

RESOLUTION 2024-431

In the Matter of Resolution to Enter Into) Office of County Commissioners
Contract 2024-67with Gerken Paving Inc.) Fulton County, Ohio
For the 2024 Asphalt Resurfacing Program) May 28, 2024

The Board of County Commissioners of Fulton County, Ohio, met in regular session pursuant to notice, on May 28, 2024, at 152 S. Fulton St., Wauseon, Ohio, with the following members present:

Jon Rupp
Jeff Rupp
Joe Short

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

WHEREAS, bids were received on May 2, 2024 for the 2024 Asphalt Resurfacing 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 Gerken Paving, Inc. in the amount of \$3,482,667.95 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 2024-67 with Gerken Paving, Inc., for the 2024 Asphalt Resurfacing Program in the amount of \$3,482,667.95, 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 Jeff Rupp seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:

Voting Nay thereon:

Abstain:

Jon Rupp signature

Jon Rupp

Jon Rupp

Jeff Rupp signature

Jeff Rupp

Jeff Rupp

Joe Short signature

Joe Short

Joe Short

BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO

Attest Jessica Schuette, Clerk

CONTRACT NO. 2024-67

This Contract, made this 28 day of May A.D. 2024 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

2024 Asphalt Resurfacing 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 20, 2024. 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 3 million, four hundred eighty-two thousand, six hundred sixty-seven dollars and 95/100 (\$3,482,667.95). 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]
[Signature]

CONTRACTOR

GERKEN PAVING, INC.

BY

[Signature]
Kevin Ash, Vice President

Attest: Andrea Thompson

Contract approved as to form:

By [Signature]
Fulton County Prosecutor

Date 5-24-24

Vendor: Gerken Paving, Inc.

Vendor #: GERKE60

Project: 2024 Fulton County Asphalt Resurfacing

COUNTY AUDITOR'S CERTIFICATE

It is hereby certified that the amount of \$1,946,902.12 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 \$1,442,020.98; 4140-20143-5-41044 \$504,881.14) fund free from any obligation or certification now outstanding.

Dated: 05-15-2024



Brett J. Kolb- Fulton County Auditor

Contract:

Vendor: Gerken Paving, Inc.

Vendor #:

Project: 2024 Clinton Township Asphalt Project

Clinton Township Fiscal Officer's Certificate

It is hereby certified that the amount of \$319,875.80 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 16, 2024

Nancy J Yackee

Nancy J. Yackee, Fiscal Officer

Vendor: GERKEN PAVING, INC.

Vendor #: GERKEN PAVING, INC.

Project: 2024 ROAD PROJECT: ROAD 15 (108 to K); ROAD 14-2 (L to M)

Dover Township Fiscal Officer's Certificate

It is hereby certified that the amount of \$144,000.00 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 - \$110,000.00 and the Road and Bridge Fund 2031-330-360 - \$34,000.00 free from any obligation or certification now outstanding.

Dated: May 16, 2024



Dianne Valentine-, Fiscal Officer

Vendor: Gerken

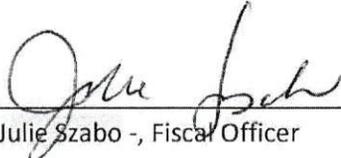
Vendor #:

Project:

Fulton Township Fiscal Officer's Certificate

It is hereby certified that the amount of \$204,463.00 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 2031-760-790, 2191-760-790, 2021-760-790 fund/s free from any obligation or certification now outstanding.

Dated: 5/14/24



Julie Szabo -, Fiscal Officer

Vendor: Gerken Paving

Vendor #:

Project: County Road 24 (County Road E to F) Widening, Milling, Intermediate & Surface Overlays

German Township Fiscal Officer's Certificate

It is hereby certified that the amount of \$604,312.00 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 2141-330-490-0000 fund/s free from any obligation or certification now outstanding.

Dated: May 22, 2024



Jeffrey A. Coressel, Fiscal Officer

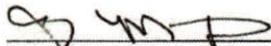


Vendor: Gerken Paving
Vendor #:
Project:

Swan Creek Township Fiscal Officer's Certificate

It is hereby certified that the amount of \$263,844.45 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 Numbers 2021-330-323-0000, 2031-760-750-0000, and 2231-330-360-0000 from any obligation or certification now outstanding.

