
DEPARTMENT OF ADMINISTRATIVE SERVICES

Suspension of purchasing and contracting requirements

- Authorizes the Department of Administrative Services (DAS) to suspend state purchasing and contracting requirements when a state agency is experiencing a "state procurement emergency."

Electronic licensing fee

- Authorizes the Office of Information Technology to assess a transaction fee, up to \$3.50, on each license or registration issued as part of its electronic licensing system.
- Creates the Professions Licensing System Fund for the purpose of operating the electronic licensing system and requires the transaction fees to be deposited in or transferred to the Fund.
- Prohibits, if a fee is assessed by the Office, any agency, board, or commission from issuing a license or registration unless the required fee has been received.

Tenant improvement services

- Removes the DAS Director's authority with respect to construction project services for state agencies and instead authorizes the Director to provide tenant improvement services.
- Eliminates the Minor Construction Project Management Fund.

State agency data sharing

- Allows DAS to establish a program to gather, combine, and analyze unspecified types of data provided by state agencies that participate in the program.
- Specifies the program's purposes are to measure outcomes of state-funded programs, to develop policies to promote effective, efficient, and best use of state resources, and to identify, prevent, or eliminate fraudulent use of state funds, resources, or programs.
- Notwithstanding the entire Revised Code to specify that a state agency's provision of data under the program is a permitted use and does not violate any contrary laws that apply to the data the state agency provides.



- Specifies that a state agency providing data under the program retains ownership over the data and is the only state agency that must comply with Ohio law regarding requests for records or information.
- Subjects data in possession of participating state agencies to any confidentiality laws that apply to the data when in the possession of the state agency that provided the data.
- Subjects employees of DAS and other state agencies who have access to data collected under the program to any confidentiality laws or duty to maintain confidentiality of the data that apply to the state agencies that provided the data.
- Specifies that results of any data analysis are subject to the most stringent confidentiality obligations that apply to the source data.
- Requires DAS to develop a data-sharing protocol to which participating state agencies are subject, and a security plan to state how data will be protected.
- Requires any system with personal information derived under the program to comply with Personal Information Systems Law.

Repeal of Ohio Building Authority Law

- Formally repeals the Ohio Building Authority Law.
- Retains the provision of the Law that permits, under certain circumstances, firearms in motor vehicles in the Riffe Center parking garage.
- Codifies DAS's authority to provide certain facility management services and charge rent and other charges for the use of its facilities.

Legislative agency office space

- Allows legislative agencies to make purchases, leases, and repairs for the agencies' office spaces, and provides the agencies custody of the office spaces.
- Allows a legislative agency to enter into a contract with DAS to have DAS perform services requested by the legislative agency, but prohibits DAS from using a competitive selection process.
- Specifies a legislative agency may improve its office space only if DAS concludes the improvement does not adversely impact the building's structural integrity.

Pay for Success Contracting Program

- Establishes the Pay for Success Contracting Program and authorizes the DAS Director to enter into multi-year contracts with social service intermediaries under the Program to achieve certain social goals in Ohio.
- Requires that one or two projects intended to reduce infant mortality and poor birth outcomes, as well as promote equity in birth outcomes among different races in Ohio, be administered by such a contractor.

Suspension of purchasing and contracting requirements

(R.C. 125.04 and 125.061)

The act authorizes the Department of Administrative Services (DAS) to suspend state purchasing and contracting requirements in continuing law for any state agency experiencing a "state procurement emergency." A "state procurement emergency" includes: (1) a threat to public health, safety, or welfare, (2) an immediate and serious need for supplies or services that cannot be met through normal procurement methods, and (3) a serious threat of harm to the functioning of state government, the preservation or protection of property, or the health or safety of any person.

Although somewhat similar to the process for a suspension for the Emergency Management Agency and other agencies participating in response and recovery activities, this new suspension authority is permissible under emergency conditions that do not rise to the level of an emergency declared by Congress, the President, or other chief executive.

