

RESOLUTION 2024-420

In the Matter of Resolution to Enter Into) Office of County Commissioners
Contract 2024-63 with Ward Construction, Inc.) Fulton County, Ohio
For 2024 Seal Coat and Cold Mix Program) May 23, 2024

The Board of County Commissioners of Fulton County, Ohio, met in regular session pursuant to notice, on May 23, 2024, at 152 S. Fulton St., Wauseon, Ohio, with the following members present:

Jeff Rupp
Joe Short
Jon Rupp

Commissioner Jon Rupp moved for the adoption of the following resolution:

WHEREAS, bids were received on April 25, 2024 for the 2024 Seal Coat and Cold Mix Program on behalf of the Fulton County Engineer; and

WHEREAS, on May 9, 2024 upon the recommendation of the Fulton County Engineer, the bid was awarded to Ward Construction, Inc. in the amount of \$1,087,936.74 and a contract facilitating the project has been successfully negotiated; and

WHEREAS, the Townships of Amboy, Chesterfield, Clinton, Franklin, Fulton, Pike, Royalton, Swancreek, and York have all provided certifications that their proportionate shares of the \$921,599.85 are available and reserved for the payment therein;

THEREFORE BE IT RESOLVED, that the Board of Fulton County Commissioners enters into Contract 2024-63 with Ward Construction, Inc. for the 2024 Seal Coat and Cold Mix Program in the amount of \$1,087,936.74, 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 Joe Short seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:

Voting Nay thereon:

Abstain:

Jeff Rupp

Jeff Rupp

Jeff Rupp

Joe Short

Joe Short

Joe Short

Jon Rupp

Jon Rupp

Jon Rupp

BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO

Attest: Andrea Gerken, Assistant Clerk

CONTRACT NO. 2024-63

This Contract, made this 23rd day of May A.D. 2024 between the BOARD OF FULTON COUNTY COMMISSIONERS hereinafter called "Board" and WARD 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

2024 FULTON COUNTY SEAL COAT & COLD MIX PROJECT

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 6, 2024, unless specified otherwise in the proposal. 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 one million, eighty-seven thousand, nine hundred thirty-six dollars and 74/100 (\$1,087,936.74). 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.

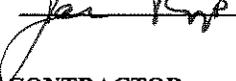
IN WITNESS WHEREOF, the parties have hereunto affixed their names.

BOARD OF COMMISSIONERS

BY







Attest:

CONTRACTOR

WARD CONSTRUCTION CO.

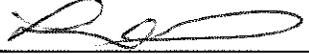
BY



Barry A. Rosebrock, Vice President

Contract approved as to form:

By



Fulton County Prosecutor

Date

5-22-24

2024 Fulton County Seal Coat & Cold Mix Program	
Fulton County	\$166,336.89
Amboy Township	\$38,183.62
Chesterfield Township	\$106,187.16
Clinton Township	\$39,685.91
Franklin Township	\$39,922.14
Fulton Township	\$10,226.32
Pike Township	\$71,111.17
Royalton Township	\$331,619.66
Swan creek Township	\$101,052.74
York Township	\$183,611.13
Project Total:	\$1,087,936.74

County portion

Township portion

\$ 921,599.85

Vendor: Ward Construction Co.

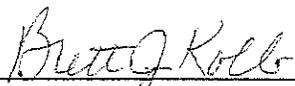
Vendor #: WARDC50

Project: 2024 Fulton County Seal Coat & Cold Mix Project

COUNTY AUDITOR'S CERTIFICATE

It is hereby certified that the amount of \$166,336.89 required to meet the contract, agreement, obligation, payment of expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the County Treasury or in process of collection to the credit of the GTMV 2420-14143-5-43000 fund free from any obligation or certification now outstanding.

Dated: 05-13-2024



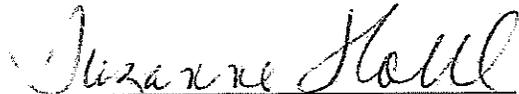
Brett J. Kolb- Fulton County Auditor

Vendor: Ward Construction
Vendor #:
Project: Road 6 US 20 to Road S

Amboy Township Fiscal Officer's Certificate

It is hereby certified that the amount of \$38,183.62 required to meet the contract, agreement, obligation, payment of expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the Township Treasury or in process of collection to the credit of the Gasoline Tax Fund free from any obligation or certification now outstanding.

