

**As Concurred by the Senate**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Am. S. B. No. 4**

**Senators Rulli, Kunze**

**Cosponsors: Senators Hottinger, Antonio, Brenner, Craig, Dolan, Eklund, Fedor, Gavarone, Hackett, Hill, Hoagland, Lehner, Manning, Obhof, O'Brien, Sykes, Terhar, Thomas, Uecker, Williams, Yuko**

**Representatives Blessing, Jones, Robinson, Crawley, Patterson, Sobecki, Scherer, Perales, Rogers, Antani, Crossman, Cupp, Ghanbari, Howse, Roemer, Seitz, West**

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**A BILL**

To amend sections 307.86, 339.05, 505.08, 731.14, 1  
749.37, and 5540.03 of the Revised Code to apply 2  
the Prevailing Wage Law to transportation 3  
improvement district projects under certain 4  
circumstances, to temporarily expand the use of 5  
certain tax increment financing payments, to 6  
exempt personal protective equipment from 7  
certain political subdivision competitive 8  
bidding law during the period of the emergency 9  
declared by Executive Order 2020-01D, issued on 10  
March 9, 2020, and to make capital 11  
appropriations to the Facilities Construction 12  
Commission and the Public Works Commission for 13  
the biennium ending June 30, 2022. 14

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

**Section 1.** That sections 307.86, 339.05, 505.08, 731.14, 15

749.37, and 5540.03 of the Revised Code be amended to read as 16  
follows: 17

**Sec. 307.86.** Anything to be purchased, leased, leased with 18  
an option or agreement to purchase, or constructed, including, 19  
but not limited to, any product, structure, construction, 20  
reconstruction, improvement, maintenance, repair, or service, 21  
except the services of an accountant, architect, attorney at 22  
law, physician, professional engineer, construction project 23  
manager, consultant, surveyor, or appraiser, by or on behalf of 24  
the county or contracting authority, as defined in section 25  
307.92 of the Revised Code, at a cost in excess of fifty 26  
thousand dollars, except as otherwise provided in division (D) 27  
of section 713.23 and in sections 9.48, 125.04, 125.60 to 28  
125.6012, 307.022, 307.041, 307.861, 339.05, 340.036, 4115.31 to 29  
4115.35, 5119.44, 5513.01, 5543.19, 5713.01, and 6137.05 of the 30  
Revised Code, shall be obtained through competitive bidding. 31  
However, competitive bidding is not required when any of the 32  
following applies: 33

(A) The board of county commissioners, by a unanimous vote 34  
of its members, makes a determination that a real and present 35  
emergency exists, and that determination and the reasons for it 36  
are entered in the minutes of the proceedings of the board, when 37  
~~either any~~ of the following applies: 38

(1) The estimated cost is less than one hundred thousand 39  
dollars. 40

(2) There is actual physical disaster to structures, radio 41  
communications equipment, or computers. 42

(3) The product to be purchased is personal protective 43  
equipment and the purchase is completed during the period of the 44

emergency declared by Executive Order 2020-01D, issued on March 45  
9, 2020. 46

For purposes of this division, ~~"unanimous:~~ 47

"Personal protective equipment" means equipment worn to 48  
minimize exposure to hazards that cause workplace injuries and 49  
illnesses. 50

"Unanimous vote" means all three members of a board of 51  
county commissioners when all three members are present, or two 52  
members of the board if only two members, constituting a quorum, 53  
are present. 54

Whenever a contract of purchase, lease, or construction is 55  
exempted from competitive bidding under division (A)(1) of this 56  
section because the estimated cost is less than one hundred 57  
thousand dollars, but the estimated cost is fifty thousand 58  
dollars or more, the county or contracting authority shall 59  
solicit informal estimates from no fewer than three persons who 60  
could perform the contract, before awarding the contract. With 61  
regard to each such contract, the county or contracting 62  
authority shall maintain a record of such estimates, including 63  
the name of each person from whom an estimate is solicited. The 64  
county or contracting authority shall maintain the record for 65  
the longer of at least one year after the contract is awarded or 66  
the amount of time the federal government requires. 67

(B) (1) The purchase consists of supplies or a replacement 68  
or supplemental part or parts for a product or equipment owned 69  
or leased by the county, and the only source of supply for the 70  
supplies, part, or parts is limited to a single supplier. 71

(2) The purchase consists of services related to 72  
information technology, such as programming services, that are 73

proprietary or limited to a single source. 74

(C) The purchase is from the federal government, the 75  
state, another county or contracting authority of another 76  
county, or a board of education, educational service center, 77  
township, or municipal corporation. 78

(D) The purchase is made by a county department of job and 79  
family services under section 329.04 of the Revised Code and 80  
consists of family services duties or workforce development 81  
activities or is made by a county board of developmental 82  
disabilities under section 5126.05 of the Revised Code and 83  
consists of program services, such as direct and ancillary 84  
client services, child care, case management services, 85  
residential services, and family resource services. 86

