

RESOLUTION APPROVING SERVICE CONTRACT WITH KLINGINSMITH ENTERPRISES AND ASHTABULA COUNTY FOR SR 307 AND COLLEGE STREET WATER LINE IMPROVEMENT PROJECT, ACDES

WHEREAS, Doug Starkey, Director of the Ashtabula County Department of Environmental Services, has presented a Contract for the approval of the Board, to-wit:

PARTIES: Ashtabula County Department of Environmental Services, 36 W. Walnut St., Jefferson, OH 44047.
The Ashtabula County Commissioners, 25 West Jefferson St., Jefferson, OH 44047
Klinginsmith Enterprises, Inc. P.O. Box 5135, 12984 Sportsman Rd Conneaut Lake, Pennsylvania 16316.

SCOPE: Klinginsmith to provide Ashtabula County Dept of Environmental Services construction improvements to the water distribution system on College Street and State Route 307.

COST: Not to Exceed, \$1,151,656.20 with alternate unit priced items.

TERM: Starting retroactive to August 31, 2023 with substantial completion by March 31, 2024 and site restoration by May 10, 2024

WHEREAS, this Board of Commissioners concurs with the recommendation of the Director and finds this contract to be reasonable and necessary; now

THEREFORE, BE IT RESOLVED, By the Board of Commissioners of Ashtabula County, Ohio that the Contract noted above is approved in accordance with the copy now on file in this office.

**ASHTABULA COUNTY COMMISSIONERS
CERTIFICATION PAGE**

Resolution No. 2023-470

September 19, 2023

RESOLUTION APPROVING SERVICE CONTRACT WITH KLINGINSMITH ENTERPRISES AND ASHTABULA COUNTY FOR SR307 AND COLLEGE STREET WATER LINE IMPROVEMENT PROJECT, ACDES

Upon the motion of Kathryn L. Whittington, seconded by J.P. Ducro IV.

VOTE:

Casey R. Kozlowski

Aye

Kathryn L. Whittington

Aye

J.P. Ducro IV

Aye

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon and duly passed by the Board of County Commissioners of Ashtabula County, Ohio, on the date noted above.



Lisa Hawkins, Clerk of the Board
Board of County Commissioners
Ashtabula County, Ohio

CONTRACT

FOR COLLEGE STREET AND ROUTE 307 WATERLINE IMPROVEMENTS

THIS AGREEMENT, made and entered into at Jefferson, Ohio, this 19th day of September, 2023, by and between the Ashtabula County Board of Commissioners, Ohio and Klinginsmith Enterprises, Inc.

WITNESSETH: That the said CONTRACTOR has agreed and by this presents does agree with the OWNER for the consideration hereinafter mentioned and contained, and under penalty expressed in a bond given with these presents, and herein contained or hereunto annexed, to furnish at his own cost and expense, all the necessary tools, equipment, materials, labor, and tests in an expeditious, substantial and workmanlike manner, the equipment and appurtenances herein contemplated, commencing work within 20 days from the date of the Notice to Proceed and executing the work within the time and in the manner specified and in conformity with the requirements set forth in this Contract.

The following form essential parts of the Contract (may vary with project).

1. Advertisement for Bids/Public Notice to Bidders
2. Instruction to Bidders
3. Bid Forms and Proposal
4. Contract Forms and Exhibits
5. Contract Bond – ORC 153.571 or ORC 153.57
6. Contract Provisions
7. General Conditions
8. Supplementary Conditions
9. Specifications
10. Specific Project Requirements
11. Prevailing Wage Rate Schedule
12. Contract Drawings

The CONTRACTOR agrees and understands that the work on this contract shall be subject to the acceptance of the OWNER based upon and in accordance with the contract specifications and contract plans and drawings on file in the office of the OWNER.

The Contractor agrees that each individual employed by the Contractor or any Subcontractor and engaged in work on the project under this contract shall be paid by prevailing wage established by the Department of Industrial Relations of the State of Ohio or the U.S. Department of Labor (Davis-Bacon Act) as detailed in the section titled "Wage Rates." This shall occur regardless of any contractual relationship which may be said to exist between the Contractor or any Subcontractor and such individual.

The CONTRACTOR shall proceed with the said work in a prompt and diligent manner and shall do the several parts thereof, at such times and in such order as the OWNER may direct. Further he shall complete the whole of said work in accordance with the specifications and contract drawings to the satisfaction of the OWNER on or before the time stated, and in default of completion within the time as fixed, the CONTRACTOR shall pay to the OWNER as liquidated damages, an amount equal to \$1,000.00 Per Day, for each and every day (Sundays and legal holidays excepted) the completion of the work may be delayed beyond the date fixed in the manner and as stipulated.

It is hereby mutually agreed that the OWNER is to pay and the CONTRACTOR is to receive, as full compensation for furnishing all materials and labor in building, constructing and testing and in all respect completing the herein described work and appurtenances in the manner and under the conditions herein specified, the prices stipulated in the proposal herein contained or hereto annexed and the total contract sum is \$1,151,656.20.

This Contract shall be in full force and effect from the date of execution by the parties.

