

RESOLUTION 2014-699

In the Matter of Resolution to Enter Into Contract) Office of County Commissioners
 2014-98 with Tenmile Creek Excavating, LLC. on) Fulton County, Ohio
 Behalf of Engineer for the 2014 Reclamation of) July 29, 2014
 Chesterfield Township Road 14 Project)

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on July 29, 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 June 10, 2014, the Board of Commissioners held the bid opening for the 2014 Reclamation of Chesterfield Township Road 14 project on behalf of the County Engineer; and

WHEREAS, on June 19, 2014, the Commissioners awarded the bid to the lowest and best bidder, Tenmile Creek Excavating, LLC. of Metamora, Ohio, in the amount of \$219,724.50 and a contract has been successfully negotiated.

THEREFORE BE IT RESOLVED, that the Fulton County Board of Commissioners hereby enter into Contract 2014-98 with Tenmile Creek Excavating, LLC. for the 2014 Reclamation of Chesterfield Township Road 14 project on behalf of the County Engineer, in the amount of \$219,724.50, 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 Rufenacht seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:

Voting Nay thereon:

Abstain:

Perry Rupp
 Perry Rupp

 Perry Rupp

 Perry Rupp

Bill Rufenacht
 Bill Rufenacht

 Bill Rufenacht

 Bill Rufenacht

Paul Barnaby
 Paul Barnaby

 Paul Barnaby

 Paul Barnaby

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

Attest: Teri Suarez
 Teri Suarez, Clerk

Copy to: Auditor; Engineer

CONTRACT NO. 2014-98

This Contract, made this 29th day of July A.D. 2014 between the BOARD OF FULTON COUNTY COMMISSIONERS hereinafter called "Board" and TENMILE CREEK EXCAVATING., 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

Reclamation of Chesterfield Township Road 14

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 two hundred nineteen thousand, seven hundred twenty-four dollars and 50/100 (\$219,724.50). 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]
Bill Ruppert
Paul Barney

CONTRACTOR

TENMILE CREEK EXCAVATING

BY [Signature]
Troy Thorbahn, Vice President Estimating

Attest: [Signature]
Mary Riddas

Contract approved ^{STH} as to form:

By [Signature]
Fulton County Prosecutor

Date 7/24/14

CHESTERFIELD TOWNSHIP FISCAL OFFICER CERTIFICATE

It is hereby certified that the amount of \$219,724.50 required to meet the contract, agreement, obligation, payment of expenditure, for the County Road 14 Reclamation, has been lawfully appropriated or authorized or directed for such purpose and is in the Chesterfield Township Treasury or in process of collection.

RLF Loan \$12,739.30

CDBG Grant \$85,000.00

OPWC Grant \$33,700.00

Oakshade Dairy Contribution \$20,000.00

Chesterfield Township/Gas Tax Fund \$68,285.20

Dated: 7/23/14



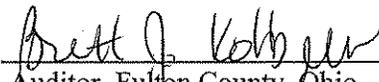
Peggy Volkman
Chesterfield Township
Fiscal Officer

Project: Reclamation of Chesterfield Township Road 14
C.D.B.G. #B-F-13-1AX-1
Vendor: Tenmile Creek Excavating LLC
Vendor #: TENMI25
Contract #: 2014 -
PO #:

COUNTY AUDITOR'S CERTIFICATE

It is hereby certified that the amount of (\$85,000) 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 or in process of collection to the credit of the 2751-17919-5-42100 Fund free from any obligation or certification now outstanding.

Dated: 07.23.2014



Auditor, Fulton County, Ohio

Per Annie,
Fulton County serves as the conduit for
Chesterfield Township to pay \$85,000 of
CDBG project cost.



Bureau of Workers' Compensation

30 W. Spring St.
Columbus, OH 43215

Certificate of Premium Payment

This certifies the employer listed below has paid into 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. For more information, call 1-800-OHIOBWC.

This certificate must be conspicuously posted.

Policy No. and Employer

Period Specified Below

1342264

01/01/2014 Thru 08/31/2014

TENMILE CREEK EXCAVATING LLC
424 E MAIN ST
METAMORA, OH 43540-9753



ohioBWC.com

Stephen Bucher
Administrator/CEO

You can reproduce this certificate as needed.

Ohio Bureau of Workers' Compensation

Required Posting

Effective Oct. 13, 2004, 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 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 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 premium payment.

DP-29 BWC-1629 7/7/08



Department of Administrative Services
Equal Opportunity Division

Approved

CERTIFICATE OF COMPLIANCE

Tenmile Creek Excavating, LLC
PO Box H, 424 East Main Street
Metamora, OH 43540

Effective Dates: 4/21/2014 through 10/18/2014

The Equal Opportunity Division of the Ohio Department of Administrative Services (Division) hereby issues Tenmile Creek Excavating, LLC a Certificate of Compliance. The Certificate shall be in force for 180 days from the date of issuance.

Section 9.47 of the Revised Code requires the Division to review affirmative action programs and plans of each company desiring to participate on state-assisted construction contracts and determine whether that company has violated any affirmative action programs and goals for which that company was obligated to meet during the preceding five years. Based on the above-referenced review, the Division has found no such violation(s).

Please be advised that for Tenmile Creek Excavating, LLC to maintain certification status, Tenmile Creek Excavating, LLC must continue to ensure equal employment opportunities in accordance with applicable State and Federal EEO laws, rules, regulations and guidelines, and meet those contractual obligations for which Tenmile Creek Excavating, LLC has agreed.

A handwritten signature in black ink that reads "Harry T. Colson".

Harry T. Colson
Interim State EEO Coordinator
Ohio Department of Administrative Services

Service, Support, Solutions for Ohio Government

The State of Ohio is an equal opportunity employer.

Equal Opportunity Division | 4200 Surface Road | Columbus, Ohio 43228
Phone 614.466.8380 | FAX 614.728.5628
Web: www.das.ohio.gov/eod

John Kasich, Governor
Robert Blair, DAS Director
Harry T. Colson, Interim Deputy Director/State EEO Coordinator

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: 07/08/2014

Notes and/or Special Attention To:

Please execute 1 originals and return to: Teri Suarez

Laura L. Howell 07.23.14
Signature and Date

Reviewed by:

Scott A. Haselman Date: 7-24-14

this is okay.

FULTON COUNTY CONTRACT REVIEW FORM – CHECKLIST A ADDENDUM

Contractor: Tenmile Creek Excavating, LLC

Date: 07/09/2014 Contract For: Engineer - Reclamation of Chesterfield Township Road 14

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
- _____ 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 \$50,000.)
 Completed Exception, RC 307.86: _____
- _____ 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
- _____ 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
- Bid Specs*
1 (✓) _____ 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: Tenmile Creek Excavating LLC

Date: 07/09/2014 Contract For: Engineer - Reclamation of Chesterfield Township Road 14

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: 05/2014 & 05/27/14 plus internet posting Open: 06/10/2014 at 10:30am
Estimate of Costs in Specifications, RC 307.86. \$ 201,985.20
Bid within 10% of Entire Estimated Costs, RC 153.12. \$ 219724.50
- 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: 08/22/2014 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
- Bid Specs 2(VII) 9. Anti-Discrimination Clause and Forfeiture for Breach, RC 153.59-153.60.

Comments: