

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 146

Senator Antani

A BILL

To enact section 5525.26 of the Revised Code to 1
require the Director of Transportation to adopt 2
rules that prevent any particular type of 3
highway pavement from receiving priority in the 4
highway construction bidding process. 5

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

Section 1. That section 5525.26 of the Revised Code be 6
enacted to read as follows: 7

Sec. 5525.26. (A) The director of transportation shall 8
adopt rules in accordance with Chapter 119. of the Revised Code 9
that do all of the following: 10

(1) Encourage competition among industries involved in the 11
production of paving materials so that monopoly situations are 12
avoided and no single type of highway pavement receives 13
preferential treatment in the highway construction project 14
bidding process; 15

(2) Prohibit the adoption of any requirements or 16
guidelines that favor a single type of highway pavement in the 17
highway construction project bidding process; 18

(3) Comply with federal highway administration guidelines 19
and recommendations for pavement design, use of alternate 20
bidding for pavement type selection, and the promotion of 21
competition in highway construction project bidding. 22

(B) The director shall ensure that the rules required by 23
division (A) of this section are effective not later than 24
January 1, 2022. 25

(C) Upon the effective date of the rules required by 26
division (A) of this section, the director shall deliver a copy 27
of the rules to the speaker of the house of representatives, the 28
president of the senate, and the chairs of the standing 29
committees in the house of representatives and senate with 30
primary responsibility over transportation issues. 31

(D) The rules required by division (A) of this section 32
shall apply, after their effective date, to all highway 33
construction projects that are advertised for bids pursuant to 34
this chapter. 35