

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 471**

**Representative Gonzales**

**Cosponsors: Representatives Reineke, Strahorn**

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**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

(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



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



(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
<b>Sec. 125.035.</b> (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

(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