Dated: May 11, 2024



Suzanne Holland, Fiscal Officer

Vendor:
Vendor #:
Project:

Chesterfield Township Fiscal Officer's Certificate

It is hereby certified that the amount of \$106,187.16 required to meet the contract, agreement, obligation, payment of expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the Township Treasury or in process of collection to the credit of the Gas fund/s free from any obligation or certification now outstanding.

Dated: 5/20/2024



Peggy Volkman, Fiscal Officer

Contract:
Vendor: WARD CONSTRUCTION CO
Vendor #:
Project: 2024 Fulton County Seal Coat Program

Clinton Township Fiscal Officer's Certificate

It is hereby certified that the amount of \$39,685.91 required to meet the contract, agreement, obligation, payment of expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the Township Treasury or in process of collection to the credit of the 2191-330-360 fund/s free from any obligation or certification now outstanding.

Dated: May 13, 2024

Nancy J Yackee

Nancy J. Yackee, Fiscal Officer

Vendor: Ward Construction, Co.
Vendor # 126
Project: 2024 Fulton County Seal Coat Project

Franklin Township Fiscal Officer's Certificate

It is hereby certified that the amount of \$ 39,922.14 required to meet the contract, agreement, obligation, payment of expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the Township Treasury or in process of collection to the credit of the 2021-330-360 fund/s free from any obligation or certification now outstanding.

Dated: 5/11/2024



Josh Grime, Fiscal Officer

Vendor: Ward Construction

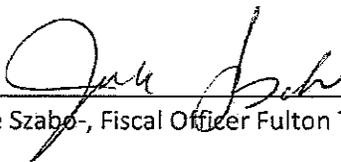
Vendor #:

Project: Seal Coat

Fulton Township Fiscal Officer's Certificate

It is hereby certified that the amount of \$10,226.32 required to meet the contract, agreement, obligation, payment, of expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the Township Treasury or in process of collection to the credit of the 2021-760-790 fund/s free from any obligation or certification now outstanding.

Dated: 5/9/2024



Julie Szabo, Fiscal Officer Fulton Township

Vendor: Ward Construction

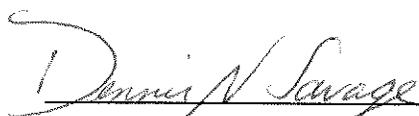
Vendor #:

Project: 2024 Fulton County Seal Coat Program

Pike Township Fiscal Officer's Certificate

It is hereby certified that the amount of (\$71,111.17) required to meet the contract, agreement, obligation, payment of expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the Township Treasury or in process of collection to the credit of the (2021-330-360-0000) fund free from any obligation or certification now outstanding.

Dated: May 09, 2024



Dennis N. Savage, Fiscal Officer

Vendor: Ward Construction Co.

Vendor #:

Project: 2024 Seal Coat & Cold Mix Program

Royalton Township Fiscal Officer's Certificate

It is hereby certified that the amount of \$331,619.66 required to meet the contract, agreement, obligation, payment of expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the Township Treasury or in process of collection to the credit of the 2021-330-360-0000 fund/s free from any obligation or certification now outstanding.

Dated: 5/17/2024



Clint Barnes, Fiscal Officer

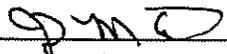


Vendor: Ward Construction
Vendor #:
Project:

Swan Creek Township Fiscal Officer's Certificate

It is hereby certified that the amount of \$101,052.74 required to meet the contract, agreement, obligation, payment of expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the Township Treasury or in process of collection to the credit of the Fund Number 2021-330-360-0000, 2031-330-360-0000, and 2031-760-750-0000 free from any obligation or certification now outstanding.

Dated: 5/15/24



Jo M. Stultz, Fiscal Officer

TRUSTEE: Brian Meyer
TRUSTEE: Rick Kazmierczak
TRUSTEE: Marvin Green

FISCAL OFFICER: Josie Stultz
OFFICE MANAGER: Dawn Wheatley
ZONING INSPECTOR: Lisa Wylie
CREW CHIEF: James Ehrsam

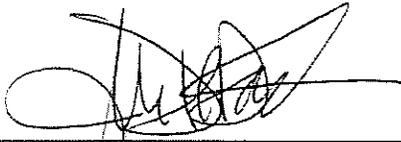
Vendor: Ward Construction Co.

