

RESOLUTION 2013-704

In the Matter of Resolution to Enter Into Contract) Office of County Commissioners
2013-73 with Gerken Paving, Inc. on Behalf) Fulton County, Ohio
of Engineer for 2013 Asphalt Resurfacing) August 6, 2013
Program)

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on August 6, 2013, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Perry Rupp
Bill Rufenacht

Commissioner Rufenacht moved for the adoption of the following resolution:

WHEREAS, on July 11, 2013, the Board of Commissioners held the bid opening for the 2013 Asphalt Resurfacing Program on behalf of the County Engineer; and

WHEREAS, on July 16, 2013, the Commissioners awarded the bid to the lowest and best bidder, Gerken Paving, Inc. of , Ohio, in the amount of \$619,709.10 and a contract has been successfully negotiated.

THEREFORE BE IT RESOLVED, that the Fulton County Board of Commissioners hereby enter into Contract 2013-73 with Gerken Paving, Inc. for the 2013 Asphalt Resurfacing Program on behalf of the County Engineer, pursuant to the terms and conditions contained 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:

[Signature of Perry Rupp]

Perry Rupp

Perry Rupp

Perry Rupp

[Signature of Bill Rufenacht]

Bill Rufenacht

Bill Rufenacht

Bill Rufenacht

BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO

Attest: [Signature of Jennifer Connors]
Jennifer Connors, Clerk

Copy to: Auditor; Engineer; Vendor; Project File; Contract File

CONTRACT NO. 2013-73

This Contract, made this 6th day of August 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 ASPHALT RESURFACING PROGRAM

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 September 15, 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 six hundred nineteen thousand, seven hundred nine dollars and 10/100 (\$619,709.10). 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 J. Connor

Attest: Andrea Oherick

BOARD OF COMMISSIONERS

BY Bill R. Brees

CONTRACTOR

GERKEN PAVING, INC.

BY Dean R. Brees
Dean R. Brees, Vice President
Jeff Giestler

Contract approved as to form: SM
By [Signature]
Fulton County Prosecutor
Date 7-31-13

COUNTY AUDITOR'S CERTIFICATE

It is hereby certified that the amount (\$619,709.10) required to meet the contract, agreement, obligation, payment or expenditure for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the County Treasury GTMV Fund (2420-14143-5-43000 (\$443,247.10) , Pike Township (\$111,358.00), and City of Wauseon (\$65,104.00) free from any obligation or certification now outstanding.

Dated:

VENDOR # GERKE60

Brett J. Kolb, Auditor, Fulton County, Ohio