IN WITNESS WHEREOF: The parties hereunto affixed their signature the day and year first mentioned above


KLINGINSMITH ENTERPRISES, INC.


Daniel Dawson, Vice President


Witness

ASHTABULA COUNTY COMMISSIONERS


Casey R. Kozlowski, President


Witness


Kathryn L. Whittington, Vice President


J.P. Ducro IV

FISCAL OFFICER'S CERTIFICATE

Conforming with O.R.C. § 5705.41

The undersigned Auditor of Ashtabula County, hereby certifies that the amount required to meet the obligations of Ashtabula County during the year 20____ under the Agreement has been lawfully appropriated for that purpose, and is in the Treasury of the County or in the process of collection to the credit of:

_____ (_____)
in the amount not to exceed One Million One Hundred Fifty-One Thousand Six Hundred Fifty-Six and 20/100 (\$1,151,656.20) and free from any previous encumbrances.

Agreement Title: **Construction Contract -**
By and Between the Ashtabula County Board of Commissioners, by and through the Department of Environmental Services, and Klinginsmith Enterprises, Inc. for the purposes of providing construction services pertinent to the College Street and Route 307 Waterline Improvements project in the Ashtabula County General Sewer District.

SIGNED



David Thomas
Ashtabula County Auditor

8/31/23

Date

APPROVED AS TO FORM:

RE: an agreement with Klinginsmith Enterprises, Inc. for College Street and Route 307 Waterline Improvements project.

Approved as to Legal Form Only:

SIGNED



Colleen M. O'Toole, Esq.
Ashtabula County Prosecutor

9/8/23

Date

**THE CONTRACTOR SHALL FURNISH THE FOLLOWING ITEMS
WITHIN 10 DAYS OF NOTIFICATION OF AWARD:**

- A) CERTIFICATE OF INSURANCE FOR
CONTRACTOR'S PUBLIC LIABILITY INSURANCE POLICY**

- B) CERTIFICATE OF INSURANCE FOR
OWNER'S AND CONTRACTOR'S PROTECTIVE POLICY**

- C) CERTIFICATE OF WORKER'S COMPENSATION**

- D) CONTRACT BOND THAT COMPLIES WITH ORC 153.54 AND 153.57**

* D above is not required if a bond complying with ORC 153.54 and 153.571 (rollover bond) was submitted at time of bid.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08/31/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER M&M Insurance/McConnell & Associates 2540 New Butler Road Suite 102 New Castle PA 16101	CONTACT NAME: M&M Insurance Group, Inc. PHONE (AG, No. Ext): (724) 658-7713 FAX (AG, No.): E-MAIL ADDRESS:													
	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A: Erie Insurance Company</td> <td>26271</td> </tr> <tr> <td>INSURER B: Erie Insurance Exchange</td> <td>26271</td> </tr> <tr> <td>INSURER C: Erie Insurance Exchange</td> <td>26271</td> </tr> <tr> <td>INSURER D: Erie Insurance Comp of NY</td> <td></td> </tr> <tr> <td>INSURER E: Erie Insurance Company</td> <td>26271</td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Erie Insurance Company	26271	INSURER B: Erie Insurance Exchange	26271	INSURER C: Erie Insurance Exchange	26271	INSURER D: Erie Insurance Comp of NY		INSURER E: Erie Insurance Company	26271	INSURER F:
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INSURER E: Erie Insurance Company	26271													
INSURER F:														
INSURED Klinglnsmith Enterprises, Inc. Po Box 5135 Conneaut Lake PA 16316-5135														

COVERAGES	CERTIFICATE NUMBER: KLIN23083117213442	REVISION NUMBER:
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THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			Q61-0241700	12/01/2022	12/01/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPIOP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			Q12-0140130	12/01/2022	12/01/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			Q36-0170540	12/01/2022	12/01/2023	EACH OCCURRENCE \$ 8,000,000 AGGREGATE \$ 8,000,000
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	Q96-5101102	12/01/2022	12/01/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.I. EACH ACCIDENT \$ 100,000 E.I. DISEASE - EA EMPLOYEE \$ 100,000 E.I. DISEASE - POLICY LIMIT \$ 500,000
E	Buiders Risk - Blanket			Q61-0241700	12/01/2022	12/01/2023	Limit \$800,000 Deductible \$1,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CT Job No 231394, College Street and Route 307 Waterline Improvements
Ashtabula County Board of Commissioners & CT Consultants, Inc. are additional insured on all policies except Workers Compensation, as required by written contract.

CERTIFICATE HOLDER Ashtabula County Board of Commissioners 25 West Jefferson Street Bldg. E Jefferson OH 44047	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08/31/2023

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PRODUCER M&M Insurance/McConnell & Associates 2540 New Butler Road Suite 102 New Castle PA 16101		CONTACT NAME: M&M Insurance Group, Inc. PHONE (A/C No. Ext): (724) 658-7713 FAX (A/C No.): E-MAIL ADDRESS:	
INSURED Ashtabula County Board of Commissioners c/o Klingensmith Enterprises, Inc. Po Box 5135 Conneaut Lake PA 16316-5135		INSURER(A) AFFORDING COVERAGE INSURER A: Erie Insurance Exchange INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> DCP GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER		Binder83123	08/31/2023	08/31/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

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CERTIFICATE HOLDER Ashtabula County Board of Commissioners 25 West Jefferson Street Bldg. E Jefferson OH 44047	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>[Signature]</i>
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Bureau of Workers' Compensation

30 W. Spring St.
Columbus, OH 43215

Certificate of Ohio Workers' Compensation

This certifies that the employer listed below participates in the Ohio State Insurance Fund as required by law. Therefore, the employer is entitled to the rights and benefits of the fund for the period specified. This certificate is only valid if premiums and assessments, including installments, are paid by the applicable due date. To verify coverage, visit www.bwc.ohio.gov, or call 1-800-644-6292

This certificate must be conspicuously posted.

Policy number and employer
80057132

Period Specified Below
07/01/2023 to 07/01/2024

Klingensmith Enterprises Inc
PO BOX 5135
CONNEAUT LAKE PA 16316-5135



www.bwc.ohio.gov
Issued by: BWC

Administrator/CEO

You can reproduce this certificate as needed.

Ohio Bureau of Workers' Compensation

Required Posting

Section 4123.54 of the Ohio Revised Code requires notice of rebuttable presumption. Rebuttable presumption means an employee may dispute or prove untrue the presumption (or belief) that alcohol, marijuana or a controlled substance not prescribed by the employee's physician is the proximate cause (main reason) of the work-related injury.

The burden of proof is on the employee to prove the presence of alcohol, marijuana or a controlled substance was not the proximate cause of the work-related injury. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act.



Bureau of Workers' Compensation

You must post this language with the Certificate of Ohio Workers' Compensation.



MEADVILLE
MEDICAL CENTER
MEADVILLE
WORKPLACE HEALTH

Thomas Mitchell, MD
11277 Vernon Place
Meadville, PA 16335
Phone 814-333-5503
Fax 814-373-5925

April 22, 2021

To Whom It May Concern,

This letter is to serve notice that on 04/21/2021 I was approached by Alyssa Ferguson, doing business as Klinginsmith Enterprises Inc., and asked by Alyssa to join our DOT random drug screen consortium. I explained to Alyssa that Klinginsmith Enterprises Inc. would be added to the program and will be included in the third quarter picks for the period that begins July 1, 2021.

We also discussed a workplace drug screen program for all employees. It will include pre-employment urine drug screens for all new hires, along with post-accident, reasonable suspicion/for cause, and return to duty and follow up drug testing as needed. We will use our MRO, Dr. Edward McVay of St. Vincent Occupational Health in Erie, PA, to review and sign off all urine drug screens. All urine drug screens are sent to MedTox Laboratories, which is a SAMHSA certified lab.

If you have any questions, please feel free to contact me.

Thank you,

Eileen Watson, RN

Eileen Watson, RN/ Program Manager
Meadville Workplace Health
11277 Vernon Place
Meadville, PA 16335
814-333-5503

DELINQUENT PERSONAL PROPERTY STATEMENT

Klinginsmith Enterprises, Inc., having been awarded a contract by the Ashtabula County Board of Commissioners, Ohio, hereby affirms under oath, pursuant to Ohio Revised Code Section 5719.042, that at the time the bid was submitted, my company **was / was not** charged with delinquent personal property taxes on the General Tax List of Personal Property for Ashtabula County, Ohio.

If such charge for delinquent personal property tax exists on the General Tax List of Personal Property for Ashtabula County, Ohio, the amount of such due and unpaid delinquent taxes, including due and unpaid penalties and interest shall be set forth below.

A copy of this statement shall be transmitted by the Taxing District's Fiscal Officer to the County Treasurer within thirty days of the date it is submitted. A copy of this statement shall also be incorporated into the Contract made between Ashtabula County Board of Commissioners, Ohio, and Klinginsmith Enterprises, Inc., and no payment shall be made with respect to any Contract unless such statement has been so incorporated as a part thereof.

Delinquent Personal Property Tax	\$ <u> 0 -</u>
Penalties	\$ <u> 0 -</u>
Interest	\$ <u> 0 -</u>

KLINGINSMITH ENTERPRISES, INC.



Daniel Dawson, Vice President

AFFIDAVIT
OF COMPLIANCE WITH OHIO REVISED CODE SECTION 3517.13

STATE OF OHIO

COUNTY OF Crawford

Daniel Dawson being duly sworn deposes and states as follows:

1. I am duly authorized to make the statements contained herein on behalf of Klingensmith Enterprises ("the Contracting Party").
2. The Contracting Party is a/an (select one):
 - Individual, partnership, or other unincorporated business association (including without limitation, a professional association organized under Ohio Revised Code Chapter 1787), estate, or trust
 - Corporation organized and existing under the laws of the State of Pennsylvania
 - Labor organization
3. I hereby affirm that the Contracting Party and each of the individuals specified in R.C. 3517.13(I) (with respect to non-corporate entities and labor organizations) or R.C. 3517.13(J) (with respect to corporations) are in full compliance with the political contribution limitations set forth in R.C. 3517.13(I) and (J), as applicable.
4. I understand that a false representation on this certification will incur penalties pursuant to 3517.992(R).

