

## OHIO TURNPIKE COMMISSION

Resolution Annuling Award of Contract RMP 59-74-1 to  
S. E. Johnson Company

WHEREAS the Commission duly awarded to the S. E. Johnson Company of Maumee, Ohio a contract for the repair and resurfacing of original Construction Sections C-55, C-56, C-57, C-58 and C-59 between Milepost 14.8 and Milepost 27.5 in Williams and Fulton Counties, Ohio, which contract was designated Contract RMP 59-74-1;

WHEREAS the aforesaid award was made by Resolution No. 3-1974, at the Commission's meeting on February 5, 1974, following the receipt and opening of bids for said contract on January 29, 1974;

WHEREAS following said award, the S. E. Johnson Company, by letter dated February 11, 1974, advised the Commission that due to an increase in the price of asphalt, it would not execute contract so awarded, and said company refused to accept said award and to enter into a contract with the Commission or to furnish a performance bond as required by the invitation for bids; and

WHEREAS the documents whereby bids were solicited for said contract provide that failure by a bidder to whom an award has been made to execute the contract and to file an acceptable contract bond shall be cause for the annulment of the award and retention of the proposal guaranty by the Commission;

NOW, THEREFORE, BE IT

RESOLVED that the award of Contract RMP 59-74-1 to the S. E. Johnson Company of Maumee, Ohio, which award was made by Resolution No. 3-1974 on February 5, 1974, be, and the same hereby is, annulled and held for nought; and

FURTHER RESOLVED that the bid security submitted by the S. E. Johnson Company with its bid on January 29, 1974, be retained by the Commission as liquidated damages for failure or refusal to enter into a contract pursuant to award as provided in the invitation for bids for said contract, and the executive director hereby is instructed to apply said bid security to the use and benefit of the Commission as a part of its funds.

(Resolution No. 9-1974 adopted March 5, 1974)

Copies hereof distributed 3/7/74 to:

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