

As Introduced

132nd General Assembly

Regular Session

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H. B. No. 471

Representative Gonzales

Cosponsors: Representatives Reineke, Strahorn

A BILL

To amend sections 123.01, 123.21, 123.211, 125.035, 1
and 153.01 of the Revised Code to specify that 2
the Ohio Facilities Construction Commission's 3
powers do not extend to letting or administering 4
contracts that fall under the power of the 5
Department of Administrative Services to make 6
changes to existing facilities. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 123.01, 123.21, 123.211, 125.035, 8
and 153.01 of the Revised Code be amended to read as follows: 9

Sec. 123.01. (A) The department of administrative 10
services, in addition to those powers enumerated in Chapters 11
124. and 125. of the Revised Code and provided elsewhere by law, 12
shall exercise the following powers: 13

(1) To prepare and suggest comprehensive plans for the 14
development of grounds and buildings under the control of a 15
state agency; 16

(2) To acquire, by purchase, gift, devise, lease, or 17
grant, all real estate required by a state agency, in the 18

exercise of which power the department may exercise the power of 19
eminent domain, in the manner provided by sections 163.01 to 20
163.22 of the Revised Code; 21

(3) To erect, supervise, and maintain all public monuments 22
and memorials erected by the state, except where the supervision 23
and maintenance is otherwise provided by law; 24

(4) To procure, by lease, storage accommodations for a 25
state agency; 26

(5) To lease or grant easements or licenses for 27
unproductive and unused lands or other property under the 28
control of a state agency. Such leases, easements, or licenses 29
may be granted to any person or entity, shall be for a period 30
not to exceed fifteen years, and shall be executed for the state 31
by the director of administrative services, provided that the 32
director shall grant leases, easements, or licenses of 33
university land for periods not to exceed twenty-five years for 34
purposes approved by the respective university's board of 35
trustees wherein the uses are compatible with the uses and needs 36
of the university and may grant leases of university land for 37
periods not to exceed forty years for purposes approved by the 38
respective university's board of trustees pursuant to section 39
123.17 of the Revised Code. 40

(6) To lease space for the use of a state agency; 41

(7) To have general supervision and care of the 42
storerooms, offices, and buildings leased for the use of a state 43
agency; 44

(8) To exercise general custodial care of all real 45
property of the state; 46

(9) To assign and group together state offices in any city 47

in the state and to establish, in cooperation with the state 48
agencies involved, rules governing space requirements for office 49
or storage use; 50

(10) To lease for a period not to exceed forty years, 51
pursuant to a contract providing for the construction thereof 52
under a lease-purchase plan, buildings, structures, and other 53
improvements for any public purpose, and, in conjunction 54
therewith, to grant leases, easements, or licenses for lands 55
under the control of a state agency for a period not to exceed 56
forty years. The lease-purchase plan shall provide that at the 57
end of the lease period, the buildings, structures, and related 58
improvements, together with the land on which they are situated, 59
shall become the property of the state without cost. 60

(a) Whenever any building, structure, or other improvement 61
is to be so leased by a state agency, the department shall 62
retain either basic plans, specifications, bills of materials, 63
and estimates of cost with sufficient detail to afford bidders 64
all needed information or, alternatively, all of the following 65
plans, details, bills of materials, and specifications: 66

(i) Full and accurate plans suitable for the use of 67
mechanics and other builders in the improvement; 68

(ii) Details to scale and full sized, so drawn and 69
represented as to be easily understood; 70

(iii) Accurate bills showing the exact quantity of 71
different kinds of material necessary to the construction; 72

(iv) Definite and complete specifications of the work to 73
be performed, together with such directions as will enable a 74
competent mechanic or other builder to carry them out and afford 75
bidders all needed information; 76

(v) A full and accurate estimate of each item of expense 77
and of the aggregate cost thereof. 78

(b) The department shall give public notice, in such 79
newspaper, in such form, and with such phraseology as the 80
director of administrative services prescribes, published once 81
each week for four consecutive weeks, of the time when and place 82
where bids will be received for entering into an agreement to 83
lease to a state agency a building, structure, or other 84
improvement. The last publication shall be at least eight days 85
preceding the day for opening the bids. The bids shall contain 86
the terms upon which the builder would propose to lease the 87
building, structure, or other improvement to the state agency. 88
The form of the bid approved by the department shall be used, 89
and a bid is invalid and shall not be considered unless that 90
form is used without change, alteration, or addition. Before 91
submitting bids pursuant to this section, any builder shall 92
comply with Chapter 153. of the Revised Code. 93