For a state procurement emergency suspension, the director or administrative head of the state agency must request DAS to suspend the purchasing and contracting requirements in the DAS Office Services Law (R.C. Chapter 125.) (for example, competitive bidding). The request must include information detailing the immediacy of the emergency and a description of the necessary supplies or services that cannot be timely purchased through normal procurement methods required under state law. However, whenever practical, the agency must obtain a release and permit from DAS under continuing law before making purchases under this suspension authority. Additionally, before any purchases may be made DAS must send notice of the suspension, as approved by DAS, to the Director of Budget and Management and to members of the Controlling Board. The notice must provide details of the request and a copy of the DAS Director's approval.



Continuing law pertaining to the DAS joint purchasing program does not apply to purchases of supplies or services for state agencies acting under the act's suspension authority.

Electronic licensing fee

(R.C. 125.18; Section 207.40)

The act allows the Office of Information Technology within DAS to assess a transaction fee, not to exceed \$3.50, on each license or registration issued as part of its electronic licensing system. The fee applies to all transactions, regardless of form, that immediately precede the issuance, renewal, reinstatement, reactivation of, or other activity that results in a license or registration to operate as a regulated professional or entity. Each license or registration is a separate transaction to which a fee applies. The act prohibits, if a fee is assessed by the Office, any agency, board, or commission from issuing a license or registration unless the required fee has been received. The DAS Director may collect the fee or require a state agency, board, or commission for which the electronic licensing system is being operated to collect the fee. The amounts received from the fees must be deposited in or transferred to the Professions Licensing System Fund, which the act creates for the purpose of operating the electronic licensing system.

Tenant improvement services

(R.C. 125.28)

The act removes authorization for the DAS Director to provide minor construction project management services to any state agency, and instead authorizes the Director to provide tenant improvement services and to collect reimbursement costs for providing those services. The act also requires money collected for those services to be deposited into the state treasury to the credit of the Building Management Fund. Under former law, money collected for minor construction project management was required to be deposited to the credit of the Minor Construction Project Management Fund, which is eliminated by the act.

State agency data sharing

(R.C. 125.32)

The act allows DAS to establish an enterprise data management and analytics program to gather, combine, and analyze unspecified types of data provided by state agencies that participate in the program. The program's purposes, under the act, are to measure outcomes of state-funded programs, develop policies to promote effective,

efficient, and best use of state resources, and to identify, prevent, or eliminate fraudulent use of state funds, resources, or programs.

A state agency must provide data for use under the program. Notwithstanding the entire Revised Code, a state agency's provision of data under the program is considered a permitted use under Ohio law and is not in violation of any contrary laws by providing the data.

The act specifies that a state agency providing data under the program retains ownership over the data. The act also notwithstanding the entire Revised Code to provide that only the state agency that provides data must comply with Ohio law regarding requests for records or information including, specifically, public records requests, subpoenas, warrants, and investigatory requests.

Participating state agencies must maintain confidentiality of data under the applicable laws. Employees of DAS and other state agencies who have access to data under the program are subject to any confidentiality requirements or duties that apply to the data when in the possession of the state agency that provided it. Results of the data analysis must be compared against the confidentiality laws that apply to the source data. The comparison must determine if the results of the data analysis retain any attributes of the source data that would result in the need to apply any confidentiality obligations to the data analysis that would have applied to the source data. If a data analysis retains attributes of the source data and a conflict exists between which confidentiality obligation applies between the results of the data analysis and the source data, the data is subject to the most stringent confidentiality obligations that apply to the state agencies that provided the data.

In consultation with participating state agencies, the act requires DAS to develop a data-sharing protocol to which participating state agencies are subject, and a security plan to state how data will be protected. The protocol must specify how participating state agencies may use confidential data in accordance with confidentiality laws that apply to the provided data, who has authority to access data gathered under the program, and how participating state agencies must make, verify, and retain corrections to personal information gathered under the program.

