

**RESOLUTION 2021-422**

In the Matter of Resolution to Enter Into ) Office of County Commissioners  
Contract 2021-66 with Lake Erie Construction Co. ) Fulton County, Ohio  
For the FUL CR VAR GR-FY2022 Guardrail ) June 10, 2021  
Replacement Project

The Board of County Commissioners of Fulton County, Ohio, met in regular session pursuant to notice, on June 10, 2021, at 152 S. Fulton St., Wauseon, Ohio, with the following members present:

Jon Rupp  
Jeff Rupp  
Joe Short

Commissioner Joe Short moved for the adoption of the following resolution:

**WHEREAS**, bids were received on April 27, 2021 for the FUL CR VAR GR-FY2022 Replacement Project on behalf of the Fulton County Engineer; and

**WHEREAS**, on May 4, 2021, upon the recommendation of the Fulton County Engineer, the bid was awarded to Lake Erie Construction Co, in the amount of \$263,795.00 and a contract facilitating the project has been successfully negotiated; and

**THEREFORE BE IT RESOLVED**, that the Board of Fulton County Commissioners enters into Contract 2021-66 with Lake Erie Construction Co., for the FUL CR VAR GR-FY2022 Replacement Project in the amount of \$263,795.00, subject to the terms and 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 Jon Rupp seconded the resolution and upon calling the roll, the following vote was taken:

**Voting Aye thereon:**

**Voting Nay thereon:**

**Abstain:**

Jon Rupp  
Jon Rupp

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Jon Rupp

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Jon Rupp

Jeff Rupp  
Jeff Rupp

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Jeff Rupp

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Jeff Rupp

Joe Short  
Joe Short

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Joe Short

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Joe Short

**BOARD OF COUNTY COMMISSIONERS  
FULTON COUNTY, OHIO**

Attest: Jessica Schuette  
Jessica Schuette, Clerk

CONTRACT NO. 2021-66

This Contract, made this 10<sup>th</sup> day of June A.D. 2021 between the BOARD OF FULTON COUNTY COMMISSIONERS hereinafter called "Board" and LAKE ERIE CONSTRUCTION CO., 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

FUL CR VAR GR-FY2022 GUARDRAIL REPLACEMENT

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 1, 2021. 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 hundred sixty-three thousand, seven hundred ninety-five dollars and 00/100 (\$263,795.00). 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.

BOARD OF COMMISSIONERS

BY [Signature]  
[Signature]

Attest: \_\_\_\_\_

CONTRACTOR

LAKE ERIE CONSTRUCTION CO.

BY [Signature]  
David P. Belle, President

Contract approved:  
By [Signature]  
Fulton County Prosecutor  
Date 6/8/21