(c) On the day and at the place named for receiving bids 94
for entering into lease agreements with a state agency, the 95
director of administrative services shall open the bids and 96
shall publicly proceed immediately to tabulate the bids upon 97
duplicate sheets. No lease agreement shall be entered into until 98
the bureau of workers' compensation has certified that the 99
person to be awarded the lease agreement has complied with 100
Chapter 4123. of the Revised Code, until, if the builder 101
submitting the lowest and best bid is a foreign corporation, the 102
secretary of state has certified that the corporation is 103
authorized to do business in this state, until, if the builder 104
submitting the lowest and best bid is a person nonresident of 105
this state, the person has filed with the secretary of state a 106
power of attorney designating the secretary of state as its 107

agent for the purpose of accepting service of summons in any 108
action brought under Chapter 4123. of the Revised Code, and 109
until the agreement is submitted to the attorney general and the 110
attorney general's approval is certified thereon. Within thirty 111
days after the day on which the bids are received, the 112
department shall investigate the bids received and shall 113
determine that the bureau and the secretary of state have made 114
the certifications required by this section of the builder who 115
has submitted the lowest and best bid. Within ten days of the 116
completion of the investigation of the bids, the department 117
shall award the lease agreement to the builder who has submitted 118
the lowest and best bid and who has been certified by the bureau 119
and secretary of state as required by this section. If bidding 120
for the lease agreement has been conducted upon the basis of 121
basic plans, specifications, bills of materials, and estimates 122
of costs, upon the award to the builder the department, or the 123
builder with the approval of the department, shall appoint an 124
architect or engineer licensed in this state to prepare such 125
further detailed plans, specifications, and bills of materials 126
as are required to construct the building, structure, or 127
improvement. The department shall adopt such rules as are 128
necessary to give effect to this section. The department may 129
reject any bid. Where there is reason to believe there is 130
collusion or combination among bidders, the bids of those 131
concerned therein shall be rejected. 132

(11) To acquire by purchase, gift, devise, or grant and to 133
transfer, lease, or otherwise dispose of all real property 134
required to assist in the development of a conversion facility 135
as defined in section 5709.30 of the Revised Code as that 136
section existed before its repeal by Amended Substitute House 137
Bill 95 of the 125th general assembly; 138

(12) To lease for a period not to exceed forty years, 139
notwithstanding any other division of this section, the state- 140
owned property located at 408-450 East Town Street, Columbus, 141
Ohio, formerly the state school for the deaf, to a developer in 142
accordance with this section. "Developer," as used in this 143
section, has the same meaning as in section 123.77 of the 144
Revised Code. 145

Such a lease shall be for the purpose of development of 146
the land for use by senior citizens by constructing, altering, 147
renovating, repairing, expanding, and improving the site as it 148
existed on June 25, 1982. A developer desiring to lease the land 149
shall prepare for submission to the department a plan for 150
development. Plans shall include provisions for roads, sewers, 151
water lines, waste disposal, water supply, and similar matters 152
to meet the requirements of state and local laws. The plans 153
shall also include provision for protection of the property by 154
insurance or otherwise, and plans for financing the development, 155
and shall set forth details of the developer's financial 156
responsibility. 157

The department may employ, as employees or consultants, 158
persons needed to assist in reviewing the development plans. 159
Those persons may include attorneys, financial experts, 160
engineers, and other necessary experts. The department shall 161
review the development plans and may enter into a lease if it 162
finds all of the following: 163

(a) The best interests of the state will be promoted by 164
entering into a lease with the developer; 165

(b) The development plans are satisfactory; 166

(c) The developer has established the developer's 167

financial responsibility and satisfactory plans for financing 168
the development. 169

The lease shall contain a provision that construction or 170
renovation of the buildings, roads, structures, and other 171
necessary facilities shall begin within one year after the date 172
of the lease and shall proceed according to a schedule agreed to 173
between the department and the developer or the lease will be 174
terminated. The lease shall contain such conditions and 175
stipulations as the director considers necessary to preserve the 176
best interest of the state. Moneys received by the state 177
pursuant to this lease shall be paid into the general revenue 178
fund. The lease shall provide that at the end of the lease 179
period the buildings, structures, and related improvements shall 180
become the property of the state without cost. 181

