

# OPPOSITION TESTIMONY

## SENATE BILL 23

### NATIONAL ELECTRICAL CONTRACTORS' ASSOCIATION

#### GREATER CLEVELAND CHAPTER

Chair Roegner, Vice Chair Antani, Ranking Minority Member Hicks-Hudson and Senators of the Senate Government Oversight Committee:

My name is Tom Shreves and I am Executive Director of the Greater Cleveland Chapter of the National Electrical Contractors Association. We urge you to oppose SB 23 as it erodes long-standing safeguards around public bidding of construction projects, namely competitive bidding.

While well intentioned by the sponsor, this legislation is not in the best interest of the public. The joint purchasing statutes were crafted to allow local governments to streamline procurement of like-situated goods like chairs, paper supplies, copiers, or even police cars. It was never intended to apply to services like construction projects, where bids vary widely in both price and content. These types of projects must be considered in the context of a transparent and open bidding process, not through joint purchasing agreements. Specifically, we have concerns with SB 23 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 SB 23 is not a technical correction. Attorney General Yost issued an opinion in this regard in 2019 identifying the narrow parameters where construction can be cooperatively purchased. We oppose any legislation like SB 23 that would alter the law and expand the use of cooperative purchasing agreements for construction services.

**We urge you to oppose SB 23 and any efforts to weaken construction procurement laws, lessen transparency, and circumvent open and public bidding laws.**