

COMMISSIONERS JOURNAL NO. 46 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 2, 2004

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

Present: Kristopher W. Jordan, Deborah B. Martin
Absent: James D. Ward

PUBLIC COMMENT

RESOLUTION NO. 04-1458

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD NOVEMBER 29, 2004 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Jordan, seconded by Mrs. Martin to approve the resolutions and records of the proceedings from regular meeting held November 29, 2004 as contained in the county's official electronic recordings of the proceedings.

Vote on Motion Mrs. Martin Aye Mr. Jordan Aye Mr. Ward Absent

RESOLUTION NO. 04-1459

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS121:

It was moved by Mr. Jordan, seconded by Mrs. Martin to approve payment of warrants in batch numbers CMAPR121, and Purchase Orders and Vouchers as listed:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO's			
Treasurer, State of Ohio	Annual Discharge Revenue/Alum	65211919-5380	\$ 5,200.00
Treasurer, State of Ohio	Annual Discharge Revenue/OECC	65211905-5380	\$ 5,200.00
Machinery and Tools Rental	Honda Generators	21511319-5238	\$ 9,955.00
Increases			
ODJFS		10011108-537037070	\$ 10,000.00
Kindercare Sawbury	Day Care	22411610-5348	\$ 1,100.00
Brianna Kinniard	Day Care	22411610-5348	\$ 4,000.00
Vouchers			
BP Products N. America	Gasoline/Service Center	10011106-522822801	\$ 12,173.50
Tyeveco	Renovation/Ashley Villa/ ADA	23011704-5365	\$ 13,400.00
Medtronic Physio Control	Life Pak 12 for Medic 10	10011303-5450	\$ 23,296.75
Vance Outdoors, Inc.	Point Blank Vest	21511315-5250	\$ 9,990.00
Industrial Scientific	(2) VX500 PID Monitors	21511319-5260	\$ 6,901.50
US Filter Davis	Bioxide Chemicals	65211919-5290	\$ 6,517.00
Camp Dreser and McKee	Sewer Master Plan	65211919-5410	\$ 9,796.49
Camp Dreser and McKee	Sewer Master Plan	65211905-5410	\$ 9,796.49
Zumro, Inc.	Air Shelters & Decon Equip.	21511315-5238	\$ 21,024.80
Liberty Twp Fire Dept	Runs for Oct 2004	10011303-5345	\$ 5,634.00

Vote on Motion Mr. Jordan Aye Mrs. Martin Aye Mr. Ward Absent

RESOLUTION NO. 04-1460

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR COMMON PLEAS:

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

Transfer of Appropriation	Amount
From	To
10021201-5260	10021201-5301
Common Pleas Whitney/Inv. Tools	Common Pleas Whitney/Prof Services
	\$1,000.00

Vote on Motion Mr. Ward Absent Mr. Jordan Aye Mrs. Martin Aye

RESOLUTION NO. 04-1461

IN THE MATTER OF AMENDING THE PURCHASE OF CHILD CARE SERVICES CONTRACTS BETWEEN

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THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES; THE DELAWARE COUNTY COMMISSIONERS AND CHILD CARE PROVIDERS CHERRI SHEETS; DONNA FYE; BRIANNA KINNIARD AND KINDERCARE-SAWBURY:

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

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT

AMENDMENT NO. 1

This amendment, effective June 1, 2004, is to amend the Purchase of Child Care Services Contracts between the Delaware County Department of Job and Family Services and the following list of child care providers:
Article 4. Cost and Delivery of Purchased Services:

Name	Not to exceed amounts
Cherri Sheets	Increase from \$5000 to \$5514.76
Donna Fye	Increase from \$500 to \$1000
Brianna Kinniard	Increase from \$5000 to \$9000
Kindercare-Sawbury	Increase from \$5000 to \$6100

Vote on Motion Mr. Ward Absent Mr. Jordan Aye Mrs. Martin Aye

RESOLUTION NO. 04-1462

IN THE MATTER OF APPROVING A CONTRACT WITH ARCHITECTURAL FLOORS DBA RESOURCE OHIO FOR BID PACKAGE ELEVEN (FLOORING) FOR THE DELAWARE COUNTY JAIL, DELAWARE, OHIO:

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

**DELAWARE COUNTY BOARD OF COMMISSIONERS
CONTRACT**

This Contract made by and between:

**Architectural Floors DBA Resource Ohio
2571 Silver Drive
Columbus, Ohio 43211**

(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 as necessary to produce the results intended by the Bid Documents, for:

**Bid Package Eleven-Flooring
New Dormitory and Jail Renovations for the Delaware County Jail
844 US 42 North
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 Seventy-five Thousand Nine Hundred Dollars (\$75,900.00), based upon the Bid Form, dated August 31, 2004 submitted by the Contractor.

Total Bid Amount \$75,900

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

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3.1 The Contractor shall diligently prosecute the Work and shall effect Contract Completion on or before

▪ Commencement of Site Utilities	08/30/2004
▪ Men's Rec Yard (Cells) Completion	09/24/2004
▪ Male Dorm Building Pad Prep Complete	10/13/2004
▪ Female Dorm Building Pad Prep Complete	10/21/2004
▪ Intake/Booking Demolition Start	11/17/2004
▪ Footing Installation Complete Male Dorm	11/22/2004
▪ Masonry Bearing walls to Roof Bearing – Female Dorm	11/22/2004
▪ Precast Corridor 47 Deliver/Install	11/23/2004
▪ Kitchen Renovation Start	11/10/2004
▪ Roof Top unit delivery – Female Dorm	12/09/2004
▪ Kitchen Renovation Completion	12/15/2004
▪ Roofing Complete – Female Dorm	12/16/2004
▪ Start existing Jail security electronics upgrade	12/31/2004
▪ Masonry Bearing walls to 2 nd Floor Bearing – Male Dorm	01/03/2005
▪ Female Dormitory Substantial Completion	02/25/2005
▪ Intake/Booking Substantial Completion	03/15/2005
▪ Existing Jail Security Electronics Upgrade Substantial Completion	04/01/2005
▪ Masonry Bearing walls to Roof Bearing – Male Dorm	03/14/2005
▪ Roof Top Unit Deliver – Male Dorm	04/05/2005
▪ Medical & Isolation Renovation Start	04/12/2005
▪ Roofing Complete – Male Dorm	04/25/2005
▪ Permanent Electric – Male Dorm	05/02/2005
▪ Male Dorm Under Temporary Temperature Control	05/23/2005
▪ Medical & Isolation Substantial Completion	08/09/2005
▪ Substantial Completion for all Bid Packages and Male Dorm	08/12/2005
▪ Completion of all Associates Prepared Punch List Items	09/08/2005
▪ Project Turnover, Owner Move-In All Bid Packages	09/29/2005

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 upon 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 set forth in Section 3.1, in addition to other remedies at law and as set forth in the Bid Documents, the Owner shall be entitled to retain or recover from the Contractor, as liquidated damages, 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. To \$50,000	\$ 150.
More than \$50,000 to \$150,000	\$ 250.
More than \$150,000 to \$500,000	\$ 500.
More than \$500,000 to \$2,000,000	\$1,000
More than \$2,000,000 to \$5,000,000	\$2,000
More than \$5,000,000 to \$10,000,000	\$2,500
More than \$10,000,000	\$3,000

ARTICLE 4

4.1 The Bid Documents 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.

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.

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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 Bid Documents, 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 Bid Documents shall be valid and enforceable unless the Delaware County Board of Commissioners first certifies funds are available.

5.2 The Contract shall become binding and effective upon 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.

Further be it resolved, that the Commissioners approve a Purchase Order Request to Architectural Floors DBA Resource Ohio in the amount of \$20,000.00.