(13) To manage the use of space owned and controlled by 182
the department by doing all of the following: 183

(a) Biennially implementing, by state agency location, a 184
census of agency employees assigned space; 185

(b) Periodically in the discretion of the director of 186
administrative services: 187

(i) Requiring each state agency to categorize the use of 188
space allotted to the agency between office space, common areas, 189
storage space, and other uses, and to report its findings to the 190
department; 191

(ii) Creating and updating a master space utilization plan 192
for all space allotted to state agencies. The plan shall 193
incorporate space utilization metrics. 194

(iii) Conducting a cost-benefit analysis to determine the 195
effectiveness of state-owned buildings; 196

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| (iv) Assessing the alternatives associated with | 197 |
| consolidating the commercial leases for buildings located in | 198 |
| Columbus. | 199 |
| (c) Commissioning a comprehensive space utilization and | 200 |
| capacity study in order to determine the feasibility of | 201 |
| consolidating existing commercially leased space used by state | 202 |
| agencies into a new state-owned facility. | 203 |
| (14) To adopt rules to ensure that energy efficiency and | 204 |
| conservation is considered in the purchase of products and | 205 |
| equipment, except motor vehicles, by any state agency, | 206 |
| department, division, bureau, office, unit, board, commission, | 207 |
| authority, quasi-governmental entity, or institution. The | 208 |
| department may require minimum energy efficiency standards for | 209 |
| purchased products and equipment based on federal testing and | 210 |
| labeling if available or on standards developed by the | 211 |
| department. When possible, the rules shall apply to the | 212 |
| competitive selection of energy consuming systems, components, | 213 |
| and equipment under Chapter 125. of the Revised Code. | 214 |
| (15) To ensure energy efficient and energy conserving | 215 |
| purchasing practices by doing all of the following: | 216 |
| (a) Identifying available energy efficiency and | 217 |
| conservation opportunities; | 218 |
| (b) Providing for interchange of information among | 219 |
| purchasing agencies; | 220 |
| (c) Identifying laws, policies, rules, and procedures that | 221 |
| should be modified; | 222 |
| (d) Monitoring experience with and the cost-effectiveness | 223 |
| of this state's purchase and use of motor vehicles and of major | 224 |
| energy-consuming systems, components, equipment, and products | 225 |

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| having a significant impact on energy consumption by the | 226 |
| government; | 227 |
| (e) Providing technical assistance and training to state | 228 |
| employees involved in the purchasing process; | 229 |
| (f) Working with the development services agency to make | 230 |
| recommendations regarding planning and implementation of | 231 |
| purchasing policies and procedures that are supportive of energy | 232 |
| efficiency and conservation. | 233 |
| (16) To require all state agencies, departments, | 234 |
| divisions, bureaus, offices, units, commissions, boards, | 235 |
| authorities, quasi-governmental entities, institutions, and | 236 |
| state institutions of higher education to implement procedures | 237 |
| to ensure that all of the passenger automobiles they acquire in | 238 |
| each fiscal year, except for those passenger automobiles | 239 |
| acquired for use in law enforcement or emergency rescue work, | 240 |
| achieve a fleet average fuel economy of not less than the fleet | 241 |
| average fuel economy for that fiscal year as the department | 242 |
| shall prescribe by rule. The department shall adopt the rule | 243 |
| prior to the beginning of the fiscal year, in accordance with | 244 |
| the average fuel economy standards established by federal law | 245 |
| for passenger automobiles manufactured during the model year | 246 |
| that begins during the fiscal year. | 247 |
| Each state agency, department, division, bureau, office, | 248 |
| unit, commission, board, authority, quasi-governmental entity, | 249 |
| institution, and state institution of higher education shall | 250 |
| determine its fleet average fuel economy by dividing the total | 251 |
| number of passenger vehicles acquired during the fiscal year, | 252 |
| except for those passenger vehicles acquired for use in law | 253 |
| enforcement or emergency rescue work, by a sum of terms, each of | 254 |
| which is a fraction created by dividing the number of passenger | 255 |

vehicles of a given make, model, and year, except for passenger 256
vehicles acquired for use in law enforcement or emergency rescue 257
work, acquired during the fiscal year by the fuel economy 258
measured by the administrator of the United States environmental 259
protection agency, for the given make, model, and year of 260
vehicle, that constitutes an average fuel economy for combined 261
city and highway driving. 262

