

RESOLUTION 2012-279

In the Matter of Resolution to Enter Into ) Office of County Commissioners,  
Contract 2012-62 with Vernon Nagel, Inc. ) Fulton County, Ohio  
for the Reconstruction of County Road T, ) March 26, 2012  
Between Road 7 and State Route 62, )  
On Behalf of County Engineer )

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on March 26, 2012, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Dean Genter  
Paul Barnaby  
Perry Rupp

Commissioner Barnaby moved for the adoption of the following resolution:

WHEREAS, bids were received on March 12, 2012 for the Reconstruction of County Road T, Project, Between Road 7 and State Route 62, on behalf of the Fulton County Engineer; and

WHEREAS, on March 15, 2012, the bid was awarded to the lowest and best bidder, Vernon Nagel, Inc., in the amount of \$2,338,288.90; and

WHEREAS, a contract has been successfully negotiated with Vernon Nagel, Inc. on behalf of the County Engineer to furnish all materials, equipment, tools, and labor necessary to perform all work required and according to the plans and specifications and to the satisfaction and acceptance of the Board, as well as complying with all applicable federal, state, and local laws in the conduct of work performed for the project herein; and

THEREFORE, BE IT RESOLVED, that the Board of Commissioners hereby enter into Contract 2012-62 with Vernon Nagel, Inc., of Napoleon, Ohio, for the Reconstruction of County Road T Project, Between Road 7 and State Route 62, on behalf of the Fulton County Engineer, and according to the terms and stated conditions therein; and

BE IT FURTHER RESOLVED, that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Commissioner Rupp seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:	Voting Nay thereon:	Abstain:
<u>Dean Genter</u> Dean Genter	_____	_____
<u>Paul Barnaby</u> Paul Barnaby	_____	_____
<u>Perry Rupp</u> Perry Rupp	_____	_____

BOARD OF COUNTY COMMISSIONERS  
FULTON COUNTY, OHIO

Attest: Jennifer L. Connors  
Jennifer L. Connors, Clerk

CC: Engineer; Bidders; File; A. Metz; Auditor

CONTRACT NO. 2012-62

This Contract, made this 21<sup>st</sup> day of March A.D. 20 12 between the BOARD OF FULTON COUNTY COMMISSIONERS hereinafter called "Board" and VERNON NAGEL, INC., hereinafter called "Contractor".

WITNESSETH: That for and in consideration of payments hereinafter mentioned, to be made by the Board, Contractor agrees to furnish all materials, equipment, tools and labor necessary to perform all the work required for

RECONSTRUCTION OF CO. RD T BETWEEN RD 7 & SR 64

According to the plans and specifications and to the satisfaction and acceptance of the Board, as well as complying with all applicable federal, state, and local laws in the conduct of work performed hereunder.

The Contractor further covenants and agrees that the following papers shall be an essential and binding part of this contract: Notice to contractors, plans and specifications, contract, contract bond, and proposal.

Partial payments shall be made in accordance with the Ohio Revised Code. The Contractor shall submit a schedule of the work completed to the Engineer for approval. Payments shall be at the rate of 92% of the acceptable work completed until the project is 50% completed. After the project is 50% complete payments shall be made at the rate of 100% of the amount of acceptable work completed.

All work shall be completed in its entirety and equipment removed by October 26, 2012. Liquidated damages will be deducted for work not completed by the completion date as per the Ohio Department of Transportation Standard Specifications.

In consideration of the premises the Board agrees to pay to Contractor the appropriate sum of two million three hundred thirty-eight thousand two hundred eighty-eight dollars and 90/100 (\$2,338,288.90). The actual sum to be paid, however, will be determined by the amount of work actually completed and calculated by the unit price set out in the proposal.

IN WITNESS WHEREOF, the parties have hereunto affixed their names.

Attest: Jennifer Honnor

Attest: Cynthia L. Zwick

BOARD OF COMMISSIONERS

BY RCM  
Paul Bernales  
R. Byrnes

CONTRACTOR

VERNON NAGEL, INC.

BY Scott Nagel  
Scott Nagel, Vice President

Contract approved:

By Paul A. Hark  
Fulton County Prosecutor

Date 3-23-12

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