

Sub. H. B. No. 23
As Passed by the Senate

_____ moved to amend as follows:

- In line 2 of the title, delete ", 723.53" 1
- In line 24, delete ", 723.53" 2
- In line 62, delete "by or"; delete "as" 3
- In line 63, delete "applicable," 4
- In line 85, delete "by or" 5
- In line 94, delete "by or" 6
- Delete lines 385 through 450 7
- After line 450, insert: 8
- "Sec. 723.52.** Before letting or making any contract for 9
- the construction, reconstruction, widening, resurfacing, or 10
- repair of a street or other public way, the director of public 11
- service in a city, or the legislative authority in a village, 12
- shall make an estimate of the cost of such work using the force 13
- account project assessment form developed by the auditor of 14
- state under section 117.16 of the Revised Code. In municipal 15



corporations having an engineer, or an officer having a
different title but the duties and functions of an engineer, the
estimate shall be made by the engineer or other officer. Where
the total estimated cost of any such work is ~~thirty-seventy~~
thousand dollars or less, the proper officers may proceed by
force account.

Where the total estimated cost of any such work exceeds
~~thirty-seventy~~ thousand dollars, the proper officers of the
municipal corporation shall be required to invite and receive
competitive bids for furnishing all the labor, materials, and
equipment and doing the work, after newspaper advertisement as
provided by law. The officers shall consider and may reject such
bids. If the bids are rejected, the officers may order the work
done by force account or direct labor. When such bids are
received, considered, and rejected, and the work done by force
account or direct labor, such work shall be performed in
compliance with the plans and specifications upon which the bids
were based. It shall be unlawful to divide a street or
connecting streets into separate sections for the purpose of
defeating this section and section 723.53 of the Revised Code.

On the first day of July of every ~~odd-numbered~~ year
beginning in ~~2021~~2024, the threshold amount established in this
section shall increase by an amount not to exceed the lesser of
~~three-five~~ per cent, or the percentage amount of any increase in
the department of transportation's construction cost index as
annualized and totaled for the prior ~~two~~calendar ~~years~~year. The
director of transportation shall notify each appropriate
engineer or other officer of the increased amount.

"Street," as used in such sections, includes portions of
connecting streets on which the same or similar construction,

reconstruction, widening, resurfacing, or repair is planned or projected." 46
47

Delete lines 451 through 477 48

Delete lines 3081 through 3171 49

After line 3171, insert: 50

"Sec. 5543.19. (A) The county engineer may, when 51
authorized by the board of county commissioners and not required 52
by this section or other law to use competitive bidding, employ 53
such laborers and vehicles, use such county employees and 54
property, lease such implements and tools, and purchase such 55
materials as are necessary in the construction, reconstruction, 56
improvement, maintenance, or repair of roads by force account. 57

In determining whether construction or reconstruction, 58
including widening and resurfacing, of roads may be undertaken 59
by force account, the county engineer shall first cause to be 60
made an estimate of the cost of such work using the force 61
account project assessment form developed by the auditor of 62
state under section 117.16 of the Revised Code. When the total 63
estimated cost of the work exceeds ~~thirty-seventy~~ thousand 64
dollars per mile, the county commissioners shall invite and 65
receive competitive bids for furnishing all the labor, 66
materials, and equipment necessary to complete the work in 67
accordance with sections 307.86 to 307.92 of the Revised Code. 68

(B) The county engineer may, when authorized by the board 69
of county commissioners and not required by this section or 70
other law to use competitive bidding, employ such laborers and 71
vehicles, use such county employees and property, lease such 72
implements and tools, and purchase such materials as are 73
necessary in the construction, reconstruction, improvement, 74

maintenance, or repair of bridges and culverts by force account. 75

In determining whether such construction, reconstruction, 76
improvement, maintenance, or repair of bridges or culverts may 77
be undertaken by force account, the county engineer shall first 78
cause to be made an estimate of the cost of such work using the 79
force account project assessment form. When the total estimated 80
cost of the work exceeds ~~one~~ two hundred thirty-three thousand 81
dollars, the board of county commissioners shall invite and 82
receive competitive bids for furnishing all the labor, 83
materials, and equipment necessary to complete the work, in 84
accordance with sections 307.86 to 307.92 of the Revised Code. 85
The county engineer shall obtain the approval required by 86
section 5543.02 of the Revised Code. 87

(C) On the first day of July of every ~~odd-numbered~~ year 88
beginning in ~~2021~~2024, the threshold amounts established in this 89
section shall increase by an amount not to exceed the lesser of 90
~~three~~ five per cent, or the percentage amount of any increase in 91
the department of transportation's construction cost index as 92
annualized and totaled for the prior ~~two~~ calendar ~~years~~ year. The 93
director of transportation shall notify each appropriate county 94
engineer of the increased amount. 95

(D) "Force account," as used in this section means that 96
the county engineer will act as contractor, using labor employed 97
by the engineer using material and equipment either owned by the 98
county or leased or purchased in compliance with sections 307.86 99
to 307.92 of the Revised Code and excludes subcontracting any 100
part of such work unless done pursuant to sections 307.86 to 101
307.92 of the Revised Code. 102