(E) The purchase consists of criminal justice services, 87  
social services programs, family services, or workforce 88  
development activities by the board of county commissioners from 89  
nonprofit corporations or associations under programs funded by 90  
the federal government or by state grants. 91

(F) The purchase consists of any form of an insurance 92  
policy or contract authorized to be issued under Title XXXIX of 93  
the Revised Code or any form of health care plan authorized to 94  
be issued under Chapter 1751. of the Revised Code, or any 95  
combination of such policies, contracts, plans, or services that 96  
the contracting authority is authorized to purchase, and the 97  
contracting authority does all of the following: 98

(1) Determines that compliance with the requirements of 99  
this section would increase, rather than decrease, the cost of 100  
the purchase; 101

(2) Requests issuers of the policies, contracts, plans, or 102

services to submit proposals to the contracting authority, in a 103  
form prescribed by the contracting authority, setting forth the 104  
coverage and cost of the policies, contracts, plans, or services 105  
as the contracting authority desires to purchase; 106

(3) Negotiates with the issuers for the purpose of 107  
purchasing the policies, contracts, plans, or services at the 108  
best and lowest price reasonably possible. 109

(G) The purchase consists of computer hardware, software, 110  
or consulting services that are necessary to implement a 111  
computerized case management automation project administered by 112  
the Ohio prosecuting attorneys association and funded by a grant 113  
from the federal government. 114

(H) Child care services are purchased for provision to 115  
county employees. 116

(I) (1) Property, including land, buildings, and other real 117  
property, is leased for offices, storage, parking, or other 118  
purposes, and all of the following apply: 119

(a) The contracting authority is authorized by the Revised 120  
Code to lease the property. 121

(b) The contracting authority develops requests for 122  
proposals for leasing the property, specifying the criteria that 123  
will be considered prior to leasing the property, including the 124  
desired size and geographic location of the property. 125

(c) The contracting authority receives responses from 126  
prospective lessors with property meeting the criteria specified 127  
in the requests for proposals by giving notice in a manner 128  
substantially similar to the procedures established for giving 129  
notice under section 307.87 of the Revised Code. 130

(d) The contracting authority negotiates with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect.

(2) The contracting authority may use the services of a real estate appraiser to obtain advice, consultations, or other recommendations regarding the lease of property under this division.

(J) The purchase is made pursuant to section 5139.34 or sections 5139.41 to 5139.46 of the Revised Code and is of programs or services that provide case management, treatment, or prevention services to any felony or misdemeanor delinquent, unruly youth, or status offender under the supervision of the juvenile court, including, but not limited to, community residential care, day treatment, services to children in their home, or electronic monitoring.

(K) The purchase is made by a public children services agency pursuant to section 307.92 or 5153.16 of the Revised Code and consists of family services, programs, or ancillary services that provide case management, prevention, or treatment services for children at risk of being or alleged to be abused, neglected, or dependent children.

(L) The purchase is to obtain the services of emergency medical service organizations under a contract made by the board of county commissioners pursuant to section 307.05 of the Revised Code with a joint emergency medical services district.

(M) The county contracting authority determines that the use of competitive sealed proposals would be advantageous to the

county and the contracting authority complies with section 160  
307.862 of the Revised Code. 161

(N) The purchase consists of used supplies and is made at 162  
a public auction. 163

Any issuer of policies, contracts, plans, or services 164  
listed in division (F) of this section and any prospective 165  
lessor under division (I) of this section may have the issuer's 166  
or prospective lessor's name and address, or the name and 167  
address of an agent, placed on a special notification list to be 168  
kept by the contracting authority, by sending the contracting 169  
authority that name and address. The contracting authority shall 170  
send notice to all persons listed on the special notification 171  
list. Notices shall state the deadline and place for submitting 172  
proposals. The contracting authority shall mail the notices at 173  
least six weeks prior to the deadline set by the contracting 174  
authority for submitting proposals. Every five years the 175  
contracting authority may review this list and remove any person 176  
from the list after mailing the person notification of that 177  
action. 178

Any contracting authority that negotiates a contract under 179  
division (F) of this section shall request proposals and 180  
negotiate with issuers in accordance with that division at least 181  
every three years from the date of the signing of such a 182  
contract, unless the parties agree upon terms for extensions or 183  
renewals of the contract. Such extension or renewal periods 184  
shall not exceed six years from the date the initial contract is 185  
signed. 186

Any real estate appraiser employed pursuant to division 187  
(I) of this section shall disclose any fees or compensation 188  
received from any source in connection with that employment. 189

As used in division (N) of this section, "supplies" means 190  
any personal property including equipment, materials, and other 191  
tangible assets. 192

**Sec. 339.05.** (A) A board of county hospital trustees may 193  
adopt, annually, bidding procedures and purchasing or leasing 194  
policies provided through a joint purchasing arrangement 195  
sponsored by a nonprofit organization, for services, supplies, 196  
and equipment, that are routinely used in the operation of the 197  
hospital and that cost in excess of the amount specified in 198  
section 307.86 of the Revised Code as the amount above which 199  
purchases must be competitively bid. If a board of county 200  
hospital trustees adopts those policies and procedures, and if 201  
the board of county commissioners approves them, the board of 202  
county hospital trustees may follow those policies and 203  
procedures in lieu of following the competitive bidding 204  
procedures of sections 307.86 to 307.92 of the Revised Code. 205