As used in division (A) (16) of this section, "acquired" 263
means leased for a period of sixty continuous days or more, or 264
purchased. 265

(17) To maintain, repair, rehabilitate, remodel, renovate, 266
retrofit, enlarge, improve, alter, equip, furnish, paint, and 267
decorate any building under the control of a state agency and to 268
engage with the state agency in designing that maintenance, 269
repair, rehabilitation, remodeling, renovation, retrofitting, 270
enlargement, improvement, alteration, equipping, furnishing, 271
painting, or decoration. 272

(B) This section and section 125.02 of the Revised Code 273
shall not interfere with any of the following: 274

(1) The power of the adjutant general to purchase military 275
supplies, or with the custody of the adjutant general of 276
property leased, purchased, or constructed by the state and used 277
for military purposes, or with the functions of the adjutant 278
general as director of state armories; 279

(2) The power of the director of transportation in 280
acquiring rights-of-way for the state highway system, or the 281
leasing of lands for division or resident district offices, or 282
the leasing of lands or buildings required in the maintenance 283
operations of the department of transportation, or the purchase 284

of real property for garage sites or division or resident 285
district offices, or in preparing plans and specifications for 286
and constructing such buildings as the director may require in 287
the administration of the department; 288

(3) The power of the director of public safety and the 289
registrar of motor vehicles to purchase or lease real property 290
and buildings to be used solely as locations to which a deputy 291
registrar is assigned pursuant to division (B) of section 292
4507.011 of the Revised Code and from which the deputy registrar 293
is to conduct the deputy registrar's business, the power of the 294
director of public safety to purchase or lease real property and 295
buildings to be used as locations for division or district 296
offices as required in the maintenance of operations of the 297
department of public safety, and the power of the superintendent 298
of the state highway patrol in the purchase or leasing of real 299
property and buildings needed by the patrol, to negotiate the 300
sale of real property owned by the patrol, to rent or lease real 301
property owned or leased by the patrol, and to make or cause to 302
be made repairs to all property owned or under the control of 303
the patrol; 304

(4) The power of the division of liquor control in the 305
leasing or purchasing of retail outlets and warehouse facilities 306
for the use of the division; 307

(5) The power of the director of development services to 308
enter into leases of real property, buildings, and office space 309
to be used solely as locations for the state's foreign offices 310
to carry out the purposes of section 122.05 of the Revised Code; 311

(6) The power of the director of environmental protection 312
to enter into environmental covenants, to grant and accept 313
easements, or to sell property pursuant to division (G) of 314

section 3745.01 of the Revised Code; 315

(7) The power of the department of public safety under 316
section 5502.01 of the Revised Code to direct security measures 317
and operations for the Vern Riffe center and the James A. Rhodes 318
state office tower. The department of administrative services 319
shall implement all security measures and operations at the Vern 320
Riffe center and the James A. Rhodes state office tower as 321
directed by the department of public safety. 322

(C) Purchases for, and the custody and repair of, 323
buildings under the management and control of the capitol square 324
review and advisory board, the opportunities for Ohioans with 325
disabilities agency, the bureau of workers' compensation, or the 326
departments of public safety, job and family services, mental 327
health and addiction services, developmental disabilities, and 328
rehabilitation and correction; buildings of educational and 329
benevolent institutions under the management and control of 330
boards of trustees; and purchases or leases for, and the custody 331
and repair of, office space used for the purposes of any agency 332
of the legislative branch of state government are not subject to 333
the control and jurisdiction of the department of administrative 334
services. 335

An agency of the legislative branch of state government 336
that uses office space in a building under the management and 337
control of the department of administrative services may 338
exercise the agency's authority to improve the agency's office 339
space as authorized under this division only if, upon review, 340
the department of administrative services concludes the proposed 341
improvements do not adversely impact the structural integrity of 342
the building. 343

If an agency of the legislative branch of state 344

government, except the capitol square review and advisory board, 345
so requests, the agency and the director of administrative 346
services may enter into a contract under which the department of 347
administrative services agrees to perform any services requested 348
by the agency that the department is authorized under this 349
section to perform. In performing such services, the department 350
shall not use competitive selection. As used in this division, 351
"competitive selection" has the meaning defined in section 352
125.01 of the Revised Code and includes any other type of 353
competitive process for the selection of persons producing or 354
dealing in the services to be provided. 355

