

COMMISSIONERS JOURNAL NO. 57 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JULY 9, 2012

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

Present:
Dennis Stapleton, President
Tommy Thompson, Commissioner

Absent:
Ken O'Brien, Vice President

RESOLUTION NO. 12-680

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JULY 05, 2012:

It was moved by Mr. Thompson , seconded by Mr. Stapleton to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on July , 2012; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous meeting.

Vote on Motion: Mr. Stapleton Aye Mr. Thompson Aye Mr. O'Brien Absent

PUBLIC COMMENT

ELECTED OFFICIAL COMMENT

RESOLUTION NO. 12-681

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0706, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0706 :

It was moved by Mr. Thompson , seconded by Mr. Stapleton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0706 , *memo transfers in batch numbers MTAPR0706*.

Vote on Motion: Mr. Thompson Aye Mr. O'Brien Absent Mr. Stapleton Aye

RESOLUTION NO. 12-682

IN THE MATTER OF APPROVING RIGHT-OF-WAY WORK PERMIT SUMMARY SHEET:

It was moved by Mr. Stapleton , seconded by Mr. Thompson to approve the following work permits:

Whereas the below requests to perform work within the right-of-way have been reviewed and approved by the Delaware County Engineer;

Now Therefore Be It Resolved that the following permits are hereby approved by The Board of Delaware County Commissioners:

Permit #	Applicant	Location	Type of Work
U12-038	Columbia Gas	Olentangy Falls Section 3	Install gas main
U12-039	American Electric Power	Troy Road	Install/replace poles

Vote on Motion: Mr. O'Brien Absent Mr. Thompson Aye Mr. Stapleton Aye

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RESOLUTION NO. 12-683

IN THE MATTER OF APPROVING A DITCH MAINTENANCE PETITION AND THE DITCH MAINTENANCE ASSESSMENTS FOR THE ESTATES AT SHERMAN LAKES

It was moved by Mr. Thompson , seconded by Mr. Stapleton to approve the following:

WHEREAS, on July 9, 2012, a Ditch Maintenance Petition for The Estates at Sherman Lakes was filed with the Board of Commissioners of Delaware County (the "Board"), and

WHEREAS the Petition sets forth the drainage improvements that have been or will be constructed within The Estates at Sherman Lakes located off of Africa Road in Berlin Township; and

WHEREAS, the Petitioners have requested that the drainage improvements be accepted into the Delaware County Drainage Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for the improvements in the subject lot to cover the cost of current and future maintenance of the improvements; and

WHEREAS, the Petitioners represent 100% of the property owners to be assessed for maintenance related to this drainage improvement and have waived their rights to a public viewing and hearing; and

WHEREAS, based on a review of the Petition and all accompanying documents, the Board has determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Delaware County, Ohio:

Section 1. The Board hereby grants the Petition, the Board having found and determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

Section 2. The Board hereby approves the maintenance assessments, in accordance with the Petition, as follows:

The cost of the drainage improvements is \$433,499.68 for the benefit of the property and its adjoining area. An annual maintenance fee equal to 2% of this basis (\$11,115.38) shall be collected for this property. The basis for calculating the maintenance assessment shall be reviewed and subject to revision every six (6) years. The first year's assessment for the property in the amount of \$8,669.99 has been paid to Delaware County, receipt of which is hereby acknowledged.

Section 3: This Board finds and determines that all formal actions taken by this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

Vote on Motion Mr. O'Brien Absent Mr. Thompson Aye Mr. Stapleton Aye

RESOLUTION NO 12-684

IN THE MATTER OF APPROVING A DITCH MAINTENANCE PETITION AND THE DITCH MAINTENANCE ASSESSMENTS FOR NORTH ORANGE SECTION 3, PHASE 2, PART B

It was moved by Mr. Thompson , seconded by Mr. Stapleton to approve the following:

WHEREAS, on July 9, 2012, a Ditch Maintenance Petition for North Orange Section 3, Phase 2, Part B was filed with the Board of Commissioners of Delaware County (the "Board"), and

WHEREAS the Petition sets forth the drainage improvements that have been or will be constructed within North Orange Section 3, Phase 2, Part B located off of U.S. Route 23 and Orange Road in Orange Township; and

WHEREAS, the Petitioners have requested that the drainage improvements be accepted into the Delaware County Drainage Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for the improvements in the subject lot to cover the cost of current and future maintenance of the improvements; and

