

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

Delete lines 385 through 450 3

After line 450, insert: 4

"Sec. 723.52. Before letting or making any contract for 5
the construction, reconstruction, widening, resurfacing, or 6
repair of a street or other public way, the director of public 7
service in a city, or the legislative authority in a village, 8
shall make an estimate of the cost of such work using the force 9
account project assessment form developed by the auditor of 10
state under section 117.16 of the Revised Code. In municipal 11
corporations having an engineer, or an officer having a 12
different title but the duties and functions of an engineer, the 13
estimate shall be made by the engineer or other officer. Where 14
the total estimated cost of any such work is ~~thirty-seventy~~ 15
thousand dollars or less, the proper officers may proceed by 16
force account. 17



Where the total estimated cost of any such work exceeds 18
~~thirty-seventy~~ thousand dollars, the proper officers of the 19
municipal corporation shall be required to invite and receive 20
competitive bids for furnishing all the labor, materials, and 21
equipment and doing the work, after newspaper advertisement as 22
provided by law. The officers shall consider and may reject such 23
bids. If the bids are rejected, the officers may order the work 24
done by force account or direct labor. When such bids are 25
received, considered, and rejected, and the work done by force 26
account or direct labor, such work shall be performed in 27
compliance with the plans and specifications upon which the bids 28
were based. It shall be unlawful to divide a street or 29
connecting streets into separate sections for the purpose of 30
defeating this section and section 723.53 of the Revised Code. 31

On the first day of July of every ~~odd-numbered~~ year 32
beginning in ~~2021~~2024, the threshold amount established in this 33
section shall increase by an amount not to exceed the lesser of 34
~~three-five~~ per cent, or the percentage amount of any increase in 35
the department of transportation's construction cost index as 36
annualized and totaled for the prior ~~two~~calendar ~~years~~year. The 37
director of transportation shall notify each appropriate 38
engineer or other officer of the increased amount and publish 39
the applicable amount on the department of transportation's 40
internet web site. 41

"Street," as used in such sections, includes portions of 42
connecting streets on which the same or similar construction, 43
reconstruction, widening, resurfacing, or repair is planned or 44
projected." 45

Delete lines 451 through 477 46

Delete lines 3172 through 3259 47

After line 3259, insert:

48

"Sec. 5575.01. (A) In the maintenance and repair of 49
roads, the board of township trustees may proceed either by 50
contract or force account, but, unless the exemption specified 51
in division (C) of this section applies, if the board wishes to 52
proceed by force account, it first shall cause the county 53
engineer to complete the force account assessment form developed 54
by the auditor of state under section 117.16 of the Revised 55
Code. Except as otherwise provided in sections 505.08 and 56
505.101 of the Revised Code, when the board proceeds by 57
contract, the contract shall, if the amount involved exceeds 58
~~forty five one hundred five~~ thousand dollars, be let by the 59
board to the lowest responsible bidder after advertisement for 60
bids once, not later than two weeks, prior to the date fixed for 61
the letting of the contract, in a newspaper of general 62
circulation within the township. If the amount involved is 63
~~forty five one hundred five~~ thousand dollars or less, a contract 64
may be let without competitive bidding, or the work may be done 65
by force account. Such a contract shall be performed under the 66
supervision of a member of the board or the township road 67
superintendent. 68

(B) Before undertaking the construction or reconstruction 69
of a township road, the board shall cause to be made by the 70
county engineer an estimate of the cost of the work, which 71
estimate shall include labor, material, freight, fuel, hauling, 72
use of machinery and equipment, and all other items of cost. If 73
the board finds it in the best interest of the public, it may, 74
in lieu of constructing the road by contract, proceed to 75
construct the road by force account. Except as otherwise 76
provided under sections 505.08 and 505.101 of the Revised Code, 77

where the total estimated cost of the work exceeds ~~fifteen-~~ 78
thirty-five thousand dollars per mile, the board shall invite 79
and receive competitive bids for furnishing all the labor, 80
materials, and equipment and doing the work, as provided in 81
section 5575.02 of the Revised Code, and shall consider and 82
reject them before ordering the work done by force account. When 83
such bids are received, considered, and rejected, and the work 84
is done by force account, the work shall be performed in 85
compliance with the plans and specifications upon which the bids 86
were based. 87

(C) Force account assessment forms are not required under 88
division (A) of this section for road maintenance or repair 89
projects ~~of less than fifteen thousand dollars,~~ or under 90
division (B) of this section for road construction or 91
reconstruction projects of less than ~~five thousand dollars per-~~ 92
mile one-third the limit established under each division 93
respectively. 94

(D) On the first day of July of every ~~odd-numbered~~ year 95
beginning in ~~2021~~2024, the threshold amounts established in 96
divisions (A) and (B) of this section shall increase by an 97
amount not to exceed the lesser of ~~three-five~~ per cent, or the 98
percentage amount of any increase in the department of 99
transportation's construction cost index as annualized and 100
totaled for the prior ~~two~~ calendar ~~years~~year. The director of 101
transportation shall notify each appropriate county engineer of 102
the increased amount and publish the applicable amount on the 103
department of transportation's internet web site. 104

(E) All force account work under this section shall be 105
done under the direction of a member of the board or the 106
township road superintendent." 107

In line 4064, delete ", 723.53" 108

The motion was _____ agreed to.

SYNOPSIS 109

Municipal and township force account limits (LOCCD15) 110

R.C. 723.52, 723.53, and 5575.01 111

Removes the provisions, added by the Senate, that 112
authorize an unchartered municipal corporation and township to 113
establish their own force account limits for road construction, 114
repair, and maintenance projects. 115

Increases the current law statutory force account limits 116
for both local governments (but in amounts that are lower than 117
the Senate-passed statutory default limits) as follows: 118

1. From \$30,000 per project to \$70,000 per project for 119
road construction, reconstruction, widening, resurfacing, and 120
repair for an unchartered municipal corporation (Senate-passed 121
version is \$75,840 per project); 122

2. From \$45,000 per project to \$105,000 per project for 123
road maintenance and repair for a township (Senate-passed 124
version is \$113,760 per project); and 125

3. From \$15,000 per mile to \$35,000 per mile for road 126
construction and reconstruction for a township (Senate-passed 127
version is \$37,920 per mile). 128

Increases those limits annually, rather than biennially as 129
under current law, based on ODOT's construction cost index, with 130

a 5% cap, rather than the current law 3% cap.	131
Requires ODOT to notify the county engineer or other	132
appropriate engineer of the increased amount and publish it on	133
ODOT's web site.	134
Exempts the county engineer from completing the State	135
Auditor force account assessment form for township projects that	136
are less than 1/3 the total increased statutory force account	137
limit thresholds.	138