Project: 2024 Seal Coat & Cold Mix Program

York Township Fiscal Officer's Certificate

It is hereby certified that the amount of \$151,477.81 required to meet the contract, agreement, obligation, payment of expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the Township Treasury or in process of collection to the credit of the Gasoline Tax Fund 2021-330-360 Contracted Services, free from any obligation or certification now outstanding.

Dated: May 9, 2024

A handwritten signature in black ink, appearing to read 'Janelle DeBacker', written over a horizontal line.

Janelle DeBacker, Fiscal Officer

FULTON COUNTY CONTRACT REVIEW FORM

TO: Luke Jones

FROM: Frank T. Onweller, P.E., P.S.

RE: Contract Review

Contract Type:

New Amendment to: _____

Please review the following contract(s) for:

Form Only – Compliance Addendum A Attached

Content Only – Draft Material, Seeking Advice or Grant Agreement

Content and Form – Public Improvement – Compliance Addendum A & B Attached

Content and Form – Board of Commissioners Lease Agreement

Content and Form – Official Bonds

Reviewed by:

Vond T. Hall Date: _____

Notes and/or Special Attention To:

Please execute 1 originals and return to: Jessica Schuette

 5/21/24
Signature and Date

Reviewed by:

Luke Jones Date: 5-22-24

FULTON COUNTY CONTRACT REVIEW FORM – CHECKLIST A ADDENDUM

Contractor: Ward Construction Co., 385 Oak St., Leipsic, OH 45856

Date: May 14, 2024 Contract For: Engineer - 2024 Seal Coat & Cold Mix Program

Contract Page(s)
If Applicable

- 1. Hold Harmless/Indemnification Clause, RC 5705.41.
 None (Preferred) Compliant with OAG 2005-007
- 2. Certificate of Available Funds (Auditor's Certificate), RC 5705.41.
(Includes Unit Basis Estimate)
 Acceptable Exception: _____
- 3. W-9 Form.
 On File Department to obtain - forthcoming
- 1, 2, 17 4. Anti-Discrimination/Equal Opportunity Affidavit/Clause, RC 125.111.
(Not needed for State Purchasing Program)
 Provided Department to obtain - forthcoming
- 5. Competitive Bidding, RC 307.86-307.92. (Over \$75,000.)
 Completed Exception, RC 307.86: _____
- 19 6. Delinquent Personal Property Tax Affidavit, RC 5719.042.
(If competitively bid)
 Provided Not applicable
- 7. Prevailing Wage Applies, RC 4115.03.
(If Cost Over –after 09/29/13: \$250,000 New Construction/\$75,000 Reconstruction/Remodel).
 Yes Not applicable
- 20 8. Unresolved Findings for Recovery (State Auditor), RC 9.24. (Over \$25,000.)
 Completed Not applicable
- 9. Registered in the State of Ohio to do business, RC 1703.01 & .03.
 Completed
- 10. OPERS Independent Contractor Form (PEDACKN).
(For companies with four (4) employees or less –or- the name of sole independent contractor who will perform service for the County.)
 Provided Department to obtain if necessary Not applicable
- 11. Proof of Liability Insurance, Certificate of Coverage and Limits.
 Provided Department to obtain if necessary
- 12. Workers Compensation Certificate.
 Provided Department to obtain if necessary

Revision Date: 02/08/2024

**FULTON COUNTY CONTRACT REVIEW FORM – CHECKLIST B ADDENDUM
PUBLIC IMPROVEMENT**
(To Be Used in Combination with Checklist A Addendum)

Contractor: Ward Construction Co., 385 Oak St., Leipsic, OH 45856

Date: May 14, 2024 Contract For: Engineer - 2024 Seal Coat & Cold Mix Program

Contract Page(s)
If Applicable

- 1. Domestic Steel Usage with Use of State Capital Funds, RC 153.011.
 Not applicable

- 2. Award Bid, RC 307.86. Over \$75,000.
Within 60 days, RC 153.12. Ads: 4/10/24 and internet post Open: April 25, 2024 at 9:00 a.m.
Estimate of Costs in Specifications, RC 307.86. \$ 1,132,232.00
Bid within 20% of Entire Estimated Costs, RC 153.12. \$ 1,087,936.74

- Contract 1 3. Partial Payment to Contractor for Work Performed, RC 153.12–153.14.