(B) Notwithstanding section 307.86 of the Revised Code, 206  
the board of county hospital trustees is exempt from competitive 207  
bidding as required under that section if the board, by a 208  
unanimous vote of its members, makes a determination that a real 209  
and present emergency exists, and ~~either~~any of the following 210  
applies: 211

(1) The estimated cost is less than one hundred thousand 212  
dollars. 213

(2) There is actual physical damage to structures or 214  
equipment. 215

(3) The product to be purchased is personal protective 216  
equipment and the purchase is completed during the period of the 217  
emergency declared by Executive Order 2020-01D, issued on March 218



9, 2020. 219

The board shall enter the determination of emergency and 220  
the reasons for it in the minutes of its proceedings. 221

(C) For purposes of this section, a vote is unanimous if 222  
all members of a board of county hospital trustees are present, 223  
or a lesser number of members of the board if not all members 224  
are present, provided that the number of members present 225  
constitutes a quorum. Board members participating in a vote by 226  
means of authorized communications equipment in accordance with 227  
section 339.02 of the Revised Code are considered to be present 228  
in person and may vote on matters under this section. 229

(D) Whenever a contract of purchase, lease, or 230  
construction is exempted from competitive bidding because the 231  
estimated cost is less than one hundred thousand dollars, but 232  
the estimated cost is fifty thousand dollars or more, the board 233  
shall solicit informal estimates from not fewer than three 234  
persons who could perform the contract, before awarding the 235  
contract. With regard to each such contract, the board shall 236  
maintain a record of the informal estimates, including the name 237  
of each person from whom an informal estimate was solicited. The 238  
board shall maintain the record for the longer of at least one 239  
year after the contract is awarded or an amount of time required 240  
by the federal government. 241

(E) "Personal protective equipment" means equipment worn 242  
to minimize exposure to hazards that cause workplace injuries 243  
and illnesses. 244

**Sec. 505.08.** After adopting by a unanimous vote a 245  
resolution declaring a real and present emergency in connection 246  
with the administration of township services or the execution of 247

duties assigned by law to any officer of a township, the board 248  
of township trustees may, by resolution, enter into a contract, 249  
without bidding or advertising, for the purchase of services, 250  
materials, equipment, or supplies needed to meet the emergency 251  
if the estimated cost of the contract is less than fifty 252  
thousand dollars. 253

During the period of the emergency declared by Executive 254  
Order 2020-01D, issued on March 9, 2020, the board of township 255  
trustees may, by resolution, enter into a contract, without 256  
bidding or advertising, for the purchase of personal protective 257  
equipment needed to meet the emergency, regardless of the 258  
estimated cost of the contract. 259

"Personal protective equipment" means equipment worn to 260  
minimize exposure to hazards that cause workplace injuries and 261  
illnesses. 262

**Sec. 731.14.** All contracts made by the legislative 263  
authority of a village shall be executed in the name of the 264  
village and signed on its behalf by the mayor and clerk. Except 265  
where the contract is for equipment, services, materials, or 266  
supplies to be purchased under division (D) of section 713.23 or 267  
section 125.04 or 5513.01 of the Revised Code, available from a 268  
qualified nonprofit agency pursuant to sections 4115.31 to 269  
4115.35 of the Revised Code, or required to be purchased from a 270  
qualified nonprofit agency under sections 125.60 to 125.6012 of 271  
the Revised Code, or, during the period of emergency declared by 272  
Executive Order 2020-01D, issued on March 9, 2020, when the 273  
purchase is for personal protective equipment necessary to 274  
respond to that emergency, when any expenditure, other than the 275  
compensation of persons employed in the village, exceeds fifty 276  
thousand dollars, such contracts shall be in writing and made 277

with the lowest and best bidder after advertising once a week 278  
for not less than two consecutive weeks in a newspaper of 279  
general circulation within the village. The legislative 280  
authority may also cause notice to be inserted in trade papers 281  
or other publications designated by it or to be distributed by 282  
electronic means, including posting the notice on the 283  
legislative authority's internet web site. If the legislative 284  
authority posts the notice on its web site, it may eliminate the 285  
second notice otherwise required to be published in a newspaper 286  
of general circulation within the village, provided that the 287  
first notice published in such newspaper meets all of the 288  
following requirements: 289

(A) It is published at least two weeks before the opening 290  
of bids. 291

(B) It includes a statement that the notice is posted on 292  
the legislative authority's internet web site. 293

(C) It includes the internet address of the legislative 294  
authority's internet web site. 295

(D) It includes instructions describing how the notice may 296  
be accessed on the legislative authority's internet web site. 297

The bids shall be opened and shall be publicly read by the 298  
clerk of the village or a person designated by the clerk at the 299  
time, date, and place specified in the advertisement to bidders 300  
or specifications. The time, date, and place of bid openings may 301  
be extended to a later date by the legislative authority of the 302  
village, provided that written or oral notice of the change 303  
shall be given to all persons who have received or requested 304  
specifications no later than ninety-six hours prior to the 305  
original time and date fixed for the opening. This section does 306

not apply to those villages that have provided for the 307  
appointment of a village administrator under section 735.271 of 308  
the Revised Code. 309

As used in this section, "personal protective equipment" 310  
means equipment worn to minimize exposure to hazards that cause 311  
workplace injuries and illnesses. 312

**Sec. 749.37.** Notwithstanding any conflicting provision of 313  
sections 749.09 to 749.14 and 749.26 to 749.31 of the Revised 314  
Code, Chapter 153. of the Revised Code, or any other competitive 315  
bidding requirement specified in the Revised Code that requires 316  
a public authority to enter into separate contracts for the 317  
design and construction of a public improvement,~~a.~~ 318

(A) A board of hospital commissioners or a board of 319  
hospital trustees may enter into a single contract under which 320  
the entity awarded the contract is responsible for providing 321  
both design and construction services related to the erection of 322  
a hospital, any addition to the hospital, or any other 323  
improvement to the hospital or its properties involving 324  
alteration, repair, replacement, renovation, installation, or 325  
demolition. 326

(B) During the period of the emergency declared by 327  
Executive Order 2020-01D, issued on March 9, 2020, a board of 328  
hospital commissioners or a board of hospital trustees may 329  
purchase personal protective equipment necessary to respond to 330  
the emergency without following competitive bidding procedures. 331  
As used in this section, "personal protective equipment" means 332  
equipment worn to minimize exposure to hazards that cause 333  
workplace injuries and illnesses. 334

This section does not otherwise alter the competitive 335

bidding requirements that apply to the board when entering into	336
a contract for a public improvement.	337
<b>Sec. 5540.03.</b> (A) A transportation improvement district	338
may:	339
(1) Adopt bylaws for the regulation of its affairs and the	340
conduct of its business;	341
(2) Adopt an official seal;	342
(3) Sue and be sued in its own name, plead and be	343
impleaded, provided any actions against the district shall be	344
brought in the court of common pleas of the county in which the	345
principal office of the district is located, or in the court of	346
common pleas of the county in which the cause of action arose,	347
and all summonses, exceptions, and notices of every kind shall	348
be served on the district by leaving a copy thereof at its	349
principal office with the secretary-treasurer;	350
(4) Purchase, construct, maintain, repair, sell, exchange,	351
police, operate, or lease projects;	352
(5) Issue either or both of the following for the purpose	353
of providing funds to pay the costs of any project or part	354
thereof:	355
(a) Transportation improvement district revenue bonds;	356
(b) Bonds pursuant to Section 13 of Article VIII, Ohio	357
Constitution <del>+</del> .	358
(6) Maintain such funds as it considers necessary;	359
(7) Direct its agents or employees, when properly	360
identified in writing and after at least five days' written	361
notice, to enter upon lands within its jurisdiction to make	362

surveys and examinations preliminary to the location and 363  
construction of projects for the district, without liability of 364  
the district or its agents or employees except for actual damage 365  
done; 366

(8) Make and enter into all contracts and agreements 367  
necessary or incidental to the performance of its functions and 368  
the execution of its powers under this chapter; 369

(9) Employ or retain or contract for the services of 370  
consulting engineers, superintendents, managers, and such other 371  
engineers, construction and accounting experts, financial 372  
advisers, trustees, marketing, remarketing, and administrative 373  
agents, attorneys, and other employees, independent contractors, 374  
or agents as are necessary in its judgment and fix their 375  
compensation, provided all such expenses shall be payable solely 376  
from the proceeds of bonds or from revenues; 377

(10) Receive and accept from the federal or any state or 378  
local government, including, but not limited to, any agency, 379  
entity, or instrumentality of any of the foregoing, loans and 380  
grants for or in aid of the construction, maintenance, or repair 381  
of any project, and receive and accept aid or contributions from 382  
any source or person of money, property, labor, or other things 383  
of value, to be held, used, and applied only for the purposes 384  
for which such loans, grants, and contributions are made. 385  
Nothing in division (A) (10) of this section shall be construed 386  
as imposing any liability on this state for any loan received by 387  
a transportation improvement district from a third party unless 388  
this state has entered into an agreement to accept such 389  
liability. 390

