

This is a business meeting of the governing body for the City of Herington. There is no implied or expressed right for persons outside the governing body to speak or voice their opinion unless specifically recognized by the chair.

**Regular Meeting
May 3, 2022
6:00 p.m.**

1. Pledge of Allegiance

2. Call to Order

3. Consider Minutes of the Regular City Commission Meeting on April 19, 2022
Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares

4. Public Forum

5. Additional Agenda Items

6. Approval of Agenda
Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares

7. Police Update

8. Neighborhood Enforcement Officer Update

9. Fire Update

10. Discuss and Action on Ordinance for Recreational Fire Burning
Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares

11. Discuss and Action on Addendum 1 for the Fire Equipment Lease
Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares

12. Discuss and Action on Planning Commission Site Recommendation for New Firehouse on South Broadway

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares

13. Update on Rec Commission

14. Discuss and Action on the Ceasing of the Hilltop Advisory Board

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares

15. Discuss and Action on Street Closure for Portions of 700 S Broadway for the 2022 Independence Day Celebration

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares

16. Update on Comprehensive Plan Data

17. Update on Bond Refinancing

18. Discuss and Action on Allowing Wells Inside City Limits

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares

19. Discuss and Action on Acceptance of Bid for HRU Parking and Taxiway Rehabilitation for \$141,866.78 with a 90-10 match from McConnell & Associates Corp

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares

20. Discuss and Action on BCTA Application for Will Justice Term to Expire 5/31/2025

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares

21. Discuss and Action on BCTA Application for Chase Krause Term to Expire 5/31/2025

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares

22. Discuss and Action on Special Event CMB License on 5/21/2022 from 10am to 10pm at the Herington Regional Airport

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares

23. Executive Session – I move that the Herington City Commission recess into Executive Session, Pursuant to the consultation with an attorney on matters that would be seemed privileged in the attorney-client relationship exception K.S.A. 75-4319(b)(2), in order to discuss contract negotiations. To include the following persons:

- Governing Body
- City Manager
- City Attorney
- City Clerk

With the open meeting to resume at _____.

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares

24. Executive Session – I move that the Herington City Commission recess into Executive Session, Pursuant to the consultation with an attorney on matters that would be seemed privileged in the attorney-client relationship exception K.S.A. 75-4319(b)(2), in order to discuss litigation. To include the following persons:

- Governing Body
- City Manager
- City Attorney
- City Clerk

With the open meeting to resume at _____.

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares

25. City Manager Comments

26. Commissioner Comments

27. Adjourn

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares

To join the City Commission meetings from your computer, tablet, or smartphone, go to
<https://www.youtube.com/channel/UCbvSBw6l4w85XQHsX0S1BXq> Public Forum Comments can be
dropped in the deposit box or emailed to cityoffice@cityofherington.com

**Regular Meeting
April 19, 2022
6:00 p.m.**

The Board of City Commissioners of the City of Herington, Kansas met at City Hall at 6:00 p.m. on the above date – the following being present: Mayor Eric Gares, Commissioner Vance Donahue, Commissioner Debi Urbanek, Commissioner Robbin Bell, and Commissioner Ben Castleberry. Also in attendance were City Manager Branden Dross, City Attorney Brad Jantz, City Clerk Megan Lawrenz, Larry Mann, Mark Wendt, Mike Scanlon – City of Osawatomie, Leo Schlesener, Tiffany Schlesener, Carl Urbanek, Marcus Hawkes, Allie Hawkes, Josh Brunner, and Janet Wade.

The meeting opened with the Pledge of Allegiance.

Mayor Gares called the meeting to order.

Commissioner Bell made a motion to approve the minutes from the regular city commission meeting on March 15, 2022, seconded by Commissioner Donahue. Motion carried 5-0.

Public Forum – Josh Brunner – Clarification on Motor Vehicle parking – Section 2-319.

Additional Agenda Items – Add 6a- Discuss and Action on Arbor Day Tree Grove for mayors. Add 8a. Clarification on MV parking from public forum. Move #16 to #7a. Add 18a Executive Session Attorney Client Privilege– Litigation.

Commissioner Urbanek made a motion to approve the agenda, seconded by Commissioner Donahue. Motion carried 5-0.

6a. Discuss and Action on Arbor Day Tree Grove – No voting. Consensus that commission participate in Arbor Day.

Rec Commission from USD 487 – Board President Mark Wendt and Vice President Allie Hawkes attended to speak about the School Boards part of the Rec Board. Information that was requested (bylaws, directors' contract) at the school board meeting has been provided by the Rec Commission. There was interest in a work session with the city. Superintendent will coordinate with Branden. Mayor Gares directed the City Manager to meet with School Superintendent and Rec Board – Reevaluate and set a work session for later.

7a. Joint Resolution – Mike Scanlon, City Manager of Osawatomie wants to work together on the trail with a mission and vision. Discussed an Association of Trail towns, to help get grand/federal funding.

Commissioner Urbanek made a motion to approve Resolution 951 and authorize the mayor's signature, Seconded by Mayor Gares. Motion carried 5-0.

8th Street Bridge – Moved off bridge system, turned into a boxed culvert.

8a. 2-319 – City Code – Ask for recommendation from the Planning Commission.

Street Superintend Leo Schlesener and City Manager Branden Dross are working on 2022 street projects. Streets need to chip seal for maintenance. We will work with County; city buys oil and rock and pay \$750 per day for county to do the work. City will help with traffic control through the process. Getting oil and rock at County discount. 42k square yards projected to start in August it is everything that was overlayed in 2007 with asphalt, will take approximately 3 days to complete the work. Still 25k left in the budget for additional improvements in 2022. Commissioner Bell made a motion to approve the plan, seconded by Commissioner Donahue. Motion carried 5-0.

Commissioner Bell made a motion to approve the purchase of a Patch Machine Purchase for \$42,164.00, seconded by Commissioner Donahue. Motion carried 5-0

City Manager Branden Dross met with Hope city council last week. They agreed to 3.6% increase. Requested the contract to be reviewed every 3 years. City Attorney Brad Jantz is working on the contract. If we roll back rates or stop increases, we will follow the same procedure for them. Should be approved in May.

Herington Reginal Airport Contract - Staff reviewed bids. Staff will bring to commissioners at the next commission meeting. Commissioner Bell made a motion to approve the Lochner Contract for Pre-Construction and Administration for \$4,500, seconded by Commissioner Castleberry. Motion carried 5-0.

ORDINANCE 1862

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO SUPPLEMENT SAID CODE OF THE CITY OF HERINGTON, KANSAS AND ADD ARTICLE IX IN CHAPTER 1, ADMINISTRATION, ESTABLISHING AND ADOPTING A CODE OF ETHICS, AND PROVIDING FOR THE ADMINISTRATION THEREOF, AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

Commissioner Urbanek made a motion to approve Ordinance 1862 and authorize the mayor's signature, seconded by Mayor Gares. Motion carried 4-1 with Commissioner Donahue casting the dissenting vote.

ORDINANCE 1863

AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO REVISE THE HERINGTON KANSAS ZONING AND SUBDIVISION REGULATIONS (INCORPORATED AS CHAPTER 8 SONING IN THE HERINGTON CITY VODE VIA ARTICLE III OF CHAPTER 8) TO AMEND AND SUPPLEMENT REGULATIONS UNDER ARTICLE 17, SUPPLEMENTAL DISTRICT REGULATIONS AND REPEALING ANY AND ALL OTHER ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH.

Commissioner Urbanek made a motion to approve Ordinance 1863 and authorize the mayor's signature, seconded by Commissioner Castleberry. Motion carried 4-1 with Commissioner Donahue casting the dissenting vote.

Mayor Gares made a motion to appoint himself and Commissioner Castleberry to the Ethics Board, seconded by Commissioner Donahue. Motion carried 5-0.

Commissioner Urbanek made a motion to accept the standard allowance in the final rule for ARPA, seconded by Mayor Gares. Motion carried 5-0.

Agree to the standard allowance. Debi, Eric. 5-0.

2023 Budget – Staff informed the commission that the Audit is in May. Morris County went from 3 to 3.5 mills for the fire contracts.

18.a ES – Mayor Gares Made a motion to enter executive session pursuant to the consultation with an attorney on matters that would be seemed privileged in the attorney-client relationship exception K.S.A. 75-4319(b)(2), in order to discuss litigation. To include the following persons: Governing Body, City Manager, City Attorney and City Clerk with the open meeting to resume at 7:10pm, seconded by Commissioner Donahue. Motion carried 5-0.

The regular meeting resumed with no action taken.

City Manager Comments -

Thanked Comp Plan attendees. There were 103 Comp Plan Survey Responses. Brynn Sullivan and Dr. Bonnie Johnson will present at the next meeting. KU Class may present one more time before graduation. Pool will open May 28th, Hospital to Host an opening party. City Clerk Megan Lawrenz was spotlighted in Dickinson County EDC Women in Leadership.

Robbin – Mentioned an abandoned car, the Police Chief investigated it.

Ben – None.

