

FAIRFIELD TOWNSHIP
RESOLUTION NO. 24-120

**RESOLUTION AUTHORIZING THE EXECUTION OF THE CONTRACT FROM BUTLER COUNTY
FOR THE COMMUNITY DEVELOPMENT ENTITLEMENT PROGRAM- CDBG.**

WHEREAS: Funds were awarded to Fairfield Township for the King Ave and Pater Ave stormwater improvement projects by resolution 23-131 & 23-132; and

WHEREAS: The Trustees previously approved payment of increased cost to the King Ave and Pater Ave stormwater improvement projects; and

WHEREAS: Residents on King Ave and Pater Ave will benefit from the installation of a storm sewer pipe, catch basin, and curb;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Fairfield Township, Butler County, Ohio, as follows;

SECTION 1: The Board hereby authorizes the execution of the attached contract from Butler County for the Community Development Entitlement Program CDBG.

SECTION 2: The Board hereby dispenses with the requirement that this resolution be read on two separate days, pursuant to RC 504.10, and authorizes the adoption of this resolution upon its first reading.

SECTION 3 This resolution is the subject of the general authority granted to the Board of Trustees through the Ohio Revised Code and not the specific authority granted to the Board of Trustees through the status as a Limited Home Rule Township.

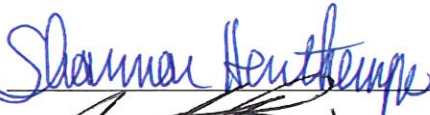
SECTION 4: That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.

SECTION 5: This resolution shall take effect at the earliest period allowed by law.

Adopted: August 13, 2024

Board of Trustees

Shannon Hartkemeyer:



Michael Berding:



Joe McAbee:



Vote of Trustees

yes

yes

yes

AUTHENTICATION

This is to certify that this is a resolution which was duly passed and filed with the Fairfield Township Fiscal Officer this 13th day of August, 2024.

ATTEST:


Shelly Schultz, Fairfield Township Fiscal Officer

APPROVED AS TO FORM:


Lawrence E. Barbieri, Assistant Township Law Director



CONTRACT

Butler County Community Development
Entitlement Program
CDBG

THIS CONTRACT, made and entered into this 19th day of AUGUST, 2024, by and between the Board of Township Trustees of Fairfield Township, Butler County, Ohio ("TOWNSHIP"), the Board of County Commissioners of Butler County, Ohio ("COUNTY"), and Majors Enterprises, Inc., 6393 Hamilton Lebanon Road, Monroe, Ohio 45050 ("CONTRACTOR").

WHEREAS, TOWNSHIP and COUNTY did approve plans and specifications for a project known as "Storm Water Improvements" ("PROJECT"); and

WHEREAS, COUNTY has agreed to provide not more than \$506,200.00 (Five Hundred Six Thousand Two Hundred and No/100 Dollars) from its 2023 Community Development Block Grant Act funds to pay a portion of the cost of PROJECT; and

WHEREAS, TOWNSHIP shall bear all costs of PROJECT greater than \$506,200.00; and

WHEREAS, COUNTY and TOWNSHIP have agreed pursuant to a Project Agreement that COUNTY will be responsible for administration of the PROJECT; and

WHEREAS, COUNTY did call for bids from contractors for performance of PROJECT, based upon plans and specifications approved by TOWNSHIP and COUNTY; and

WHEREAS, COUNTY and TOWNSHIP agree to jointly conduct PROJECT in accordance with the terms of this Contract and the project plans and specifications;

WITNESSETH: That the CONTRACTOR has agreed, and by these presents, does agree with the COUNTY and the TOWNSHIP for the consideration herein below mentioned, to furnish at CONTRACTOR'S own proper cost and expense all necessary materials and labor of every description, and to carry out complete in good, firm, and substantial manner the project known as "Storm Water Improvements" for the sum of Eight Hundred Eighteen Thousand Three Hundred Forty-One and 4/100 Dollars, (\$818,341.04), in accordance with the surveys, plats, plans, cross-sections, specifications, and profiles on file in the office of the said County Commissioners which are hereby made a part of this contract, being Contract No. CDBG-23-03 & -04.