(D) Any instrument by which real property is acquired 356
pursuant to this section shall identify the agency of the state 357
that has the use and benefit of the real property as specified 358
in section 5301.012 of the Revised Code. 359

Sec. 123.21. (A) ~~The~~ Except as otherwise provided in 360
division (D) of this section, the Ohio facilities construction 361
commission may perform any act and ensure the performance of any 362
function necessary or appropriate to carry out the purposes of, 363
and exercise the powers granted under this chapter or any other 364
provision of the Revised Code, including any of the following: 365

(1) Except as otherwise provided in section 123.211 of the 366
Revised Code, prepare, or contract to be prepared, by licensed 367
engineers or architects, surveys, general and detailed plans, 368
specifications, bills of materials, and estimates of cost for 369
any projects, improvements, or public buildings to be 370
constructed by state agencies that may be authorized by 371
legislative appropriations or any other funds made available 372
therefor, provided that the construction of the projects, 373
improvements, or public buildings is a statutory duty of the 374

commission. This section does not require the independent 375
employment of an architect or engineer as provided by section 376
153.01 of the Revised Code in the cases to which section 153.01 377
of the Revised Code applies. ~~This section does not affect or~~ 378
~~alter the existing powers of the director of transportation.~~ 379

(2) Except as otherwise provided in section 123.211 of the 380
Revised Code, have general supervision over the construction of 381
any projects, improvements, or public buildings constructed for 382
a state agency and over the inspection of materials prior to 383
their incorporation into those projects, improvements, or 384
buildings. 385

(3) Except as otherwise provided in section 123.211 of the 386
Revised Code, make contracts for and supervise the design and 387
construction of any projects and improvements or the 388
construction and repair of buildings under the control of a 389
state agency. All such contracts may be based in whole or in 390
part on the unit price or maximum estimated cost, with payment 391
computed and made upon actual quantities or units. 392

(4) Adopt, amend, and rescind rules pertaining to the 393
administration of the construction of the public works of the 394
state as required by law, in accordance with Chapter 119. of the 395
Revised Code. 396

(5) Contract with, retain the services of, or designate, 397
and fix the compensation of, such agents, accountants, 398
consultants, advisers, and other independent contractors as may 399
be necessary or desirable to carry out the programs authorized 400
under this chapter, or authorize the executive director to 401
perform such powers and duties. 402

(6) Receive and accept any gifts, grants, donations, and 403

pledges, and receipts therefrom, to be used for the programs 404
authorized under this chapter. 405

(7) Make and enter into all contracts, commitments, and 406
agreements, and execute all instruments, necessary or incidental 407
to the performance of its duties and the execution of its rights 408
and powers under this chapter, or authorize the executive 409
director to perform such powers and duties. 410

(8) Debar a contractor as provided in section 153.02 of 411
the Revised Code. 412

(9) Enter into and administer cooperative agreements for 413
cultural projects, as provided in sections 123.28 and 123.281 of 414
the Revised Code. 415

(B) The commission shall appoint and fix the compensation 416
of an executive director who shall serve at the pleasure of the 417
commission. The executive director shall exercise all powers 418
that the commission possesses, supervise the operations of the 419
commission, and perform such other duties as delegated by the 420
commission. The executive director also shall employ and fix the 421
compensation of such employees as will facilitate the activities 422
and purposes of the commission, who shall serve at the pleasure 423
of the executive director. The employees of the commission are 424
exempt from Chapter 4117. of the Revised Code and are not 425
considered public employees as defined in section 4117.01 of the 426
Revised Code. Any agreement entered into prior to July 1, 2012, 427
between the office of collective bargaining and the exclusive 428
representative for employees of the commission is binding and 429
shall continue to have effect. 430

(C) The attorney general shall serve as the legal 431
representative for the commission and may appoint other counsel 432

as necessary for that purpose in accordance with section 109.07 433
of the Revised Code. 434

(D) (1) This section does not affect or alter the existing 435
powers of the director of transportation. 436