Debi – Revised priority list.

Vance – City Wide Clean up. Dumpsters were full in a couple days! Parks look good!

Eric – Airport and Lake Leases. Lake leases are signed. Still working on one Airport lease. Two are changing hands and Brad wants to use the new lease. Drag races at the airport, concerns about getting approval from the FAA. May 15 – National Police Memorial Day. Proclamation at next meeting for Police Week.

Commissioner Urbanek made a motion to adjourn, seconded by Commissioner Castleberry. Motion carried 5-0.

Megan Lawrenz, City Clerk

DRAFT

ADDENDUM NUMBER ONE
Master Equipment Lease Purchase Agreement
DATED AS OF 8/15/2021

This Addendum Number One to the Master Equipment Lease Purchase Agreement dated as of 8/15/2021 (Agreement), by and between City of Herington (Lessee) and Community First National Bank (Lessor), is the first written addendum to the above referenced Agreement.

Whereas, the equipment description on the Agreement, specifically Equipment Schedule No. 01 dated 8/15/2021 lists the equipment as One (1) New F350 Brush Truck, Seventeen (17) Scott SCBAs, Seventeen (17) Cylinders and Four (4) Thermal Imaging Cameras. Subsequent review of the Invoice with verification by the vendor indicates the correct equipment description should read: "One (1) New F350 Brush Truck, Seventeen (17) Scott SCBAs, Seventeen (17) Cylinders, One (1) RIT Pak, Four (4) Thermal Imaging Cameras and Related Equipment".

Whereas, the Lessee desires to execute this Addendum Number One to clarify for all parties the correct equipment description and to affirm Lessee's legal commitment under such Agreement.

Now, therefore, the parties hereby mutually agree, for consideration the receipt of which is hereby acknowledged, to amend the Agreement as follows:

1. The correct equipment description for this lease is "One (1) New F350 Brush Truck, Seventeen (17) Scott SCBAs, Seventeen (17) Cylinders, One (1) RIT Pak, Four (4) Thermal Imaging Cameras and Related Equipment"
2. The Lessee acknowledges the Lessee is bound to the terms and conditions of the above referenced Agreement.
3. Except as modified by this Addendum Number One, the Agreement remains in full force and effect. No other modification or addendum of the Agreement shall be effective unless written and signed by the parties.

IN WITNESS WHEREOF, the Lessee and Lessor have caused this Addendum to be duly executed by their respective officers who have signed below.

Lease No. HERKS2021-09E

LESSEE:
City of Herington

LESSOR:
Community First National Bank

Eric Gares, Mayor

Blake Kaus, VP

INCUMBENCY CERTIFICATE

RE: Schedule of Equipment No. 01, dated 8/15/2021, to Master Equipment Lease Purchase Agreement, dated as of 8/15/2021, between Community First National Bank, as Lessor, and City of Herington, as Lessee.

I the undersigned, DO HEREBY CERTIFY, I am a duly qualified and acting officer of City of Herington and currently hold the position noted next to my signature. I have all authority necessary to execute the Payment Request Form, Acceptance Certificate, and any other documents related to the above mentioned lease agreement on behalf of City of Herington.

<u>Eric Gares</u>	<u>Mayor</u>	
Printed Name	Office Title	Signature

I, the undersigned Secretary/Clerk for City of Herington, further certify the person who signed directly above is a qualified and acting officer of the Lessee, a body corporate and politic duly organized and existing under the laws of the State of Kansas. This person is now serving in the official capacity as set forth above and their signature is genuine.

DRAFT

City of Herington

Megan Laurenz
Signature of Secretary/Clerk

Megan Laurenz

Print Name

4/21/2022

Date

LOCHNER

TABULATION OF BIDS

HERINGTON REGIONAL AIRPORT (HRU)
HERINGTON, KANSAS

REHABILITATE AIRCRAFT PARKING APRON AND CONNECTING TAXWAYS

FAA AIP PROJECT NO. 3-20-0029-013-2022



Bids Received: 4/8/2022
Lochner Job No.: 000015547

Bids Released By: REM
Date: 4/8/2022
Bids Checked By: LMV
Date: 4/8/2022

Item No.	Item Description	Quantity	Unit	Engineer's Estimate		McConnell & Associates Corp. 1225 Iron Street North Kansas City, MO 64118		GDS, LLC d.b.a. Anderson Contracting 901 N. 11th Street St. Joseph, MO 64501		American Pavement Solutions, Inc. 1455 Guder Rd., P.O. Box 13097 Green Bay, WI 54307	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	Mobilization (NTE 10% of Total Bid Amount)	1	L.S.	21,528.00	\$ 21,528.00	10,000.00	\$ 10,000.00	11,109.18	\$ 11,109.18	16,000.00	\$ 16,000.00
2	Temporary Marking, Lighting, and Barricades	1	L.S.	15,000.00	\$ 15,000.00	5,000.00	\$ 5,000.00	14,280.00	\$ 14,280.00	1,000.00	\$ 1,000.00
3	Clean and Seal Crevics (<1%)	6,000	L.F.	3.00	\$ 18,000.00	2.00	\$ 12,000.00	4.00	\$ 24,000.00	3.00	\$ 18,000.00
4	Clean and Seal Pavement Joints	14,658	L.F.	3.00	\$ 43,974.00	2.00	\$ 29,316.00	3.20	\$ 46,905.60	3.50	\$ 51,303.00
5	Surface Preparation, Pavement Marking Removal	6,889	S.F.	2.00	\$ 13,938.00	1.85	\$ 12,682.85	2.48	\$ 17,283.12	3.00	\$ 20,807.00
6	Temporary Non-ReflectORIZED Pavement Marking (Yellow)	2,550	S.F.	3.00	\$ 7,650.00	3.30	\$ 8,415.00	0.80	\$ 1,550.00	3.00	\$ 7,650.00
7	Permanent ReflectORIZED Pavement Marking (Yellow)	2,481	S.F.	4.00	\$ 9,924.00	4.08	\$ 10,122.48	4.00	\$ 9,924.00	3.10	\$ 7,691.10
8	Permanent Non-ReflectORIZED Pavement Marking (Yellow)	69	S.F.	3.00	\$ 207.00	3.90	\$ 269.10	4.00	\$ 276.00	3.00	\$ 207.00
8	Permanent Non-ReflectORIZED Pavement Marking (Black)	4,432	S.F.	3.00	\$ 13,296.00	3.90	\$ 17,284.80	4.00	\$ 17,728.00	3.00	\$ 13,296.00
10	Refined Coal Tar Emulsion with Additives for Slurry Seal	13,287	S.Y.	5.00	\$ 66,485.00	2.75	\$ 36,586.75	2.30	\$ 30,563.10	4.50	\$ 59,856.50
BASE BID TOTAL					\$ 210,000.00		\$ 141,888.78		\$ 173,419.00		\$ 185,890.60

DRAFT

PROPOSAL FORM

A.I.P. PROJECT NO. 3-20-0029-013-2022

TO: City Manager
City of Herington, Kansas

The undersigned, in compliance with the request for bids for construction of the following Project:

Base Bid
Rehabilitate Aircraft Parking Apron and Connecting Taxiways

hereby proposes to furnish all labor, permits, material, machinery, tools, supplies and equipment to faithfully perform all work required for construction of the Project in accordance with the project manual, project drawings and issued Addenda within the specified time of performance for the following prices:

Item No.	Spec.	Description	Approximate		Unit Price	Extension
			Qty.	Unit		
FAA AIP PROJECT NO. 3-20-0029-013-2022						
BASE BID						
REHABILITATE AIRCRAFT PARKING APRON AND CONNECTING TAXIWAYS						
1	C-105	Mobilization (NTE 10% of Total Bid Amount) Unit Price in Words Ten thousand dollars & no cents	1	L.S.	\$10,000.00	\$10,000.00
2	TEMP	Temporary Marking, Lighting, and Barricades Unit Price in Words Five thousand dollars & no cents	1	L.S.	\$5,000.00	\$5,000.00
3	P-101	Clean and Seal Cracks (<1/2") Unit Price in Words Two dollars & no cents	6,000	L.F.	\$2.00	\$12,000.00
4	P-101	Clean and Seal Pavement Joints Unit Price in Words Two dollars & no cents	14,658	L.F.	\$2.00	\$29,316.00
5	P-620	Surface Preparation, Pavement Marking Removal Unit Price in Words One dollar & eighty five cents	6,969	S.F.	\$1.85	\$12,892.65
6	P-620	Temporary Non-Reflectorized Pavement Marking (Yellow) Unit Price in Words Three dollars and thirty cents	2,550	S.F.	\$3.30	\$8,415.00
7	P-620	Permanent Reflectorized Pavement Marking (Yellow) Unit Price in Words Four dollars and eight cents	2,481	S.F.	\$4.08	\$10,122.48
8	P-620	Permanent Non-Reflectorized Pavement Marking (Yellow) Unit Price in Words Three dollars and ninety cents	69	S.F.	\$3.90	\$269.10
9	P-620	Permanent Non-Reflectorized Pavement Marking (Black) Unit Price in Words Three dollars and ninety cents	4,432	S.F.	\$3.90	\$17,284.80
10	P-631	Refined Coal Tar Emulsion with Additives for Slurry Seal Unit Price in Words Two dollars and seventy five cents	13,297	S.Y.	\$2.75	\$36,566.75
BASE BID TOTAL Base Bid Total in Words					\$141,866.78	
					One hundred forty one thousand eight hundred sixty six dollars and seventy eight cents	