Affiant further sayeth naught.

By: Daniel Dawson

Title: Vice President

SWORN TO BEFORE ME and subscribed in my presence this 5th day of September, 2023.

Alyssa Ferguson
Notary Public

My commission expires: March 8, 2025

Commonwealth of Pennsylvania - Notary Seal
Alyssa Ferguson, Notary Public
Crawford County
My commission expires March 8, 2025
Commission number 1276214
Member, Pennsylvania Association of Notaries

AGREEMENT FOR ESCROW ACCOUNT

(1) This agreement is entered into between ASHTABULA COUNTY COMMISSIONERS, and KLINGINSMITH ENTERPRISES, INC., contractor for the COLLEGE STREET AND ROUTE 307 WATERLINE IMPROVEMENTS.

Funds due for the payment in the amount of \$46,066.25, which is 8% of 50% of the total work to be completed under the contract, shall be deposited in a savings account in Andover Bank, 150 North Chestnut Street, P.O. Box 405, Jefferson, Ohio 44047, who shall be the Escrow Agent. The account shall be in the name of Ashtabula County Commissioners and Klinginsmith Enterprises, Inc., Contractor. Said funds are to be deposited upon a receipt of an approved application for payment showing the amount due for payment and the amount to be retained.

The savings account shall earn interest at the current passbook rate. There are no escrow fees to be charged.

The Escrow Agent shall hold the escrowed principal and interest until the receipt of notice from the state or county and contractor that the project is substantially completed and occupied, or in use, or has been accepted; or until receipt of an arbitration order or an order of the court of claims specifying the amount of the escrow to be released and the person to whom it is to be released. Upon receipt of the notice or order, the agent shall promptly release the retained principal and interest and pay it to the contractor. A notice releasing said retained principal and interest will be issued to the Escrow Agent by the County and the Contractor.

ASHTABULA COUNTY COMMISSIONERS

Not Applicable – Contractor Signed Escrow Waiver



Casey R. Kozlowski, President



Witness



Kathryn L. Whittington, Vice President



J.P. Ducro IV

KLINGINSMITH ENTERPRISES, INC.

Not Applicable – Contractor Signed Escrow Waiver

Daniel Dawson, Vice President

Witness

Date

ESCROW WAIVER

In accordance with a certain Contract between the Ashtabula County Board of Commissioners, Ohio, (hereinafter referred to as "the Owner") and Klinginsmith Enterprises, Inc., (hereinafter referred to as "the Contractor") it is mutually agreed by and between the parties hereto that because of the short-term duration of the within contract, no escrow account will be established pursuant to Sections 153.13, 153.14 and 153.63 of the Ohio Revised Code nor shall any interest be paid on any retainage.

KLINGINSMITH ENTERPRISES, INC.



Daniel Dawson, Vice President

ASHTABULA COUNTY BOARD OF COMMISSIONERS



Casey B. Kozlowski, President



Witness



Kathryn L. Whittington, Vice President



J.P. Ducro IV

NOTICE TO PROCEED

Project: College Street and Route 307 Waterline Improvements

Owner: Ashtabula County Board of Commissioners
25 West Jefferson Street, Bldg. E
Jefferson, Ohio 44047

To: Klinginsmith Enterprises, Inc.
P.O. Box 5135, 12984 Sportsman Road
Conneaut Lake, Pennsylvania 16316

Date: 9-19-23

You are hereby notified to commence work in accordance with the Contract. All work shall be completed by:

Substantial Completion: March 31, 2024
Site Restoration: May 10, 2024

ASHTABULA COUNTY BOARD OF COMMISSIONERS



Casey R. Kozlowski, President

REV. 01/22

**Disadvantaged Business Enterprise (DBE) Program
DBE Subcontractor Performance Form**

This form is intended to capture the DBE¹ subcontractor's² description of work to be performed and the price of the work submitted to the prime contractor. An EPA Financial Assistance Agreement Recipient must require its prime contractor to have its DBE subcontractors complete this form and include all completed forms in the prime contractor's bid or proposal package.

Subcontractor Name		Project Name	
Bid/ Proposal No.	Assistance Agreement ID No. (if known)	Point of Contact	
Address			
Telephone No.		Email Address	
Prime Contractor Name		Issuing/Funding Entity:	

Contract Item Number	Description of Work Submitted to the Prime Contractor Involving Construction, Services, Equipment or Supplies	Price of Work Submitted to the Prime Contractor
	NO Subcontracting per Bid Forms BF.3 and BF.EPA.3	
DBE Certified By: <input type="radio"/> ODOT <input type="radio"/> DAS/EDGE <input type="radio"/> Other: _____		Meets/ exceeds EPA certification standards? <input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> Unknown

Check Which One Applies: _____ MBE _____ WBE (Include MBE/WBE Certificates, No DBE Certs)

¹ A DBE is a Disadvantaged, Minority, or Woman Business Enterprise that has been certified by an entity from which EPA accepts certifications as described in 40 CFR 33.204-33.205 or certified by EPA. EPA accepts certifications from entities that meet or exceed EPA certification standards as described in 40 CFR 33.202.

² Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.

**Disadvantaged Business Enterprise (DBE) Program
DBE Subcontractor Performance Form**

I certify under penalty of perjury that the forgoing statements are true and correct. Signing this form does not signify a commitment to utilize the subcontractors above. I am aware of that in the event of a replacement of a subcontractor, I will adhere to the replacement requirements set forth in 40 CFR Part 33 Section 33.302 I.

Prime Contractor Signature	Print Name
Title	Date

Subcontractor Signature	Print Name
Title	Date

**Disadvantaged Business Enterprise (DBE) Program
DBE Subcontractor Utilization Form**

This form is intended to capture the prime contractor's actual and/or anticipated use of identified certified DBE¹ subcontractors² and the estimated dollar amount of each subcontract. An EPA Financial Assistance Agreement Recipient must require its prime contractors to complete this form and include it in the bid or proposal package. Prime contractors should also maintain a copy of this form on file.

Prime Contractor Name		Project Name	
Bid/ Proposal No.	Assistance Agreement ID No. (if known)	Point of Contact	
Address			
Telephone No.		Email Address	
Issuing/Funding Entity:			

I have identified potential DBE certified subcontractors	___YES	___NO	
If yes, please complete the table below. If no, please explain:			
Subcontractor Name/ Company Name	Company Address/ Phone/ Email	Est. Dollar Amt.	Currently DBE Certified?
NO Subcontracting per Bid Forms BF.3 and BF.EPA.3			
Continue on back if needed			

¹ A DBE is a Disadvantaged, Minority, or Woman Business Enterprise that has been certified by an entity from which EPA accepts certifications as described in 40 CFR 33.204-33.205 or certified by EPA. EPA accepts certifications from entities that meet or exceed EPA certification standards as described in 40 CFR 33.202.

² Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.

**Disadvantaged Business Enterprise (DBE) Program
DBE Subcontractor Utilization Form**

I certify under penalty of perjury that the forgoing statements are true and correct. Signing this form does not signify a commitment to utilize the subcontractors above. I am aware of that in the event of a replacement of a subcontractor, I will adhere to the replacement requirements set forth in 40 CFR Part 33 Section 33.302 I.

Prime Contractor Signature	Print Name
Title	Date

AMERICAN IRON AND STEEL ACKNOWLEDGEMENT

The Contractor acknowledges to and for the benefit of the Ashtabula County Board of Commissioners ("Purchaser") and the State of Ohio (the "State") that it understands the goods and services under this Agreement are being funded with monies made available by the Clean Water State Revolving Fund and/or Drinking Water State Revolving Fund that have statutory requirements commonly known as "American Iron and Steel;" that requires all of the iron and steel products used in the project to be produced in the United States ("American Iron and Steel Requirement") including iron and steel products provided by the Contractor pursuant to this Agreement. The Contractor hereby represents and warrants to and for the benefit of the Purchaser and the State that (a) the Contractor has reviewed and understands the American Iron and Steel Requirement, (b) all of the iron and steel products used in the project will be and/or have been produced in the United States in a manner that complies with the American Iron and Steel Requirement, unless a waiver of the requirement is approved, and (c) the Contractor will provide any further verified information, certification or assurance of compliance with this paragraph, or information necessary to support a waiver of the American Iron and Steel Requirement, as may be requested by the Purchaser or the State. Notwithstanding any other provision of this Agreement, any failure to comply with this paragraph by the Contractor shall permit the Purchaser or State to recover as damages against the Contractor any loss, expense, or cost (including without limitation attorney's fees) incurred by the Purchaser or State resulting from any such failure (including without limitation any impairment or loss of funding, whether in whole or in part, from the State or any damages owed to the State by the Purchaser). While the Contractor has no direct contractual privity with the State, as a lender to the Purchaser for the funding of its project, the Purchaser and the Contractor agree that the State is a third-party beneficiary and neither this paragraph (nor any other provision of this Agreement necessary to give this paragraph force or effect) shall be amended or waived without the prior written consent of the State.

Daniel Dawson

Signature

Daniel Dawson, Vice President

08/25/23

Date

Name and Title of Authorized Signatory, Please Print or Type

Klingensmith Enterprises, Inc.

Bidder's Firm

- Check here if the WPCLF or WSRLA applicant will be requesting an individual waiver for non-American made iron and steel products. Please note that the waiver box does not need to be marked for nationwide waivers.

