

**RESOLUTION 2014-558**

In the Matter of Resolution to Enter Into Contract ) Office of County Commissioners  
2014-78 with Gerken Paving, Inc. on )  
Behalf of Engineer for the Reconstruction of Road ) Fulton County, Ohio  
21 Between State Route 2 and County Road H ) June 17, 2014  
Project )

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 17, 2014, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Perry Rupp  
Bill Rufenacht  
Paul Barnaby

Commissioner Barnaby moved for the adoption of the following resolution:

**WHEREAS**, on May 20, 2014, the Board of Commissioners held the bid opening for the Reconstruction of Road 21 between State Route 2 and County Road H project on behalf of the County Engineer; and

**WHEREAS**, on May 22, 2014, the Commissioners awarded the bid to the lowest and best bidder, Gerken Paving, Inc. of Napoleon, Ohio, in the amount of \$1,094,392.65 and a contract has been successfully negotiated.

**THEREFORE BE IT RESOLVED**, that the Fulton County Board of Commissioners hereby enter into Contract 2014-78 with Gerken Paving, Inc. for the Reconstruction of Road 21 between State Route 2 and County Road H project on behalf of the County Engineer, in the amount of \$1,094,392.65, 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 Barnaby seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:	Voting Nay thereon:	Abstain:
Perry Rupp	Perry Rupp	<u>Perry Rupp</u> Perry Rupp
<u>Bill Rufenacht</u> Bill Rufenacht	Bill Rufenacht	Bill Rufenacht
<u>Paul Barnaby</u> Paul Barnaby	Paul Barnaby	Paul Barnaby

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

Attest: Teri Suarez  
Teri Suarez, Clerk

**CONTRACT NO. 2014-28**

This Contract, made this 17<sup>th</sup> day of June A.D. 2014 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

Reconstruction of Road 21 Between State Route 2 and County Road H

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 22, 2014. 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, ninety-four thousand, three hundred ninety-two dollars and 65/100 (\$1,094,392.65). 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.

Affect: Andrea Chluch

BOARD OF COMMISSIONERS

BY [Signature]  
Bill R. Speyer  
Paul Barnaby

CONTRACTOR

GERKEN PAVING, INC.

BY [Signature]  
Dean R. Breese, Vice President

Contract approved as-to form:

By [Signature]  
Fulton County Prosecutor

Date 6-12-14

COUNTY AUDITOR'S CERTIFICATE

It is hereby certified that the amount (\$1,094,392.65) 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 \$1,094,392.65).

Dated:

VENDOR # GERKE60

  
Brett J. Kolb, Auditor, Fulton County, Ohio

06-11-2014

### **Electronic Payment**

Contractors have the option to receive payment from Fulton County electronically rather than receiving a printed check. The Contractor will need to provide the bank name, routing #, and account # in order to receive payment via electronic fund transfer. Contact Annie Hernandez at the Auditor's office, 419-337-9202, to set up electronic payment for money being paid by Fulton County.

FULTON COUNTY CONTRACT REVIEW FORM

TO: Scott A. Haselman, Jon H. Whitmore

FROM: Laura L. Howell

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: 06/05/2014

Notes and/or Special Attention To:

Please execute 1 originals and return to: Teri Suarez

Laura L. Howell 06.11.2014  
Signature and Date

*This is okay.*

**Reviewed by:**

Scott A. Haselman Date: 6-12-14 JTH

FULTON COUNTY CONTRACT REVIEW FORM – CHECKLIST A ADDENDUM

Contractor: Gerken Paving Inc. Contract For: Engineer - Reconstruction of Co. Rd. 21 between SR 2 & Co. Rd. H  
Date: 06/10/2014

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
- 9          4.          Anti-Discrimination/Equal Opportunity Affidavit/Cause, RC 125.111.  
(Not needed for State Purchasing Program)  
 Provided  Department to obtain - forthcoming
- 5.          Competitive Bidding, RC 307.86-307.92. (Over \$50,000.)  
 Completed  Exception, RC 307.86: \_\_\_\_\_
- 11          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
- 12          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.

Date: 06/10/2014 Contract For: Engineer - Reconstruction of Co. Rd. 21 between SR 2 & Co. Rd. H

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 \$50,000.  
Within 60 days, RC 153.12. Ads: May 1 and internet posting Open: May 20, 2014 at 10:01am  
Estimate of Costs in Specifications, RC 307.86. \$ 997,000.00  
Bid within 10% of Entire Estimated Costs, RC 153.12. \$ 1,094,392.85
- contract 3. Partial Payment to Contractor for Work Performed, RC 153.12–153.14.
- contract 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
6. Completion Deadline and Liquidated Damages (Forfeiture Clause), RC 153.19.  
Complete by: August 22, 2014 Damages: 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
- enclosed 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 9. Anti-Discrimination Clause and Forfeiture for Breach, RC 153.59-153.60.

Comments: