

RESOLUTION 2014-725

In the Matter of Resolution to Enter Into ) Office of County Commissioners
Contract 2014-103 with Schalk Brothers, Inc. ) Fulton County, Ohio
for the Rehabilitation of Bridge 3B.1 Project on ) August 7, 2014
Behalf of the Engineer

The Board of County Commissioners of Fulton County, Ohio, met in regular session pursuant to notice, on August 7, 2014, at 152 S. Fulton St., Wauseon, Ohio, with the following members present:

Perry Rupp
Bill Rufenacht
Paul Barnaby

2014-103

Commissioner Barnaby moved for the adoption of the following resolution:

WHEREAS, bids were received on July 22, 2014 for the 2014 Rehabilitation of Fulton County Bridge 3B.1 Project; and

WHEREAS, on July 24, 2014, the bid was awarded to Schalk Brothers, Inc. pursuant to the recommendation of the Fulton County Engineer, in the amount of \$159,052.70 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 2014-103 with Schalk Brothers, Inc., for the 2014 Rehabilitation of Fulton County Bridge 3B.1 in the amount of \$159,052.70, and pursuant 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 12k.22 of the Ohio Revised Code.

Commissioner Rupp seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:

Voting Nay thereon:

Abstain:

[Signature]
Perry Rupp

Perry Rupp

Perry Rupp

[Signature]
Bill Rufenacht

Bill Rufenacht

Bill Rufenacht

[Signature]
Paul Barnaby

Paul Barnaby

Paul Barnaby

BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO

Attest: [Signature]
Teri Suarez, Clerk

CONTRACT NO. 2014-103

This Contract, made this 7<sup>th</sup> day of AUGUST A.D. 2014 between the BOARD OF FULTON COUNTY COMMISSIONERS hereinafter called "Board" and SCHALK BROTHERS, 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

BRIDGE 3B.1 REHABILITATION

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 October 24, 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 hundred fifty-nine thousand, fifty-two dollars and 70/100 (\$159,052.70). 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 Rount  
Paul Barnaby

Attest:

[Signature]

CONTRACTOR

SCHALK BROTHERS, INC.

BY

[Signature] PRESIDENT  
Donnie Saalman, President

Contract approved:

By

[Signature]  
Fulton County Prosecutor

Date

8/6/2014

Contract:

Vendor: Schalk Brothers, Inc.

Vendor #:

Project: Bridge 3B.1 Replacement

COUNTY AUDITOR'S CERTIFICATE

It is hereby certified that the amount of (\$159,052.70) 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 (2420-14143-5-75008 \$159,052.70) fund free from any obligation or certification now outstanding.

Dated: 08-05-2014

  
\_\_\_\_\_  
Brett J. Kolb- Fulton County Auditor

**NON-DISCRIMINATION AFFIDAVIT**

**(This affidavit must be executed for the bid to be considered)**

State of Ohio )  
 ) ss.  
County of Fulton )

Donnie Saalman being first duly sworn, deposes and says that he/she is  
Name

President of Schalk Brothers Inc. the party  
Title Company

that made the foregoing proposal or bid; that such party does not and shall not discriminate against any employee or applicant for employment because of race, creed, sex, disability or military status as defined in section 4112.01 of the Ohio Revised Code, or color as is described and prohibited by Section 153.59 and/or 125.111 of the Ohio Revised Code. Furthermore, if awarded the contract under this proposal or bid, said party shall indemnify and hold harmless the Fulton County Board of Commissioners for any violations of Section 153.59 or 125.111 of the Ohio Revised Code made by any contractor, subcontractor or any person who works on behalf of the party relating to the ensuing contract.

*Donnie Saalman*  
Signature  
Donnie Saalman  
Affiant  
Schalk Brothers Inc.  
Company  
3481 North Twp. Rd. 69  
Address  
Tiffin, Ohio 44883  
City/State/Zip Code

Sworn to and subscribed before me this 22 day of July, 2014.



ANDREA S SAALMAN  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES 8-09-15

*Andrea S. Saalman*  
Notary Public

Seneca County, Ohio.

My Commission Expires  
Aug 9 2015





**NO FINDINGS FOR RECOVERY AFFIDAVIT**

(O.R.C. Section 9.24)

**(This affidavit must be executed for the bid to be considered)**

THIS FORM MUST BE COMPLETED IN ITS ENTIRETY AND NOTARIZED

I, Donnie Saalman, President, Schalk Brothers Inc.  
(NAME) (TITLE) (NAME OF COMPANY)

affirm that at the time that I submitted the bid for Beidge 3B.1 Rehabilitation  
(BID TITLE)

to the Board of Fulton County Commissioners on July 22, 2014 that  
(DATE)

Schalk Brothers Inc. HAS HAS NO unresolved finding for recovery from  
(NAME OF COMPANY) (CIRCLE ONE)

the State Auditor per Ohio Revised Code 9.24.