THE OWNER OR THEIR AUTHORIZED REPRESENTATIVE SHALL INSERT THE FOLLOWING CONTRACT DOCUMENTATION IN THE EXECUTED CONTRACT:

A) FINDINGS FOR RECOVERY – ORC 9.24
(<http://ffr.ohioauditor.gov/>)

B1) CHECK FOR DEBARRED CONTRACTORS IN THE STATE OF OHIO
(<https://www.sos.state.oh.us/records/debarred-contractors/>)

B2) CHECK FEDERAL SAM (System for Award Management) for FEDERAL FUNDING (including sub-contractors), (if applicable)
(<https://www.sam.gov/SAM/>)

C) NOTIFICATION OF SURETY AND AGENT OF CONSTRUCTION CONTRACT AWARD – ORC 9.32 (if applicable)

D) NOTIFICATION TO UTILITY COMPANIES OF COMMENCEMENT OF CONTRACT EXECUTION – ORC 153.64 (if applicable)



Office of Auditor of State
88 East Broad Street
Post Office Box 1140
Columbus, OH 43216-1140

Auditor of State - Unresolved Findings for Recovery Certified Search

(614) 466-4514
(800) 282-0370

I have searched The Auditor of State's unresolved findings for recovery database using the following criteria:

Contractor's Information:

Name: **Klinginsmith, Barbara**
Organization: **Klinginsmith Enterprises, Inc.**
Date: **8/3/2023 12:45:32 PM**

This search produced the following list of 6 possible matches:

Name/Organization	Address
Russell, Barbara	
Franklin, Ralph	15262 State Route 7 South
Franklinton Preparatory Academy	4721 Reading Rd.
Russell, Barabara	
Strickling, Vivian	11755 Norbourne Dr., Apt. 1001
Taylor, Barry	

The above list represents possible matches for the search criteria you entered. Please note that pursuant to ORC 9.24, only the person (which includes an organization) actually named in the finding for recovery is prohibited from being awarded a contract.

If the person you are searching for appears on this list, it means that the person has one or more findings for recovery and is prohibited from being awarded a contract described in ORC 9.24, unless one of the exceptions in that section apply.

If the person you are searching for does not appear on this list, an initialed copy of this page can serve as documentation of your compliance with ORC 9.24(E).

Please note that pursuant to ORC 9.24, it is the responsibility of the public office to verify that a person to whom it plans to award a contract does not appear in the Auditor of State's database. The Auditor of State's office is not responsible for inaccurate search results caused by user error or other circumstances beyond the Auditor of State's control.

Date filed in eSims	Debarment Period	Contractors, Subcontractors, & Offshore	Address	Responding Project	Case Number
3/12/2017	7/12/16-7/12/18	Contractors, Subcontractors, & Offshore GM Mechanical, Inc.	7502 State Route 41 PO Box 12 Covington, OH 45318	Ohio State University Kennedy Commons Renovation	Franklin County C.P. Court No. 12 CV 002988
3/12/2017	7/12/16-7/12/18	GM Mechanical Services, LLC	7502 State Route 41 PO Box 12 Covington, OH 45318	Ohio State University Kennedy Commons Renovation	Franklin County C.P. Court No. 12 CV 002988
3/12/2017	7/12/16-7/12/18	Gerald F Miller	7502 State Route 41 PO Box 12 Covington, OH 45318	Ohio State University Kennedy Commons Renovation	United States District Court, S.D. Ohio No. 2:15-cv-2631
3/12/2017	7/12/16-7/12/18	Chide F Miller a/N/a Chage Miller	7502 State Route 41 PO Box 12 Covington, OH 45318	Ohio State University Kennedy Commons Renovation	United States District Court, S.D. Ohio No. 2:15-cv-2631



State of Ohio Debarment List

State agencies given the authority to debar suppliers by the Ohio Revised Code (R.C.) are the Ohio Facilities Construction Commission (OFCC), the Ohio Department of Transportation (ODOT), the Department of Administrative Services (DAS), and the Ohio Secretary of State. Respectively, debarment authority is given to these agencies by R.C. [153.02](#), [5513.06](#), [125.25](#). The reasons for debarment are also prescribed by these statutes:

A debarred supplier cannot participate (i.e., do any work in any capacity) in any State agency contracts until the debarment period expires. Neither the Ohio Revised Code nor the Ohio Administrative Code (OAC) establish prescribed debarment periods. Instead, these are determined on a case-by-case basis.

When conducting procurements, State agencies are required to use the Statewide Debarment List. For agencies using OhioBuys, suppliers' profiles can be referenced to determine their debarment status, plus systematic controls are in place preventing debarred vendors from doing business with State agencies. Additionally, agencies must use the Ohio Secretary of State's [Debarred Contractors List](#) and the United States General Services Administration's [System for Award Management \(SAM\)](#) list of federally debarred suppliers. State agencies are prohibited from awarding contracts, funded in whole or in part with state and/or federal funds, to any person or company on any of these lists.

Search for any keyword...