ACKNOWLEDGEMENTS BY BIDDER

- a. By submittal of a proposal, the BIDDER acknowledges and accepts that the quantities established by the OWNER are an approximate estimate of the quantities required to fully complete the Project and that the estimated quantities are principally intended to serve as a basis for evaluation of bids. The BIDDER further acknowledges and accepts that payment under this contract will be made only for actual quantities and that quantities will vary in accordance with the General Provisions subsection entitled "Alteration of Work and Quantities".
- b. The BIDDER acknowledges and accepts that the Bid Documents are comprised of the documents identified within the Instructions to Bidders. The BIDDER further acknowledges that each of the individual documents that comprise the Bid Documents are complementary to one another and together establishes the complete terms, conditions and obligations of the successful BIDDER.
- c. As evidence of good faith in submitting this proposal, the undersigned encloses a bid guaranty in the form of a certified check or bid bond in the amount of 5% of the bid price. The BIDDER acknowledges and accepts that refusal or failure to accept award and execute a contract within the terms and conditions established herein will result in forfeiture of the bid guaranty to the owner as a liquidated damage.
- d. The BIDDER acknowledges and accepts the OWNER'S right to reject any or all bids and to waive any minor informality in any Bid or solicitation procedure.
- e. The BIDDER acknowledges and accepts the OWNER'S right to hold all Proposals for purposes of review and evaluation and not issue a Notice-of-Award for a period not to exceed Ninety (90) calendar days from the stated date for receipt of bids.
- f. The undersigned agrees that upon written notice of award of contract, he or she will execute the contract within fifteen (15) calendar days of the Notice-of-Award and furthermore will provide executed payment and performance bonds simultaneously with delivery of executed contract. The undersigned accepts that failure to execute the contract and provide the required bonds within the stated timeframe shall result in forfeiture of the bid guaranty to the owner as a liquidated damage.
- g. Time of Performance: By submittal of this proposal, the undersigned acknowledges and agrees to commence work within ten (10) calendar days of the date specified in the written "Notice-to-Proceed" as issued by the OWNER. The undersigned further agrees to complete the Project within twenty-one (21) calendar days from the commencement date specified in the Notice-to-Proceed.
- h. The undersigned acknowledges and accepts that for each and every Calendar day the project remains incomplete beyond the contract time of performance, the Contractor shall pay the non-penal amount of **\$1,500** per Calendar day as a liquidated damage to the OWNER.
- i. The BIDDER acknowledges that the OWNER has established a contract Disadvantaged Business Enterprise goal of **6.44%** for this project. The BIDDER acknowledges and accepts the requirement to apply and document good faith efforts, as defined in Appendix A, 49 CFR Part 26, for subcontracting a portion of the prime contract to certified Disadvantaged Business Enterprises (DBE), as defined in 49 CFR Part 26 for purposes of meeting the OWNER'S established goal. The BIDDER, in complying with this requirement, proposes participation by Disadvantaged Business Enterprises as stated on the attached forms, "Utilization Statement" and "Letter of Intent". **The bidder shall complete the Disadvantaged Business Enterprise forms (DBE-1 to DBE-4) regardless of the DBE goal if a DBE firm is to be utilized on the project.**

- j. The BIDDER, by submission of a proposal, acknowledges that award of this contract is subject to the provisions of the Davis Bacon Act. The BIDDER accepts the requirement to pay prevailing wages for each classification and type of worker as established in the attached wage rate determination as issued by the United States Department of Labor. The BIDDER further acknowledges and accepts their requirement to incorporate the provision to pay the established prevailing wages in every subcontract agreement entered into by the Bidder under this project.
- k. Compliance Reports (41 CFR Part 60-1.7): Within 30 days after award of this contract, the Contractor/Subcontractor shall file a compliance report (Standard Form 100) if s/he has not submitted a complete compliance report within 12 months proceeding the date of award. This report is required if the Contractor/Subcontractor meets all of the following conditions:
 - 1. Contractors/Subcontractors are not exempt based on 41 CFR 60-1.5.
 - 2. Has 50 or more employees.
 - 3. Is a prime contractor or first tier subcontractor.
 - 4. There is a contract, subcontract, or purchase order amounting to \$50,000 or more

The undersigned acknowledges receipt of the following addenda:

Addendum Number ___ dated _____ Received _____

Addendum Number ___ dated _____ Received _____

Addendum Number ___ dated _____ Received _____

REPRESENTATIONS BY BIDDER

By submittal of a proposal (bid), the BIDDER represents the following:

- a. The BIDDER has read and thoroughly examined the bid documents including all authorized addenda.
- b. The BIDDER has a complete understanding of the terms and conditions required for the satisfactory performance of project work.
- c. The BIDDER has fully informed themselves of the project site, the project site conditions and the surrounding area.
- d. The BIDDER has familiarized themselves of the requirements of working on an operating airport and understands the conditions that may in any manner affect cost, progress or performance of the work.
- e. The BIDDER has correlated their observations with that of the project documents.
- f. The BIDDER has found no errors, conflicts, ambiguities or omissions in the project documents, except as previously submitted in writing to the owner that would affect cost, progress or performance of the work.
- g. The BIDDER is familiar with all applicable Federal, State and local laws, rules and regulations pertaining to execution of the contract and the project work.
- h. The BIDDER has complied with all requirements of these instructions and the associated project documents.

CERTIFICATIONS BY BIDDER

- a. The undersigned hereby declares and certifies that the only parties interested in this proposal are named herein and that this proposal is made without collusion with any other person, firm or corporation. The undersigned further certifies that no member, officer or agent of OWNER'S has direct or indirect financial interest in this proposal.

b. Certification of Nonsegregated Facilities: (41 CFR § 60-1.8)

The BIDDER, as a potential federally-assisted construction contractor, certifies that it does not maintain or provide, for its employees, any segregated facilities at any of its establishments and that it does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The BIDDER certifies that it will not maintain or provide, for its employees, segregated facilities at any of its establishments and that it will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The Bidder agrees that a breach of this certification is a violation of the Equal Opportunity Clause in this contract.

As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms, and washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directives or are, in fact, segregated on the basis of race, color, religion, or national origin because of habit, local custom, or any other reason. The Bidder agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) it will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity Clause and that it will retain such certifications in its files.

c. Trade Restriction Certification: (49 CFR Part 30)

The Bidder, by submission of an offer certifies that it:

- a. is not owned or controlled by one or more citizens of a foreign country included in the list of countries that discriminate against U.S. firms published by the Office of the United States Trade Representative (USTR);
- b. has not knowingly entered into any contract or subcontract for this project with a person that is a citizen or national of a foreign country on said list, or is owned or controlled directly or indirectly by one or more citizens or nationals of a foreign country on said list;
- c. has not procured any product nor subcontracted for the supply of any product for use on the project that is produced in a foreign country on said list.

d. Certification Regarding Debarment and Suspension: (2 CFR Part 180 (Subpart C), 2 CFR Part 1200, DOT Order 4200.5 DOT Suspension & Debarment Procedures & Ineligibility)

By submitting a bid/proposal under this solicitation, the bidder or offeror certifies that at the time the bidder or offeror submits its proposal that neither it nor its principals are presently debarred or suspended by any Federal department or agency from participation in this transaction.

The successful bidder, by administering each lower tier subcontract that exceeds \$25,000 as a "covered transaction", must verify each lower tier participant of a "covered transaction" under the project is not presently debarred or otherwise disqualified from participation in this federally assisted project.

If the FAA later determines that a lower tier participant failed to tell a higher tier that it was excluded or disqualified at the time it entered the covered transaction, the FAA may pursue any available remedy, including suspension and debarment.

Where the Bidder or any lower tier participant is unable to certify to this statement, it shall attach an explanation to this solicitation/proposal.

ATTACHMENTS TO THIS BID

The following documents are attached to and made a part of this Bid:

1. Bid Guaranty in the form of 5% Bid Bond ;
2. Completed DBE form "Utilization Statement".
3. Completed DBE form "Letter of Intent". **The DBE affirmation on the "Letter of Intent" shall be submitted within three (3) working days of the bid opening.**
4. Evidence of good faith efforts required by 49 CFR Part 26, Appendix A. If proposed DBE goal is met, submittal of evidence of good faith efforts is not required.
5. Completed "Buy American Certification".
6. Evidence of BIDDER'S qualifications per the requirements of the Instructions-to-Bidders.