(11) Acquire, hold, and dispose of property in the 391  
exercise of its powers and the performance of its duties under 392

this chapter;	393
(12) Establish and collect tolls or user charges for its projects;	394 395
(13) Subject to section 5540.18 of the Revised Code, enter into an agreement with a contiguous board of county commissioners other than the board of county commissioners that created the transportation improvement district, for the district to exercise all or any portion of its powers with respect to a project that is located wholly or partially within the county that is party to the agreement;	396 397 398 399 400 401 402
(14) Do all acts necessary and proper to carry out the powers expressly granted in this chapter.	403 404
(B) <u>(1)</u> Chapters 123., 124., 125., <u>and 153.,</u> <del>and 4115.,</del> and sections 9.331 to 9.335 and 307.86 of the Revised Code do not apply to contracts or projects of a transportation improvement district.	405 406 407 408
<u>(2) A transportation improvement district is subject to sections 4115.03 to 4115.21 and 4115.99 of the Revised Code, unless the amount of state or local government funds, including, but not limited to, those provided by any agency, entity, or instrumentality of the state or a local government as described in division (A) (10) of this section received for the contract or project, is, in the aggregate, less than the amounts described in or calculated under section 4115.03 of the Revised Code.</u>	409 410 411 412 413 414 415 416
<b>Section 2.</b> That existing sections 307.86, 339.05, 505.08, 731.14, 749.37, and 5540.03 of the Revised Code are hereby repealed.	417 418 419
<b>Section 3.</b> Except as otherwise provided in this act, all appropriation items in this act are appropriated out of any	420 421

moneys in the state treasury to the credit of the designated 422  
fund that are not otherwise appropriated for the capital 423  
biennium ending June 30, 2022. 424

**Section 4.** FCC FACILITIES CONSTRUCTION COMMISSION 425

426

1 2 3

A School Building Program Assistance Fund (Fund 7032)

B C23002 School Building Program Assistance \$ 300,000,000

C TOTAL School Building Program Assistance Fund \$ 300,000,000

D TOTAL ALL FUNDS \$ 300,000,000

SCHOOL BUILDING PROGRAM ASSISTANCE 427

Capital appropriations in this section made from 428  
appropriation item C23002, School Building Program Assistance, 429  
shall be used by the Facilities Construction Commission to 430  
provide funding to school districts that receive conditional 431  
approval from the Commission pursuant to Chapter 3318. of the 432  
Revised Code. 433

**Section 5.** PWC PUBLIC WORKS COMMISSION 434

435

1 2 3

A State Capital Improvements Fund (Fund 7038)



B	C15000	Local Public Infrastructure/State CIP	\$	175,000,000
C	TOTAL	State Capital Improvements Fund	\$	175,000,000
D	State Capital Improvements Revolving Loan Fund (Fund 7040)			
E	C15030	Revolving Loan	\$	42,500,000
F	TOTAL	State Capital Improvements Revolving Loan Fund	\$	42,500,000
G	Clean Ohio Conservation Fund (Fund 7056)			
H	C15060	Clean Ohio Conservation Program	\$	37,500,000
I	TOTAL	Clean Ohio Conservation Fund	\$	37,500,000
J	TOTAL ALL FUNDS		\$	255,000,000

LOCAL PUBLIC INFRASTRUCTURE 436

Capital appropriations in this section made from the State 437  
Capital Improvements Fund (Fund 7038) shall be used in 438  
accordance with sections 164.01 to 164.12 of the Revised Code. 439  
The Director of the Public Works Commission may certify to the 440  
Director of Budget and Management that a need exists to 441  
appropriate investment earnings to be used in accordance with 442  
sections 164.01 to 164.12 of the Revised Code. If the Director 443  
of Budget and Management determines pursuant to division (D) of 444  
section 164.08 and section 164.12 of the Revised Code that 445  
investment earnings are available to support additional 446  
appropriations, such amounts are hereby appropriated. 447

If the Public Works Commission receives refunds due to 448  
project overpayments that are discovered during a post-project 449

audit, the Director of the Public Works Commission may certify 450  
to the Director of Budget and Management that refunds have been 451  
received. In certifying the refunds, the Director of the Public 452  
Works Commission shall provide the Director of Budget and 453  
Management information on the project refunds. The certification 454  
shall detail by project the source and amount of project 455  
overpayments received and include any supporting documentation 456  
required or requested by the Director of Budget and Management. 457  
Upon receipt of the certification, the Director of Budget and 458  
Management shall determine if the project refunds are necessary 459  
to support existing appropriations. If the project refunds are 460  
available to support additional appropriations, these amounts 461  
are hereby appropriated to appropriation item C15000, Local 462  
Public Infrastructure/State CIP. 463

REVOLVING LOAN 464

Capital appropriations in this section made from the State 465  
Capital Improvements Revolving Loan Fund (Fund 7040) shall be 466  
used in accordance with sections 164.01 to 164.12 of the Revised 467  
Code. 468

If the Public Works Commission receives refunds due to 469  
project overpayments that are discovered during a post-project 470  
audit, the Director of the Public Works Commission may certify 471  
to the Director of Budget and Management that refunds have been 472  
received. In certifying the refunds, the Director of the Public 473  
Works Commission shall provide the Director of Budget and 474  
Management information on the project refunds. The certification 475  
shall detail by project the source and amount of project 476  
overpayments received and include any supporting documentation 477  
required or requested by the Director of Budget and Management. 478  
Upon receipt of the certification, the Director of Budget and 479

Management shall determine if the project refunds are necessary 480  
to support existing appropriations. If the project refunds are 481  
available to support additional appropriations, these amounts 482  
are hereby appropriated to appropriation item C15030, Revolving 483  
Loan. 484

