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## **TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Audits and reports**

- Replaces the requirement that the Auditor of State make an unannounced annual audit of the Ohio Turnpike and Infrastructure Commission's accounts and transactions with a requirement that the Auditor of State make an audit of the Commission at least every other year.
- Requires the Commission to annually submit a comprehensive annual financial report, including audited financial statements for the preceding calendar year, to the Governor, General Assembly, and Director of Budget and Management.

### **Competitive bidding and advertising**

- Authorizes the Commission to enter into contracts for goods and services via a competitive proposal process when it determines that competitive bidding is not practical or advantageous to the Commission.
- Authorizes the Commission to use a value-based selection process for projects that involve both design and construction elements in a single contract.
- Authorizes the Commission to enter into contracts for certain temporary or emergency purchases and services without public advertising.
- Authorizes the Commission to use a shorter form of public notice, available to state agencies and political subdivisions, and removes the restriction that all notices occur in a Franklin County newspaper.
- Raises the threshold, from \$150,000 to \$500,000, for when a bond is required for goods and service contracts.

### **Audits and reports**

(R.C. 5537.17)

The act replaces the requirement – that the Auditor of State make an unannounced annual audit of the Ohio Turnpike and Infrastructure Commission's (Commission) accounts and transactions – with a requirement that the Auditor of State make an audit of the Commission at least every other year. The Commission is still subject to an audit of its books and accounts by certified public accountants (CPAs); however, the Auditor of State must approve the CPAs.

Furthermore, the Commission must annually submit a comprehensive annual financial report, including audited financial statements for the preceding calendar year, to the Governor, General Assembly, and Director of Budget and Management. Under prior law, the Commission had to make an annual report of its activities, including a complete operating and financial statement, to the Governor and General Assembly. That report is eliminated.

## **Competitive bidding and advertising**

(R.C. 5537.07 and 5537.13)

### **Competitive bidding**

The act authorizes the Commission, when contracting for goods and services, to forgo the competitive bidding process and to use a competitive proposal process. The Commission may use the competitive proposal process when it determines that competitive bidding is not practical or advantageous to the Commission. In doing so, the Commission may conduct discussions with anyone that submits a competitive proposal to ensure that the person submitting the proposal understands and is responsive to the project's requirements.

The Commission is then allowed to award the contract to the person that submits the best proposal, as determined by the Commission. The Commission must consider multiple factors, including price and the evaluation criteria set forth in the request for competitive proposals. The act does not affect the requirement that the Commission use competitive bidding for construction contracts.

### **Design/build – construction contracts**

The act authorizes the Commission to use a value-based selection process for projects that involve both design and construction elements in a single contract. Continuing law permits the Commission to expedite special turnpike projects by combining the design and construction elements of any public improvement project into a single contract. However, under prior law, the Commission needed to award the final project via competitive bidding. The act allows the Commission to forgo competitive bidding and to award the final project to the contractor it considers to be the best value.

### **Public advertising**

The act authorizes the Commission to use a shorter form of public notice for advertising contracts. The shortened form requires the advertisement to exist in its entirety for the first notice, but permits the second or subsequent notices to be abbreviated, provided certain requirements are met. The act also removes the requirement that all public advertising occur in a newspaper of general circulation in Franklin County. It retains the Commission's authority to determine other newspapers in which to advertise.

Additionally, the act permits the Commission to enter into contracts to purchase equipment, materials, and services without public advertising for:

- Construction of a temporary bridge;
- Making temporary emergency repairs to a highway or bridge after a storm, flood, landslide, or other natural disaster; and
- While responding to circumstances created by an extraordinary emergency, as determined by the Commission.

## **Bonds for goods and service contracts**

The act increases the threshold, from \$150,000 to \$500,000, for when a bond is required for goods and service contracts entered into by the Commission.