DRAFT

SIGNATURE OF BIDDER

IF AN INDIVIDUAL:

Name: _____

By: _____
(Signature of Individual)

Doing Business as: _____

Business Address: _____

Telephone Number: _____

IF A PARTNERSHIP:

Partnership Name: _____

By: _____
(Authorized Signature)

(Attach Evidence of Authority to sign as a Partnership)

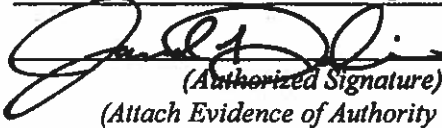
Name and Title: _____

Business Address: _____

Telephone Number: _____

IF A CORPORATION:

Corporation Name: McConnell & Associates Corp

By: 
(Authorized Signature)
(Attach Evidence of Authority to sign)

Name and Title: Jared Dakin - Project Manager

Business Address: 1225 Iron Street (CORPORATE SEAL)
North Kansas City, MO 64116

Telephone Number: 816-842-6066

ATTEST:

By: 
(Authorized Signature)

Name and Title: CHRIS HANSON V.P.

IF A JOINT VENTURE: *(Attach copy of Joint Venture Agreement)*

Joint Venture Name: _____

By: _____

(Authorized Signature)
(Attach Evidence of Authority to sign)

Name and Title: _____

Business Address: _____

Telephone Number: _____

Joint Venture Name: _____

By: _____

(Authorized Signature)
(Attach Evidence of Authority to sign)

Name and Title: _____

Business Address: _____

Telephone Number: _____

DRAFT

DBE LETTER OF INTENT

Disadvantaged Business Enterprise

(A separate form shall be submitted for each DBE firm)

Bidder:

Name: McConnell & Associates Corp.

Address: 1225 Iron Street

City: North Kansas City State: MO Zip: 64116

DBE Firm:

Name: Cillessen & Sons, Inc.

Address: 2300 E Tigua PO Box 9

City: Kechi State: KS Zip: 67067

DBE Contact Person:

Name: Paula Cillessen Phone: (316) 682-2400

DBE Certification Agency:

Name: KS Dept of Transportation Expiration Date: 5/12/2023

Each DBE firm shall submit evidence (such as a photocopy) of their KDOT certification.

DBE Classification:

Contractor

Subcontractor

Joint Venture

Manufacturer

Supplier

Owner-Operator Trucking

Work Items to be Performed by DBE	Description of Work Item	Quantity	Total
001	Mobilization	Lump Sum	4,900.00
002	Temporary Marking, Lighting, Barricades	Lump Sum	4,170.00
005	Surface Prep, PMK Removal	6,969	10,732.26
006	Temp Non-Reflectorized PMK Y	2,550	7,012.50
007	Permanent Reflectorized PMK Y	2,481	8,435.40
008	Permanent Non-Reflecotrized PMK Y	69	224.25
009	Permanent Non-Reflecotrized PMK BLK	4432	14,404.00

The Bidder/Offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated participation is as follows:

DBE Contract Amount: \$49,878.41

Percent of Total Contract: 35.15%

Affirmation:

The above named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By: _____

(Signature)

President _____

(Title)

4/4/2022

(Date)

In the event the bidder/offeror does not receive award of the prime contract, and all representations in this Letter of Intent and Affirmation shall be null and void.

**UTILIZATION STATEMENT
Disadvantaged Business Enterprise**

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner.
(Please check the appropriate box)

- The bidder/offeror is committed to a minimum of 6.44 % DBE utilization on this contract.
- The bidder/offeror, while unable to meet the DBE goal of _____%, hereby commits to a minimum of _____% DBE utilization on this contract and also submits documentation, as an attachment, demonstrating good faith efforts (GFE).

The undersigned hereby further assumes that the information included herein is true and correct, and that the DBE firm(s) listed herein have agreed to perform a commercially useful function in the work items noted for each firm. The undersigned further understands that no changes to this statement may be made without prior approval from the Civil Right Staff of the Federal Aviation Administration.

McConnell & Associates Corp.

Bidder/Offeror's Firm Name

Signature  Date 4/5/2022

DBE UTILIZATION SUMMARY

	Contract Amount		DBE Amount	Contract Percentage
DBE Prime Contractor	\$	x 1.00 =	\$	%
DBE Subcontractor	\$ 49,878.41	x 1.00 =	\$ 49,878.41	35.15 %
DBE Supplier	\$	x 0.60 =	\$	%
DBE Manufacturer	\$	x 1.00 =	\$	%
Total Amount DBE			\$ 49,878.41	35.15 %
DBE Goal			\$ 9,136.22	6.44 %

* If the total proposed DBE participation is less than the established DBE goal, Bidder must provide written documentation of the good faith efforts as required by 49 CFR Part 26.

BUY AMERICAN CERTIFICATION FORM FOR MANUFACTURED PRODUCTS

(Non-building projects such as airfield/roadway construction, equipment acquisition, etc.)

As a matter of bid responsiveness, the Bidder or Offeror must complete, sign, date, and submit this certification statement with their proposal. The Bidder or Offeror must indicate how they intend to comply with 49 USC § 50101 by selecting one on the following certification statements. These statements are mutually exclusive. Bidder must select one or the other (not both) by inserting a checkmark (✓) or the letter "X".

- The Bidder or Offeror hereby certifies that it will comply with 49 USC § 50101 by:
- Only installing steel and manufactured products produced in the United States, or;
 - Installing manufactured products for which the FAA has issued a waiver as indicated by inclusion on the current FAA Nationwide Buy American Waivers Issued listing, or;
 - Installing products listed as an Excepted Article, Material or Supply in Federal Acquisition Regulation Subpart 25.108.

By selecting this certification statement, the Bidder or Offeror agrees:

- To provide to the Owner evidence that documents the source and origin of the steel and manufactured product.
 - To faithfully comply with providing US domestic product.
 - To furnish US domestic product for any waiver request that the FAA rejects.
 - To refrain from seeking a waiver request after establishment of the contract, unless extenuating circumstances emerge that the FAA determines justified.
- The Bidder or Offeror hereby certifies it cannot comply with the 100% Buy American Preferences of 49 USC § 50101(a) but may qualify for either a Type 3 or Type 4 waiver under 49 USC § 50101(b). By selecting this certification statement, the apparent Bidder or Offeror with the apparent low bid agrees:
- To the submit to the Owner within 15 calendar days of the bid opening, a formal waiver request and required documentation that support the type of waiver being requested.
 - That failure to submit the required documentation within the specified timeframe is cause for a non-responsive determination may result in rejection of the proposal.
 - To faithfully comply with providing US domestic products at or above the approved US domestic content percentage as approved by the FAA.
 - To refrain from seeking a waiver request after establishment of the contract, unless extenuating circumstances emerge that the FAA determines justified.

Required Documentation

Type 3 Waiver - The cost of the item components and subcomponents produced in the United States is more that 60% of the cost of all components and subcomponents of the "item". The required documentation for a type 3 waiver is:

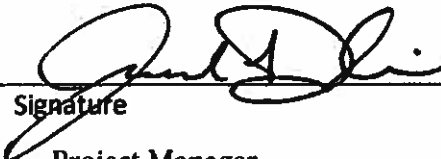
- Listing of all product components and subcomponents that are not comprised of 100% US domestic content (Excludes products listed on the FAA Nationwide Buy American Waivers Issued listing and products excluded by Federal Acquisition Regulation Subpart 25.108; products of unknown origin must be considered as non-domestic products in their entirety).

- b) Cost of non-domestic components and subcomponents, excluding labor costs associated with final assembly at place of manufacture.
- c) Percentage of non-domestic component and subcomponent cost as compared to total "item" component and subcomponent costs, excluding labor costs associated with final assembly at place of manufacture.

Type 4 Waiver – Total cost of project using US domestic source product exceeds the total project cost using non-domestic product by 25%. The required documentation for a type 4 of waiver is:

- a) Detailed cost information for total project using US domestic product.
- b) Detailed cost information for total project using non-domestic product.

False Statements: Per 49 USC § 47126, this certification concerns a matter within the jurisdiction of the Federal Aviation Administration and the making of a false, fictitious or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code.

4/5/2022 _____ Date	 _____ Signature
McConnell & Associates _____ Company Name	Project Manager _____ Title

DRAFT

Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745
Julie L. Lorenz, Secretary
Doria Watson, Chief

Kansas
Department of Transportation
Office of Civil Rights Compliance

Phone: 785-298-7940
Fax: 785-298-0723
kdot@publicinfo@ks.gov
<http://www.kso.org>
Laura Kelly, Governor

May 12, 2020

Ms. Paula Cillessen
Cillessen & Sons, Inc.
P.O. Box 9
Kecki, KS 67067

Sent via e-mail to pcillessen@cillessen.us

Dear Ms. Cillessen:

The Kansas Statewide Certification Program (KSCP) is pleased to notify you that your firm has met the requirements for certification as a bona fide Disadvantaged Business Enterprise (DBE)/Woman Business Enterprise (WBE) in accordance with KSCP policies and procedures, and Title 49 Part 26 of the Code of the Federal Regulations. Your firm will be listed with the following work type(s). If you wish to expand your scope of business, you must make a written request to the KSCP for review and determination.