CLEAN OHIO CONSERVATION GRANT REPAYMENTS 485

Capital appropriations in this section made from the Clean 486  
Ohio Conservation Fund (Fund 7056) shall be used in accordance 487  
with sections 164.20 to 164.27 of the Revised Code. 488

Any amount in grant repayments received by the Public 489  
Works Commission and deposited into the Clean Ohio Conservation 490  
Fund pursuant to section 164.261 of the Revised Code is hereby 491  
appropriated through the foregoing appropriation item C15060, 492  
Clean Ohio Conservation Program. 493

**Section 6. BOND ISSUANCE AUTHORIZATIONS** 494

(A) The Ohio Public Facilities Commission is hereby 495  
authorized to issue and sell, in accordance with Section 2n of 496  
Article VIII, Ohio Constitution, and Chapter 151. and 497  
particularly sections 151.01 and 151.03 of the Revised Code, 498  
original obligations in an aggregate principal amount not to 499  
exceed \$300,000,000, in addition to the original issuance of 500  
obligations heretofore authorized by prior acts of the General 501  
Assembly. These authorized obligations shall be issued, subject 502  
to applicable constitutional and statutory limitations, as 503  
needed to provide sufficient moneys to the credit of the School 504  
Building Program Assistance Fund (Fund 7032) to pay the state 505  
share of the costs of constructing classroom facilities pursuant 506  
to Chapter 3318. of the Revised Code. 507

(B) The Ohio Public Facilities Commission is hereby 508

authorized to issue and sell, in accordance with Section 2s of 509  
Article VIII, Ohio Constitution, and Chapter 151. and 510  
particularly sections 151.01 and 151.08 of the Revised Code, 511  
original obligations, in an aggregate principal amount not to 512  
exceed \$175,000,000, in addition to the original obligations 513  
heretofore authorized by prior acts of the General Assembly. 514  
These authorized obligations shall be issued, subject to 515  
applicable constitutional and statutory limitations, as needed 516  
to provide sufficient moneys to the credit of the State Capital 517  
Improvements Fund (Fund 7038) to pay costs of capital 518  
improvement projects of local subdivisions. 519

(C) The Ohio Public Facilities Commission is hereby 520  
authorized to issue and sell, in accordance with Sections 2o and 521  
2q of Article VIII, Ohio Constitution, and Chapter 151. and 522  
particularly sections 151.01 and 151.09 of the Revised Code, 523  
original obligations of the state in an aggregate principal 524  
amount not to exceed \$50,000,000 in addition to the original 525  
issuance of obligations heretofore authorized by prior acts of 526  
the General Assembly. These authorized obligations shall be 527  
issued, subject to applicable constitutional and statutory 528  
limitations, as needed to provide sufficient moneys to the 529  
credit of the Clean Ohio Conservation Fund (Fund 7056), the 530  
Clean Ohio Agricultural Easement Fund (Fund 7057), and the Clean 531  
Ohio Trail Fund (Fund 7061) to pay costs of conservation 532  
projects. 533

**Section 7. CERTIFICATION OF AVAILABILITY OF MONEYS** 534

Moneys that require release shall not be expended from any 535  
appropriation contained in this act without certification of the 536  
Director of Budget and Management that there are sufficient 537  
moneys in the state treasury in the fund from which the 538

appropriation is made. Such certification made by the Office of 539  
Budget and Management shall be based on estimates of revenue, 540  
receipts, and expenses. Nothing in this section limits the 541  
authority of the Director of Budget and Management granted in 542  
section 126.07 of the Revised Code. 543

**Section 8. LIMITATION ON USE OF CAPITAL APPROPRIATIONS** 544

The appropriations made in this act, excluding those made 545  
from the State Capital Improvement Fund (Fund 7038) and the 546  
State Capital Improvements Revolving Loan Fund (Fund 7040) for 547  
buildings or structures, including remodeling and renovations, 548  
are limited to: 549

(A) Acquisition of real property or interests in real 550  
property; 551

(B) Buildings and structures, which includes construction, 552  
demolition, complete heating and cooling, lighting, and lighting 553  
fixtures, and all necessary utilities, ventilating, plumbing, 554  
sprinkling, water and sewer systems, when such systems are 555  
authorized or necessary; 556

(C) Architectural, engineering, and professional services 557  
expenses directly related to the projects; 558

(D) Machinery that is necessary to the operation or 559  
function of the building or structure at the time of initial 560  
acquisition or construction; 561

(E) Acquisition, development, and deployment of new 562  
computer systems, including the integration of existing and new 563  
computer systems, but excluding regular or ongoing maintenance 564  
or support agreements; 565

(F) Furniture, fixtures, or equipment that meets all the 566

following criteria: 567

(1) Is essential in bringing the facility up to its 568  
intended use or is necessary for the functioning of the 569  
particular facility or project; 570

(2) Has a unit cost of about \$100 or more; and 571

(3) Has a useful life of five years or more. 572

Furniture, fixtures, or equipment that is not an integral 573  
part of or directly related to the basic purpose or function of 574  
a project for which moneys are appropriated shall not be paid 575  
for from these appropriations. This paragraph does not apply to 576  
appropriation line items specifically for furniture, fixtures, 577  
or equipment. 578