WHEREAS, the Petitioners represent 100% of the property owners to be assessed for maintenance related to this drainage improvement and have waived their rights to a public viewing and hearing; and

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WHEREAS, based on a review of the Petition and all accompanying documents, the Board has determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Delaware County, Ohio:

Section 1. The Board hereby grants the Petition, the Board having found and determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

Section 2. The Board hereby approves the maintenance assessments, in accordance with the Petition, as follows:

The cost of the drainage improvements is \$123,083.81 for the benefit of the property and its adjoining area. An annual maintenance fee equal to 2% of this basis (\$5,861.13) shall be collected for this property. The basis for calculating the maintenance assessment shall be reviewed and subject to revision every six (6) years. The first year’s assessment for the property in the amount of \$2,461.68 has been paid to Delaware County, receipt of which is hereby acknowledged.

Section 3: This Board finds and determines that all formal actions taken by this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

Vote on Motion Mr. Thompson Aye Mr. Stapleton Aye Mr. O’Brien Absent

RESOLUTION NO. 12-685

IN THE MATTER OF APPROVING THE PLAT OF SUBDIVISION FOR THE ESTATES AT SHERMAN LAKES:

It was moved by Mr. Thompson , seconded by Mr. Stapleton to approve the following:

Whereas, Sherman Lakes Estates, LLC has submitted the Plat of Subdivision (“Plat”) for The Estates at Sherman Lakes, including related development plans (“Plans”) and requests approval thereof by the Board of Commissioners of Delaware County; and

Whereas, the Berlin Township Zoning Officer has reviewed said Plat and Plans for conformance with Township Zoning Regulations and approved said Plat on May 7, 2012; and

Whereas, Del-Co Water Company has reviewed said Plat and Plans for conformance with its rules and regulations and approved said Plat on May 3, 2012; and

Whereas, the Delaware County Sanitary Engineer has reviewed said Plat and Plans for conformance with the Rules, Regulations, Standards and General Procedures Governing Sewerage in Delaware County and approved said Plat on May 5, 2012; and

Whereas, the Delaware County Engineer has reviewed said Plat and Plans for conformance with Delaware County Engineering and Surveying Standards and approved said Plat on May 10, 2012; and

Whereas, the Delaware County Regional Planning Commission has reviewed said Plat and Plans for conformance with Delaware County Subdivision Regulations and approved said Plat on July 3, 2012;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the Plat of Subdivision for The Estates at Sherman Lakes.

The Estates at Sherman Lakes:

Situated In The State Of Ohio, County Of Delaware, Township Of Berlin, Located in part of Farm Lot 32, Section 1, Township 4, Range 18, United States Military Lands, Being a 40.712 acre subdivision, there being all of a 40.709 acre tracts of land described in Deed to Sherman Lakes Estates, LLC by Official Record Volume 498, Page 1012, all references being to the Record of the Recorder’s Office, Delaware County, Ohio. Cost \$117.00.

Vote on Motion Mr. Stapleton Aye Mr. Thompson Aye Mr. O’Brien Absent

RESOLUTION NO. 12-686

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IN THE MATTER OF APPROVING THE PLAT OF SUBDIVISION FOR HIGHLAND LAKES NORTH SECTION 5, PART 3:

It was moved by Mr. Thompson , seconded by Mr. Stapleton to approve the following:

Whereas, South Delaware Investments, LLC has submitted the Plat of Subdivision (“Plat”) for Highland Lakes North Section 5, Part 3, including related development plans (“Plans”) and requests approval thereof by the Board of Commissioners of Delaware County; and

Whereas, the Genoa Township Zoning Officer has reviewed said Plat and Plans for conformance with Township Zoning Regulations and approved said Plat on May 30, 2012; and

Whereas, Del-Co Water Company has reviewed said Plat and Plans for conformance with its rules and regulations and approved said Plat on June 1, 2012; and

Whereas, the Delaware County Sanitary Engineer has reviewed said Plat and Plans for conformance with the Rules, Regulations, Standards and General Procedures Governing Sewerage in Delaware County and approved said Plat on June 4, 2012; and

Whereas, the Delaware County Engineer has reviewed said Plat and Plans for conformance with Delaware County Engineering and Surveying Standards and approved said Plat on June 5, 2012; and

Whereas, the Delaware County Regional Planning Commission has reviewed said Plat and Plans for conformance with Delaware County Subdivision Regulations and approved said Plat on July 3, 2012;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the Plat of Subdivision for Highland Lakes North Section 5, Part 3.