237310 - Highway, Street & Bridge Construction; 484110- General Freight Trucking, Local; 484220 - Specialized Freight (except Used Goods) Trucking, Local

Attached is the KSCP DBE certificate that reflects the effective date of your certification. To maintain your certification with the KSCP, you must submit an annual update. Notification will be sent to you at least 30 days prior to the renewal date of your certification. It is your responsibility to ensure that your certification is kept up to date by submitting the required documentation as necessary.

If there is any change in the ownership or control of your firm, you must notify the certifying agency immediately. Failure to report any of these changes to this office or violation of the rules of the DBE Program may result in the revocation of your certification or other possible legal actions as set forth by Title 49 Part 26 of the Code of Federal Regulations.

Your firm's name will appear in the KSCP DBE directory. This directory is distributed to all KSCP joint agencies, outside agencies, developers, general contractors, and suppliers. The directory can also be accessed via the internet at: www.kso.org.

Sincerely,



Doria Watson
Civil Rights Administrator
Attachment

KANSAS STATEWIDE CERTIFICATION PROGRAM



CERTIFIES

Cillessen & Sons, Inc.

*Disadvantaged Business Enterprise (DBE) /
Woman Business Enterprise (WBE)*

NAICS Code/Work type(s): 237310 - Highway, Street & Bridge Construction;
484110 - General Freight Trucking, Local; 484220 - Specialized Freight (except
Used Goods) Trucking, Local

May 12, 2020

Effective Date

Rhonda Harris

Rhonda Harris, Director
Office of Minority & Women Business
Kansas Department of Commerce

Doria Watson

Doria Watson, Administrator
Office of Civil Rights Compliance
Kansas Department of Transportation

DRAFT

TOTAL PROJECT BUDGET

HERINGTON REGIONAL AIRPORT (HRU) HERINGTON, KANSAS

FAA AIP PROJECT NO. 3-20-0029-013-2022

BASE BID

REHABILITATE AIRCRAFT PARKING APRON AND CONNECTING TAXIWAYS

April 6, 2022

c:\pw_working\vochner-pw-01\dms27179\15547 Master-Payitems.xlsm]BUDGET (FAA)

PROJECT FUNDING

FY2022 FAA Grant-013	\$	220,500
Local Matching Funds	\$	24,500
Total Funding	\$	245,000

PROJECT COSTS

	Local Cost (10%)	FAA Cost (90%)	Total Cost
<u>Administrative</u>			
Legal & Advertising (Est.)	\$ 383.32	\$ 3,449.90	\$ 3,833.22
Subtotal	\$ 383.32	\$ 3,449.90	\$ 3,833.22
<u>Engineering</u>			
Design - Basic Services	\$ 3,910.00	\$ 35,190.00	\$ 39,100.00
Design - Special Services	\$ 1,570.00	\$ 14,130.00	\$ 15,700.00
Construction Services	\$ 4,450.00	\$ 40,050.00	\$ 44,500.00
Subtotal	\$ 9,930.00	\$ 89,370.00	\$ 99,300.00
<u>Construction</u>			
Construction Costs (McConnell & Assoc.)	\$ 14,186.68	\$ 127,680.10	\$ 141,866.78
Subtotal	\$ 14,186.68	\$ 127,680.10	\$ 141,866.78
TOTAL PROJECT COSTS	\$ 24,500	\$ 220,500	\$ 245,000



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-129, Construction Project Final Acceptance – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.

Construction Project Final Acceptance Airport Improvement Program Sponsor Certification

Sponsor: City of Herington, Kansas

Airport: Herington Regional Airport (HRU)

Project Number: 3-20-0029-013-2022

Description of Work: Rehabilitate Aircraft Parking Apron and Connecting Taxiways

Application

49 USC § 47105(d), authorizes the Secretary to require me certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program. General standards for final acceptance and close out of federally funded construction projects are in 2 CFR § 200.343 – Closeout and supplemented by FAA Order 5100.38. The sponsor must determine that project costs are accurate and proper in accordance with specific requirements of the grant agreement and contract documents.

Certification Statements

Except for certification statements below marked not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgment and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. The personnel engaged in project administration, engineering supervision, project inspection, and acceptance testing were or will be determined to be qualified and competent to perform the work (Grant Assurance).
 Yes No N/A
2. Construction records, including daily logs, were or will be kept by the resident engineer/construction inspector that fully document contractor's performance in complying with:
 - a. Technical standards (Advisory Circular (AC) 150/5370-12);
 - b. Contract requirements (2 CFR part 200 and FAA Order 5100.38); and
 - c. Construction safety and phasing plan measures (AC 150/5370-2). Yes No N/A
3. All acceptance tests specified in the project specifications were or will be performed and documented. (AC 150/5370-12).
 Yes No N/A

4. Sponsor has taken or will take appropriate corrective action for any test result outside of allowable tolerances (AC 150/5370-12).
 Yes No N/A
5. Pay reduction factors required by the specifications were applied or will be applied in computing final payments with a summary made available to the FAA (AC 150/5370-10).
 Yes No N/A
6. Sponsor has notified, or will promptly notify the Federal Aviation Administration (FAA) of the following occurrences:
- a. Violations of any federal requirements set forth or included by reference in the contract documents (2 CFR part 200);
 - b. Disputes or complaints concerning federal labor standards (29 CFR part 5); and
 - c. Violations of or complaints addressing conformance with Equal Employment Opportunity or Disadvantaged Business Enterprise requirements (41 CFR Chapter 60 and 49 CFR part 26).
- Yes No N/A
7. Weekly payroll records and statements of compliance were or will be submitted by the prime contractor and reviewed by the sponsor for conformance with federal labor and civil rights requirements as required by FAA and U.S. Department of Labor (29 CFR Part 5).
 Yes No N/A
8. Payments to the contractor were or will be made in conformance with federal requirements and contract provisions using sponsor internal controls that include:
- a. Retaining source documentation of payments and verifying contractor billing statements against actual performance (2 CFR § 200.302 and FAA Order 5100.38);
 - b. Prompt payment of subcontractors for satisfactory performance of work (49 CFR § 26.29);
 - c. Release of applicable retainage upon satisfactory performance of work (49 CFR § 26.29); and
 - d. Verification that payments to DBEs represent work the DBE performed by carrying out a commercially useful function (49 CFR §26.55).
- Yes No N/A
9. A final project inspection was or will be conducted with representatives of the sponsor and the contractor present that ensure:
- a. Physical completion of project work in conformance with approved plans and specifications (Order 5100.38);
 - b. Necessary actions to correct punch list items identified during final inspection are complete (Order 5100.38); and
 - c. Preparation of a record of final inspection and distribution to parties to the contract (Order 5100.38);
- Yes No N/A
10. The project was or will be accomplished without material deviations, changes, or modifications from approved plans and specifications, except as approved by the FAA (Order 5100.38).
 Yes No N/A

11. The construction of all buildings have complied or will comply with the seismic construction requirements of 49 CFR § 41.120.

Yes No N/A

12. For development projects, sponsor has taken or will take the following close-out actions:

- a. Submit to the FAA a final test and quality assurance report summarizing acceptance test results, as applicable (Grant Condition);
- b. Complete all environmental requirements as established within the project environmental determination (Order 5100.38); and
- c. Prepare and retain as-built plans (Order 5100.38).

Yes No N/A

13. Sponsor has revised or will revise their airport layout plan (ALP) that reflects improvements made and has submitted or will submit an updated ALP to the FAA no later than 90 days from the period of performance end date. (49 USC § 47107 and Order 5100.38).

Yes No N/A

Attach documentation clarifying any above item marked with "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this 3rd day of May, 2022.

Name of Sponsor: City of Herington, Kansas

Name of Sponsor's Authorized Official: Branden Dross

Title of Sponsor's Authorized Official: City Manager

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-130, Drug-Free Workplace – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.

Drug-Free Workplace Airport Improvement Program Sponsor Certification

Sponsor: City of Herington, Kansas

Airport: Herington Regional Airport (HRU)

Project Number: 3-20-0029-013-2022

Description of Work: Rehabilitate Aircraft Parking Apron and Connecting Taxiways

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements on the drug-free workplace within federal grant programs are described in 2 CFR part 182. Sponsors are required to certify they will be, or will continue to provide, a drug-free workplace in accordance with the regulation. The AIP project grant agreement contains specific assurances on the Drug-Free Workplace Act of 1988.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. A statement has been or will be published prior to commencement of project notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the sponsor's workplace, and specifying the actions to be taken against employees for violation of such prohibition (2 CFR § 182.205).

Yes No N/A

2. An ongoing drug-free awareness program (2 CFR § 182.215) has been or will be established prior to commencement of project to inform employees about:

- a. The dangers of drug abuse in the workplace;
- b. The sponsor's policy of maintaining a drug-free workplace;
- c. Any available drug counseling, rehabilitation, and employee assistance programs; and
- d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

Yes No N/A

3. Each employee to be engaged in the performance of the work has been or will be given a copy of the statement required within item 1 above prior to commencement of project (2 CFR § 182.210).