**Section 9. CONTINGENCY RESERVE REQUIREMENT** 579

Any request for release of capital appropriations by the 580  
Director of Budget and Management or the Controlling Board for 581  
projects, the contracts for which are awarded by the Ohio 582  
Facilities Construction Commission, shall contain a contingency 583  
reserve, the amount of which shall be determined by the Ohio 584  
Facilities Construction Commission, for payment of unanticipated 585  
project expenses. Any amount deducted from the encumbrance for a 586  
contractor's contract as an assessment for liquidated damages 587  
shall be added to the encumbrance for the contingency reserve. 588  
Contingency reserve funds shall be used to pay costs resulting 589  
from unanticipated job conditions, to comply with rulings 590  
regarding building and other codes, to pay costs related to 591  
errors or omissions in contract documents, to pay costs 592  
associated with changes in the scope of work, and to pay the 593  
cost of settlements and judgments related to the project. 594

Any funds remaining upon completion of a project, may, 595

upon approval of the Controlling Board, be released for the use 596  
of the institution to which the appropriation was made for 597  
another capital facilities project or projects. 598

**Section 10. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 599**  
AGAINST THE STATE 600

Except as otherwise provided in this section, an 601  
appropriation contained in this act or in any other act may be 602  
used for the purpose of satisfying judgments, settlements, or 603  
administrative awards ordered or approved by the Court of Claims 604  
or by any other court of competent jurisdiction in connection 605  
with civil actions against the state. This authorization does 606  
not apply to appropriations that are to be applied to or used 607  
for payment of guarantees by or on behalf of the state or for 608  
payments under lease agreements relating to or debt service on 609  
bonds, notes, or other obligations of the state. Notwithstanding 610  
any other section of law to the contrary, this authorization 611  
includes appropriations from funds into which proceeds or direct 612  
obligations of the state are deposited only to the extent that 613  
the judgment, settlement, or administrative award is for or 614  
represents capital costs for which the appropriation may 615  
otherwise be used and is consistent with the purpose for which 616  
any related obligations were issued or entered into. Nothing 617  
contained in this section is intended to subject the state to 618  
suit in any forum in which it is not otherwise subject to suit, 619  
nor is it intended to waive or compromise any defense or right 620  
available to the state in any suit against it. 621

**Section 11. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET AND 622**  
MANAGEMENT 623

Notwithstanding section 126.14 of the Revised Code, the 624  
appropriations to the Facilities Construction Commission from 625

the School Building Program Assistance Fund (Fund 7032) and to 626  
the Public Works Commission from the Clean Ohio Conservation 627  
Fund (Fund 7056), the State Capital Improvement Fund (Fund 628  
7038), and the State Capital Improvements Revolving Loan Fund 629  
(Fund 7040) shall be released upon presentation of a request to 630  
release the funds, by the agency to which the appropriation has 631  
been made, to the Director of Budget and Management. 632

**Section 12. PREVAILING WAGE REQUIREMENT** 633

Except as provided in section 4115.04 of the Revised Code, 634  
moneys appropriated or reappropriated by the 133rd General 635  
Assembly shall not be used for the construction of public 636  
improvements, as defined in section 4115.03 of the Revised Code, 637  
unless the mechanics, laborers, or workers engaged therein are 638  
paid the prevailing rate of wages prescribed in section 4115.04 639  
of the Revised Code. Nothing in this section affects the wages 640  
and salaries established for state employees under Chapter 124. 641  
of the Revised Code, or collective bargaining agreements entered 642  
into by the state under Chapter 4117. of the Revised Code, while 643  
engaged on force account work, nor does this section interfere 644  
with the use of inmate and patient labor by the state. 645

**Section 13. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND** 646  
**MANAGEMENT** 647

The Director of Budget and Management shall authorize both 648  
of the following: 649

(A) The initial release of moneys for projects from the 650  
funds into which proceeds of direct obligations of the state are 651  
deposited; and 652

(B) The expenditure or encumbrance of moneys from funds 653  
into which proceeds of direct obligations are deposited, only 654



after determining to the Director's satisfaction that either of 655  
the following applies: 656

(1) The application of such moneys to the particular 657  
project will not negatively affect any exclusion of the interest 658  
or interest equivalent on obligations issued to provide moneys 659  
to the particular fund from the calculation of gross income for 660  
federal income tax purposes under the "Internal Revenue Code of 661  
1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 662

(2) Moneys for the project will come from the proceeds of 663  
federally taxable obligations, the interest on which is not so 664  
excluded from the calculation of gross income for federal income 665  
tax purposes and which have been authorized and issued on that 666  
basis by their issuing authority. 667

