

Executive

DOTCD32 Diesel Emissions Reduction Grant Program

Section: 512.50

(1) Establishes a Diesel Emissions Reduction Grant Program in the Highway Operating Fund (Fund 7002), and requires the Ohio Environmental Protection Agency (EPA) to administer the program and solicit, evaluate, score, and select projects submitted by public and private entities that are eligible for the federal Congestion Mitigation and Air Quality (CMAQ) Program. Requires ODOT to process Federal Highway Administration (FHWA) projects as recommended by EPA.

(2) Specifies that in addition to the expenditures allowed pursuant to section 122.861 of the Revised Code, program funds also may be used to assist projects involving the purchase or use of hybrid and alternative fuel vehicles that are allowed under CMAQ guidance developed by FHWA.

(3) Requires public entities eligible to receive program funds to be reimbursed from moneys in Fund 7002. Requires private entities eligible to receive funds to be reimbursed at the discretion of the local public sector agency and upon approval by ODOT, through direct payments to the vendor in the prorated share of federal/state participation. Specifies that the reimbursements shall be made from moneys in Fund 7002.

(4) Prohibits new appropriations from Fund 7002 in FY 2016 for the program, and limits new appropriations from Fund 7002 to up to \$5.0 million in FY 2017 for the program.

(5) Specifies that any allocations under this section of the bill represent CMAQ program moneys within ODOT for program use by EPA, and that such allocations shall not reduce the amount of moneys designated for metropolitan planning organizations.

(6) Requires EPA, in consultation with the Development Services Agency and ODOT, to develop guidance for the distribution of funds and for the administration of the program. Requires the guidance to include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

Fiscal effect: The Diesel Emissions Reduction Grant Program was created in uncodified law in Am. Sub. H.B. 59 of the 130th General Assembly for the FY 2014-FY 2015 biennium, with similar program guidelines and funding streams. Up to \$5.0 million in additional Highway Operating Fund moneys may be appropriated for the program in the FY 2016-FY 2017 biennium, complementing the federal CMAQ funding.

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DASCD38 State agency procurement procedures

R.C. 9.83, 125.02, 125.04, 125.041, 125.05, 125.07, 125.08, 125.10, 125.11, 125.45, 918.41, 1349.04, 3334.08, 4121.03, 4121.121, 4123.322, and 5513.01; Repealed: 125.021, 125.022, 125.03, 125.06, 125.17

- (1) Reorganizes the State Procurement Law and clarifies that DAS must establish contracts for supplies and services (including telephone, telecommunications, and computer services) for the use of state agencies and may do so for political subdivisions.
- (2) Adds the Attorney General, the Auditor of State, the Secretary of State, and the Treasurer of State to the list of entities (the Adjutant General for military supplies and services, the General Assembly, the judicial branch, state institutions of higher education, and the Capitol Square Review and Advisory Board) that are exempt from the above requirement. Permits these exempt entities to request DAS assistance with procurement. Specifies that nothing prevents state elected officials from complying with or participating in any aspect of the State Procurement Law through DAS.
- (3) Requires the DAS Director to adopt rules regarding circumstances and criteria for a state agency to obtain a release and permit to make a purchase not under DAS, and allows DAS to grant a blanket release and permit for a state agency for specific purchases for a fiscal year or for the biennium.
- (4) Allows DAS to enter into cooperative purchasing agreements with the exempt state entities and elected officials in addition to the Department of Transportation, other states, the federal government, other purchasing consortia, and political subdivisions.
- (5) Permits the federal government, other states, other purchasing consortia, or any interstate compact authority to purchase supplies or services from contracts established by DAS.
- (6) Eliminates the authority of DAS to enter into a contract to purchase bulk long distance telephone services for members of the immediate family of deployed persons.
- (7) Permits DAS to allow state institutions of higher education and governmental agencies to participate in DAS contracts and requires an entity desiring to participate in a DAS contract to file a request containing certain documents with DAS.