Yes No N/A

4. Employees have been or will be notified in the statement required by item 1 above that, as a condition employment under the grant (2 CFR § 182.205(c)), the employee will:

- a. Abide by the terms of the statement; and
- b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

Yes No N/A

5. The Federal Aviation Administration (FAA) will be notified in writing within 10 calendar days after receiving notice under item 4b above from an employee or otherwise receiving actual notice of such conviction (2 CFR § 182.225). Employers of convicted employees must provide notice, including position title of the employee, to the FAA (2 CFR § 182.300).

Yes No N/A

6. One of the following actions (2 CFR § 182.225(b)) will be taken within 30 calendar days of receiving a notice under item 4b above with respect to any employee who is so convicted:

- a. Take appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; and
- b. Require such employee to participate satisfactorily in drug abuse assistance or rehabilitation programs approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

Yes No N/A

7. A good faith effort will be made, on a continuous basis, to maintain a drug-free workplace through implementation of items 1 through 6 above (2 CFR § 182.200).

Yes No N/A

Site(s) of performance of work (2 CFR § 182.230):

Location 1

Name of Location: City Hall

Address: 17 N. Broadway, Herington, KS 67449

Location 2 (if applicable)

Name of Location:

Address:

Location 3 (if applicable)

Name of Location:

Address:

Attach documentation clarifying any above item marked with a "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this 3rd day of May, 2022.

Name of Sponsor: City of Herington, Kansas

Name of Sponsor's Authorized Official: Branden Dross

Title of Sponsor's Authorized Official: City Manager

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

DRAFT



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-131, Equipment and Construction Contracts – Airport Improvement Sponsor Certification

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.



Equipment and Construction Contracts Airport Improvement Sponsor Certification

Sponsor: City of Herington, Kansas

Airport: Herington Regional Airport (HRU)

Project Number: 3-20-0029-013-2022

Description of Work: Rehabilitate Aircraft Parking Apron and Connecting Taxiways

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General procurement standards for equipment and construction contracts within Federal grant programs are described in 2 CFR §§ 200.317-200.326. Labor and Civil Rights Standards applicable to the AIP are established by the Department of Labor (www.dol.gov) AIP Grant Assurance C.1—General Federal Requirements identifies all applicable Federal Laws, regulations, executive orders, policies, guidelines and requirements for assistance under the AIP. Sponsors may use state and local procedures provided the procurement conforms to these federal standards.

This certification applies to all equipment and construction projects. Equipment projects may or may not employ laborers and mechanics that qualify the project as a “covered contract” under requirements established by the Department of Labor requirements. Sponsor shall provide appropriate responses to the certification statements that reflect the character of the project regardless of whether the contract is for a construction project or an equipment project.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting “Yes” represents sponsor acknowledgement and confirmation of the certification statement. The term “will” means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. A written code or standard of conduct is or will be in effect prior to commencement of the project that governs the performance of the sponsor’s officers, employees, or agents in soliciting, awarding and administering procurement contracts (2 CFR § 200.318).

Yes No N/A

2. For all contracts, qualified and competent personnel are or will be engaged to perform contract administration, engineering supervision, construction inspection, and testing (Grant Assurance C.17).
- Yes No N/A
3. Sponsors that are required to have a Disadvantage Business Enterprise (DBE) program on file with the FAA have included or will include clauses required by Title VI of the Civil Rights Act and 49 CFR Part 26 for Disadvantaged Business Enterprises in all contracts and subcontracts.
- Yes No N/A
4. Sponsors required to have a DBE program on file with the FAA have implemented or will implement monitoring and enforcement measures that:
- a. Ensure work committed to Disadvantaged Business Enterprises at contract award is actually performed by the named DBEs (49 CFR § 26.37(b));
 - b. Include written certification that the sponsor has reviewed contract records and has monitored work sites for performance by DBE firms (49 CFR § 26.37(b)); and
 - c. Provides for a running tally of payments made to DBE firms and a means for comparing actual attainments (i.e. payments) to original commitments (49 CFR § 26.37(c)).
- Yes No N/A
5. Sponsor procurement actions using the competitive sealed bid method (2 CFR § 200.320(c)). was or will be:
- a. Publicly advertised, allowing a sufficient response time to solicit an adequate number of interested contractors or vendors;
 - b. Prepared to include a complete, adequate and realistic specification that defines the items or services in sufficient detail to allow prospective bidders to respond;
 - c. Publicly opened at a time and place prescribed in the invitation for bids; and
 - d. Prepared in a manner that result in a firm fixed price contract award to the lowest responsive and responsible bidder.
- Yes No N/A
6. For projects the Sponsor proposes to use the competitive proposal procurement method (2 CFR § 200.320(d)), Sponsor has requested or will request FAA approval prior to proceeding with a competitive proposal procurement by submitting to the FAA the following:
- a. Written justification that supports use of competitive proposal method in lieu of the preferred sealed bid procurement method;
 - b. Plan for publicizing and soliciting an adequate number of qualified sources; and
 - c. Listing of evaluation factors along with relative importance of the factors.
- Yes No N/A
7. For construction and equipment installation projects, the bid solicitation includes or will include the current federal wage rate schedule(s) for the appropriate type of work classifications (2 CFR Part 200, Appendix II).
- Yes No N/A

8. Concurrence was or will be obtained from the Federal Aviation Administration (FAA) prior to contract award under any of the following circumstances (Order 5100.38D):

- a. Only one qualified person/firm submits a responsive bid;
- b. Award is to be made to other than the lowest responsible bidder; and
- c. Life cycle costing is a factor in selecting the lowest responsive bidder.

Yes No N/A

9. All construction and equipment installation contracts contain or will contain provisions for:

- a. Access to Records (§ 200.336)
- b. Buy American Preferences (Title 49 U.S.C. § 50101)
- c. Civil Rights - General Provisions and Title VI Assurances(41 CFR part 60)
- d. Federal Fair Labor Standards (29 U.S.C. § 201, et seq)
- e. Occupational Safety and Health Act requirements (20 CFR part 1920)
- f. Seismic Safety – building construction (49 CFR part 41)
- g. State Energy Conservation Requirements - as applicable(2 CFR part 200, Appendix II)
- h. U.S. Trade Restriction (49 CFR part 30)
- i. Veterans Preference (49 USC § 47112(c))

Yes No N/A

10. All construction and equipment installation contracts exceeding \$2,000 contain or will contain the provisions established by:

- a. Davis-Bacon and Related Acts (29 CFR part 5)
- b. Copeland "Anti-Kickback" Act (29 CFR parts 3 and 5)

Yes No N/A

11. All construction and equipment installation contracts exceeding \$3,000 contain or will contain a contract provision that discourages distracted driving (E.O. 13513).

Yes No N/A

12. All contracts exceeding \$10,000 contain or will contain the following provisions as applicable:

- a. Construction and equipment installation projects - Applicable clauses from 41 CFR Part 60 for compliance with Executive Orders 11246 and 11375 on Equal Employment Opportunity;
- b. Construction and equipment installation - Contract Clause prohibiting segregated facilities in accordance with 41 CFR part 60-1.8;
- c. Requirement to maximize use of products containing recovered materials in accordance with 2 CFR § 200.322 and 40 CFR part 247; and
- d. Provisions that address termination for cause and termination for convenience (2 CFR Part 200, Appendix II).

Yes No N/A

13. All contracts and subcontracts exceeding \$25,000: Measures are in place or will be in place (e.g. checking the System for Award Management) that ensure contracts and subcontracts are not awarded to individuals or firms suspended, debarred, or excluded from participating in federally assisted projects (2 CFR parts 180 and 1200).

Yes No N/A

14. Contracts exceeding the simplified acquisition threshold (currently \$250,000) include or will include provisions, as applicable, that address the following:

- a. Construction and equipment installation contracts - a bid guarantee of 5%, a performance bond of 100%, and a payment bond of 100% (2 CFR § 200.325);
- b. Construction and equipment installation contracts - requirements of the Contract Work Hours and Safety Standards Act (40 USC 3701-3708, Sections 103 and 107);
- c. Restrictions on Lobbying and Influencing (2 CFR part 200, Appendix II);
- d. Conditions specifying administrative, contractual and legal remedies for instances where contractor or vendor violate or breach the terms and conditions of the contract (2 CFR §200, Appendix II); and
- e. All Contracts - Applicable standards and requirements issued under Section 306 of the Clean Air Act (42 USC 7401-7671q), Section 508 of the Clean Water Act (33 USC 1251-1387, and Executive Order 11738.

Yes No N/A

Attach documentation clarifying any above item marked with "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this 3rd day of May, 2022.

Name of Sponsor: City of Herington, Kansas

Name of Sponsor's Authorized Official: Branden Dross

Title of Sponsor's Authorized Official: City Manager

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-132, Project Plans and Specifications – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.