**(If there is a unresolved finding for recovery from the State Auditor, please complete the following section )**

The amount of unresolved finding for recovery due the State Auditor is

                     and unpaid penalties and interest are                     .  
(AMOUNT) (AMOUNT)

[Signature]  
(SIGNATURE)

Schalk Brothers Inc.  
(COMPANY)

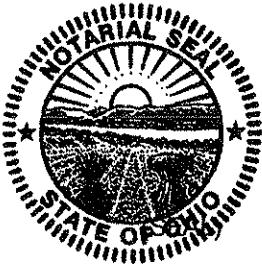
July 22, 2014  
(DATE)

Sworn to and subscribed before me this 22 day of July 2014.

Andrea S. Saalman  
Notary Public

Seneca County, Ohio.

My Commission Expires  
Aug 9 2015



ANDREA S SAALMAN  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES 8-09-15

[Print this report](#)

**Corporation Details**

Corporation Details								
Entity Number	607045							
Business Name	SCHALK BROS., INC.							
Filing Type	CORPORATION FOR PROFIT							
Status	Active							
Original Filing Date	01/13/1983							
Expiry Date								
Location: TIFFIN	County: SENECA	State: OHIO						
Agent / Registrant Information								
CHRIS CHALFIN C/O FRUTH & COMPANY 601 PARKWAY DR FOSTORIA, OH 44830 Effective Date: 01/18/2008 Contact Status: Active								
Incorporator Information								
EDWARD J SCHALK THOMAS C SCHALK FREDERICK C SCHALK								
Share Information								
<table border="1"> <thead> <tr> <th>Type</th> <th>Par Value</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>NO PAR COMMON</td> <td>0.00</td> <td>1000</td> </tr> </tbody> </table>			Type	Par Value	Total	NO PAR COMMON	0.00	1000
Type	Par Value	Total						
NO PAR COMMON	0.00	1000						
Filings								
Filing Type	Date of Filing	Document Number/Image						
DOMESTIC ARTICLES/FOR PROFIT	01/13/1983	F193 1907						
DOMESTIC CONTINUED EXISTENCE LETTER	09/09/1993	000000255326						
DOMESTIC/AMENDMENT TO ARTICLES	12/27/1996	5849 1736						
DOMESTIC AGENT SUBSEQUENT APPOINTMENT	01/18/2008	200802302618						
DOMESTIC/AMENDED RESTATED ARTICLES	02/11/2008	200805001552						



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INTEROFFICE MEMORANDUM

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**TO:** VOND HALL  
**FROM:** TERI SUAREZ  
**SUBJECT:** REHABILITATION OF BRIDGE 3B.1  
**DATE:** JULY 31, 2014  
**CC:**

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Attached please find the contract with Schalk Brothers, Inc. for the Rehabilitation of Bridge 3B.1 project.

Please begin the review process.

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

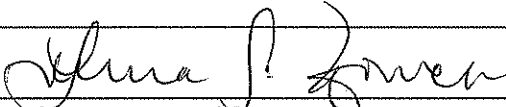
Content and Form – Official Bonds

**Reviewed by:**

Vond T. Hall      Date: 08/04/2014

**Notes and/or Special Attention To:**

Please execute 1 originals and return to: Teri Suarez

      08-05-14  
Signature and Date

**Reviewed by:**

Scott A. Haselman      Date: 8-6-14      JHW

*this is okay.*

# FULTON COUNTY CONTRACT REVIEW FORM – CHECKLIST A ADDENDUM

Contractor: Schalk Brothers Inc.

Date: 08-04-14 Contract For: Engineer - Bridge 3B.1 Rehabilitation

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
- \_\_\_\_\_ 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: Schalk Brothers Inc.

Date: 08/04/2014 Contract For: Engineer - Bridge 3B.1 Rehabilitation

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: 07-03-14 and internet posting Open: 07-22-14 at 9:45am  
Estimate of Costs in Specifications, RC 307.86. \$ 168,000.00  
Bid within 10% of Entire Estimated Costs, RC 153.12. \$ 159,052.70
- 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: 10-24-14 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
- Inst 1 9. Anti-Discrimination Clause and Forfeiture for Breach, RC 153.59-153.60.

Comments: