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 the Commission 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 under current law, and removes the restriction that all notices occur in a Franklin County newspaper.
- Raises the threshold for when a bond is required for goods and service contracts from $150,000 to $500,000.

Audits and reports

(R.C. 5537.17)

The bill 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. Additionally, the Commission is still subject to an audit of its books and accounts by certified public accountants (CPAs), as under current law, however, the bill specifies that such CPAs must be approved by the Auditor of State.

Furthermore, under the bill, 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 current law, the Commission must make an annual report of its activities, including a complete

operating and financial statement, to the Governor and General Assembly. This report is eliminated in favor of the comprehensive financial report.

Competitive bidding and advertising

(R.C. 5537.07 and 5537.13)

Competitive bidding

The bill authorizes the Commission, when entering into contracts for goods and services, to forgo the competitive bidding process and to use a competitive proposal process instead, when the Commission determines that competitive bidding is not practical or advantageous to the Commission. In doing so, the Commission is authorized to 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 bill does not affect the current law requirement that the Commission use competitive bidding for construction contracts.

Under current law, generally the Commission is required to use competitive bidding and to enter into a contract with the "lowest responsive and responsible bidder." The Commission is exempt from this requirement when the contract is with a governmental agency, is based on a contract originally entered into by another state agency or political subdivision, the contract is for the acquisition of real property or compensation for professional or other personal services, or the contract is for less than $50,000.

Design/build – construction contracts

The bill also authorizes the Commission to use a value-based selection process for projects that involve both design and construction elements in a single contract. Current 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, the Commission needs to award the final project to the lowest responsive and responsible bidder. The bill allows the Commission to award the final project to the contractor it considers to be the best value.

Public advertising

The bill makes changes to the Commission's public advertising requirements, specifically by authorizing the Commission to use a shorter form of public notice for advertising for contracts. The shortened form of public notice 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 bill also removes the requirement that all public advertising occur in a newspaper of general circulation in Franklin County.

Additionally, the bill permits the Commission to enter into contracts for the purchase of equipment, materials, and services without public advertising for all of the following:

- 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

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