The term "competitive bids" as used in this section 103
requires competition for the whole contract and in regard to its 104

component parts, including labor and materials. Neither plans 105
nor specifications shall be drawn to favor any manufacturer or 106
bidder unless required by the public interest." 107

Delete lines 3172 through 3259 108

After line 3259, insert: 109

"Sec. 5575.01. (A) In the maintenance and repair of 110
roads, the board of township trustees may proceed either by 111
contract or force account, but, unless the exemption specified 112
in division (C) of this section applies, if the board wishes to 113
proceed by force account, it first shall cause the county 114
engineer to complete the force account assessment form developed 115
by the auditor of state under section 117.16 of the Revised 116
Code. Except as otherwise provided in sections 505.08 and 117
505.101 of the Revised Code, when the board proceeds by 118
contract, the contract shall, if the amount involved exceeds 119
~~forty five one hundred five~~ thousand dollars, be let by the 120
board to the lowest responsible bidder after advertisement for 121
bids once, not later than two weeks, prior to the date fixed for 122
the letting of the contract, in a newspaper of general 123
circulation within the township. If the amount involved is 124
~~forty five one hundred five~~ thousand dollars or less, a contract 125
may be let without competitive bidding, or the work may be done 126
by force account. Such a contract shall be performed under the 127
supervision of a member of the board or the township road 128
superintendent. 129

(B) Before undertaking the construction or reconstruction 130
of a township road, the board shall cause to be made by the 131
county engineer an estimate of the cost of the work, which 132
estimate shall include labor, material, freight, fuel, hauling, 133
use of machinery and equipment, and all other items of cost. If 134

the board finds it in the best interest of the public, it may, 135
in lieu of constructing the road by contract, proceed to 136
construct the road by force account. Except as otherwise 137
provided under sections 505.08 and 505.101 of the Revised Code, 138
where the total estimated cost of the work exceeds ~~fifteen-~~ 139
thirty-five thousand dollars per mile, the board shall invite 140
and receive competitive bids for furnishing all the labor, 141
materials, and equipment and doing the work, as provided in 142
section 5575.02 of the Revised Code, and shall consider and 143
reject them before ordering the work done by force account. When 144
such bids are received, considered, and rejected, and the work 145
is done by force account, the work shall be performed in 146
compliance with the plans and specifications upon which the bids 147
were based. 148

(C) Force account assessment forms are not required under 149
division (A) of this section for road maintenance or repair 150
projects ~~of less than fifteen thousand dollars,~~ or under 151
division (B) of this section for road construction or 152
reconstruction projects of less than ~~five thousand dollars per-~~ 153
mile one-third of the applicable force account limit. 154

(D) On the first day of July of every ~~odd numbered~~ year 155
beginning in ~~2021~~2024, the threshold amounts established in 156
divisions (A) and (B) of this section shall increase by an 157
amount not to exceed the lesser of ~~three-~~five per cent, or the 158
percentage amount of any increase in the department of 159
transportation's construction cost index as annualized and 160
totaled for the prior ~~two~~-calendar ~~years~~year. The director of 161
transportation shall notify each appropriate county engineer of 162
the increased amount. 163

(E) All force account work under this section shall be 164

done under the direction of a member of the board or the township road superintendent." In line 4064, delete ", 723.53"

The motion was _____ agreed to.

SYNOPSIS

Force accounts (LOCCD15)

R.C. 117.16, 723.52, 723.53, 5543.19, and 5575.01

Removes the provisions, added by the Senate, that authorize a local government (an unchartered municipal corporation, county, and township) to establish their own force account limits for highway and bridge projects.

Increases the current law statutory force account limits for a local authority (but in amounts that are lower than the Senate-passed statutory default limits) as follows:

1. From \$30,000 per project to \$70,000 per project for road construction, reconstruction, widening, resurfacing, and repair for an unchartered municipal corporation (Senate-passed version is \$75,840 per project);

2. From \$30,000 per mile to \$70,000 per mile for highway construction or reconstruction for a county (Senate-passed version is \$78,840 per mile);

3. From \$100,000 per project to \$233,000 per project for bridge and culvert construction or reconstruction for a county (Senate-passed version is \$252,800 per project);

4. From \$45,000 per project to \$105,000 per project for road maintenance and repair for a township (Senate-passed version is \$113,760 per project); and	188 189 190
5. From \$15,000 per mile to \$35,000 per mile for road construction and reconstruction for a township (Senate-passed version is \$37,920 per mile).	191 192 193
Increases those limits annually, rather than biennially as under current law, based on ODOT's construction cost index, with a 5% cap, rather than the current law 3% cap.	194 195 196
Requires ODOT to notify the county engineer or other appropriate engineer of the increased amount.	197 198
Exempts the county engineer from completing the State Auditor force account assessment form for township projects that are less than 1/3 the total force account limit thresholds.	199 200 201