In the event the Director determines that the condition 668  
set forth in division (B) (1) of this section does not apply, and 669  
that there is no existing fund in the state treasury to enable 670  
compliance with the condition set forth in division (B) (2) of 671  
this section, the Director may create a fund in the state 672  
treasury for the purpose of receiving proceeds of federally 673  
taxable obligations. The Director may establish capital 674  
appropriation items in that taxable bond fund that correspond to 675  
the preexisting capital appropriation items in the associated 676  
tax-exempt bond fund. The Director also may transfer capital 677  
appropriations in whole or in part between the taxable and tax- 678  
exempt bond funds within a particular purpose for which the 679  
bonds have been authorized. 680

**Section 14.** OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 681  
REVISED CODE 682

The capital improvements for which appropriations are made 683

in this act from the School Building Program Assistance Fund 684  
(Fund 7032), the State Capital Improvements Fund (Fund 7038), 685  
the State Capital Improvements Revolving Loan Fund (Fund 7040), 686  
and the Clean Ohio Conservation Fund (Fund 7056) are determined 687  
to be capital improvements and capital facilities for a 688  
statewide system of common schools, local subdivision capital 689  
improvement projects, and conservation purposes (under the Clean 690  
Ohio Program) and are designated as capital facilities to which 691  
proceeds of obligations issued under Chapter 151. of the Revised 692  
Code are to be applied. 693

**Section 15. TRANSFER OF OPEN ENCUMBRANCES** 694

Upon the request of the agency to which a capital project 695  
appropriation item is appropriated, the Director of Budget and 696  
Management may transfer open encumbrance amounts between 697  
separate encumbrances for the project appropriation item to the 698  
extent that any reductions in encumbrances are agreed to by the 699  
contracting vendor and the agency. 700

**Section 16. LITIGATION PROCEEDS TO THE ADMINISTRATIVE** 701  
**BUILDING FUND** 702

Any proceeds received by the state as the result of 703  
litigation or a settlement agreement related to any liability 704  
for the planning, design, engineering, construction, or 705  
constructed management of facilities operated by the Department 706  
of Administrative Services shall be deposited into the General 707  
Revenue Fund or the Building Improvement Fund (Fund 5KZ0). 708

**Section 17. (A)** Notwithstanding sections 5709.43 and 709  
5709.75 of the Revised Code, the legislative authority of a 710  
municipal corporation or a board of township trustees may do 711  
either or both of the following: 712

(1) On or after the effective date of this section but 713  
before the last day of the municipal corporation's or township's 714  
fiscal year that ends in or with 2020, appropriate and expend 715  
the sum of not more than twenty-five per cent of the 716  
unencumbered money in the municipal public improvement tax 717  
increment equivalent fund, urban redevelopment tax increment 718  
equivalent fund, or township public improvement tax increment 719  
equivalent fund, as applicable, as of that effective date, plus 720  
not more than twenty-five per cent of any amount deposited to 721  
that fund during the remainder of that fiscal year, to be used 722  
as authorized in division (B) of this section; 723

(2) On or after the first day of the municipal 724  
corporation's or township's fiscal year ending in or with 2021 725  
but before the last day of that fiscal year, appropriate and 726  
expend the sum of not more than twenty-five per cent of the 727  
unencumbered balance of the municipal public improvement tax 728  
increment equivalent fund, urban redevelopment tax increment 729  
equivalent fund, or township public improvement tax increment 730  
equivalent fund, as applicable, as of the first day of that 731  
fiscal year, plus not more than twenty-five per cent of any 732  
amount deposited to that fund during that fiscal year, to be 733  
used as authorized in division (B) of this section. 734

(B) Money appropriated and expended under division (A) (1) 735  
or (2) of this section shall be used solely to pay current 736  
public safety expenses or road and bridge maintenance expenses 737  
of the subdivision that are not eligible to be paid or 738  
reimbursed with funds received by the subdivision pursuant to 42 739  
U.S.C. 601, including such funds distributed to the subdivision 740  
by the state. 741

(C) A municipal corporation or township appropriating and 742

expending money under division (A) (1) or (2) of this section 743  
shall reimburse the fund from which the appropriation or 744  
expenditure was made for the sum so appropriated and expended 745  
from funds received by the subdivision pursuant to federal 746  
legislation that may be used to pay for or reimburse those 747  
expenses, but only if and to the extent those funds are 748  
available. No reimbursement shall be required if such funds are 749  
not received before the date the applicable exemption granted 750  
under the resolution adopted under section 5709.40, 5709.41, or 751  
5709.73 of the Revised Code expires. 752

**Section 18.** During the period of the emergency declared by 753  
Executive Order 2020-01D, issued on March 9, 2020, a charter 754  
county may enter into a contract, without bidding or advertising 755  
or an otherwise selective process, for the purchase of personal 756  
protective equipment needed to meet the emergency. 757

"Personal protective equipment" means equipment worn to 758  
minimize exposure to hazards that cause workplace injuries and 759  
illnesses. 760

**Section 19.** The items of law contained in this act, and 761  
their applications, are severable. If an item of law contained 762  
in this act, or if an application of an item of law contained in 763  
this act, is held invalid, the invalidity does not affect other 764  
items of law contained in this act and their applications that 765  
can be given effect without the invalid item or application. 766