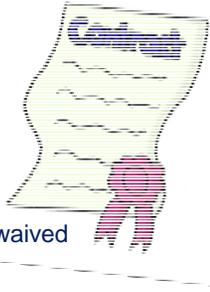


UNRESOLVED FINDING FOR RECOVERY

Section 9.24

- Contract involving state funds
- Unresolved
 - Unpaid
 - No repayment plan
 - Attorney General has not waived
- Exceptions



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PURCHASE OF SURPLUS COMMODITIES

Section 9.25

- State or political subdivision
- From the Federal government
- Price less than acquisition from private party



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PARTICIPATION IN CONTRACTS OR JOINT PURCHASING

Section 9.48

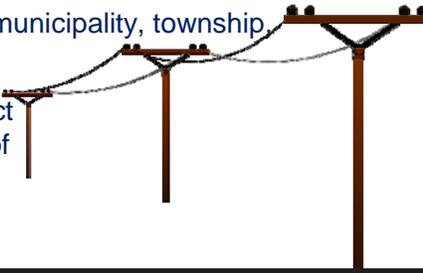
- Political subdivision contracts
 - May permit other subdivisions to participate
 - May charge reasonable fee
- Subdivision may participate in joint purchasing program
 - National or state association
 - Federal contract offerings
- No bidding if original contract bid
- Prohibited if already solicited bids unless same terms
- Can purchase from other if lower price

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CONTRACTS FOR PUBLIC UTILITIES WITHOUT BIDDING

Section 9.30

- State, county, municipality, township, school, other
- Service, product or commodity of public utility at PUCO rates



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LOWEST RESPONSIVE AND RESPONSIBLE BIDDER

Section 9.312

- If standard applies
- Responsive
 - Meets all specifications
 - No irregularities or deviations
 - Consider
- Responsible-Consider:
 - Experience
 - Financial condition
 - Bid bond
 - Further information
 - Previous performance
 - Facilities
 - Management skills
 - Ability to execute



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PURCHASE OF SERVICES OR SUPPLIES BY REVERSE AUCTION

Section 9.314

- Political subdivision
- Purchase services or supplies by reverse auction
 - Open environment via the internet
- Excludes certain construction
- Most advantageous
- May require performance bond



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NOTICE TO SURETY OF AWARD OF CONTRACT

Section 9.32

- Upon award of construction contract
- State or political subdivision notify surety of contractor



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**CONSTRUCTION MANAGER
CONSTRUCTION MANAGER AT RISK**

Section 9.33



- Construction Manager
 - Substantial discretion and authority
- Construction Manager at Risk
 - Substantial discretion and authority
 - Guaranteed maximum price



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CONSTRUCTION MANAGER SELECTION PROCESS



Section 9.332

- Solicit and evaluate proposals
- Select and rank top three
- Negotiate with first ranked
- If unsuccessful in reaching agreement—move down
- If unsuccessful as to top three—rank others



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CONSTRUCTION MANAGER FINANCIAL ASSURANCE

Section 9.333

- Amount of contract value
- Letter of credit
- Surety bond
- Certified check
- Cashier's check, or
- Other reasonable financial assurance



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**SELECTION OF CONSTRUCTION
MANAGER AT RISK NEGOTIATION OF
PRICE AND TERMS**

Section 9.334

- Evaluate proposals
- Rank no fewer than three unless fewer qualify
- Negotiate in order



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**FORCE ACCOUNT
AUDITS**

Section 117.16

- Auditor of State prepare force account assessment form
- Complaint—AOS may audit
- If county, municipality, or township is found in violation
 - Reduce force account limits



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CHAPTER 125 COMPETITIVE BIDDING DEFINITION

Section 125.01(I)



- Competitive sealed bidding under 125.07
- Competitive sealed proposals under Section 125.071
- Reverse auction under 125.072



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SUBDIVISION PARTICIPATION IN STATE PURCHASING

Section 125.04

- DAS may permit subdivision to participate in state purchasing
- Ordinance or resolution
- Reasonable fee
- Exempt from competitive bidding
- Cannot use if already bid unless same terms