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- (8) Requires DAS to include in its annual report an estimate of the purchases made by state institutions of higher education, governmental agencies, political subdivisions, and other specified entities from DAS contracts.
- (9) Requires the DAS Director to adopt rules to permit DAS to make purchases by competitive sealed bid, and requires competitive sealed bids to be awarded as provided in continuing law to the lowest responsive and responsible bidder.
- (10) Requires that, for purchases made by competitive sealed bid, DAS provide notice by electronic means, and eliminates this statutory notice requirement for other forms of competitive selection.
- (11) Eliminates notice by mail and provides that the manner of providing notice of a purchase by DAS by competitive sealed bid may be in any electronic form the director considers appropriate to sufficiently notify competing persons of the intended purchases.
- (12) Removes the requirement for DAS to make a public posting of notice on a bulletin board, and removes the complementary penalty of invalidating all proceedings and any contract entered into for a failure to post.
- (13) Permits DAS to require that all bids and proposals be accompanied by a performance bond or other financial assurance, instead of a performance bond or other cash surety.
- (14) Specifies, for meat and poultry, only bids received from vendors under inspection of the United States Department of Agriculture or are licensed by the Ohio Department of Agriculture are eligible for acceptance. Removes a requirement that DAS establish and maintain a list of approved meat and poultry vendors.
- (15) Removes the Bureau of Workers' Compensation's exemption from the requirement that all boards, commissions, and departments obtain reproduction services through DAS. Requires that the Administrator of Workers' Compensation make purchases for supplies and services in compliance with the State Procurement Law.
- (16) Eliminates the Administrator's authority to make contracts for and supervise the construction of any project or improvement, or the construction or repair of buildings, under the Bureau's control.
- (17) Removes exemptions for the Ohio Tuition Trust Authority that state that the State Procurement Law does not apply to the Authority, and instead states that the law does not apply to contracts approved under the Ohio Tuition Trust Authority Board's powers.
- (18) Allows the Director of Transportation, in addition to other entities under continuing law, to permit a state agency to participate in contracts the Director has entered into for certain purchases. (Such purchases are exempt from competitive bidding requirements.)

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(19) Removes a requirement for DAS to determine what supplies and services are purchased by or for state agencies and removes the subsequent requirement for DAS to provide state agencies, when making changes to the supplies and services, to provide state agencies with a list of those changes.

Fiscal effect: To the extent that other entities are brought under the umbrella of DAS's purchasing authority either by inclusion in cooperative purchasing arrangements or by eliminating exemptions, there could be some reduction in prices paid by state entities or participating political subdivisions for goods and services as a result of the state's increased purchasing power.

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AIRCD1 Energy Strategy Development Program

Section: 213.20

Requires OAQDA to establish the Energy Strategy Development Program to develop energy initiatives, projects, and policy that align with the energy policy for the state. Creates the Energy Strategy Development Fund (Fund 5EG0) consisting of money credited to it and money obtained for advanced energy projects from federal or private grants, loans, or other sources. Specifies that interest earned on money in Fund 5EG0 be credited to the GRF.

Permits the Director of Budget and Management to make the following cash transfers up to the amounts specified to Fund 5EG0 on July 1 or as soon as possible thereafter each fiscal year:

- (1) Up to \$27,405 in FY 2016 and up to \$27,439 in FY 2017 from the State Agency Construction Project Service Fund (Fund 1310) used by the Ohio Facilities Construction Commission;
- (2) Up to \$27,405 in FY 2016 and up to \$27,439 in FY 2017 from the Central Support Indirect Cost Fund (Fund 5GH0) used by the Department of Agriculture;
- (3) Up to \$27,405 in FY 2016 and up to \$27,439 in FY 2017 from the Supportive Services Fund (Fund 1350) used by the Development Services Agency;
- (4) Up to \$27,405 in FY 2016 and up to \$27,439 in FY 2017 from the Central Support Indirect Cost Fund (Fund 2190) used by the Environmental Protection Agency;
- (5) Up to \$27,405 in FY 2016 and up to \$27,439 in FY 2017 from the Central Support Chargeback Fund (Fund 1570) used by the Department of Natural Resources; and
- (6) Up to \$39,150 in FY 2016 and up to \$39,199 in FY 2017 from the Highway Operating Fund (Fund 7002) used by the Department of Transportation.

Allows the Director of Budget and Management to transfer any remaining cash in Fund 5EG0 at the end of FY 2017 to the GRF. Abolishes Fund 5EG0 upon completion of the transfer.

Fiscal effect: Generates up to \$176,175 in FY 2016 and up to \$176,394 in FY 2017 for oversight of energy initiatives, projects, and strategies that align with the state's energy policy.