Highland Lakes North Section 5, Part 3:

Situated in the State of Ohio, County of Delaware, Township of Genoa, and in Lot E, Quarter Township 2, Township 3, Range 17, United States Military Lands, containing 0.669 acre of land, more or less, said 0.669 acre being part of that 1.648 acre tract of land conveyed to South Delaware Investments, LLC, by deed of record in Official Record 1092, Page 98, Recorder’s Office, Delaware County, Ohio. Cost \$3.00.

Vote on Motion Mr. Thompson Aye Mr. Stapleton Aye Mr. O’Brien Absent

RESOLUTION NO. 12-687

IN THE MATTER OF APPROVING THE PLAT OF SUBDIVISION FOR NORTH ORANGE SECTION 3, PHASE 2, PART B:

It was moved by Mr. Thompson , seconded by Mr. Stapleton to approve the following:

Whereas, Robert A. Webb, Member, has submitted the Plat of Subdivision (“Plat”) for North Orange Section 3, Phase 2, Part B, including related development plans (“Plans”) and requests approval thereof by the Board of Commissioners of Delaware County; and

Whereas, the Orange Township Zoning Officer has reviewed said Plat and Plans for conformance with Township Zoning Regulations and approved said Plat on May 31, 2012; and

Whereas, Del-Co Water Company has reviewed said Plat and Plans for conformance with its rules and regulations and approved said Plat on May 31, 2012; and

Whereas, the Delaware County Sanitary Engineer has reviewed said Plat and Plans for conformance with the Rules, Regulations, Standards and General Procedures Governing Sewerage in Delaware County and approved said Plat on June 1, 2012; and

Whereas, the Delaware County Engineer has reviewed said Plat and Plans for conformance with Delaware County Engineering and Surveying Standards and approved said Plat on June 4, 2012; and

Whereas, the Delaware County Regional Planning Commission has reviewed said Plat and Plans for conformance with Delaware County Subdivision Regulations and approved said Plat on July 3, 2012;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the Plat of Subdivision for North Orange Section 3, Phase 2, Part B.

North Orange Section 3, Phase 2, Part B:

Situated In The State Of Ohio, County Of Delaware, Township Of Orange, Located in part of Farm Lot 2, Section 2, Township 3, Range 18, United States Military Lands, Being a 10.306 acre subdivision, being out of the

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remainder of that 22.030 acres described in deed to Bob Webb Park Place, LLC of Record in Official Record Volume 390, Page 446, all references being to the Record of the Recorder’s Office, Delaware County, Ohio. Cost \$63.00.

Vote on Motion Mr. Stapleton Aye Mr. Thompson Aye Mr. O’Brien Absent

RESOLUTION NO. 12-688

IN THE MATTER OF APPROVING PROJECT AGREEMENT FOR OLENTANGY FALLS SECTION 3:

It was moved by Mr. Thompson , seconded by Mr. Stapleton to approve the following agreement:

Whereas, as The Engineer recommends approving the Project Agreement For Olentangy Falls Section 3;

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approve the Project Agreement For Olentangy Falls Section 3:

PROJECT AGREEMENT
PROJECT NUMBER: 12018

THIS AGREEMENT, executed on this 9th day of July, 2012 between **CROWN RIDGE INVESTMENTS, LLC** hereinafter called ‘**OWNER**’ and the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY OHIO (COUNTY COMMISSIONERS)**, for the project described as **OLENTANGY FALLS SECTION 3**, further identified as Project Number 12018 is governed by the following considerations to wit:

Said **OWNER** is to construct, install or otherwise make all public improvements shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications, all of which are a part of this **AGREEMENT**.

OPTIONS:

1. Should **OWNER** elect to record the plat prior to beginning construction, **OWNER** shall execute bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction as shown in **Exhibit “A”** attached hereto.
2. Should **OWNER** elect to proceed to construction prior to recording the plat, no approved financial warranties are necessary until such time as **OWNER** elects to record the plat. Such plat cannot be recorded until the County Engineer has determined the construction of the project is at least 80% complete.

OWNER hereby elects to use Option 2 for this project.

