

**Resolution authorizing a contract modification with Deer Creek
Excavating for the General construction services for the Mon-E-
Bak Sanitary Improvements project**

(Sanitary Engineering)

WHEREAS, the County is authorized to make and enter into all contracts or agreements which it determines are necessary or incidental to the performance of its duties and to the execution of the purposes of and the powers granted by the State of Ohio;

WHEREAS, in accordance with its procurement procedures, the County has previously entered into an Agreement with Contractor for the construction of certain sewer improvements known as the Mon-E-Bak Sewer Improvement; and

WHEREAS, during the course of the work, the County was served with certain mechanics liens related to payment of certain expenses by Contractor, which were resolved by Contractor, however in accordance with Ohio Law, existing pay applications were not approved until the lien was dissolved; and

WHEREAS, the required delay in approval of pay applications has resulted in further liens being filed on the project, including a lien by Shelly Materials in the amount of \$152,188.00; and

WHEREAS, the County has verified that the lien amount is for work performed on the Mon-E-Bak Sewer Improvement, and Deer Creek has by letter, and this agreement agreed that the claim is valid and for work performed on the project, and that pending pay applications by Contractor exceed the amount of the lien; and

WHEREAS, the County, Contractor and Shelly Materials have agreed that immediately upon payment of \$152,188.00 by the County in accordance with this modification, Shelly Materials will immediately remove its existing lien; now, therefore,

BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

1. That the attached contract modification is hereby approved.

Prepared by: Stephen A. Renner

SIGNATURE PAGE FOLLOWS