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SEPARATE BIDS FOR WORK AND MATERIALS

Section 153.50

- County, township, municipality, school district
- Erection, repair, alteration, or rebuilding structure
 - Covered by competitive bidding
- Separate and distinct bids for
 - Plumbing and gas fitting
 - Steam and hot water heating, ventilating, and steam power
 - Electrical equipment
- Exceptions for contracts with
 - Construction manager at risk
 - Design-build firm
 - General contracting firm



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CONTRACT AWARD FOR ENTIRE PROJECT

Section 153.51

- May award contract for entire project
 - If overall costs lower than aggregate of 153.50 bids
 - Lowest and best bidder or
 - Lowest responsive and responsible
- May assign portions of contract per specifications
 - Including scheduling, coordinating, and administration



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**EVALUATION AND SELECTION ALL
DESIGN BUILD CONTRACTS**



Section 153.693

- Criteria from architect or engineer
- Evaluation statements of qualifications
- Three entity selection and negotiation process




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**SUCCESSFUL BIDDER DELINQUENT
PERSONAL PROPERTY TAX**

Section 5719.042



- Contract with any taxing authority
- After announcement of successful bidder but before entering into contract
 - Certification to fiscal officer
 - Convey to treasurer


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COUNTY COMPETITIVE BIDDING

Section 307.86

- Lease
- Lease with option to purchase
- Purchased
 - Constructed
 - Exceptions
 - Services of accountant, architect, attorney, physician, professional engineer, construction project manager, consultant, surveyor, or appraiser
- Over \$50,000.00



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COUNTY COMPETITIVE BIDDING (cont'd)

Additional exceptions:

- Real and present emergency – unanimous vote
 - Estimated cost under \$100,000.00
 - Actual physical structural disaster
 - Informal estimates
- Sole source—supplies or replacement of parts for a product or equipment owned or leased by county.
- Proprietary or sole source IT services Federal, state, county, board of education, ESC, or municipality
- JFS - Family services, workforce development, grant funded criminal justice, social, or family services or workforce development activities



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COUNTY COMPETITIVE BIDDING (cont'd)

Additional exceptions (cont'd):

- Insurance under certain circumstances
- OPAA case management hardware or software
- Child care services for county employees
- Leasing of property under certain conditions
- Certain juvenile court case management material
- Certain children services programs
- EMT contract with joint emergency medical services district
- Determines 307.862 more advantageous



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NOTICE

Section 307.87

• Publication

- Once a week for two consecutive weeks
- Newspaper of general circulation
- Internet-Forego second publication
 - » First notice published 2 weeks before opening
 - » States on internet
 - » Includes internet address
 - » Instructions to access
 - » Bulletin board for posting
 - » Post for two weeks before opening



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BID BOND OR DEPOSIT

Section 307.88

- Covers bids under 307.86 to 307.92
 - Board may exempt
 - Unanimous vote
 - In public notice
- Construction contracts over \$50,000 comply with 153.54
- Any other contract
 - May require up to 5%
 - Bond, certified check, cashier's check, or money order



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PERFORMANCE BOND

Section 307.89

- Non-construction contract
- Board may require surety
 - Amount determined by board
 - Not exceed contract price



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EMERGENCY PURCHASES – TOWNSHIP

Section 505.08

- Resolution
- Unanimous approval
- Real and present emergency
- Township services or duties
- Purchase services, materials, equipment, supplies
 - Under \$50,000
- No bidding



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TOWNSHIP PURCHASE FROM PUBLIC ENTITY

Section 505.101

- Resolution
 - No bid contract to purchase
 - Materials, equipment, or supplies
 - From any department, agency, subdivision of state
 - From soil and water conservation district
 - From regional planning commission
 - From ESC
 - Maximum amount to be paid
 - Type of materials, equipment, or supplies
 - Appropriate sufficient funds



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FIRE AND AMBULANCE DISTRICT CONTRACTS

Section 505.376

- Contracts in excess of \$50,000
 - In writing
 - Lowest and best bidder
 - Advertise once a week for two consecutive weeks
- Dispense with second of internet notice