The financial warranties are to insure faithful performance of this **AGREEMENT** and the completion of all improvements in accordance with the **Delaware County Design, Construction and Surveying Standards and any supplements thereto**. The **OWNER** shall pay the entire cost and expense of said improvements, unless otherwise specifically noted herein.

The **OWNER** shall indemnify and save harmless **Delaware County and all Townships and/or Villages** within Delaware County and all of their officials, employees or agents from all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any actions or omissions of any contractor or subcontractor or from any material, including explosives, or any method used in said work or by or on account of any accident caused by negligence or any other act or omission of any contractor or his agents or employees.

All public improvement construction shall be performed within one (1) year from the date on which this **AGREEMENT** is executed by the **COUNTY COMMISSIONERS**.

The **OWNER** further agrees that any violations of or noncompliance with any of the provisions and stipulations of this **AGREEMENT** shall constitute a breach of contract, and the **COUNTY** shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the public improvements within this subdivision.

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It is further agreed that upon execution of the **AGREEMENT**, the **OWNER** shall deposit **SIXTY THOUSAND DOLLARS (\$60,000)** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer**. When the fund has been depleted to **ten percent (10%)** of the original amount deposited, the **OWNER** shall replenish the account upon notice by the **Delaware County Engineer**. Upon completion of the maintenance period and acceptance of the improvements by the **Delaware County Commissioners**, the remaining amount in the fund shall be returned to the **OWNER**.

Upon completion of construction, the **OWNER** shall be responsible for the maintenance, repair or construction of any and all defective materials or workmanship for a period of **one year**. Said **OWNER'S** bond, certified check, irrevocable letter of credit or other approved financial warranties may be reduced to 10% of the originally approved construction estimate as shown in **Exhibit "A"** for said maintenance. The reduction may be approved only after the **County Engineer** has been provided evidence that all work has been accomplished according to the approved plan and/or to the **County Engineer's** satisfaction. All work is to be done in accordance with the **Delaware County Design, Construction and Surveying Standards, and any supplements thereto**.

Acceptance of the project into the public system shall be completed only after written notice to the **COUNTY COMMISSIONERS** from the **County Engineer** of his approval. The **OWNER'S** maintenance responsibility as described above shall be completed upon formal acceptance by the **COUNTY COMMISSIONERS**.

Any snow or ice removal, erosion and sediment control maintenance, or other safety requirements deemed necessary by the County Engineer during the period of construction or maintenance shall be the responsibility of the **OWNER**. All of the funds set forth in the **AGREEMENT** shall be made available to the **County Engineer** to ensure proper safety compliance.

The **OWNER** shall, within thirty (30) days of completion of construction and prior to final acceptance, to the **COUNTY COMMISSIONERS**, as required, "as-built" drawings of the improvements, which plans shall become the property of the **COUNTY** and remain in the office of the **Delaware County Engineer**.

The **OWNER** shall, within thirty (30) days of completion of construction, furnish to the **COUNTY COMMISSIONERS** an itemized statement showing the cost of improvements and an affidavit that all material and labor costs have been paid. The **OWNER** shall indemnify and hold harmless **Delaware County and all Townships and/or Villages** within Delaware County and all their officials, employees or agents from expenses or claims for labor or material incident to said construction of improvements.

The **OWNER** shall obtain all other necessary utility services incident to the construction of the improvements and for their continued operation. The **OWNER** shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the **OWNER** and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the **County**.

Should the OWNER become unable to carry out the provisions of this AGREEMENT, the **OWNER'S** heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions and requirements of this **AGREEMENT**.

In consideration whereof, the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants the **OWNER** or his agent, the right and privilege to make the improvements stipulated herein.

EXHIBIT "A"

CONSTRUCTION COST ESTIMATE	\$1,531,100.00
CONSTRUCTION BOND AMOUNT	\$1,531,100.00
MAINTENANCE BOND AMOUNT	\$ 153,200.00
INSPECTION FEE DEPOSIT	\$ 60,000.00

Vote on Motion Mr. O'Brien Absent Mr. Stapleton Aye Mr. Thompson Aye

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RESOLUTION NO. 12-689

IN THE MATTER OF AWARDING A BID AND APPROVING A CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND RIETSCHLIN CONSTRUCTION, INC. FOR RE-BID-DEL-CR 106.177, LEWIS CENTER ROAD WIDENING PROJECT:

It was moved by Mr. Thompson seconded by Mr. Stapleton to approve the following:

**RE-BID-DEL-CR 106.177, Lewis Center Road Widening Project
Bid Opening of June 26, 2012**

Whereas, as the result of the above referenced bid opening, The Engineer recommends that a bid award be made to Rietschlin Construction, Inc. the low bidder for the project. A copy of the bid tabulation is available for your information; and

Whereas, also available are two copies of the Contract with Rietschlin Construction, Inc. for your approval. All necessary documentation for this approval has been received (Certification/Affidavit in Compliance with O.R.C. Section 3517.13, Terrorist Exclusion List, etc.), and

Whereas, the County Engineer recommends approval of the Contract between the Delaware County Commissioners and Rietschlin Construction for the RE-BID-DEL-CR 106.177, Lewis Center Road Widening;

CONTRACT

THIS AGREEMENT is made this 9th day of July, 2012 by and between **Rietschlin Construction, Inc., 4240 Baker Road, Crestline, Ohio 44827**, hereinafter called the "Contractor" and the Delaware County Commissioners, hereinafter called the "Owner".

The Contractor and the Owner for the considerations stated herein mutually agree as follows:

ARTICLE 1. Statement of Work

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation services, and perform and complete all work required for the construction of the improvements embraced in the project named **"RE-BID-DEL-CR 106.177, Lewis Center Road Widening Project**, and required supplemental work for the project all in strict accordance with the Contract Documents.

ARTICLE 2. The Contract Price

The Owner will pay the Contractor for the total quantities of work performed at the unit prices stipulated in the Bid for the respective items of work completed for the sum not to exceed ***Five Hundred Eighty-Five Thousand Seven Hundred Thirty-One Dollars and Fifty Cents (\$585,731.50)***, subject to additions and deductions as provided in the Contract Documents.

ARTICLE 3. Contract

The executed Contract Documents shall consist of the following:

- a. This Agreement
- b. Addenda
- c. Invitation to Bid
- d. Instructions to Bidders
- e. Signed copy of bid
- f. Work Specifications (including all plans, drawings, etc.)
- g. Specifications – General Provisions
- h. Federal and State Requirements

This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern except as otherwise specifically stated.

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approve the contract between The Delaware County Commissioners and Rietschlin Construction For the RE-BID-DEL-CR 160.177, Lewis Center Road Widening Project.

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Vote on Motion Mr. O'Brien Absent Mr. Stapleton Aye Mr. Thompson Aye

RESOLUTION NO. 12-690

IN THE MATTER OF SETTING RE- BID OPENING DATE AND TIME FOR THE STRAND THEATRE INTERIOR IMPROVEMENTS AND APPROVING THE NOTICE TO CONTRACTORS:

It was moved by Thompson, seconded by Mr. Stapleton to approve the following:

WHEREAS, on September 20, 2010, the Delaware County Commissioners adopted Resolution No. 10-1230, approving Revolving Loan Funds for the Strand Theatre Interior Improvements; and

WHEREAS, on May 24, 2012, Resolution No. 12-498, the Commissioners approved date and time of June 22, 2012, at 10:00 am to open bids for the interior work on the Strand Theatre; and

WHEREAS, no bids were received for the project; and

WHEREAS, the Architect has review the specifications and has increased the cost estimate to \$130,000; and

WHEREAS, the Strand Theatre and Cultural Arts Association has agreed to be responsible for up to \$13,000 over the County's approved \$130,000; and

WHEREAS, the Economic Development Director recommends to Re-bid Opening date and time of 10:00am Friday, July 27, 2012, at 101 North Sandusky Street, Delaware, Ohio 43015, for Strand Theatre Interior Improvements.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Commissioners approve the Bid Opening date and time of 10:00am, Friday, July 27, 2012, at 101 North Sandusky Street, Delaware, Ohio 43015, and the approval of re-advertising the project:

NOTICE TO CONTRACTORS

Sealed proposals will be received by **Delaware County**, located at **101 N. Sandusky St., Delaware, Ohio**, until **10:00 am on Friday, July 27, 2012**, for the **Interior Improvements to the Strand Theatre** set forth in the plans and specifications on file in the above office. At the time hereinbefore mentioned and at the above-indicated office, sealed bids will be publicly opened and read. Work to be performed is described in the bid form.

**Interior Improvements
The Strand Theatre**

The proposed work includes demolition of the existing Men's Restroom, Side Theater Lobby, and Side Theater Projection Booth; and the construction of new Public Restrooms, Side Theater Lobby, and Side Theater Projection Platform.