(2) Nothing in this chapter authorizes the commission to 437
let or administer any contract to maintain, repair, 438
rehabilitate, remodel, renovate, retrofit, enlarge, improve, 439
alter, equip, furnish, paint, or decorate a building under the 440
control of a state agency or to engage with the state agency in 441
designing that maintenance, repair, rehabilitation, remodeling, 442
renovation, retrofitting, enlargement, improvement, alteration, 443
equipping, furnishing, painting, or decoration, as described in 444
division (A) (17) of section 123.01 of the Revised Code. 445

Sec. 123.211. (A) Notwithstanding any contrary provision 446
of section 123.21 of the Revised Code, the executive director of 447
the Ohio facilities construction commission may authorize any of 448
the following agencies to administer any capital facilities 449
project, the estimated cost of which, including design fees, 450
construction, equipment, and contingency amounts, is less than 451
one million five hundred thousand dollars: 452

(1) The department of mental health and addiction 453
services; 454

(2) The department of developmental disabilities; 455

(3) The department of agriculture; 456

(4) The department of job and family services; 457

(5) The department of rehabilitation and correction; 458

(6) The department of youth services; 459

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| (7) The department of public safety; | 460 |
| (8) The department of transportation; | 461 |
| (9) The department of veterans services; | 462 |
| (10) The bureau of workers' compensation; | 463 |
| (11) The department of administrative services, <u>except as otherwise provided in division (D)(2) of section 123.21 of the Revised Code;</u> | 464 465 466 |
| (12) The state school for the deaf; | 467 |
| (13) The state school for the blind. | 468 |
| (B) A state agency that wishes to administer a project under division (A) of this section shall submit a request for authorization through the Ohio administrative knowledge system capital improvements application. Upon the release of funds for the projects by the controlling board or the director of budget and management, the agency may administer the capital project or projects for which agency administration has been authorized without the supervision, control, or approval of the executive director of the Ohio facilities construction commission. | 469 470 471 472 473 474 475 476 477 |
| (C) A state agency authorized by the executive director of the Ohio facilities construction commission to administer capital facilities projects pursuant to this section shall comply with the applicable procedures and guidelines established in Chapter 153. of the Revised Code and shall track all project information in the Ohio administrative knowledge system capital improvements application pursuant to Ohio facilities construction commission guidelines. | 478 479 480 481 482 483 484 485 |
| Sec. 125.035. (A) Except as otherwise provided in the Revised Code, a state agency wanting to purchase supplies or | 486 487 |

services shall make the purchase subject to the requirements of 488
an applicable first or second requisite procurement program 489
described in this section, or obtain a determination from the 490
department of administrative services that the purchase is not 491
subject to a first or second requisite procurement program. 492
State agencies shall submit a purchase request to the department 493
of administrative services unless the department has determined 494
the request does not require a review. The director of 495
administrative services shall adopt rules under Chapter 119. of 496
the Revised Code to provide for the manner of carrying out the 497
function and the power and duties imposed upon and vested in the 498
director by this section. This section does not apply when a 499
state agency purchases supplies or services through a third- 500
party administrator contract established by the department. 501

(B) The following programs are first requisite procurement 502
programs that shall be given preference in the following order 503
in fulfilling a purchase request: 504

(1) Ohio penal industries within the department of 505
rehabilitation and correction; and 506

(2) Community rehabilitation programs administered by the 507
department of administrative services under sections 125.601 to 508
125.6012 of the Revised Code. 509

(C) The following programs are second requisite 510
procurement programs that may be able to fulfill the purchase 511
request if the first requisite procurement programs are unable 512
to do so: 513

(1) Business enterprise program at the opportunities for 514
Ohioans with disabilities agency as prescribed in sections 515
3304.28 to 3304.33 of the Revised Code; 516

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| (2) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code; | 517 518 519 |
| (3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code; | 520 521 522 |
| (4) Ohio pharmacy services at the department of mental health and addiction services as prescribed in section 5119.44 of the Revised Code; | 523 524 525 |
| (5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and | 526 527 |
| (6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency. | 528 529 530 |
| (D) Upon receipt of a purchase request, the department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the first requisite procurement programs. When the department has made its determination, it shall: | 531 532 533 534 535 536 537 538 |
| (1) Direct the requesting agency to obtain the desired supplies or services through the proper first requisite procurement program; | 539 540 541 |
| (2) Provide the agency with a waiver from the use of the applicable first requisite procurement programs under sections 125.609 or 5147.07 of the Revised Code; or | 542 543 544 |