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LEASE-PURCHASE AGREEMENTS

Section 505.267

- Township trustees
- Joint police district
- Joint fire district
- Joint fire and ambulance district
- May by resolution enter lease-purchase
- Series terms
 - No term beyond current fiscal year
- Obligations satisfied-Ownership to public entity



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TOWNSHIP FIRE PROTECTION PURCHASES

Section 505.37

- Fire apparatus, equipment, appliances, etc.
- In excess of \$50,000
- Competitive bidding
 - Publish notice once a week for two consecutive weeks
 - Eliminate second publication-Internet posting



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TOWNSHIP EMERGENCY POWERS

Section 505.82

- Resolution
 - Emergency threatening life or property
 - Unincorporated area
 - Exists or imminent
 - Unanimous vote
 - Vote of two if third unavoidably absent
 - Up to six month period
 - Immediate no-bid contracts
 - Equipment
 - Acquisition, replacement, or repair



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TOWNSHIP MEMORIAL CONTRACTS

Section 511.12

- Contracts
 - Memorial building, monument, statue, memorial
- Over \$50,000
 - Competitive bidding
 - Detailed plans, specifications, estimates
- Publish notice once a week for two consecutive weeks
 - Dispense with second if internet notice
- Lowest and best bidder

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INTEREST IN TOWNSHIP CONTRACT PROHIBITED

Section 511.13

- Township trustee, officer or employee
- No interest in township contract
- Exception
 - Shareholder
 - Less than 5% of stock
 - > Value of \$500 or less
 - Affidavit
 - Filed with commissioners' clerk
 - Status and connection to corporation
 - Before contract entered into

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TOWNSHIP PURCHASE MACHINERY, MATERIALS, SUPPLIES

Section 5549.21

- Purchase or lease
 - Machinery or tools
 - Road or culvert work
 - Trade-ins permissible
- Purchase materials or supplies
- Excess of \$50,000
 - Lowest responsible bidder



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TOWNSHIP FORCE ACCOUNT

Section 5575.01

- Contract for road repair or maintenance
 - Excess of \$45,000
 - Competitive bidding
 - Publish one not less than two weeks before opening
 - \$45,000 or less
 - Contract or force account
- Construction or reconstruction of road
 - County engineer estimate
 - Over \$15,000 per mile
 - Contract-Competitive bidding
- AOS force account estimate form
 - Not required
 - Maintenance and repair less than \$15,000.00
 - Construction or reconstruction less than \$5,000 per mile



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REGIONAL PLANNING COMMISSION PURCHASING

Section 713.23

- Regional Planning Commission
 - Contract
 - Perform purchasing services for subdivisions
- Ordinance or resolution
- Reasonable fee
- Commission follow 307 bidding
- Subdivision need not bid
- Not allowed if bids already received



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PUBLICATION OF NOTICE TOWNSHIP ROAD IMPROVEMENT

Section 5575.02

- Advertise
 - At least two weeks before opening
 - Newspaper of general circulation
 - Let work as whole or convenient sections
- Lowest and best bidder
- Lump sum unless trustees order unit price
- No award in excess of 10% over estimate (5575.03)



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MUNICIPAL FORCE ACCOUNT

Section 723.52

- Construction, reconstruction, widening, resurfacing, or repair
- Street or public way
- \$30,000 or less total cost
 - Force Account
 - AOS estimate sheet
- Over \$30,000
 - Competitive bids
- Maintain record (RC 723.53)



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CONTRACTS BY VILLAGE COUNCIL

Section 731.14

- Over \$50,000
 - In writing
 - Lowest and best bidder
 - Advertise
 - Once a week
 - Two consecutive weeks
 - Dispense with second if internet notice



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SCHOOL BUS PURCHASES

Section 3327.08

- Competitive bidding



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ESC SERVICE CONTRACTS

Section 3313.846

- ESC Governing Board
- Contract with 2744.01 Political Subdivision
- ESC Provide Designated Services
 - Mutually agreed price
- Direct payment to ESC
- File copy with ODE
 - By first date effective



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