The act requires any collection of data derived under the program to comply with the Personal Information Systems Law (R.C. Chapter 1347.).

Repeal of Ohio Building Authority Law

(R.C. 123.011 and 154.11; repealed R.C. Chapter 152.)

The act repeals the Ohio Building Authority (OBA) Law (R.C. Chapter 152.), except for a provision that permits, under certain circumstances, firearms in motor vehicles in the Riffe Center parking garage. It also codifies DAS's authority to charge rentals for the use of its buildings and other properties and to provide its tenants with medical, food, and other services. In 2011, H.B. 153, the main operating budget of the 129th General Assembly, in *uncodified* law, had transferred the OBA's building and facility operations and management functions to DAS and transferred the Authority's financing authority to the Treasurer of State, but had not amended the OBA Law to reflect these changes.

Legislative agency office space

(R.C. 123.01)

The act allows agencies within the legislative branch of the state government to make purchases, leases, and repairs for the agencies' office spaces, and provides the agencies custody of the office spaces. An agency may improve its office space only if DAS concludes the proposed improvements do not adversely impact the structural integrity of the building. Under continuing law, DAS generally controls buildings and office spaces of state agencies, except the Capitol Square Review and Advisory Board (CSRAB) controls its buildings and the Joint Legislative Ethics Commission (JLEC) controls its office space. As under prior law that applied only to JLEC, the act allows an agency of the legislative branch (except CSRAB) to enter into a contract with DAS to have DAS perform services requested by the legislative agency, but the act prohibits DAS from using any type of competitive selection process for the performance of those services.

Pay for Success Contracting Program

(R.C. 125.66 and 125.661; Section 207.71)

The act establishes the Pay for Success Contracting Program. Under the Program, the DAS Director may enter into multi-year contracts with social service intermediaries to achieve certain social goals in Ohio. The act defines a "social service intermediary" as a nonprofit organization exempt from federal income taxation, or a wholly owned subsidiary of a nonprofit organization, that delivers or contracts for the delivery of social services, raises capital to finance the delivery of social services, and provides ongoing project management and investor relations for these activities.



A contract under the Program must include provisions that:

--Require DAS, in consultation with a state agency that administers programs or services related to the contract's subject matter, to specify performance targets to be met by the social service intermediary;

--Specify the process or methodology that an independent evaluator contracted by DAS must use to evaluate the intermediary's progress toward meeting each performance target;

--Require DAS to pay the intermediary in installments at times determined by the DAS Director that are specified in the contract and are consistent with state law;

--Require the installment payments to be based on the intermediary's progress toward achieving each performance target, as determined by the independent evaluator;

--Specify the maximum amount an intermediary may earn for its progress toward achieving performance targets; and

--Require DAS to ensure, in accordance with state and federal laws, that the intermediary has access to any data in the possession of a state agency, including historical data, that the intermediary requests for performing its contractual duties.

The act requires the DAS Director, if he or she contracts with a social service intermediary, to contract with a person or government entity to evaluate the social service intermediary's progress toward meeting each performance target specified in a contract. The Director must choose an evaluator that is independent from the social service intermediary, ensuring that both parties do not have common owners or administrators, managers, or employees.

Pilot projects to reduce infant mortality

(Section 207.71)

The act requires the DAS Director, by December 30, 2017, in consultation with the Department of Health, and as part of the Pay for Success Contracting Program, to contract with one or more social service intermediaries to administer one or two pilot projects intended to:

--Reduce the incidence of infant mortality, low-birthweight births, premature births, and stillbirths in infant mortality hot spots that have been specified by the Director of Health under existing law; and



--Promote equity in birth outcomes among infants of different races in Ohio.

The DAS Director may request that the Director of Health pay the costs of the Pay for Success Contracting Program under appropriations to the Department of Health.

