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—

**A B I L L**

To amend sections 123.011, 125.09, and 125.11 and to 1  
enact section 3345.69 of the Revised Code to 2  
specify certain energy efficiency and conservation 3  
standards relating to facility construction and 4  
leasing that the Office of Energy Services in the 5  
Department of Administrative Services must adopt 6  
and with which state agencies and public schools 7  
must comply unless they meet higher standards; 8  
require certain additional duties, and additional 9  
cooperation between the Office and the Office of 10  
Energy Efficiency of the Department of 11  
Development, relating to state purchasing; require 12  
the Department of Administrative Services to give 13  
preference to procuring products and services that 14  
meet federal energy efficiency guidelines; and 15  
require boards of trustees of state institutions 16  
of higher education to adopt rules to carry out 17  
on- and off-campus building, energy efficiency and 18  
conservation guidelines developed by a committee 19

of those institutions in consultation with the 20  
Office of Energy Services. 21

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 123.011, 125.09, and 125.11 be 22  
amended and section 3345.69 of the Revised Code be enacted to read 23  
as follows: 24

**Sec. 123.011.** (A) ~~There~~ As used in this section: 25

(1) "Construct" includes reconstruct, improve, renovate, 26  
enlarge, or otherwise alter. 27

(2) "Energy consumption analysis" means the evaluation of all 28  
energy consuming systems, components, and equipment by demand and 29  
type of energy, including the internal energy load imposed on a 30  
facility by its occupants and the external energy load imposed by 31  
climatic conditions. 32

(3) "Energy performance index" means a number describing the 33  
energy requirements of a facility per square foot of floor space 34  
or per cubic foot of occupied volume as appropriate under defined 35  
internal and external ambient conditions over an entire seasonal 36  
cycle. 37

(4) "Facility" means a building or other structure, or part 38  
of a building or other structure, that includes provision for a 39  
heating, refrigeration, ventilation, cooling, lighting, hot water, 40  
or other major energy consuming system, component, or equipment. 41

(5) "State funded" means funded in whole or in part through 42  
appropriation by the general assembly or through the use of any 43  
guarantee provided by this state. 44

(6) "State institution of higher education" has the same 45  
meaning as in section 3345.011 of the Revised Code. 46

(B) There is hereby created within the department of 47  
administrative services ~~an office to be known as~~ the office of 48  
energy services. The office shall be under the supervision of a 49  
manager, who shall be appointed by the director of administrative 50  
services. The director shall assign to the office a such number of 51  
employees and furnish such equipment and supplies ~~that the~~ 52  
~~director considers as are~~ necessary for the proper full 53  
performance of the office's duties ~~assigned to the office.~~ 54

The office shall develop energy efficiency and conservation 55  
programs in each of the following areas: 56

- (1) New construction design and review; 57
- (2) Existing building audit and retrofit; 58
- (3) Energy efficient procurement; 59
- (4) Alternate fuel vehicles. 60

The office may accept and administer grants from public and 61  
private sources for carrying out any of its duties under this 62  
section. 63

~~(B) In addition to its duties under division (A) of this~~ 64  
~~section, the office shall assist the department in its~~ 65  
~~responsibility for state owned, assisted, and leased facilities by~~ 66  
~~ensuring that energy conservation goals are observed in the~~ 67  
~~design, construction, renovation, and utilization of these~~ 68  
~~facilities in a manner that will minimize the consumption of~~ 69  
~~energy used in the operation and maintenance of such facilities.~~ 70  
~~This process shall include the use of life cycle costs, including~~ 71  
~~construction, the costs of operation and maintenance of the~~ 72  
~~facility as it affects energy consumption over the economic life~~ 73  
~~of the facility, and energy consumption analyses of existing~~ 74  
~~facilities in order to determine and require necessary changes in~~ 75  
~~the operation and maintenance of such facilities.~~ 76

<del>As used in this section:</del>	77
<del>(1) "Facility" means a building or other structure that includes provision for a heating or cooling system, or both, or for a hot water system.</del>	78 79 80
<del>(2) "State assisted facility" means a facility constructed or renovated in whole or in part with state or federal funds or with funds guaranteed or provided by or through a state agency.</del>	81 82 83
<del>(3) "Energy consumption analysis" means the evaluation of all energy consuming systems and components by demand and type of energy, including the internal energy load imposed on a facility by its occupants, equipment, and components and the external energy load imposed on a facility by climatic conditions.</del>	84 85 86 87 88
<del>(4) "Energy performance index" means a number describing the energy requirements of a facility per square foot of floor space or per cubic foot of occupied volume as appropriate under defined internal and external ambient conditions over an entire seasonal cycle.</del>	89 90 91 92 93
<del>(5) "Life cycle costs" means the cost of owning, operating, and maintaining a facility over the life of the structure. This may be expressed as an annual cost for each year of the facility's use.</del>	94 95 96 97
(C) <u>No state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution, including those agencies otherwise excluded from the jurisdiction of the department under division (A)(3) of section 123.01 of the Revised Code, and no public school shall lease, construct, or have cause to be leased or constructed, within the limits prescribed in this section, a state-funded facility, without having secured from the office a proper evaluation of life-cycle costs cost analysis or, in the case of a lease, an energy consumption analysis, as computed or prepared by a</u>	98 99 100 101 102 103 104 105 106 107

qualified architect or engineer in accordance with the rules 108  
required by division (D) of this section. ~~Construction~~ 109

Construction shall proceed only upon the disclosure to the 110  
office, for the facility chosen, of the life-cycle costs as 111  
determined in this section and the capitalization of the initial 112  
construction costs of the building. The results of life-cycle 113  
~~costs cost analysis~~ shall be a primary consideration in the 114  
selection of a building design. ~~Such~~ That analysis shall be 115  
required only for construction of buildings with an area of five 116  
thousand square feet or greater. ~~No such agency shall lease~~ An 117  
energy consumption analysis for the term of a proposed lease shall 118  
be required only for the leasing of an area of twenty thousand 119  
square feet or greater within a given building boundary, ~~without~~ 120  
~~having secured from the office a proper evaluation of an energy~~ 121  
~~consumption analysis for the term of the proposed lease.~~ Such 122  
~~energy consumption~~ That analysis shall be a primary consideration 123  
in the selection of a facility to be leased. ~~Nothing~~ 124

Nothing in this section shall deprive or limit any state 125  
agency or public school that has review authority over design ~~or,~~ 126  
construction, or leasing plans from requiring a life-cycle cost 127  
analysis or energy consumption analysis. 128

Whenever any state ~~department,~~ agency, department, division, 129  
bureau, office, unit, board, commission, authority, 130  
quasi-governmental entity, or institution requests release of 131  
capital improvement funds for any state-funded facility, it shall 132  
submit copies of all pertinent life-cycle cost analyses prepared 133  
pursuant to this section and in accordance with rules adopted 134  
under Chapters 3781. and 4101. of the Revised Code. 135

(D) ~~The~~ For the purposes of assisting the department in its 136  
responsibility for state-funded facilities pursuant to section 137  
123.01 of the Revised Code and of cost-effectively reducing the 138  
energy consumption of those and any other state-funded facilities, 139

~~thereby promoting fiscal, economic, and environmental benefits to~~ 140  
~~this state, the office shall promulgate adopt rules and~~ 141  
~~procedures, including energy conservation performance guidelines,~~ 142  
~~for conducting a life cycle cost analysis of alternative~~ 143  
~~architectural and engineering designs and for developing energy~~ 144  
~~performance indices to evaluate the efficiency of energy~~ 145  
~~utilization of competing designs in the construction of~~ 146  
~~state financed and leased facilities. The rules and procedures~~ 147  
~~shall take effect February 3, 1979.~~ 148

The specifying cost-effective, energy efficiency and 149  
conservation standards that shall govern the lease, design, 150  
construction, operation, and maintenance of all state-funded 151  
facilities excepting facilities of state institutions of higher 152  
education. The office of energy efficiency in the department of 153  
development shall cooperate in providing information and technical 154  
expertise to the office of energy services to ensure adoption of 155  
rules of maximum effectiveness. Initial rules shall be adopted not 156  
later than nine months after the effective date of this amendment. 157  
The standards prescribed by rules adopted under this division may 158  
draw from or incorporate, by reference or otherwise and in whole 159  
or in part, standards already developed or implemented by any 160  
competent, public or private standards organization or program. 161  
However, the rules also shall include all of the following: 162

(1) Specification of an energy efficiency design standard for 163  
heating, refrigeration, and air conditioning systems, components, 164  
and equipment in state-funded facilities excepting facilities of 165  
state institutions of higher education, that is twenty per cent 166  
above the applicable standard specified in the American society of 167  
heating, refrigerating, and air-conditioning engineers handbook, 168  
as the ASHRAE standard varies from time to time, as well as a 169  
requirement that any such state-funded facility adhere to that 170  
standard; 171

~~(2) Specifications for a life-cycle cost analysis that shall~~ 172  
~~determine the reasonably expected fuel costs over, for the~~ 173  
~~economic life of the building that are required to maintain~~ 174  
~~illumination, power, temperature, humidity, ventilation such~~ 175  
~~state-funded facility, and all other energy consuming equipment in~~ 176  
~~a facility and the reasonable reasonably expected costs of~~ 177  
~~probable facility ownership, operation, and maintenance including~~ 178  
~~labor, and materials, and building operation. The life cycle cost~~ 179  
~~analysis shall include, but not be limited~~ Life-cycle cost may be 180  
expressed as an annual cost for each year of the facility's use. 181  
Further, the life-cycle cost analysis shall demonstrate for each 182  
design how the design contributes to energy efficiency and 183  
conservation with respect to, all of the following: 184

~~(1)(a)~~ The coordination, orientation, and positioning of the 185  
facility on its physical site; 186

~~(2)(b)~~ The amount and type of glass employed in the facility 187  
and the directions of exposure; 188

~~(3)(c)~~ Thermal characteristics of materials, including the 189  
effect of insulation incorporated into facility design, including 190  
insulation; 191

~~(4)(d)~~ Architectural features which that affect energy 192  
consumption, including the effect of solar utilization of the 193  
absorption and reflection properties of external surfaces; 194

~~(5)(e)~~ The variable occupancy and operating conditions of the 195  
facility and ~~subportions~~ portions of the facility, including 196  
illumination levels; 197

~~(6) An~~ (f) Any other pertinent, physical characteristics of 198  
the design. 199

A life-cycle cost analysis additionally shall include an 200  
energy consumption analysis that conforms to division (D)(3) of 201

this section. 202

(3) Specifications for an energy consumption analysis of the 203  
facility's heating, refrigeration, ventilation, cooling, lighting, 204  
hot water, and other major equipment of the facility's heating, 205  
ventilating, and cooling system, lighting system, hot water 206  
system, and all other energy consuming systems, components, and 207  
equipment as appropriate. This analysis shall include both of the 208  
following: 209

(a) The comparison of two or more system alternatives, one of 210  
which may be a system using solar energy; 211

(b) The projection of the annual energy consumption of those 212  
major energy consuming systems, components, and equipment and 213  
systems, for a range of operation of the facility over the 214  
economic life of the facility; 215

~~(c) An evaluation of the energy consumption of component~~ 216  
~~equipment in each system, and considering the their operation of~~ 217  
~~such components at other than full or rated outputs.~~ 218

~~The rules~~ A life-cycle cost analysis and energy consumption 219  
analysis shall be based on the best currently available methods of 220  
~~analyses~~ analysis, including those of the national bureau of 221  
standards, the department of housing and urban development, or 222  
other federal agencies ~~and~~, professional societies, and ~~materials~~ 223  
directions developed by the department. 224

~~The office shall promulgate rules~~ (4) Specifications for 225  
energy performance indices, ~~as defined in division (B)(4) of this~~ 226  
~~section,~~ to be used to audit and evaluate competing design 227  
proposals submitted to the state. 228

(5) An application process by which a project manager, as to 229  
a specified state-funded facility excepting a facility of a state 230  
institution of higher education, may apply for a waiver of 231  
compliance with any provision of the rules required by divisions 232



(D)(1) to (4) of this section, provided that the application shall 233  
be accompanied by a written explanation and documentation of how 234  
the facility will meet energy efficiency and conservation 235  
standards that exceed applicable standards prescribed in the 236  
rules. The office shall notify the applicant within thirty days 237  
after the date of the application's filing if more supporting 238  
information is desired. Unless, within thirty days after the date 239  
of the application's filing or thirty days after the date that a 240  
later information request is sent, the office notifies the 241  
applicant that the waiver is denied, the waiver shall be deemed 242  
approved. 243

(6) A requirement that, not later than two years after the 244  
effective date of this amendment, each state-funded facility 245  
excepting a facility of a state institution of higher education is 246  
managed by at least one building operator certified under the 247  
building operator certification program or any equivalent program 248  
or standards as shall be prescribed in the rules and considered 249  
reasonably equivalent. Nothing in division (D)(6) of this section 250  
precludes such a building operator from managing more than one 251  
state-funded facility. 252

