



CONSTRUCTION INDUSTRY COALITION OPPOSITION TO S.B. 260
Senate Local Government & Elections Committee, November 15, 2022

Chair Gavarone, Vice Chair O’Brien, Ranking Minority Member Maharath and Senators on the Local Government and Elections Committee:

Our organizations—Ohio Contractors Association, Associated General Contractors of Ohio, Mechanical Contractors Association of Ohio, National Electrical Contractors Association (Ohio), Construction Employers Association, Transportation Advocacy Group of Northwest Ohio, Affiliated Construction Trades of Ohio, Ohio Laborers’ District Council, International Union of Operating Engineers - Local 18, Ohio State Building and Construction Trades Council, and the Indiana-Kentucky-Ohio Regional Council of Carpenters—represent commercial construction contractors, subcontractors and specialty trades, and workers. Our members build schools, roads, bridges, office and medical complexes, pipelines, industrial and manufacturing facilities, wastewater treatment plants, mechanical and electrical systems, and a host of other vertical and horizontal structures.

We support openness, competitiveness, and transparency in Ohio’s commercial construction and public procurement laws. Ohio’s construction procurement laws are intended to encourage competitive processes for the award of contracts, transparencies for the general public (taxpayers) and those working on the project, as well as protections for owners, contractors and workers.

Therefore, our organizations strongly oppose S.B. 260. It is not in the best interests of public construction in Ohio because:

- It bypasses the competitive processes and protections of standard construction contained in the Ohio Revised Code, including advertising, bonding, subcontractor protections, etc.;
- It makes the award of construction contracts less transparent;
- It generates inconsistency and confusion within the construction industry in Ohio;
- It creates a path for political subdivisions to avoid competitive bidding for construction;
- And due to the reasons above, **it limits the ability of local businesses to compete for public projects.**

Contrary to what is being suggested by other interests, there is no ambiguity in the Revised Code, and S.B. 260 is not a technical correction. Attorney General Yost issued an opinion in this regard in 2019 that our industry groups support, identifying the narrow parameters where construction can be cooperatively purchased. We oppose any legislation like S.B. 260 that would alter the law and expand the use of cooperative purchasing agreements for construction services.

We urge you to oppose S.B. 260 and any efforts to weaken construction procurement laws, lessen transparency, and circumvent open and public bidding laws.