



Purpose

The purpose of this process is to establish a consistent series of steps for managing documents associated with the receipt of an Affidavit of Claim (Lien) against funds due a vendor under a University contract for construction.

1. The University representative named in a Notice of Commencement is served with a copy of an Affidavit of Claim (Lien) pursuant to Section 1311.26 of the Ohio Revised Code.
2. The document is forwarded to the Office Manager
3. The Office Manager will attach a copy of the document to an email and forward it to the Construction Counsel in the Office of Legal Affairs for advice with copies to:
 - a. Director of Projects (DoP)
 - b. Project Manager (PM)
 - c. Contracts Administrator (CA)
 - d. Assoc Director of Finance (ADF)
 - e. Project Accountant (PA)
4. The Project Accountant (PA):
 - a. Sets up a pending lien entry in Net Link payment module, which results in pay request processing delay until validity of lien, is confirmed.
 - b. Places a copy of the Affidavit of Claim (Lien) and certified mail envelope in the electronic project file (1000 Legal – Privilege).
5. Construction Counsel reviews the document and advises all the above on disposition of the Affidavit of Claim (Lien).
 - a. If Construction Counsel advises FOD to detain funds pursuant to Section 1311.28 of the Ohio Revised Code complete steps below. Otherwise, go to step 4b. At the same time, Construction Counsel will send notification to the contractor.
 - i. The CA prepares a Lien Escrow Agreement to establish an escrow account and submits the Agreement to the Director of Program Management for signature.
 - ii. The Director of Program Management gives the signed Escrow Agreement to the PA who saves a copy of the Lien Escrow Agreement in the project file. (1000 Legal – Privilege)
 - iii. The PA requests a check and forwards the Lien Escrow Agreement and check to WesBanco for the establishment of a Lien Escrow account at the bank.
 - iv. The PA places a copy of the Construction Counsel notice in the electronic project file and deposit confirmation when received. (1000 Legal – Privilege)
 - b. If Construction Counsel does not advise FOD to withhold funds;
 - i. The PA releases the pending lien hold from NetLink.
 - ii. The PA places a copy of the reply in the electronic project file. (1000 Legal – Privilege)
6. When the University representative is served with a Lien release, the document is forwarded to the (PA).
7. The PA places a copy of the Lien release in the electronic project file. (1000 Legal – Privilege)
8. The PA attaches a copy of the document to an email and forwards it to the Construction Counsel in the Office of Legal Affairs for advice. The PA copies to the following:
 - a. Contracts Administrator (CA)
 - b. Director of Projects (DoP)
 - c. Project Manager (PM)
 - d. Assoc Director of Finance (ADF)
9. Construction Counsel reviews the document and advises all the above on disposition of the Lien release.
 - a. If the lien release is valid the PA will contact WesBanco to release funds according to the determined requirements
 - b. The PA will place copies of the notification from Construction Counsel in the electronic project file. (1000 Legal – Privilege)