Dated: 5.15.24



Jo M. Stultz, 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

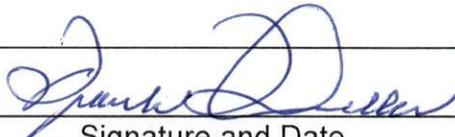
Content and Form – Official Bonds

Reviewed by:

Vond T. Hall Date: _____

Notes and/or Special Attention To:

Please execute 1 originals and return to: Jessica Schuette

 5/23/24
Signature and Date

Reviewed by:

Luke Jones Date: 5-24-24

FULTON COUNTY CONTRACT REVIEW FORM – CHECKLIST A ADDENDUM

Contractor: Gerken Paving, Inc., 9072 Co. Rd. 424, Napoleon, OH 43545

Date: May 14, 2024

Contract For: Engineer - 2024 Asphalt Resurfacing 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, 13 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: _____
- 15 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
- 16 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

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

Contractor: Gerken Paving, Inc., 9072 Co. Rd. 424, Napoleon, OH 43545

Date: May 14, 2024 Contract For: Engineer - 2024 Asphalt Resurfacing 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: 4/17/24 and internet post Open: May 2, 2024 at 9:00 a.m.
Estimate of Costs in Specifications, RC 307.86. \$ 3,561,570.00
Bid within 20% of Entire Estimated Costs, RC 153.12. \$ 3,482,667.95

- 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: 9/20/24 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, 13 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.

Ohio

**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
00698609

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

GERKEN PAVING INC
9072 COUNTY ROAD 424
NAPOLEON OH 43545-9732



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.

Ohio

**Bureau of Workers'
Compensation**

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

Entity#: 511494
Filing Type: CORPORATION FOR PROFIT
Original Filing Date: 02/16/1978
Location: NAPOLEON
Business Name: GERKEN PAVING INC.

Status: Active
Exp. Date: -

Agent/Registrant Information

BRENT GERKEN
 9072 COUNTY ROAD 424
 NAPOLEON OH 43545
 07/31/2014
 Active

Filings

Filing Type	Date of Filing	Document ID
DOMESTIC ARTICLES/FOR PROFIT	02/16/1978	E382_1609
DOMESTIC CONTINUED EXISTENCE LETTER	09/09/1993	000000171936
DOMESTIC CONTINUED EXISTENCE	10/26/1993	000000171937
DOMESTIC AGENT SUBSEQUENT APPOINTMENT	05/07/2008	200813001310
DOMESTIC AGENT ADDRESS CHANGE	07/31/2014	201421601035

Mon May 13 2024

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 blue ink, appearing to read "Frank LaRose".



Office of Auditor of State
88 East Broad Street
Post Office Box 1140
Columbus, OH 43216-1140

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: **Ash, Kevin**
Organization: **Gerken Paving, Inc.**
Date: **5/13/2024 1:17:05 PM**

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

Name/Organization	Address
Ashe Cultural Center	2125 Superior Ave.
ASHE Culture Center, Inc.	2125 Superior Avenue
ASHE Culture Center, Phoenix Village Academy P2	2125 Superior Avenue
ASHE Culture Center, Phoenix Village Academy S1	2125 Superior Avenue
Ashford, Velma	4400 Clarkwood Parkway, Unit 225
Cooley, Kevin	2608 Alexandria Drive
McGill (Estate of), Kevin	1045 Fourth Street
Spong, Kevin	107 Third Street
Ballenger Russell, Kimberly	5 Lareta Ct.
Bittinger, Kelda	324 Sugar Valley Drive
Braniger, Thomas	13114 Pebble Road
Ellenberger, Justin	210 Short St.
Frysinger, Bobbi	117 Weger Avenue
Frysinger, Bobbi	117 Weger Ave.
George Washington Carver Preparatory Academy	11260 Chester Road, Suite 260
George Washington Carver Preparatory Academy	2283 Sunbury Road
Livelsburger, Gail	
Rogers, Steven	159 Virginia Avenue
Singerman, Gilbert	36665 Aberdeen Lane
Spong, Kevn	107 Third St.
Steigerwald, Robert	4248 Loubell Lane
Wybensinger, Corey	338 Ainsworth Ave

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.

(NAIC #42552)

BUSINESS ADDRESS: 440 LINCOLN STREET, WORCESTER, MA 01653 - 0002

PHONE: (508) 853-7200

UNDERWRITING LIMITATION b/: \$9,994,000

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, WI, WY

INCORPORATED IN: New York

Ohio Casualty Insurance Company (The)

(NAIC #24074)

BUSINESS ADDRESS: 175 Berkeley Street, Boston, MA 02116

PHONE: (617) 357-9500

UNDERWRITING LIMITATION b/: \$246,650,000

SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, 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: New Hampshire

Ohio Farmers Insurance Company

(NAIC #24104)

BUSINESS ADDRESS: P. O. Box 5001 , Westfield Center , OH 44251 - 5001

PHONE: (330) 887-0101

UNDERWRITING LIMITATION b/: \$263,648,000

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

INCORPORATED IN: Ohio

Ohio Indemnity Company

(NAIC #26565)

BUSINESS ADDRESS: 250 E. Broad St., 7th Floor, Columbus, OH 43215 - 0000

PHONE: (614) 228-2800

UNDERWRITING LIMITATION b/: \$6,181,000

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, 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: Ohio