Show

50

entries

Vendor	Vendor ID	Address			
A. Joseph Business Enterprises (see Nena Bradley, below)	169391	184 Rivers Edge Way Gahanna, OH 43230	2/24/2022	2/24/2027	DAS

Exact Phrase ⁱ

e.g. 123456789, Smith Corp

"Klinginsmith Enterprises, Inc." ×

Classification ▼

Excluded Individual ▼

Excluded Entity ▼

Federal Organizations ▼

Exclusion Type ▼

Exclusion Program ▼

Location ▼

Dates ▼

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Search

All Words

e.g. 1606N020Q02

Select Domain
Entity Information



All Entity Information

Entities

Disaster Response Registry

Responsibility / Qualification

Exclusions

Filter By

Keyword Search

For more information on how to use our keyword search, visit our [help guide](#)

Simple Search

Search Editor

Any Words 

All Words 

Advocate Solutions, LLC	55662	762 S. Pearl Street, Columbus, OH 43206	1/9/2023	1/9/2028	DAS
AIN Systems, Inc.	Unavailable	7414 Trevenia Drive Blacklick, OH 43004	12/3/2018	12/3/2023	DAS
All Controls Corporation	88497	P.O. Box 1082 Chardon, OH 44024	1/13/2012	Permanent	ODOT
Atlas Central Corporation	65046	1207 Fairfield Ave, Cleveland, OH 44113	11/22/2005	Permanent	ODOT
Bright Chemical and Lighting Corporation	65443	PO Box 33528 North Royalton, OH 44133	1/13/2012	Permanent	ODOT
Charter Contracting Corporation	Unavailable	152 12th Street, Suite B Campbell, OH 44405	4/13/2014	Permanent	ODOT
Christian (Chris) Hilty	Unavailable	7075 Rocker Street Chagrin Falls, OH 44023	10/16/2008	Permanent	ODOT
David C. Oakes Officer: TesTech (see below)	Unavailable	1700 Lyons Road Dayton, OH 45458	2/7/2014	Permanent	ODOT
Demitra Burkhart Officer: AIN Systems, Inc. (see above)	Unavailable	7414 Trevenia Drive Blacklick, OH 43004	12/3/2018	12/3/2023	DAS
Eron Colson	Unavailable	2640 Reynoldsburg-New Albany Road Blacklick, OH 43004	10/22/2021	10/22/2026	DAS
George Ginnis	Unavailable	5752 Webb Road Youngstown, OH 44515 492 Harmony Lane Campbell, OH 44405	9/9/2014	Permanent	ODOT
Gust Kafas Officer: Northern States Industrial Painting (Federal ID: 34- 1953447) (see below)	Unavailable	11056 Jasmine Court Strongsville, OH 44136	1/29/2004	Permanent	ODOT

James Bright Officer: Bright Chemical and Lighting Corporation (see above)	Unavailable	5300 Wiltshire Road North Royalton, OH 44133	10/16/2008	Permanent	ODOT
James Hartory	Unavailable	10545 Locust Grove Chardon, OH 44024	10/16/2008	Permanent	ODOT
JASStek, Inc.	234439	500 Metro Place North, Suite 100 Dublin, OH 43017	11/10/2022	11/10/2024	DAS
Jatinder Singh	Unavailable	Unavailable	11/10/2022	11/10/2027	DAS
Larry Frangos Officer: Northern States Industrial Painting (Federal ID: 34- 1526908) (see below)	Unavailable	4950 Kennedy Road Lowellville, OH 44436 5752 Webb Road Youngstown, OH 44515	10/8/2014	Permanent	ODOT
Laxman Sanyasi	Unavailable	Unavailable	11/10/2022	11/10/2027	DAS
Mark O'Donnell	Unavailable	157 Abbe Road South Elyria, OH 44035	10/16/2008	Permanent	ODOT
Nena Bradley (see A. Joseph Enterprises, above)	Unavailable	184 Rivers Edge Way Gahanna, OH 43230	2/24/2022	2/24/2027	DAS
North Shore Door Company, Inc.	66955	PO Box 88780 Atlanta, GA 30356	1/13/2012	Permanent	ODOT
Northern States Industrial Painting (Federal ID: 31- 1526908)	Unavailable	Unavailable	10/4/2004	Permanent	ODOT
Northern States Industrial Painting (Federal ID: 34- 1953447)	Unavailable	Unavailable	1/29/2004	Permanent	ODOT
Nozzle New, Inc.	70597	Unavailable	1/13/2012	Permanent	ODOT

Quattro, Inc.	77702	312 Walnut Street Suite 3100 Cincinnati, OH 45202	7/2/2013	Permanent	ODOT
Richard Goldizen	Unavailable	3060 Red Oak Drive Perry, OH 44024	10/16/2008	Permanent	ODOT
Robert Johnson (aka Jeff Johnson) Officer: Smith & Johnson Construction (see below)	Unavailable	1 Mironova Place Suite 2325 Columbus, OH 43215 885 Grandview Avenue Suite 270 Columbus, OH 43215	3/5/2007	Permanent	ODOT
Robert Jones, Jr.	Unavailable	10375 Misty Ridge Concord, OH 44077	10/16/2008	Permanent	ODOT
Sherif A. Aziz Officer: TesTech (see below)	Unavailable	1700 Lyons Road Dayton, OH 45458	2/7/2014	Permanent	ODOT
Sherry B. Oakes Officer: TesTech (see below)	Unavailable	1700 Lyons Road Dayton, OH 45458	2/7/2014	Permanent	ODOT
Smith & Johnson Construction Company	48083	855 Grandview Avenue Columbus, OH 43212	3/5/2007	Permanent	ODOT
Sulakshana Singh	Unavailable	Unavailable	11/10/2022	11/10/2027	DAS
TesTech	60837	1700 Lyons Road Dayton, OH 45458	2/7/2014	Permanent	ODOT
West Shore New Holland, Inc.	55247	32200 Lorain Road North Ridgeville, OH 44039	1/13/2012	Permanent	ODOT

Showing 1 to 35 of 35 entries

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Policies

Customer Service



General Services Administration

This is a U.S. General Services Administration Federal Government computer system that is **"FOR OFFICIAL USE ONLY."** This system is subject to monitoring. Individuals found performing unauthorized activities are subject to disciplinary action including criminal prosecution.