- Contract 1 4. Retainage and Escrow, RC 153.13 & .14.

- 5. Asbestos Evaluation if Supported in Whole or in part by the State, RC 153.15.
 Not applicable

- Contract 1 6. Completion Deadline and Liquidated Damages (Forfeiture Clause), RC 153.19.
Complete by: 9/6/24 Damages: per ODOT Standard Specifications

- 7. Contracts Separated by Trades, RC 153.50.
IF: Buildings/Structures Costs is over \$50,000.00, RC 153.52;
Estimated Cost for Branch/Class of Work is Over \$5,000.00.
 Not applicable

- Provided 8. Surety Bonds: RC 153.54 & .57, 9.311 & .32, 307.88(B) & .39.
(Not required if under \$25,000 or just materials)
 Not applicable

- 1, 2, 17 9. Anti-Discrimination Clause and Forfeiture for Breach, RC 153.59-153.60.

Comments:

Numbers shown in the farthest left column correspond to page numbers in the Bid Proposal.

Revision Date: 02/08/2024



Bureau of Workers' Compensation

30 W. Spring St.
Columbus, OH 43215

Certificate of Ohio Workers' Compensation

This certifies that the employer listed below participates in the Ohio State Insurance Fund as required by law. Therefore, the employer is entitled to the rights and benefits of the fund for the period specified. This certificate is only valid if premiums and assessments, including installments, are paid by the applicable due date. To verify coverage, visit www.bwc.ohio.gov, or call 1-800-644-6292.

This certificate must be conspicuously posted.

Policy number and employer
00432360

Period Specified Below
07/01/2023 to 07/01/2024

WARD CONSTRUCTION CO
385 OAK ST
LEIPSIC OH 45856-1358



www.bwc.ohio.gov
Issued by: BWC

Administrator/CEO

You can reproduce this certificate as needed.

Ohio Bureau of Workers' Compensation

Required Posting

Section 4123.54 of the Ohio Revised Code requires notice of rebuttable presumption. Rebuttable presumption means an employee may dispute or prove untrue the presumption (or belief) that alcohol, marihuana or a controlled substance not prescribed by the employee's physician is the proximate cause (main reason) of the work-related injury.

The burden of proof is on the employee to prove the presence of alcohol, marihuana or a controlled substance was not the proximate cause of the work-related injury. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act.



Bureau of Workers' Compensation

You must post this language with the Certificate of Ohio Workers' Compensation.

Entity#: 422810
Filing Type: CORPORATION FOR PROFIT
Original Filing Date: 03/27/1972
Location: LEIPSIC
Business Name: WARD CONSTRUCTION CO.

Status: Active
Exp. Date: -

Agent/Registrant Information

BARRY A. ROSEBROCK
385 OAK STREET
LEIPSIC OH 45856
11/04/2016
Active

Filings

Filing Type	Date of Filing	Document ID
DOMESTIC ARTICLES/FOR PROFIT	03/27/1972	B797_0658
DOMESTIC CONTINUED EXISTENCE LETTER	09/09/1993	000000208461
DOMESTIC CONTINUED EXISTENCE	10/13/1993	000000208462
AGENT NAME/ADDRESS TAX UPDATE	01/08/1999	AGNTUPDT
AGENT NAME/ADDRESS TAX UPDATE	02/01/1999	AGNTUPDT
AGENT NAME/ADDRESS TAX UPDATE	04/07/1999	AGNTUPDT
DOMESTIC AGENT SUBSEQUENT APPOINTMENT	11/04/2016	201631303984

UNITED STATES OF AMERICA
STATE OF OHIO
OFFICE OF SECRETARY OF STATE

I, Frank LaRose, Secretary of State of the State of Ohio, do hereby certify that this is a list of all records approved on this business entity and in the custody of the Secretary of State.



Witness my hand and the seal of the Secretary of State at Columbus, Ohio this 13th of May, A.D. 2024

Ohio Secretary of State

A handwritten signature in cursive script, appearing to read "Frank LaRose".