Vote on Motion Mrs. Martin Aye Mr. Jordan Aye Mr. Ward Absent

RESOLUTION NO. 04-1463

IN THE MATTER OF APPROVING A CONTRACT WITH WILLIAMSON BUILDERS, INC. FOR BID PACKAGE NINE (DRYWALL; ARCHITECTURAL DOORS, FRAMES & HARDWARE; CASEWORK; LAUNDRY EQUIPMENT; MISCELLANEOUS SPECIALTIES) FOR THE DELAWARE COUNTY JAIL, DELAWARE, OHIO:

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

**DELAWARE COUNTY BOARD OF COMMISSIONERS
CONTRACT**

This Contract made by and between:

**Williamson Builders, Inc.
8026 Industrial Parkway Road
Plain City, Ohio 43064**

(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 as necessary to produce the results intended by the Bid Documents, for:

**Bid Package Nine – DRYWALL; ARCHITECTURAL DOORS, FRAMES & HARDWARE; CASEWORK;
LAUNDRY EQUIPMENT; MISCELLANEOUS SPECIALTIES
New Dormitory and Jail Renovations for the Delaware County Jail
844 US 42 North
Delaware, Ohio 43015**

ARTICLE 2

2.1 The Delaware County Board of Commissioners shall pay the Contractor for the performance of this

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Contract, subject to additions and deletions as provided in the Bid Documents, the amount of Three Hundred Thirty Thousand Eight Hundred Dollars (\$330,800), based upon the Bid Form, dated October 5, 2004 submitted by the Contractor.

	\$327,000 Base Bid
	\$ <u>3,800</u> Alternate A1
Total Bid Amount	\$330,800

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*

▪ Commencement of Site Utilities	08/30/2004
▪ Men’s Rec Yard (Cells) Completion	09/24/2004
▪ Male Dorm Building Pad Prep Complete	10/13/2004
▪ Female Dorm Building Pad Prep Complete	10/21/2004
▪ Intake/Booking Demolition Start	11/17/2004
▪ Footing Installation Complete Male Dorm	11/22/2004
▪ Masonry Bearing walls to Roof Bearing – Female Dorm	11/22/2004
▪ Precast Corridor 47 Deliver/Install	11/23/2004
▪ Kitchen Renovation Start	11/10/2004
▪ Roof Top unit delivery – Female Dorm	12/09/2004
▪ Kitchen Renovation Completion	12/15/2004
▪ Roofing Complete – Female Dorm	12/16/2004
▪ Start existing Jail security electronics upgrade	12/31/2004
▪ Masonry Bearing walls to 2 nd Floor Bearing – Male Dorm	01/03/2005
▪ Female Dormitory Substantial Completion	02/25/2005
▪ Intake/Booking Substantial Completion	03/15/2005
▪ Existing Jail Security Electronics Upgrade Substantial Completion	04/01/2005
▪ Masonry Bearing walls to Roof Bearing – Male Dorm	03/14/2005
▪ Roof Top Unit Deliver – Male Dorm	04/05/2005
▪ Medical & Isolation Renovation Start	04/12/2005
▪ Roofing Complete – Male Dorm	04/25/2005
▪ Permanent Electric – Male Dorm	05/02/2005
▪ Male Dorm Under Temporary Temperature Control	05/23/2005
▪ Medical & Isolation Substantial Completion	08/09/2005
▪ Substantial Completion for all Bid Packages and Male Dorm	08/12/2005
▪ Completion of all Associates Prepared Punch List Items	09/08/2005
▪ Project Turnover, Owner Move-In All Bid Packages	09/29/2005

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 upon 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 set forth in Section 3.1, in addition to other remedies at law and as set forth in the Bid Documents, the Owner shall be entitled to retain or recover from the Contractor, as liquidated damages, 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. To \$50,000	\$ 150.
More than \$50,000 to \$150,000	\$ 250.
More than \$150,000 to \$500,000	\$ 500.
More than \$500,000 to \$2,000,000	\$1,000

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More than \$2,000,000 to \$5,000,000	\$2,000	
More than \$5,000,000 to \$10,000,000	\$2,500	
More than \$10,000,000		\$3,000

ARTICLE 4

4.1 The Bid Documents 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.

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 Bid Documents, 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 Bid Documents shall be valid and enforceable unless the Delaware County Board of Commissioners first certifies funds are available.

5.2 The Contract shall become binding and effective upon 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.

Further be it resolved, that the Commissioners approve a Purchase Order Request to Williamson Builders, Inc. in the amount of \$10,000.00.