September 6, 2023

Pennsylvania National Mutual Casualty Insurance Company
2 N. Second Street
Harrisburg, PA 17101

**Re: *College Street and Route 307 Waterline Improvements
Ashtabula County Board of Commissioners
Klinginsmith Enterprises, Inc.***

To Whom It May Concern:

In compliance with Ohio Revised Code Section 9.32, we are hereby notifying you on behalf of the Ashtabula County Board of Commissioners that the Ashtabula County Board of Commissioners awarded a contract for the above referenced project to Klinginsmith Enterprises, Inc., currently named as principal on a Bond given as surety to the Ashtabula County Board of Commissioners.

Should you have any questions or require additional information, please feel free to contact our office.

Respectfully,

CT CONSULTANTS, INC.

Georgia Conway, P.E.
Project Manager

GBC:mep

cc: Russell W. Gibson, Penn Western Bonding, LLC

H:\2023\220543\SPEC\Contract Letters.Docx

Michael Pittenger

From: Michael Pittenger
Sent: Wednesday, September 6, 2023 2:37 PM
To: jmzassick@firstenergycorp.com; Relocation@dominionenergy.com; bog11@windstream.net; tlk.cdoil@gmail.com; barrmbarr1@hotmail.com; jon.hobby@windstream.com; DL-Great-Lakes-NEO-Akron-Construction-Long-Team; jmpotter@aquaamerica.com; claussr@yahoo.com; Geneva - David Gilbert (waterworks@genevaohio.com)
Subject: 220543 - Ashtabula Co - College Street and Route 307 Waterline Improvements
Attachments: Utility email.pdf; 011100 - SUMMARY OF WORK.pdf; DWGS - 220543 COLLEGE AND RT 307_20230712.pdf; Bidders List Report.pdf

Please see attached Notice of Construction Project Commencement.

Plans & Specs can be reviewed on our website at <https://bids.ctconsultants.com> - Opened & Awarded tab

Thank You,

Michael E. Pittenger

Contract Document Coordinator, Inspection & Testing, CESSWI

440-530-2205 Direct
440-487-6148 Cellular
mpittenger@ctconsultants.com

CT Consultants, Inc.
8150 Sterling Court
Mentor, OH 44060
440-951-9000 Office
440-951-7487 Fax
www.ctconsultants.com



LEADING THROUGH
the next 100 years



August 24, 2023

Alyssa Ferguson,
Operations Manager
Klingensmith Enterprises Inc.
12984 Sportsman Road/ PO Box 5135
Conneaut Lake, PA 16316

SUBJECT: Certificate of Compliance Certification
Status: Conditional
Effective Dates: August 24, 2023 - February 24, 2024

Dear Alyssa Ferguson:

The Ohio Department of Development, Minority Business Development Division (MBDD) hereby issues Klingensmith Enterprises Inc. a Certificate of Compliance. The Certificate shall be in force for 180 days from the date of issuance.

Section 9.47 of the Revised Code requires MBDD to review affirmative action programs and plans of each company desiring to participate on state or state-assisted construction contracts and determine whether that company has violated any affirmative action programs and goals for which that company was obligated to meet during the preceding five years. Based on the above-referenced review, MBDD has found no such violation(s).

Please be advised that for Klingensmith Enterprises Inc. to maintain certification status, Klingensmith Enterprises Inc. must continue to ensure equal employment opportunities in accordance with applicable state and federal EEO laws, rules, regulations, guidelines, and meet those contractual obligations for which Klingensmith Enterprises Inc. has agreed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Monica L. Womack".

Monica L. Womack
Chief

Thu Aug 03 2023

Entity#: 4616249
Filing Type: FOREIGN CORPORATION
Original Filing Date: 02/11/2021
Location: --
Business Name: KLINGINSMITH ENTERPRISES INC.
Status: Active
Exp. Date: -

Agent/Registrant Information

DANIEL DAWSON
719 BUFFALO STREET
CONNEAUT OH 44030
02/11/2021
Active

Filings

Filing Type	Date of Filing	Document ID
FOREIGN LICENSE/FOR-PROFIT	02/11/2021	202104202262

UNITED STATES OF AMERICA
STATE OF OHIO
OFFICE OF SECRETARY OF STATE

I, Frank LaRose, Secretary of State of the State of Ohio, do hereby certify that this is a list of all records approved on this business entity and in the custody of the Secretary of State



Witness my hand and the seal of the Secretary of State at Columbus, Ohio this 3rd of August, A.D. 2023

Ohio Secretary of State

Handwritten signature of Frank LaRose in cursive.