



**H.B. 251**

126th General Assembly  
(As Introduced)

**Reps. Uecker, Kearns, Raga, McGregor, Martin, Schneider, Collier,  
Wagoner, Bulp, Law, Brown, Williams**

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**BILL SUMMARY**

- Requires the Office of Energy Services in the Department of Administrative Services (DAS) to use energy efficiency standards modeled on those developed and used by the Ohio School Facilities Commission for classroom facilities construction projects.
- Requires, instead of authorizes, DAS to require a bidder in the state competitive bidding process to provide sufficient information about the energy efficiency or energy usage of the bidder's product or service and specifies that it include information regarding whether the product or service meets the energy efficiency guidelines set by the U.S. Environmental Protection Agency and Department of Energy.
- Modifies the state reverse auction and competitive sealed bidding contract award process by requiring DAS, when applicable and after implementing continuing law preferences for Ohio and U.S. products, to give preference to lowest responsive and responsible bidders whose product or service meets the energy efficiency guidelines set by the U.S. Environmental Protection Agency and Department of Energy.
- Requires state institutions of higher education that receive an appropriation for a capital facilities project for the construction, reconstruction, improvement, renovation, enlargement, or alteration of a public improvement under its jurisdiction to use energy efficient designs in carrying out the project.

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## CONTENT AND OPERATION

### State facilities

(R.C. 123.011(C)(3))

One of the responsibilities of the DAS Office of Energy Services (OES) is to ensure that energy conservation goals are observed in the design, construction, renovation, and use of state-owned, -assisted, or -leased facilities to minimize energy consumption in the operation and maintenance of the facilities. Current law requires OES to use life-cycle costs and energy consumption analyses in determining necessary changes to the operation and maintenance of the facilities. The bill adds a new requirement that OES use energy efficiency standards modeled on those developed and used by the Ohio School Facilities Commission (OSFC) for classroom facilities construction projects (see **COMMENT 1**). The standards adopted by OSFC appear within the item specifications comprising its *Ohio School Design Manual*, for example, its specifications for heating, ventilation, and air conditioning systems in Chapters 8 and 9. Item specifications often reference national or other standards bodies or performance codes.

### Competitive bidding information

(R.C. 125.09(B))

Current competitive sealed bidding law authorizes DAS to require each bidder to provide sufficient information about the energy efficiency or energy usage of the bidder's product or service. The bill requires DAS to do that and provides that the bidder include information regarding whether the product or service meets the energy efficiency guidelines set by the U.S. Environmental Protection Agency and Department of Energy.

### Reverse auctions and competitive bids

(R.C. 125.11(A)(2) and (B))

Under current law, in awarding contracts pursuant to a reverse auction<sup>1</sup> or competitive sealed bidding, including contracts awarded to minority business enterprises, DAS must award the contract to the lowest responsive and responsible bidder on each item, with preference given to Ohio products under the Buy Ohio Law. Where a contract is for products, including a contract for which competitive bidding is waived by the Controlling Board but excluding a purchase of spirituous

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<sup>1</sup> A "reverse auction" is a purchasing process in which offerors submit bids in competing to sell services or supplies in an open environment via the internet (R.C. 125.072(A)).

liquor by the Division of Liquor Control, DAS or the state agency responsible for evaluating the contract also must give preference to U.S. competitively produced or mined products.

The bill modifies this contract award process by requiring DAS, when applicable and after implementing those preferences, to give preference to lowest responsive and responsible bidders whose product or service meets the energy efficiency guidelines set by the U.S. Environmental Protection Agency and Department of Energy. (The bill does not incorporate this energy efficiency preference into the model act DAS must adopt for use by local governments to implement a system of preferences for Ohio and U.S. products.)

### **State institutions of higher education**

(R.C. 3345.52)

The bill requires any state institution of higher education that receives an appropriation for a capital facilities project for the construction, reconstruction, improvement, renovation, enlargement, or alteration of a public improvement under its jurisdiction to use energy efficient designs in carrying out the project. This requirement applies to the state universities, the Northeastern Ohio Universities College of Medicine, the Medical University of Ohio at Toledo, community colleges, state community colleges, university branches, and technical colleges (R.C. 3345.011 and 3345.12(A)(1)).

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## **COMMENT**

The bill is unclear regarding how its new requirement to use OSFC efficiency standards might apply to certain other agency duties under continuing law. A state agency, including an agency otherwise excluded from DAS's jurisdiction,<sup>2</sup> is prohibited under continuing law from leasing a facility without having obtained an energy consumption analysis from OES prepared by an

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<sup>2</sup>*Among such agencies are the Adjutant General regarding certain military property and armories; the Director of Transportation regarding buildings for administration of the department; the Director of Public Safety regarding deputy registrar facilities or division or district offices, and the Superintendent of the State Highway Patrol for patrol facilities; the Division of Liquor Control regarding retail outlets and warehouses; the Director of Development regarding the state's foreign offices; buildings under the Capitol Square Review and Advisory Board, the Rehabilitation Services Commission, the Bureau of Workers' Compensation, or the departments of Job and Family Services, Mental Health, Mental Retardation and Developmental Disabilities, and Rehabilitation and Correction; and buildings of educational and benevolent institutions under the management and control of boards of trustees (R.C. 123.01 (B) and (C)).*

architect or engineer (R.C. 123.01(D)). Too, OES must adopt rules, including energy conservation performance guidelines, for conducting a life-cycle cost analysis of alternative architectural and engineering designs and for developing energy performance indices to evaluate the energy efficiency of competing designs in the construction of "state-financed and leased" facilities. The life-cycle analysis must cover specifically enumerated aspects of a project, including aspects relating to energy efficiency and consumption. Under continuing law, the rules must be based on the best currently available methods of analysis, including methods of federal government agencies and professional societies and materials developed by DAS (R.C. 123.01(E)). Further, OES must adopt rules to ensure energy efficiency and conservation in the state's purchase of equipment having a significant impact on energy use by government, based on federal testing and labeling and standards development by the Department of Development (R.C. 123.011(F)).

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-10-05	p. 767

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