Vote on Motion Mr. Jordan Aye Mrs. Martin Aye Mr. Ward Absent

RESOLUTION NO. 04-1464

IN THE MATTER OF APPROVING THE BID FOR BID PACKAGE SEVENTEEN - ELEVATORS (SCHINDLER ELEVATOR CORP.) FOR THE NEW DORMITORY & JAIL RENOVATIONS FOR THE DELAWARE COUNTY JAIL, DELAWARE, OHIO:

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

WHEREAS, Delaware County received bids for the New Dormitory & Jail Renovations for the Delaware County Jail on November 23, 2004. And;

WHEREAS, after carefully reviewing the bids received, the bid submitted in the following chart has been determined to be the lowest and best bid for the New Dormitory & Jail Renovations for the Delaware County Jail;

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Delaware County, State of Ohio, approve and accept the bid submitted for the New Dormitory & Jail Renovations for the Delaware County Jail, Delaware, Ohio.

Description	Company Recommended	Amount of Contract Award including Alternates
Bid Package 17 – Elevators	Schindler Elevator Corp.	\$92,800.00

Vote on Motion Mr. Ward Absent Mr. Jordan Aye Mrs. Martin Aye

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RESOLUTION NO. 04-1465

IN THE MATTER OF ADOPTING A RESOLUTION EXTENDING A CONTRACT WITH EMERGENCY MEDICAL PRODUCTS TO PURCHASE MEDICAL SUPPLIES:

It was moved by Mr. Jordan, seconded by Mrs. Martin to adopt the following Resolution:

WHEREAS, the Delaware County Emergency Medical Service contracted with Emergency Medical Products, Inc. to provide medical supplies in 2003; and,

WHEREAS, the current contract with Emergency Medical Products, Inc. provides for an automatic renewal of the contract for an additional year at the County's request; and,

WHEREAS, the service provided by the existing contract has been excellent and selected item cost increases are low and within industry standards;

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners approve a one (1) year contract extension with Emergency Medical Products, Inc. for providing medical supplies to the Delaware County Emergency Medical Service.

Vote on Motion Mrs. Martin Aye Mr. Jordan Aye Mr. Ward Absent

RESOLUTION NO. 04-1466

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE EMS DEPARTMENT FY 03:

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

Transfer of Appropriation		AMOUNT
From	To	
21511315-5450	21511315-5201	\$18.33
FY 03 Part /1 Equipment	FY 03 Part 1/Office Supplies	

Vote on Motion Mr. Jordan Aye Mrs. Martin Aye Mr. Ward Absent

RESOLUTION NO. 04-1467

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE COMMON PLEAS DATA FUND:

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

Transfer of Appropriation		AMOUNT
From	To	
28129204-5201	28129204-5320	\$480.00
Common Pleas Data Fund/Office Supplies	Common Pleas Data Fund/Data Processing Services	
28129204/5201	28129204-5450	
Common Pleas Data Fund/Office Supplies	28129204/Equipment	\$6,675.00

Vote on Motion Mr. Ward Absent Mr. Jordan Aye Mrs. Martin Aye

RESOLUTION NO. 04-1468

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE CORONER:

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

Transfer of Appropriation		AMOUNT
From	To	
10030301-5101	10030301-5001	\$46.00
Coroner/Insurance	Coroner/Compensation	

Vote on Motion Mr. Jordan Aye Mrs. Martin Aye Mr. Ward Absent

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PRESENTATION OF DELAWARE COUNTY’S PRESCRIPTION DRUG PROGRAM

RESOLUTION NO. 04-1469

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION OR COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:

It was moved by Mr. Jordan, seconded by Mrs. Martin to adjourn into Executive Session at 10:15AM.

Vote on Motion Mr. Jordan Aye Mrs. Martin Aye Mr. Ward Absent

RESOLUTION NO. 04-1470

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Jordan, seconded by Mrs. Martin to adjourn out of Executive Session at 10:17AM.

Vote on Motion Mr. Jordan Aye Mrs. Martin Aye Mr. Ward Absent

There being no further business the meeting adjourned.

Kristopher W. Jordan

Deborah B. Martin

James D. Ward

Letha George, Clerk to the Commissioners