deadline stated above. No extension of time will be granted for the submission of responses to this RFP. Any proposals or supplemental information received after 12:00 PM CST on October 15, 2021 will not be considered.

### **5. Selection Criteria**

Final negotiations will address each of these performance areas.

- Cost
- Safety
- Work Scope
- Quality

### **6. Exceptions**

Identify and explain any exceptions you are taking to any portion of this RFP. Any deviation from the specifications contained in the RFP or where submitted literature does not fully support the specifications contained in this RFP must be identified and explained.

### **7. Disclaimer**

Kenergy reserves the right to reject any and all responses to this RFP. Although it is Kenergy's intent to perform vegetation management control activities for the scope of work stated herein, Kenergy reserves the right to modify the scope of work following receipt and review of the responses to this RFP.

## **8. Confidentiality**

All information contained in this Request for Proposal and its Exhibits is considered Confidential. Contractors must take all reasonable precautions to prevent such Confidential Information from being disclosed to third parties, including officers and employees not having a legitimate need for the information, and shall not disclose any Confidential Information to third parties. "Confidential Information" includes any information or technical data including, but not limited to, commercially sensitive or proprietary information, processes, methods, specifications, protocols, designs, drawings, diagrams, engineering, documentation, procedures, data concepts, financial information, business opportunities, software and related documentation, hardware information, in any form whatsoever, including in writing, orally, machine readable form or through access to party's premises.

*This institution is an equal opportunity provider and employer.*

*If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@USDA.gov](mailto:program.intake@USDA.gov).*



## **Exhibit 1 Safety Information**

Contractor Name: \_\_\_\_\_

- A. Provide a copy of the most recent OSHA Form 300A for your company.**
- B. Provide a copy of your company's safety program, policy, procedures and manual.**
- C. Provide a summary of recordable and lost-time incidents from the time of your last submitted OSHA Form 300A to the present.**
- D. Please describe the following about your occupational safety and health program:**
  - D-1. How your on-site supervisors are held accountable for safety performance & how this performance is monitored, assessed, and communicated to them.
  - D-2. How your safety programs apply to subcontractors, and how you assure successful implementation of and compliance with these programs.
  - D-4. Your incident investigation procedures and the types of incidents that are investigated.
- E. Please describe the following about your environmental experience:**
  - E-1. A list of the employees that maintain a Commercial Pesticide Applicator Supervisory License for Kentucky.
  - E-2. A list of the employees that maintain a Commercial Pesticide Applicator License for Kentucky.
  - E-3. The product label and material safety data sheet for all pesticides you propose to use during this project.
  - E-4. A copy of your pesticide safety and training manuals.
  - E-5. A description of where and how you intend to store and distribute pesticides during this project.
  - E-6. Your pesticide spill clean up policies and procedures.
  - E-7. A list of the Personal Protective Equipment and clothing worn by your workforce.
  - E-8. A description of how you propose to dispose of empty pesticide containers.
  - E-9. A list of the employees that maintain an ISA Certified Arborist license (name and license number).