Project Plans and Specifications

Airport Improvement Program Sponsor Certification

Sponsor: City of Herington, Kansas

Airport: Herington Regional Airport (HRU)

Project Number: 3-20-0029-013-2022

Description of Work: Rehabilitate Aircraft Parking Apron and Connecting Taxiways

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). Labor and civil rights standards applicable to AIP are established by the Department of Labor (www.dol.gov/). AIP Grant Assurance C.1—General Federal Requirements identifies applicable federal laws, regulations, executive orders, policies, guidelines and requirements for assistance under AIP. A list of current advisory circulars with specific standards for procurement, design or construction of airports, and installation of equipment and facilities is referenced in standard airport sponsor Grant Assurance 34 contained in the grant agreement.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting “Yes” represents sponsor acknowledgement and confirmation of the certification statement. The term “will” means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. The plans and specifications were or will be prepared in accordance with applicable federal standards and requirements, so that no deviation or modification to standards set forth in the advisory circulars, or FAA-accepted state standard, is necessary other than those explicitly approved by the Federal Aviation Administration (FAA) (14 USC § 47105).

Yes No N/A

2. Specifications incorporate or will incorporate a clear and accurate description of the technical requirement for the material or product that does not contain limiting or proprietary features that unduly restrict competition (2 CFR §200.319).

Yes No N/A

3. The development that is included or will be included in the plans is depicted on the current airport layout plan as approved by the FAA (14 USC § 47107).
 Yes No N/A
4. Development and features that are ineligible or unallowable for AIP funding have been or will be omitted from the plans and specifications (FAA Order 5100.38, par. 3-43).
 Yes No N/A
5. The specification does not use or will not use "brand name" or equal to convey requirements unless sponsor requests and receives approval from the FAA to use brand name (FAA Order 5100.38, Table U-5).
 Yes No N/A
6. The specification does not impose or will not impose geographical preference in their procurement requirements (2 CFR §200.319(b) and FAA Order 5100.38, Table U-5).
 Yes No N/A
7. The use of prequalified lists of individuals, firms or products include or will include sufficient qualified sources that ensure open and free competition and that does not preclude potential entities from qualifying during the solicitation period (2 CFR §319(d)).
 Yes No N/A
8. Solicitations with bid alternates include or will include explicit information that establish a basis for award of contract that is free of arbitrary decisions by the sponsor (2 CFR § 200.319(a)(7)).
 Yes No N/A
9. Concurrence was or will be obtained from the FAA if Sponsor incorporates a value engineering clause into the contract (FAA Order 5100.38, par. 3-57).
 Yes No N/A
10. The plans and specifications incorporate or will incorporate applicable requirements and recommendations set forth in the federally approved environmental finding (49 USC §47106(c)).
 Yes No N/A
11. The design of all buildings comply or will comply with the seismic design requirements of 49 CFR § 41.120. (FAA Order 5100.38d, par. 3-92)
 Yes No N/A
12. The project specification include or will include process control and acceptance tests required for the project by as per the applicable standard:
- a. Construction and installation as contained in Advisory Circular (AC) 150/5370-10.
 Yes No N/A

b. Snow Removal Equipment as contained in AC 150/5220-20.

Yes No N/A

c. Aircraft Rescue and Fire Fighting (ARFF) vehicles as contained in AC 150/5220-10.

Yes No N/A

13. For construction activities within or near aircraft operational areas(AOA):

a. The Sponsor has or will prepare a construction safety and phasing plan (CSPP) conforming to Advisory Circular 150/5370-2.

b. Compliance with CSPP safety provisions has been or will be incorporated into the plans and specifications as a contractor requirement.

c. Sponsor will not initiate work until receiving FAA's concurrence with the CSPP (FAA Order 5100.38, Par. 5-29).

Yes No N/A

14. The project was or will be physically completed without federal participation in costs due to errors and omissions in the plans and specifications that were foreseeable at the time of project design (49 USC §47110(b)(1) and FAA Order 5100.38d, par. 3-100).

Yes No N/A

Attach documentation clarifying any above item marked with "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this 3rd day of May, 2022.

Name of Sponsor: City of Herington, Kansas

Name of Sponsor's Authorized Official: Branden Dross

Title of Sponsor's Authorized Official: City Manager

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-134, Selection of Consultants – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.



Selection of Consultants

Airport Improvement Program Sponsor Certification

Sponsor: City of Herington, Kansas

Airport: Herington Regional Airport (HRU)

Project Number: 3-20-0029-013-2022

Description of Work: Rehabilitate Aircraft Parking Apron and Connecting Taxiways

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements for selection of consultant services within federal grant programs are described in 2 CFR §§ 200.317-200.326. Sponsors may use other qualifications-based procedures provided they are equivalent to standards of Title 40 chapter 11 and FAA Advisory Circular 150/5100-14, Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. Sponsor acknowledges their responsibility for the settlement of all contractual and administrative issues arising out of their procurement actions (2 CFR § 200.318(k)).
 Yes No N/A

2. Sponsor procurement actions ensure or will ensure full and open competition that does not unduly limit competition (2 CFR § 200.319).
 Yes No N/A

3. Sponsor has excluded or will exclude any entity that develops or drafts specifications, requirements, or statements of work associated with the development of a request-for-qualifications (RFQ) from competing for the advertised services (2 CFR § 200.319).
 Yes No N/A

4. The advertisement describes or will describe specific project statements-of-work that provide clear detail of required services without unduly restricting competition (2 CFR § 200.319).
 Yes No N/A
5. Sponsor has publicized or will publicize a RFQ that:
a. Solicits an adequate number of qualified sources (2 CFR § 200.320(d)); and
b. Identifies all evaluation criteria and relative importance (2 CFR § 200.320(d)).
 Yes No N/A
6. Sponsor has based or will base selection on qualifications, experience, and disadvantaged business enterprise participation with price not being a selection factor (2 CFR § 200.320(d)).
 Yes No N/A
7. Sponsor has verified or will verify that agreements exceeding \$25,000 are not awarded to individuals or firms suspended, debarred or otherwise excluded from participating in federally assisted projects (2 CFR §180.300).
 Yes No N/A
8. A/E services covering multiple projects: Sponsor has agreed to or will agree to:
a. Refrain from initiating work covered by this procurement beyond five years from the date of selection (AC 150/5100-14); and
b. Retain the right to conduct new procurement actions for projects identified or not identified in the RFQ (AC 150/5100-14).
 Yes No N/A
9. Sponsor has negotiated or will negotiate a fair and reasonable fee with the firm they select as most qualified for the services identified in the RFQ (2 CFR § 200.323).
 Yes No N/A
10. The Sponsor's contract identifies or will identify costs associated with ineligible work separately from costs associated with eligible work (2 CFR § 200.302).
 Yes No N/A
11. Sponsor has prepared or will prepare a record of negotiations detailing the history of the procurement action, rationale for contract type and basis for contract fees (2 CFR §200.318(i)).
 Yes No N/A
12. Sponsor has incorporated or will incorporate mandatory contract provisions in the consultant contract for AIP-assisted work (49 U.S.C. Chapter 471 and 2 CFR part 200 Appendix II)
 Yes No N/A

13. For contracts that apply a time-and-material payment provision (also known as hourly rates, specific rates of compensation, and labor rates), the Sponsor has established or will establish:

- a. Justification that there is no other suitable contract method for the services (2 CFR §200.318(j));
- b. A ceiling price that the consultant exceeds at their risk (2 CFR §200.318(j)); and
- c. A high degree of oversight that assures consultant is performing work in an efficient manner with effective cost controls in place 2 CFR §200.318(j)).

Yes No N/A

14. Sponsor is not using or will not use the prohibited cost-plus-percentage-of-cost (CPPC) contract method. (2 CFR § 200.323(d)).

Yes No N/A

Attach documentation clarifying any above item marked with "no" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Executed on this 3rd day of May, 2022.

Name of Sponsor: City of Herington, Kansas

Name of Sponsor's Authorized Official: Branden Dross

Title of Sponsor's Authorized Official: City Manager

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 5100-135, Certification and Disclosure Regarding Potential Conflicts of Interest – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.

Certification and Disclosure Regarding Potential Conflicts of Interest Airport Improvement Program Sponsor Certification

Sponsor: City of Herington, Kansas

Airport: Herington Regional Airport (HRU)

Project Number: 3-20-0029-013-2022

Description of Work: Rehabilitate Aircraft Parking Apron and Connecting Taxiways

Application

Title 2 CFR § 200.112 and § 1201.112 address Federal Aviation Administration (FAA) requirements for conflict of interest. As a condition of eligibility under the Airport Improvement Program (AIP), sponsors must comply with FAA policy on conflict of interest. Such a conflict would arise when any of the following have a financial or other interest in the firm selected for award:

- a) The employee, officer or agent,
- b) Any member of his immediate family,
- c) His or her partner, or
- d) An organization which employs, or is about to employ, any of the above.

Selecting "Yes" represents sponsor or sub-recipient acknowledgement and confirmation of the certification statement. Selecting "No" represents sponsor or sub-recipient disclosure that it cannot fully comply with the certification statement. If "No" is selected, provide support information explaining the negative response as an attachment to this form. This includes whether the sponsor has established standards for financial interest that are not substantial or unsolicited gifts are of nominal value (2 CFR § 200.318(c)). The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance.

