

**Resolution authorizing a take-out agreement with International Fidelity Insurance Company and Beheler Excavating for General construction services for the Mon-E-Bak Sanitary Sewer Improvements Project**

**(Sanitary Engineering)**

**WHEREAS**, the Franklin County Board of Commissioners secured the services of Deer Creek Excavating, LLC to provide labor, equipment, and materials for the General construction of the Mon-E-Bak Sanitary Sewer Improvements Project via Resolution 0043-11 for the sum of \$4,942,777.67.00; and

**WHEREAS**, International Fidelity Insurance Company and Everest Reinsurance Company as Surety, and Deer Creek as Principle, made, executed and delivered to the Franklin County Bid Guaranty and Contract Bond number OH0542414, each in the penal sum of \$4,942,777.67.00; and

**WHEREAS**, Franklin County had notified Deer Creek that it breached its Original Contract for the Mon-E-Bak Sanitary Sewer project and terminated Deer Creek Excavating, LLC, and Franklin County has called upon the Surety to fulfill its obligations on the Mon-E-Bak Sanitary Sewer Bond; and

**WHEREAS**, the Mon-E-Bak Sanitary Sewer Project remains uncompleted and Deer Creek had removed all of its equipment and personnel from the job site, and have undertaken no activity relative to the same since 2012.; and

**WHEREAS**, Beheler Excavating has, pursuant to a request from Surety, prepared and submitted a proposed to complete all of the work under the Original Mon-E-Bak contract just as though Beheler Excavating has been the Principal in the first instance, a copy of which proposal is part of this agreement; and

**WHEREAS**, Franklin County agrees to accept the performance of obligations under the Original Mon-E-Bak contract by Beheler Excavating as the Completion Contractor tendered by the Surety; now, therefore

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

**Resolution authorizing a take-out agreement with International Fidelity Insurance Company and Beheler Excavating for General construction services for the Mon-E-Bak Sanitary Sewer Improvements Project**

1. That the attached contract with International Fidelity Insurance Company and Beheler Excavating is hereby approved.

Prepared by: Stephen A. Renner