



**Opponent Testimony of Ken Swink
Ohio Council of Educational Purchasing Consortia (OCEPC)**

**Ohio Senate Government Oversight Committee
Senate Bill 23
March 8, 2023**

Chair Roegner, Vice Chair Antani, Ranking Member Hicks-Hudson, and members of the Senate Government Oversight Committee, thank you for the opportunity to provide testimony in opposition to Senate Bill 23. My name is Ken Swink, and I am the Executive Director of the Southwestern Ohio Educational Purchasing Council, a Regional Council of Governments under Ohio Revised Code 167.081 representing 267 school districts and public entities. I am also the Chairperson of the Ohio Council of Educational Purchasing Consortia (OCEPC), representing the six Regional Council of Governments (COGs) that legally bid and procure construction services in the state of Ohio under current law, representing 1,061 members made up of school districts and public entities.

The OCEPC and its Regional COGs establish contracts that may be used by its members for the purchase of supplies, services and construction services. We are returning this General Assembly to continue to voice our opposition to this proposed legislation, as it does not create a level playing field. There are several reasons why this would not create a free market in Ohio:

An Ohio Council of Government is an Ohio political subdivision. It is subject to audit by the Ohio Auditor of State and must pay into one of the retirement systems for public employees. A Council of Government's membership consists of Ohio political subdivisions. These are Ohio governmental entities that are also subject to audit by the Ohio Auditor of State and which must also pay into one of the retirement systems for public employees. These out-of-state cooperatives are not subject to the same level of scrutiny in the current version of SB 23.

Next, OCEPC members are required by Ohio Revised Code 167.081 to comply with competitive bidding requirements for construction services under Ohio law which ensure the selection of quality contractors who are bonded at the best possible price to the Ohio taxpayer, thus protecting the Ohio taxpayer.

Currently, Revised Code 9.48, either as it is currently written or as it is proposed to be amended under SB 23, does not specifically require these out of state contracts to comply with Ohio competitive bidding requirements thus necessitating for school administrators to determine if these out of state contracts comply with competitive bidding laws of this state or another state. In today's world, school board members and school administrators do not need more complications, ambiguity, risk, legal expenses or more questions about whether a contract will meet state law or whether these out of state contracts were selected through a less thorough vetting process.

Additionally, construction services permitted under Ohio Revised Code 167.081 are limited to just existing buildings, not the construction of new buildings. No such limitation is contained in SB 23.

We believe in competition. Unfortunately, SB 23 would do the opposite and create a distinct and unfair competitive advantage for these out of state contracts.

We respectfully urge this committee to reject SB 23 for the reasons stated. I am happy to answer any questions you may have.