Certification Statements

1. The sponsor or sub-recipient maintains a written standards of conduct governing conflict of interest and the performance of their employees engaged in the award and administration of contracts (2 CFR § 200.318(c)). To the extent permitted by state or local law or regulations, such standards of conduct provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the sponsor's and sub-recipient's officers, employees, or agents, or by contractors or their agents.

Yes No

2. The sponsor's or sub-recipient's officers, employees or agents have not and will not solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements (2 CFR § 200.318(c)).

Yes No

3. The sponsor or sub-recipient certifies that is has disclosed and will disclose to the FAA any known potential conflict of interest (2 CFR § 1200.112).

Yes No

Attach documentation clarifying any above item marked with "no" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and have the explanation for any item marked "no" is correct and complete.

Executed on this 3rd day of May, 2022.

Name of Sponsor: City of Herington, Kansas

Name of Sponsor's Authorized Official: Branden Dross

Title of Sponsor's Authorized Official: City Manager

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.



RECEIVED

APR 29 2022

THE CITY OF HERINGTON CITY OF HERINGTON

P.O. Box 31 • 17 North Broadway • Herington, KS 67449

Telephone: (785) 258-2271 FAX: (785) 258-3552

STREET CLOSURE REQUEST

City Ordinance 1640 Chapter 6 Article 5 Section 518
Requests must be returned and on Commission Agenda before
Meetings which are held the 1st and 3rd Tuesdays of each month

Applicant Name Eric Gures

Address 15 N 12th Street

Contact Phone Number 785 366 6348

I would like permission to close portions of 700 S Broadway Street
between South Park and field north of city shop Streets on the day of 3rd of July, 2022
from 4:00 AM/PM to 11:00 AM/PM for the purpose of:
and adjacent roads

2022 Independence Day Celebration

I would also like for the City of Herington to provide equipment for the street closure in accordance with MUTCD guidelines.

[Signature]
Applicant Signature

4/29/2022
Today's Date

Notification List

Police Chief's Signature/Date SGT. B. Schauf #262
Fire Department Employee Signature/Date [Signature] 4/29/22
Ambulance Service Signature/Date [Signature] 4-29-2022
Director/Asst Director of Public Works Signature/Date [Signature] 4-29-22

Neighbors and/or Business Owner Signatures who will be affected by and agree to this closure. Check if Done

City Manager [Signature] Date 4/29/2022

The applicant agrees to hold the City of Herington harmless in the event of an accident or incident. *See attached from the City Ordinance Book.

Published in the Dickinson County News-Times, the official city newspaper, on the _____ day of _____, 2022.

ORDINANCE NO. 1864

AN ORDINANCE AMENDING CHAPTER 4, PRIVATE PROPERTY, ARTICLE IX FIRE CODE, SECTIONS 4-904 AND 4-905, OF THE CODE OF THE CITY OF HERINGTON, KANSAS RELATING TO REGULATION AND ADMINISTRATION OF BURNING ON PUBLIC AND PRIVATE PROPERTY IN THE CITY OF HERINGTON, KANSAS AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HERINGTON, KANSAS:

SECTION 1. That Chapter 4, Article IX , Sections 4-904 and 4-905, be amended, in their entirety, to read as follows:

Sec. 4-904. - Burning on public property prohibited, exceptions.

Burning on public property is prohibited except for cooking purposes in a grill, fireplace or barbecue facility, or in a designated fire ring located at Herington Lake/Reservoir. Fires placed on the ground or in stacked stone rings are prohibited. The Fire Chief or his subordinate shall have the right to ban outdoor cooking and fire pit burning on any public property if in his opinion fire safety is a concern. No burning in fire rings of any kind may be conducted during an issued burn ban.

All fires must be extinguished prior to leaving the area.

Sec. 4-905. - Open burning on private property.

(a) That no person, within the city limits of the City of Herington, Kansas shall cause or permit the open, free, burning of any material except as provided in Kansas Administrative Regulation 28-19-645 et seq. and subject to the following:

(b) The person starting said burn must give prior notification to the Herington Fire Department, City of Herington, Kansas by contacting Dickinson County Emergency Communications Center at 785-263-4041 or 1-888-800-0417, providing the following information:

(1) Name, address, phone number of person responsible for burn.

(2) Exact location of intended open burning operation.

(3) Type of material being burned.

(4) Time of burning operation. Person must call in and a permit issued by the Fire Chief or their subordinate prior to starting the burn.

(c) The responsible person shall remain in continuous attendance with the burning operation and with the ability to extinguish the fire and report its status if necessary to the Dickinson County Emergency Communications Center.

(d) No burning shall take place within 25 feet of any structure, oil tank or vehicle(s).

(e) No burning shall take place when wind speeds are 15 miles per hour or greater.

(f) Burning shall not be initiated from 2 hours prior to sunset or until 1 hour after sunrise, nor shall material be added to the fire during these times, unless conducted for agricultural or crop rotation purposes.

(g) No person shall set on fire, within the city limits, any rubbish, trash, leaves, grass, paper, construction material, or any other combustible materials at any time. Free burning of residential yards and grasses are prohibited. Only dried tree limbs, dried trees and clean lumber may be burnt.

(h) The Fire Chief may issue and approve burn permits based on their opinion, depending on location, time, and materials being burnt.

(i) Burning of any type or character shall be prohibited at any time or place within the city limits when county burn ban is in effect as declared by the Fire Chief.

(j) That a violation of [the ordinance from which this section is derived] shall be a Class B misdemeanor with a fine not to exceed \$1,000.00 and/or up to six months incarceration. Prosecution shall be in the Municipal Court of the City of Herington, Kansas. Further,

any person starting said fire without complying with the above may be ordered to make restitution for any damages done including fire department fees and expenses.

(c) Recreational Fires:

Recreational fires do not need a burn permit or inspection from the Fire chief.

Noted Exceptions:

1. These restrictions shall not apply to a residential fireplace, outdoor fireplace, recreational fire as defined in the International Fire Code and is conducted under the circumstances and conditions specified by the Herington Fire Department.
2. Charcoal, gas, or wood burners or broilers used in the preparation of food.
3. Fire rings, pits, and outdoor fireplaces must be at least 15 inches tall and no more than 36 inches in diameter. Fire flame length may not be taller than 24 inches in height and have a lid to contain blowing embers.
4. Fires may not be located under utility lines.
5. Only clean, dried wood may be burnt during a recreational fire.
6. A working garden hose, fire extinguisher, or a means to extinguish the fire must be present and operational.
7. Commercially purchased outdoor fireplaces must be at least 15 feet from any structure, vehicle or oil tank. Fire pits and rings must be at least 25 feet from any structure, vehicle, or oil tank. Conditions that could cause the fire to spread must be eliminated prior to ignition.
8. The responsible person shall remain in continuous attendance with the burning operation and with the ability to extinguish the fire and report its status if necessary to the Dickinson County Emergency Communications Center.
9. Burning of any type or character shall be prohibited at any time or place within the city limits at any time that a county burn ban is in effect as declared by the Fire Chief.
10. That a violation of [the ordinance from which this section is derived] shall be a Class B misdemeanor with a fine not to exceed \$1,000.00 and/or up to six months incarceration. Prosecution shall be in the Municipal Court of the City of Herington, Kansas. Further, any person starting said fire without complying with the above may be

ordered to make restitution for any damages done including fire department fees and expenses.

SECTION 2. Existing Chapter 4, Article IX , Sections 4-904 and 4-905 are hereby repealed. All other sections of Chapter 4, Article IX, shall remain in full force and effect.

SECTION 3. This ordinance shall become effective and in full force from and after its passage, adoption and publication one time in the official city newspaper.

PASSED AND ADOPTED this 3rd day of May, 2022.

ERIC GARES, MAYOR

ATTEST:

MEGAN LAWRENZ
CITY CLERK

SEAL:

Published in the Dickinson County News-Times, the official city newspaper, on the _____ day of _____, 2022.

ORDINANCE NO. 1865

AN ORDINANCE REPEALING ORDINANCE NUMBERS 1547, 1548, AND 1571 THEREBY DISBANDING THE HILLTOP ADVISORY BOARD AND TERMINATING THE BOARD AND ITS POWERS FORTHWITH IN AND FOR THE CITY OF HERINGTON, KANSAS AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HERINGTON, KANSAS:

SECTION 1. That forthwith, upon publication hereof, the Hilltop Advisory Board shall be disbanded, terminating its existence and powers in and for the City of Herington, Kansas.

SECTION 2. Ordinance Numbers 1547, 1548, and 1571 are hereby repealed.

SECTION 3. This ordinance shall become effective and in full force from and after its passage, adoption, and publication one time in the official city newspaper.

PASSED AND ADOPTED this 3rd day of May, 2022.

ERIC GARES, MAYOR

ATTEST:

MEGAN LAWRENZ
CITY CLERK

SEAL: