

RESOLUTION 2015-303

In the Matter of Resolution to Enter Into Contract ) Office of County Commissioners
2015-57 with Gerken Paving, Inc. on ) Fulton County, Ohio
Behalf of Engineer for the Resurfacing of County Rd) April 2, 2015
D/County Road 3 Project on Behalf of the Engineer )

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on April 2, 2015, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Bill Rufenacht
Paul Barnaby

Commissioner Barnaby moved for the adoption of the following resolution:

WHEREAS, on February 26, 2015, the Board of Commissioners held the bid opening for the County Road D/County Road 3 Resurfacing Project on behalf of the County Engineer; and

WHEREAS, on March 5, 2015, the Commissioners awarded the bid to the lowest and best bidder, Gerken Paving, Inc. of Napoleon, Ohio, in the amount of \$4,291,484.00 and a contract has been successfully negotiated.

THEREFORE BE IT RESOLVED, that the Fulton County Board of Commissioners hereby enter into Contract 2015-57 with Gerken Paving, Inc. for the Resurfacing of County Road D/County Road 3 Project on behalf of the County Engineer, in the amount of \$4,291,484.00, 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:
Bill Rufenacht Bill Rufenacht Bill Rufenacht
Paul Barnaby Paul Barnaby Paul Barnaby

BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO

Attest: Teri Suarez, Clerk

CONTRACT NO. 2015-57

This Contract, made this 2<sup>nd</sup> day of April A.D. 2015 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

County Road D/ County Road 3 Resurfacing  
FUL-CR-D/CR-3 5.37/0.00  
ODOT PID 95190

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, proposal, and FHWA-Form 1273 Required Contract Provisions for Federal-Aid Construction Contracts.

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 October 15, 2015. 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 four million, two hundred ninety-one thousand, four hundred eighty-four dollars and 00/100 (\$4,291,484.00) 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 Bill Rferant  
Paul Barnaby

Attest: Andrea Thompson

CONTRACTOR  
GERKEN PAVING, INC.

BY [Signature]  
Dean R. Breese, Vice President

Contract approved as to form:

By [Signature]  
Fulton County Prosecutor

Date 3/30/15

**Contract:**

**Vendor: Gerken Paving, Inc.**

**Vendor #: GERKE60**

**Project: County Road D/ County Road 3 Resurfacing**

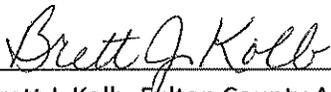
**FUL-CR-D/CR-3 5.37/0.00**

**ODOT PID 95190**

**COUNTY AUDITOR'S CERTIFICATE**

It is hereby certified that the amount of (\$4,291,484.00) 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 County Treasury or in process of collection to the credit of the GTMV 2420-14143-5-43006 (\$858,296.80) & 4141-20143-5-41003 (Federal Aid \$3,433,187.20) fund free from any obligation or certification now outstanding.

Dated: *03-26-2015*



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Brett J. Kolb- Fulton County Auditor