

Moved by Mr. Painter, seconded by Mr. Humphrey

Recommendation that the Board of County Commissioners adopt Resolution Number 68-17 resolving to approve payment to vendors in the total amount of **\$1,194,347.19** as set forth in the BCC Approval Invoice Report(s) For **Checks Dated May 24, 2017**, BCC Directed Pre-Paid Invoices Report(s), Vendor Invoice List Report(s), Items paid by Fund and Check Date Range report and/or Procurement Card Transaction Report presented by the County Auditor 05/22/2017, and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

David H. Uible,	<u>YES</u>
Edwin H. Humphrey,	<u>aye</u>
David L. Painter,	<u>YES</u>

Date Adopted: May 24, 2017

[Signature]
David H. Uible, President

[Signature]
Edwin H. Humphrey, Vice-President

[Signature]
David L. Painter, Member

OR

Stephen H. Rabolt, County Administrator

RESOLUTION NO. 69 -17

The Board of County Commissioners, Clermont County, Ohio, met in regular session on the 24th day of May 2017, with the following members present:

David H. Uible, President

Edwin H. Humphrey, Vice President

David L. Painter, Member

Mr. Painter moved for the adoption of the following Resolution:

RESOLUTION TERMINATING FOR CAUSE CONTRACT 2015-02.3, CITY OF MILFORD "MEMORIAL PARK IMPROVEMENT" PROJECT.

WHEREAS, on August 3, 2016, the Board of County Commissioners of Clermont County ("Board") entered into a contract with JD CONTRACTING SERVICES, LLC ("Contractor") through the public bidding process for completion of certain public facilities and infrastructure improvements known as the Milford "Memorial Park Improvement" Project; and

WHEREAS, the project had an initial completion date of August 31, 2016; and

WHEREAS, all work under the project was not completed by the initial completion deadline, and so a change order was agreed upon providing JD CONTRACTING SERVICES, LLC an extended completion date of April 30, 2017; however the project remained unfinished as of April 30, 2017; and

WHEREAS, the Department of Community and Economic Development issued Notice to JD CONTRACTING SERVICES, LLC by registered mail on April 30, 2017 of the Board's intent to terminate the contract in accordance with the Standard General Conditions of the construction contract; and

WHEREAS, ten or more days have passed since issuance of the Notice of Termination, the work remains unfinished, and JD CONTRACTING SERVICES, LLC has communicated that it does not intend to complete the project; and

WHEREAS, the Hanover Insurance Group, acting as Surety on this contract, has communicated in writing to the Clermont County Department of Community and Economic Development that, due to the time constraints inherent to the completion of this project, it does not object to the County's moving forward with another contractor to complete the project, and the County's decision to immediately proceed with another contractor will not hinder any claim made by the County against the Surety under the contract;

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Board of County Commissioners of Clermont County, Ohio with at least two-thirds of its members thereto concurring as follows:

SECTION I

That Contract No. 2015-02.3 between the Board and JD CONTRACTING SERVICES, LLC for completion of the City of Milford "Memorial Park Improvement" Project is hereby terminated *for cause* due to Contractor's failure to complete the project by the extended deadline, and failure to follow the terms and conditions of the construction contract.

That no further payments shall be made under the contract to JD CONTRACTING SERVICES, LLC. The Board shall take over the work and prosecute the same to completion by contract or by force account for the account, at Contractor's and Surety's expense (if necessary), in accordance with the terms of the contract and performance bond issued thereto, and pursuant to the written understanding and agreement between the County and Surety.

SECTION II

That the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Mr. Humphrey seconded the motion and on roll call, the vote resulted as follows:

Mr. Uible	<u>Yes</u>
Mr. Humphrey	<u>Aye</u>
Mr. Painter	<u>Yes</u>

This Resolution was duly passed on the 24th day of May, 2017.

ATTEST:
Judith A. Kocica
Judith A. Kocica, Clerk of the
Board of County Commissioners

This Resolution was prepared and approved as to form by the Office of the Prosecuting Attorney of Clermont County, Ohio
By: Jason A. Fountain
Jason A. Fountain
Assistant Prosecuting Attorney
Date: 5/19/17