CONTRACTOR hereby agrees to release, indemnify, defend, and hold harmless Butler County, Fairfield Township, and their respective agencies, offices, officials, and all employees thereof from and against any and all liability, actions, claims, suits, demands, costs, expenses, penalties, fines, or judgments on account of any loss or damage to any person or property or any

failure to comply with governmental laws and regulations which result from or arise out of any act or omission of the CONTRACTOR or its subcontractors or the agents, officers, employees, or materialmen of either, jointly or severally, while engaged in the work to be performed under this CONTRACT.

CONTRACTOR shall be responsible for the CONTRACTOR'S work under this Contract, and for the work of other parties undertaking any portion of the CONTRACTOR'S responsibility or obligation, including compliance with all applicable local, State, and Federal laws and regulations concerning workplace safety.

The following are hereby combined and incorporated by reference herein as part of this Contract: the contents of the "Bid Document" for PROJECT, including all legal and engineering requirements enumerated therein; the bid submitted by the CONTRACTOR for PROJECT, including all forms due at or after the time of bidding; any addenda or clarifications issued prior to opening of bids; all bonds required for this CONTRACT; any change orders which may be approved; and the surveys, plats, plans, specifications, cross-sections and profiles for this work on file in the office of the County Commissioners.

In consideration whereof, COUNTY hereby agrees and promises to pay to CONTRACTOR at the times, under the conditions, and in the manner provided in the aforesaid specifications compensation not to exceed \$506,200.00 for material furnished or work done as stated in CONTRACTOR'S bid. TOWNSHIP hereby agrees and promises to pay CONTRACTOR at the times, under the conditions, and in the manner provided in the aforesaid specifications compensation not to exceed \$312,141.04 for material furnished or work done as stated in CONTRACTOR'S bid. PROJECT costs exceeding \$818,314.04, if any, shall be borne by TOWNSHIP, but only if there is prior mutual agreement of the parties, in writing, that such costs are approved by COUNTY and TOWNSHIP. This is not a lump sum contract; this is hereby declared and determined by the County Commissioners to be a unit price contract.

CONTRACTOR agrees that it will look to COUNTY for payment only to the aggregate maximum amount stated herein for COUNTY; and CONTRACTOR agrees that it will look to TOWNSHIP for payment only to the aggregate maximum amount stated herein for TOWNSHIP. There shall be no payment beyond the total amount of \$818,341.04 unless mutually agreed in a



CONTRACT

Butler County Community Development
Entitlement Program
CDBG

written amendment to this Contract. CONTRACTOR'S billing shall be submitted to TOWNSHIP and COUNTY. After approval of invoice(s) by TOWNSHIP and COUNTY, COUNTY shall pay the amounts due up to the maximum aggregate amount stated herein for COUNTY; and TOWNSHIP shall pay the amounts due up to the maximum aggregate amount stated herein for TOWNSHIP. If agreed in writing, any amounts exceeding the maximum aggregate amount stated herein for the PROJECT shall be paid by TOWNSHIP.

IN WITNESS WHEREOF, the said COUNTY, has caused its name to be affixed by its County Administrator pursuant to resolution; the said TOWNSHIP, has caused its name to be affixed by the Board of Township Trustees; and the said CONTRACTOR has set its hand by a duly authorized representative on the day and year aforesaid.

BUTLER COUNTY COMMISSIONERS:

TOWNSHIP:

Paul Boyer 08.19.24
County Administrator

Sharon Hartkamp
Trustee

APPROVED AS TO FORM ONLY:

Mary Anne Nardicello
Assistant Prosecuting Attorney

[Signature]
Trustee

CONTRACTOR: *MAJORS Enterprises Inc*

Michael Mays

Trustee