

OHIO TURNPIKE COMMISSION

Resolution No. 54-1955 Authorizing the
Executive Director to Arrange for Commis-
sion's Indemnification in Certain Instances

WHEREAS the Commission's contracts provide, in general, that so much of any money due to the contractor under and by virtue of the contract as shall be considered necessary by the Commission to indemnify it and its members, employees, and agents may be retained by the Commission and held until any suits, actions, claims, or demands against the Commission or any of its aforesaid members, employees, or agents shall have been settled and suitable evidence of such settlement furnished to the Commission;

WHEREAS, in general, such contracts also provide that, with certain exceptions, the contractor in such instances shall be permitted to post bond with the Commission in form, terms, and amount and with surety to the satisfaction of the Commission to effect such indemnification, whereupon such moneys as would otherwise have been withheld shall be released and paid to the contractor;

WHEREAS the Commission has not heretofore delegated general authority to act on its behalf in determining in what instances and in what amounts money shall be withheld, pursuant to said provisions, or the form, terms, and amount of any bond which may be accepted in lieu of such withholding; and

WHEREAS the Commission has not provided any standards for acceptance of sureties as satisfactory on bonds in such instances nor has it delegated general authority to make such determinations on its behalf;

NOW, THEREFORE, BE IT

RESOLVED that the Commission's executive director be, and hereby he is, authorized to determine the necessity and amount of any withholding of money provided for in §G-7, 16 of the Commission's General Specifications, in any instance in which said specifications are applicable, and to make like determinations in comparable instances arising under contracts having similar provisions;

FURTHER RESOLVED that the Commission's executive director be, and hereby he is, authorized to permit the posting of bond in such instances in lieu of directing the retention of money; provided, however, that the form of any such bonds shall be subject to the approval of general counsel and, provided further, that in any case provided for in §§1311.26 and 1311.27 of the Revised Code of Ohio, no such bond shall be accepted in lieu of retention of money; and

FURTHER RESOLVED that any surety which is a surety company authorized and licensed to do business in the state of Ohio is hereby declared to be satisfactory to 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 such bonds, for it is the belief and view of the Commission that any and all satisfactory sureties should be approved for said purpose; but if any surety shall be other than a surety company authorized and licensed to do business in the state of Ohio, his qualifications will be subject to review by the Commission's executive director and comptroller, who, acting jointly, shall declare themselves satisfied therewith, unless there be cause to the contrary.

Copy hereof distributed 9-16-55 to: Executive Director
Chief Engineer (5)
Comptroller
Consulting Engineer (3)
Director of Information and Research