(3) Determine whether the purchase can be fulfilled 545
through a second requisite procurement program under division 546
(E) of this section. 547

(E) In making the determination that a purchase is subject 548
to a second requisite procurement program, the department shall 549
identify potentially applicable programs and notify each program 550
of the requested purchase. The notified second requisite 551
procurement program shall respond to the department within two 552
business days with regard to its ability to provide the 553
requested purchase. If the second requisite procurement program 554
can provide the requested purchase, the department shall direct 555
the requesting agency to make the requested purchase from the 556
appropriate second requisite procurement program. If the 557
department has not received notification from a second requisite 558
procurement program within two business days and the department 559
has made the determination that the purchase is not subject to a 560
second requisite procurement program, the department shall 561
provide a waiver to the requesting agency. 562

(F) Within five business days after receipt of a request, 563
the department shall notify the requesting agency of its 564
determination and provide any waiver under divisions (D) or (E) 565
of this section. If the department fails to respond within five 566
business days or fails to provide an explanation for any further 567
delay within that time, the requesting agency may use direct 568
purchasing authority to make the requested purchase, subject to 569
the requirements of division (G) of this section and section 570
127.16 of the Revised Code. 571

(G) As provided in sections 125.02 and 125.05 of the 572
Revised Code and subject to such rules as the director of 573
administrative services may adopt, the department may issue a 574

release and permit to the agency to secure supplies or services. 575
A release and permit shall specify the supplies or services to 576
which it applies, the time during which it is operative, and the 577
reason for its issuance. A release and permit for telephone, 578
other telecommunications, and computer services shall be 579
provided in accordance with section 125.18 of the Revised Code 580
and shall specify the type of services to be rendered, the 581
number and type of hardware to be used, and may specify the 582
amount of such services to be performed. No requesting agency 583
shall proceed with such purchase until it has received an 584
approved release and permit from the director of administrative 585
services or the director's designee. 586

Sec. 153.01. (A) ~~Whenever~~ Except as otherwise provided in 587
section 123.01 of the Revised Code, whenever any building or 588
structure for the use of the state or any institution supported 589
in whole or in part by the state or in or upon the public works 590
of the state that is administered by the Ohio facilities 591
construction commission or by any other state officer or state 592
agency authorized by law to administer a project, including an 593
educational institution listed in section 3345.50 of the Revised 594
Code, is to be erected or constructed, whenever additions, 595
alterations, or structural or other improvements are to be made, 596
or whenever heating, cooling, or ventilating plants or other 597
equipment is to be installed or material supplied therefor, the 598
estimated cost of which amounts to two hundred thousand dollars 599
or more, or the amount determined pursuant to section 153.53 of 600
the Revised Code or more, each officer, board, or other 601
authority upon which devolves the duty of constructing, 602
erecting, altering, or installing the same, referred to in 603
sections 153.01 to 153.60 of the Revised Code as the public 604
authority, shall cause to be made, by an architect or engineer 605

whose contract of employment shall be prepared and approved by 606
the attorney general, the following: 607

(1) Full and accurate plans, suitable for the use of 608
mechanics and other builders in the construction, improvement, 609
addition, alteration, or installation; 610

(2) Details to scale and full-sized, so drawn and 611
represented as to be easily understood; 612

(3) Definite and complete specifications of the work to be 613
performed, together with directions that will enable a competent 614
mechanic or other builder to carry them out and afford bidders 615
all needful information; 616

(4) A full and accurate estimate of each item of expense 617
and the aggregate cost of those items of expense; 618

(5) A life-cycle cost analysis; 619

(6) Further data as may be required by the Ohio facilities 620
construction commission. 621

(B) (1) Division (A) of this section shall not be required 622
with respect to a construction management contract entered into 623
with a construction manager at risk as described in section 624
9.334 of the Revised Code or a design-build contract entered 625
into with a design-build firm as described in section 153.693 of 626
the Revised Code. 627

(2) Nothing in this chapter shall interfere with the power 628
of the director of transportation to prepare plans for, acquire 629
rights-of-way for, construct, or maintain roads, highways, or 630
bridges, or to let contracts for those purposes. 631

Section 2. That existing sections 123.01, 123.21, 123.211, 632
125.035, and 153.01 of the Revised Code are hereby repealed. 633