

OHIO TURNPIKE COMMISSION

**Resolution Authorizing Executive Director to Utilize Dispute Resolution
Methods for Claims that Arise under Construction Contracts**

WHEREAS, the Commission has, in Article V of its Bylaws, authorized the executive director to enter into contracts subject to the limitations set forth in the Bylaws; and

WHEREAS, the Commission has given the executive director the authority to enter into supplemental agreements with a contractor to address matters such as increased quantities, change orders, extra work orders or other adjustments in the terms of a previously awarded contract under circumstances that would create a life, safety or health-threatening situation or which would unduly delay the completion of the project and increase its costs; and

WHEREAS, it is prudent for construction contracts that are approved by the Commission to contain within their terms a Dispute Resolution Process to serve as a means for the parties to resolve claims that may arise during the construction of the project; and

WHEREAS, the Dispute Resolution Process that the executive director proposes to utilize establishes that claims will initially be decided by the chief engineer; and

WHEREAS, the Dispute Resolution Process further provides that the contractor may appeal the chief engineer's decision to the Commission's executive director via the Commission's director of contracts administration, who upon receipt of the contractor's appeal shall conduct a meeting with the contractor; and

WHEREAS, the director of contracts administration may employ independent resources to assist in the meeting and review of the appeal, and shall then make a recommendation to the executive director who shall, in turn, provide a written decision to the contractor within fourteen (14) days after the meeting; and

WHEREAS, the decision of the executive director shall be the final and conclusive decision of the Commission, unless it results in the filing of litigation or a decision by the parties to mediate the claim if it cannot be resolved; and

WHEREAS, the Commission will be informed of any disputed claims that are approved by the executive director as they would result in change orders which shall be reported to the Commission at the conclusion of the construction project as required by Article V of the Bylaws;

NOW, THEREFORE, BE IT

RESOLVED that the Ohio Turnpike Commission hereby authorizes the executive director to utilize the aforementioned Dispute Resolution Process with respect to construction contracts that have received Commission approval.

(Resolution No. 42-2003 adopted September 15, 2003)