

**COMMISSIONERS JOURNAL NO. 42 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 15, 2001**

THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN REGULAR SESSION ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:

Present: James Ward, Deborah Martin, Donald Wuertz.

PUBLIC COMMENT

RESOLUTION NO. 01-1354

IN MATTER OF APPROVING RESOLUTIONS AND MINUTES FROM REGULAR MEETINGS HELD OCTOBER 29 AND NOVEMBER 1, 2001:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to dispense with the reading of the minutes and resolutions of the regular meetings held October 29 and November 1, 2001 and to approve resolutions and minutes as submitted.

Vote on Motion Mr. Wuertz Aye Mrs. Martin Aye Mr. Ward Aye

RESOLUTION NO. 01-1355

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS NUMBERED 321189 THROUGH 321833:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to approve for payment warrants numbered 321189 through 321833 and Purchase Orders and Vouchers as listed below:

<u>PO's</u>				
<u>PO Number</u>	<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
1B43214	Tristar	Prof Serv/Transportation	4510-2025	\$ 10,992.00
1B08355	Thomas Glass CO. INC	Windows & Curtinwall Serv. Bld.	8612-4011	\$ 270,852.00
INCREASE				
1B07270	Schooley Caldwell	Architecture	8612-4031	\$ 104,995.44
<u>Vouchers</u>				
1B07270	Schooley Caldwell	Design /Administrative Bldg	8612-4031	\$ 5,312.67
1B42980	House of New Hope, Inc.	Residential Treatment	4530-2081	\$ 8,000.17
1B42980	Symbiont	Residential Treatment	4530-2081	\$ 6,975.00
1B08270	C & R Masonry	Masonry/Service Bldg	8612-4011	\$ 397,886.00
1B10480	George J Igel & Co., Inc.	Mass Excavation & Shoring/Serv Bldg	8612-4011	\$ 19,618.82
1B08302	Superior Electric Co.	Interior Electric Co.	8612-4011	\$ 235,551.60
1B08361	Mapsys	UNIX Server/HR Programs	8613-4105	\$ 62,306.04
1B42992	Child Care Unlimited	Childcare Services	4580-2080	\$ 5,379.00
1B08355	Thomas Glass Co.Inc.	Windows & Curtinwall Serv. Bld	8612-4011	\$ 53,174.16

Vote on Motion Mrs. Martin Aye Mr. Ward Aye Mr. Wuertz Aye

RESOLUTION NO. 01-1356

IN THE MATTER OF APPROVING THE ANNUAL JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT (JAIBG) GRANT APPLICATION:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to approve the following:

Grant # JB-013-A017 Application to renew JAIBG Grant

Grant Period: January 1, 2002 to December 31, 2002

State Grant Amount: \$ 24,461.00

Local Match: 11,000.00

Total Grant Amount: \$ 35,461.00

Program funds portions of two School Liaison staff positions – one assigned to County schools and one assigned to City schools; ensures timely flow of information between the Juvenile Court and the schools allowing immediate imposition of sanctions for offenses that occur in the schools. Goal is to reduce incidence of violence and substance abuse in schools. Program will serve at least 50 youth during the grant period.

MINUTES FROM REGULAR MEETING HEL

Aye Mr. Wuertz Mr. Ward Aye

RESOLUTION NO. 01 1357

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

rtin, seconded by Mr. Wuertz to approve the following:

16, 2001.

MS Department; effective date

Vote on Motion

IN THE MATTER OF APPROVING CONTRACT WITH THOMAS GLASS CO., INC. (WINDOWS

It was moved by Mr. Wuertz, seconded by Mrs. Martin to approve the following contract upon Prosecutor's approval.

DELAWARE COUNTY BOARD OF COMMISSIONERS

CONTRACT

This Contract made by and between:

Thomas Glass Co., Inc.
3662 Karl Road
Columbus, OH 43224

(the "Contractor") and the Delaware County Board of Commissioners (the "Owner").

In consideration of the mutual promises herein contained, the Delaware County Board of Commissioners and the Contractor agree as set forth below:

ARTICLE 1

1.1 The Contractor shall perform the entire work described in the Bid Documents and reasonably inferable by the Contractor as necessary to produce the results intended by the Bid Documents for:

Bid Package Fourteen - WINDOWS AND CURTAINWALL
Delaware County Services Building
124-148 North Sandusky Street
Delaware, Ohio 43015

ARTICLE 2

2.1 The Delaware County Board of Commissioners shall pay the Contractor for the performance of this Contract, subject to additions and deletions as provided in the Bid Documents, the amount of Two Hundred Seventy Thousand, Eight Hundred Fifty-two dollars (\$270,852), based upon the Bid Form, dated May 11, 2001 submitted by the Contractor.

