

*Wickins*

OHIO TURNPIKE COMMISSION

Resolution No. 69-1952 With Respect to  
Contracts to be Made Pursuant to Competitive Bids  
(Adopted August 29, 1952)

WHEREAS Sec. 1205 of the Ohio General Code requires that when the cost under any contract or agreement of the Commission, other than compensation for personal services, involves an expenditure of more than \$1,000 the Commission shall make a written contract with the lowest and best bidder after advertisement for not less than two consecutive weeks in a newspaper of general circulation in Franklin County, Ohio, and in such other publications as the Commission shall determine;

WHEREAS it will be necessary that the Commission enter into numerous contracts for the purchase of supplies and equipment and for the furnishing of labor and materials in connection with the construction of Ohio Turnpike Project No. 1, and it is necessary that the Commission make appropriate arrangements for advertising for bids for such contracts and for the awarding of such contracts;

WHEREAS said Sec. 1205 requires that each bid shall be accompanied by a sufficient bond or certified check on a solvent bank, that if the bid is accepted a contract will be entered into and the performance of the proposal secured, and it is therefore appropriate that the Commission determine what shall be a sufficient bond or certified check in such cases;

WHEREAS said Sec. 1205 further requires that a bond with good and sufficient surety as shall be approved by the Commission, shall be required of all contractors in an amount equal to at least 50% of the contract price, conditioned upon the faithful performance of the contract, and it is therefore appropriate that the Commission shall determine what performance bonds shall be approved in connection with contracts awarded pursuant to competitive bidding;

NOW THEREFORE BE IT

RESOLVED that each of the Chairman and Chief Engineer be and each of them is hereby authorized to enter into any and all contracts for the furnishing of labor or materials, or both, including contracts for borings and other explorations, which are deemed by either of them to be necessary for the construction of Ohio Turnpike Project No. 1; provided, however, that neither of them shall enter into any such contract on behalf of the Commission which involves an expenditure of more than \$1,000, except pursuant to competitive bidding as required by Sec. 1205 of the General Code of Ohio;

FURTHER RESOLVED that each of the Chairman and the Chief Engineer be and he hereby is authorized to enter into contracts, on behalf of the Commission, with public bodies, agencies, and authorities, and with railroads, public utilities, and owners of property, providing for the manner and conditions of performing any work involved in the construction of Ohio Turnpike Project No. 1 which will or might affect any of them, their properties, or their businesses, or might result in personal injuries or death, or providing for the payment, or ascertainment of the amount of and the payment, of any damages, costs, expenses, or compensation, which the Commission is required, by Sec. 1206 of the General Code of Ohio, to pay or make reimbursement of;

FURTHER RESOLVED that the Executive Assistant to the Commission be and he hereby is directed and authorized to buy, lease, or otherwise acquire the use of all equipment, supplies, and services needed for the operation of the Commission's

offices and the carrying-out of its functions in connection with the construction of Ohio Turnpike Project No. 1, except that he shall have no authority to enter into construction contracts for the furnishing of labor and materials required for said construction (which contracts shall be entered into, as aforesaid, by the Chairman or the Chief Engineer); provided, however, that he shall not enter into any such contract on behalf of the Commission, except contracts for personal services or upon advice of General Counsel that competitive bidding is not legally required, which involves an expenditure of more than \$1,000, except pursuant to competitive bidding as required by Sec. 1205 of the General Code of Ohio; and that resolutions Nos. 49-1952 and 55-1952 be and they hereby are rescinded;

FURTHER RESOLVED that each of the Chairman and Chief Engineer be and each of them hereby is authorized to award, on behalf of the Commission, any construction contract for the furnishing of labor and materials, pursuant to competitive bidding, to the lowest and best bidder, but no such contract which requires the expenditure of more than \$250,000 shall be so awarded without further action of the Commission; and that the Executive Assistant to the Commission is hereby authorized to award any contract for purchases of equipment and supplies or the furnishing of services (when competitive bidding therefor is legally required) to the lowest and best bidder; provided, however, that none of the aforesaid officers shall be authorized to award any such contract to any bidder other than the lowest bidder, but shall, if he shall believe a bidder other than the lowest bidder is the best bidder, report such belief and his reasons therefor to the Commission, for its consideration and action;

FURTHER RESOLVED that any certified check of a bidder submitting a bid pursuant to Sec. 1205 of the General Code of Ohio which is drawn on any solvent bank and which is equal in amount to not less than 5% of the amount of such bidder's bid, and which also is in compliance with the terms of the notice to the bidders which shall have been approved or prepared by the Commission's General Counsel or other attorney of the Commission designated by him for the purpose, is by the Commission deemed and hereby determined to be "a sufficient certified check" within the meaning of that term as used in the aforesaid Sec. 1205;

FURTHER RESOLVED that any performance bond tendered by a contractor entering into a contract made pursuant to competitive bidding under the provisions of said Sec. 1205 which is substantially in the form set forth in Exhibit A, which is appended to and made a part of this resolution, which is approved by General Counsel for the Commission or an attorney of the Commission designated by him for the purpose as complying with all legal requirements, and upon which the surety is a surety company authorized and licensed to do business in the State of Ohio, is hereby approved by the Commission; provided, however, that nothing in this resolution contained shall be deemed to be a determination by the Commission that only surety companies may be sureties upon performance bonds furnished to the Commission, for it is the belief and view of the Commission that any and all satisfactory sureties should be, and the Commission states that they will be, approved by the Commission, but if any such surety shall be other than a surety company authorized and licensed to do business in the State of Ohio, his bonds shall in each case first be submitted to the Commission for its approval;

FURTHER RESOLVED that the Commission hereby determines that no advertisement for bids made pursuant to Sec. 1205 of the General Code of Ohio need be made in any publication other than a newspaper of general circulation in Franklin County, Ohio, but the Chief Engineer or the Chairman may,



shall fully pay the lawful claims of all subcontractors, material men, and laborers, for whose benefit, as well as the benefit of the obligee, this undertaking is made, for labor performed and materials furnished in completing the Contract, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

The surety hereby agrees that any granting of extensions of time for the completion of the work specified in the Contract, or any modifications, omissions, or additions made in or to the terms of the Contract, shall not in any wise diminish the obligation of the surety hereunder.

Provided, however, that this obligation shall terminate and be null and void if the obligee shall annul the award of the Contract to the principal under the provisions of the above-described proposal; and provided further that in no event shall the liability of the surety hereunder for any and all claims exceed the amount of this obligation as herein above stated.

IN WITNESS WHEREOF, the principal and the surety have signed and sealed this instrument at \_\_\_\_\_, Ohio, on the \_\_\_\_\_ day of \_\_\_\_\_, 1952.

\_\_\_\_\_, Principal

By \_\_\_\_\_

\_\_\_\_\_  
(Title)

\_\_\_\_\_, Surety

By \_\_\_\_\_

\_\_\_\_\_  
(Title)