The estimated cost for this project is \$130,000 (One Hundred Thirty Thousand Dollars).

All proposals shall be sealed and endorsed for **Interior Improvements to the Strand Theatre**, and mailed or delivered to the **Delaware Commissioners Office located at 101 N. Sandusky St., Delaware, Ohio 43015**. Proposals are to be on forms furnished in the Contract Documents and included with the specifications.

Plans, specifications, bid forms and contract documents may be obtained in electronic format by submitting a request by email to the architect; bruce@gardnerarchitects.net.

Each bid must be accompanied by a bid guaranty in the form of a bond with an approved surety company as surety for the execution of the contract. The bid guaranty and contract bond shall be for the full amount of the bid proposal and in the form as contained in the contract documents. Alternately, a certified check, cashier's check or letter of credit pursuant to Chapter 1305 of the revised code, in the amount of 10 percent of the bid will be accepted as a bid guaranty. Each proposal must contain the full name and address of every person or company interested in the same.

The County of Delaware hereby notifies all bidders that they affirmatively insure that regard to any contract entered into pursuant to this advertisement, Minority Business Enterprise (MBE) AND Women's Business Enterprise (WBE) will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award. The County of Delaware is an equal opportunity employer and requires all persons contracting with the County to certify that they are equal opportunity employers and that they do not discriminate on the grounds of race, color, religion, sex or national origin.

Bidders are required to comply with the MBE/WBE requirements set forth. In part, this means that any bidder, to the extent that it subcontracts work, shall award subcontracts to certified Minority Business Enterprise/Women's

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Business Enterprise in an aggregate dollar value of no less than 7.3% of the contract for MBE and 6.9% of the contract for WBE. This percent can include materials and supplies. The bid specifications provide further details on these requirements.

All Contractors and subcontractors involved with the project will, to the extent practicable use Ohio products, materials, services, and labor in the implementation of their project. Additionally contractor compliance with the equal employment opportunity requirements of Ohio Administrative Code Chapter 123, as authorized by the Governor's Executive Order of 1972, and Governor's Executive Order 84-9 regarding goals for women working on state construction projects shall be required.

Attention of bidders is called to all of the requirements contained in this bid packet, particularly to the Federal Labor Standards Provisions and Davis-Bacon Wages, various insurance requirements and various equal opportunity provisions. Bidders must comply with the provisions of the Americans with Disabilities Act of 1990.

A Pre-bid conference will be held at **8:30 am on Wednesday, July 18, 2012**, at the Strand Theatre located at 28 E. Winter St., Delaware, Ohio 43015. It is required that all bidders attend the pre-bid conference, sign-in with all pertinent contact information and review & familiarize themselves with the conditions existing on site in order to submit a bid.

Copies of the Bidding documents are available for inspection by prospective bidders at the following location:

Delaware County Commissioners Office
101 N. Sandusky St.
Delaware, Ohio 43015

No bidder may withdraw his bid within thirty (30) days after the actual date of the opening thereof. The County reserves the right to reject any and all bids for any reason whatsoever and to waive any irregularities. All bids will be considered based on lowest and best bid.

DELAWARE COUNTY COMMISSIONERS
THE STRAND THEATRE
Published Dates: July 11, 2012 and July 17, 2012

Vote on Motion: Mr. Thompson Aye Mr. O'Brien Absent Mr. Stapleton Aye

COMMISSIONERS' COMMITTEES REPORTS

RESOLUTION NO. 12-691

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION TO CONSIDER THE
PURCHASE OF PROPERTY FOR PUBLIC PURPOSES AND FOR PENDING OR IMMINENT
LITIGATION**

It was moved by Mr. Thompson , seconded by Mr. Stapleton to adjourn into Executive Session at 10:00 AM.

Vote on Motion: Mr. Thompson Aye Mr. O'Brien Absent Mr. Stapleton Aye

RESOLUTION NO. 12-692

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Thompson , seconded by Mr. Stapleton to adjourn out of Executive Session at 10:52 AM.

Vote on Motion: Mr. Thompson Aye Mr. O'Brien Absent Mr. Stapleton Aye

There being no further business, the meeting adjourned.

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Ken O'Brien

Dennis Stapleton

Tommy Thompson

Jennifer Walraven, Clerk to the Commissioners