



H.B. 237

126th General Assembly
(As Introduced)

Reps. Seaver, Brinkman, Hagan, Wolpert

BILL SUMMARY

- Permits a county contracting authority to use competitive sealed proposals for purchases and leases of products and services and for construction projects instead of competitive sealed bidding when the contracting authority determines the use of competitive sealed proposals would be advantageous to the county.

CONTENT AND OPERATION

Under existing law, a county contracting authority must use competitive sealed bidding for any purchase, lease, or construction project¹ that costs more than \$25,000 unless the purchase, lease, or construction project falls into one of several exceptions. Examples of exceptions are when the Board of County Commissioners determines, by unanimous vote, that an emergency exists; there is only one supplier from which to purchase supplies or replacement parts; or the purchase is from the federal government. (R.C. 307.86.)

The bill creates a new exception to the requirement that a county contracting authority use competitive bidding. Under the bill, a county contracting authority may use competitive sealed proposals instead of competitive sealed bidding when the contracting authority determines using competitive sealed proposals would be advantageous to the county. (R.C. 307.86(M).)

If the contracting authority chooses to use competitive sealed proposals, the bill requires the authority to abide by several requirements. The contracting

¹ *The types of purchases, leases, or construction projects to which this requirement applies includes, but is not limited to, any product, structure, construction, reconstruction, improvement, maintenance, repair, or service, except for the services of an accountant, architect, attorney, physician, professional engineer, construction project manager, consultant, surveyor, or appraiser.*

authority must solicit proposals through a request for proposals. The request must state the relative importance of price and other evaluation factors. The contracting authority must publish notice of the proposal once a week for not less than two consecutive weeks in a newspaper of general circulation. It also may publish the notice by electronic means, which lessens the newspaper publication requirement if specified conditions are satisfied. (R.C. 307.862 and 307.87(A), not in the bill.)

The bill requires that the proposals be opened so that the contents of the proposals are not disclosed to competing offerors. In order to ensure fair and impartial evaluation, the proposals and related documents are not available to the public for inspection or copying under the Public Records Law until after the contracting authority awards the contract. (R.C. 307.862.)

Under the bill, the contracting authority may have discussions with responsible offerors whose proposals may be awarded the contract to ensure full understanding of, and responsiveness to, solicitation requirements. All offerors must be accorded fair and equal treatment with respect to any opportunity for discussion regarding any clarification, correction, or revisions to proposals. Information derived from competing offerors' proposals must not be disclosed during discussions. (R.C. 307.862.)

The bill allows the contracting authority to award the contract to the offeror whose proposal is determined to be the most advantageous to the county, taking into consideration factors such as price and the evaluation criteria set forth in the request for proposals. The basis on which the contract was awarded must be filed in the contract file. (R.C. 307.862.)

The bill specifies that a contracting authority cannot use competitive sealed proposals for contracts for construction, demolition, alteration, repair, or reconstruction of an improvement. (R.C. 307.862.)

HISTORY

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