

RESOLUTION 2013 - 590

In the Matter of Resolution to Enter Into ) Office of County Commissioners
Contract 2013-60 with Gerken Paving, Inc. ) Fulton County, Ohio
For 2013 Reclamation of Various Roads ) July 2, 2013

The Board of County Commissioners of Fulton County, Ohio, met in regular session pursuant to notice, on July 2, 2013, at 152 S. Fulton St., Wauseon, Ohio, with the following members present:

Paul Barnaby
Perry Rupp
Bill Rufenacht

Commissioner Rufenacht moved for the adoption of the following resolution:

WHEREAS, bids were received on June 18, 2013 for the 2013 Reclamation of Various Fulton County Roads Project on behalf of the Fulton County Engineer; and

WHEREAS, on June 25, 2013, upon the recommendation of the Fulton County Engineer, the bid was awarded to Gerken Paving, Inc. in the amount of \$894,529.68 and a contract has been successfully negotiated therein.

THEREFORE BE IT RESOLVED, that the Board of Fulton County Commissioners enters into Contract 2013-60 with Gerken Paving, Inc. for the 2013 Reclamation of Various Fulton County Roads Project in the amount of \$894,529.68, 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 Barnaby seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:

Voting Nay thereon:

Abstain:

Paul Barnaby
Paul Barnaby

Paul Barnaby

Paul Barnaby

Perry Rupp

Perry Rupp

Perry Rupp

Bill Rufenacht
Bill Rufenacht

Bill Rufenacht

Bill Rufenacht

BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO

Attest: Jennifer Connors, Clerk

Cc: Auditor, Engineer

CONTRACT NO. 2013-60

This Contract, made this 2<sup>nd</sup> day of July A.D. 2013 between the BOARD OF FULTON COUNTY COMMISSIONERS hereinafter called "Board" and GERKEN PAVING, 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

2013 Reclamation of Various Fulton County Roads

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 August 30, 2013. 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 eight hundred ninety-four thousand, five hundred twenty-nine dollars and 68/100 (\$894,529.68). 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 O'Connor

Attest: Andrea Chelrich

Contract approved as to form:

By [Signature]  
Fulton County Prosecutor

Date \_\_\_\_\_

BOARD OF COMMISSIONERS

BY Paul Bernaby  
Bill Raper

CONTRACTOR

GERKEN PAVING, INC.

BY [Signature]  
Dean R. Breese, Vice President