\$270,852 Base Bid
no alternates awarded
Total Contract Amount \$270,852

2.2 The Contract Price shall be paid in current funds by the Owner upon payment requests issued by the Contractor and approved by the Delaware County Board of Commissioners as provided in the Bid Documents.

ARTICLE 3

3.1 The Contractor shall diligently prosecute the Work and shall effect Contract Completion on or before Completion of Windows and Curtain Wall

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(except leave out areas)	11/21/2001
Substantial Completion for all Bid Package Contracts	3/6/2002
Completion of all Architects Prepared Punch list Items	4/10/2002

unless an extension of time is granted by the Delaware County Board of Commissioners in accordance with the Bid Documents.

- 3.2 It is understood and agreed that all Work to be performed under the Contract shall be completed within the established Contract Completion time and that each applicable portion of the Work shall be completed on or before the respective Milestone Completion Dates, unless an extension of time is granted by the Delaware County Board of Commissioners in accordance with the Bid Documents.
- 3.3 Upon failure to have all Work completed within the specified period of time, or to have the applicable portion of the Work completed upon the date of any Milestone Completion Date, the Delaware County Board of Commissioners shall be entitled to retain or recover from the Contractor, as liquidated damages, and not as a penalty, the applicable amount as set forth in the following table for each and every calendar day thereafter until Contract Completion, unless an extension of time is granted in accordance with the Bid Documents.
- 3.4 The amount of Liquidated Damages is agreed upon by and between the Contractor and the Delaware County Board of Commissioners because of the impracticality and extreme difficulty of ascertaining the actual amount of damage the Delaware County Board of Commissioners would sustain.

3.5 **LIQUIDATED DAMAGES**

<u>Contract Amount</u>	<u>Dollars Per Day</u>
\$1.00 To \$50,000	\$ 150.00
More than \$50,000 to \$150,000	\$ 250.00
More than \$150,000 to \$500,000	\$ 500.00
More than \$500,000 to \$2,000,000	\$1,000.00
More than \$2,000,000 to \$5,000,000	\$2,000.00
More than \$5,000,000 to \$10,000,000	\$2,500.00
More than \$10,000,000	\$3,000.00

ARTICLE 4

- 4.1 This Contract shall embody the entire understanding of the parties and form the basis of the Contract between the Delaware County Board of Commissioners and the Contractor. The Bid Documents shall be considered to be incorporated by reference into this Contract as if fully rewritten herein, and made a part hereof.
- 4.2 The Contract and any modification, amendments or alterations thereto shall be governed, construed and enforced by and under the laws of the State of Ohio. Any legal action arising pursuant to this Contract shall be brought in a court of competent jurisdiction in the State of Ohio.
- 4.3 If any term or provision of the Contract, or the application thereof to any person or circumstance, is finally determined, to be invalid or unenforceable by a court of competent jurisdiction, the remainder of the Contract or the application of such term or provision to other persons or circumstances, shall not be affected thereby, and each term and provision of the Contract shall be valid and enforced to the fullest extent permitted by law.
- 4.4 The Contract shall be binding on the Contractor and the Delaware County Board of Commissioners, their successors and assigns, in respect to all covenants and obligations contained in the Contract, but the Contract may not be assigned by the Contractor without the prior written consent of the Delaware County Board of Commissioners.

ARTICLE 5

- 5.1 It is expressly understood by the Contractor that none of the rights, duties and obligations described in the Contract shall be valid and enforceable unless the Delaware County Auditor first certifies funds are available.
- 5.2 The Contract shall become binding and effective upon the completion of 5.1 and execution by the Delaware County Board of Commissioners.

ARTICLE 6

- 6.1 This Contract has been executed in several counterparts, each of which shall constitute a complete original Contract which may be introduced in evidence or used for any other purpose without production of any other counterparts.

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Vote on Motion Mr. Ward Aye Mr. Wuertz Aye Mrs. Martin Aye

RESOLUTION NO. 01-1359

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR PERSONNEL MATTERS:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to adjourn into Executive Session at 9:37AM.

Vote on Motion Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION NO. 01-1360

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to adjourn out of Executive Session at 10.25AM.

Vote on Motion Mr. Wuertz Aye Mrs. Martin Aye Mr. Ward Aye

There being no further business the meeting adjourned.

Deborah B. Martin

James D. Ward

Donald E. Wuertz

Letha George, Clerk to the Commissioners