

RESOLUTION 2023-329

In the Matter of Resolution to Enter Into) Office of County Commissioners
Contract 2023-77 with Gerken Paving Inc.) Fulton County, Ohio
For the 2023 Asphalt Resurfacing Program) April 18, 2023

The Board of County Commissioners of Fulton County, Ohio, met in regular session pursuant to notice, on April 18, 2023, at 152 S. Fulton St., Wauseon, Ohio, with the following members present:

Jon Rupp
Jeff Rupp
Joe Short

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

WHEREAS, bids were received on April 6, 2023 for the 2023 Asphalt Resurfacing Program on behalf of the Fulton County Engineer; and

WHEREAS, on April 11, 2023, upon the recommendation of the Fulton County Engineer, the bid was awarded to Gerken Paving, Inc. in the amount of \$3,989,457.44 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 2023-77 with Gerken Paving, Inc., for the 2023 Asphalt Resurfacing Program in the amount of \$3,989,457.44, 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 Jon Rupp seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:

Voting Nay thereon:

Abstain:

Jon Rupp
Jon Rupp
Jeff Rupp
Jeff Rupp

Jon Rupp

Jeff Rupp

Jon Rupp

Jeff Rupp

Joe Short
Joe Short

Joe Short

Joe Short

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

Attest: Jessica Schuette
Jessica Schuette, Clerk

CONTRACT NO. 2023-77

This Contract, made this 18th day of April A.D. 2023 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

2023 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 30, 2023. 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, nine hundred eighty-nine thousand, four hundred fifty-seven dollars and 44/100 (\$3,989,457.44). 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]

CONTRACTOR

GERKEN PAVING, INC.

BY [Signature]

Kevin Ash, Vice President

Attest: Andrea Thompson

Contract approved as to form:

By [Signature]
Fulton County Prosecutor

Date 4-17-23