Office of Auditor of State
88 East Broad Street
Post Office Box 1140
Columbus, OH 43218-1140

Auditor of State - Unresolved Findings for Recovery Certified Search

(614) 466-4514
(800) 282-0370

I have searched The Auditor of State's unresolved findings for recovery database using the following criteria:

Contractor's Information:

Name: **Rosebrock, Barry**
Organization: **Ward Construction Co.**
Date: **5/13/2024 8:24:26 AM**

Frank Decker
5/13/24

This search produced the following list of **22** possible matches:

Name/Organization	Address
Columbia Prospect LLC	3681 Green Road, Suite 419
Crosby, Ph.D., Edward	437 Silver Meadows Blvd.
Crossroads Preparatory Academy	350 Columbus City Center Drive
Early Morning Software	227 N. Holiday Street
Gross, Wendell	1094 Lesmil Rd.
Harte Crossroads Academy	350 Columbus City Center Drive
Harte Crossroads High School	350 Columbus City Center Drive
Harte Crossroads Public Schools	350 Columbus City Center Drive
Henning, Bari	3618 Bootjack Road
Patterson, Barbara	405 Walnut Street
Petrosino, Beth	9009 SR 150
Rose, Kathleen	2088 Donald Rd.
Rose, April	
Ross, Jennifer	7019 Dublin Village Drive
Rossiter, Lynda	5605 Trask Road
Russell, Barabara	
Russell, Barbara	
Stewart, Annette	505 Pine Valley Drive Apartment G39
Stewart, Denessa	39595 Bradbury Road
Stewart, Dennis	159 Bellaire Avenue
Stewart, Phillip	1350 Brookview Drive, Apt. 88
Ward, Michael	1618 East Wittenburg Blvd.

The above list represents possible matches for the search criteria you entered. Please note that pursuant to ORC 9.24, only the person (which includes an organization) actually named in the finding for recovery is prohibited from being awarded a contract.

If the person you are searching for appears on this list, it means that the person has one or more findings for recovery and is prohibited from being awarded a contract described in ORC 9.24, unless one of the exceptions in that section apply.

If the person you are searching for does not appear on this list, an initialed copy of this page can serve as documentation of your compliance with ORC 9.24(E).

Please note that pursuant to ORC 9.24, it is the responsibility of the public office to verify that a person to whom it plans to award a contract does not appear in the Auditor of State's database. The Auditor of State's office is not responsible for inaccurate search results caused by user error or other circumstances beyond the Auditor of State's control.

INCORPORATED IN: Pennsylvania

Old Republic Surety Company

(NAIC #40444)

BUSINESS ADDRESS: PO BOX 1635, MILWAUKEE, WI 53201 - 1635

PHONE: (262) 797-2640

UNDERWRITING LIMITATION b/: \$9,444,000

SURETY LICENSES *c,f/*: AL, AZ, AR, CA, CO, DC, FL, GA, ID, IL, IN, IA, KS, MD, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY

INCORPORATED IN: Wisconsin

Pacific Indemnity Company

(NAIC #20346)

BUSINESS ADDRESS: 202B Hall's Mill Road, Whitehouse Station, NJ 08889

PHONE: (215) 640-1000

UNDERWRITING LIMITATION b/: \$396,034,000

SURETY LICENSES *c,f/*: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY

INCORPORATED IN: Wisconsin

PARTNER REINSURANCE COMPANY OF THE U.S.

(NAIC #38636)

BUSINESS ADDRESS: 200 First Stamford Place, Suite 400, Stamford, CT 06902

PHONE: (203) 485-4200

UNDERWRITING LIMITATION b/: \$192,835,000

SURETY LICENSES *c,f/*: AL, AZ, AR, CA, CO, CT, DE, DC, GA, IL, IA, KS, LA, MD, MA, MI, MS, NE, NV, NJ, NM, NY, OH, OK, PA, SC, TX, UT, VA, WA, WV, WI

INCORPORATED IN: New York

Pekin Insurance Company

(NAIC #24228)

BUSINESS ADDRESS: 2505 COURT STREET, PEKIN, IL 61558 - 0001

PHONE: (309) 346-1161

UNDERWRITING LIMITATION b/: \$13,300,000