~~(E) The office shall conduct studies of the state's purchase~~ 253  
~~and use of supplies, automobiles, and equipment having a~~ 254  
~~significant impact on energy use by government, in order to~~ 255  
~~determine the potential for energy conservation. The department of~~ 256  
~~development shall advise the office on the state of the art of~~ 257  
~~energy efficiency, both generally and with reference to the cost~~ 258  
~~of various levels of energy efficiency. The office of energy~~ 259  
services shall promulgate adopt rules to ensure that energy 260  
efficiency and conservation will be considered in ~~state purchasing~~ 261  
the purchase of products and equipment, excepting motor vehicles, 262  
by any state agency, department, division, bureau, office, unit, 263  
board, commission, authority, quasi-governmental entity, or 264

institution. Minimum energy efficiency standards ~~on~~ for purchased 265  
products and equipment shall be required, based on federal testing 266  
and labeling where available or on standards developed by the 267  
~~department office.~~ Life-cycle cost analysis The rules shall apply 268  
to the competitive selection of energy consuming systems, 269  
components, and equipment ~~and components shall be made part of the~~ 270  
~~competitive selection procedures of~~ under Chapter 125. of the 271  
Revised Code where possible. 272

~~Not later than January 1, 1979, the~~ The office also shall 273  
~~take the initiative in implementing~~ ensure energy efficient and 274  
energy conserving purchasing measures through practices by doing 275  
all of the following means: 276

(1) ~~Identifying~~ Cooperatively with the office of energy 277  
efficiency, identifying available energy efficiency and 278  
conservation opportunities ~~available;~~ 279

(2) Providing for interchange of information among ~~state~~ 280  
purchasing agencies; 281

(3) Identifying laws, policies, rules, and procedures ~~which~~ 282  
that need modification; 283

(4) Monitoring experience with ~~energy conservation buying~~ 284  
~~practices~~ and the cost-effectiveness of, and also conducting 285  
studies on the energy efficiency and conservation potential of, 286  
this state's purchase and use of motor vehicles and of major 287  
energy-consuming systems, components, equipment, and products 288  
having a significant impact on energy consumption by government; 289

(5) ~~Providing~~ Cooperatively with the office of energy 290  
efficiency, providing technical assistance and training programs 291  
~~and workshops for~~ to state employees involved in the purchasing 292  
process. 293

The department of development shall make recommendations to 294  
the office regarding planning and implementation of purchasing 295

policies and procedures supportive of energy efficiency and  
conservation.

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(F)(1) The office of energy services shall require all  
~~departments, state agencies, state institutions, universities,~~  
~~colleges~~ departments, divisions, bureaus, offices, units,  
commissions, boards, authorities, ~~commissions, boards, and~~  
quasi-governmental entities, institutions, and state institutions  
of higher education to implement procedures ensuring that all  
their passenger automobiles acquired in each fiscal year, except  
for those passenger automobiles acquired for use in law  
enforcement or emergency rescue work, achieve a fleet average fuel  
economy of not less than ~~twenty miles per gallon in fiscal year~~  
~~1979, not less than twenty one miles per gallon in fiscal year~~  
~~1980, and, in each fiscal year thereafter, not less than the fleet~~  
average fuel economy ~~prescribed, by rule, by the office for that~~  
fiscal year ~~in accordance with this division.~~

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~~Prior as shall be prescribed by rule adopted by the office~~  
~~prior~~ to the beginning of ~~fiscal year 1981 and each~~ the fiscal  
year thereafter, ~~the office shall adopt rules prescribing the~~  
~~fleet average fuel economy all passenger automobiles acquired by~~  
~~all departments, agencies, state institutions, universities,~~  
~~colleges, authorities, commissions, boards, and quasi-governmental~~  
~~entities of state government during the fiscal year covered by the~~  
~~rules must achieve, except for those passenger automobiles~~  
~~acquired for use in law enforcement or emergency rescue work.~~  
These rules shall not be less stringent than the average fuel  
economy standards established pursuant to federal law for  
passenger automobiles manufactured during the model year that  
begins during the fiscal year.

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~~(1)(2) Each department, state agency, state institution,~~  
~~university, college~~ department, division, bureau, office, unit,  
commission, board, authority, ~~commission, board, and~~

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quasi-governmental entity ~~of state government, institution, and~~ 328  
~~state institution of higher education~~ shall determine its fleet 329  
average fuel economy by dividing: 330

(a) The total number of passenger vehicles acquired during 331  
the fiscal year, except for those passenger vehicles acquired for 332  
use in law enforcement or emergency rescue work, by 333

(b) A sum of terms, each of which is a fraction created by 334  
dividing: 335

(i) The number of passenger vehicles of a given make, model, 336  
and year, except for passenger vehicles acquired for use in law 337  
enforcement or emergency rescue work, acquired during the fiscal 338  
year, by 339

(ii) The fuel economy measured by the administrator of the 340  
United States environmental protection agency, for the given make, 341  
model, and year of vehicle, that constitutes an average fuel 342  
economy for combined city and highway driving. 343

~~(2)~~ As used in division (F)~~(1)~~(2) of this section, "acquired" 344  
means leased for a period of sixty continuous days or more, or 345  
purchased. 346

(G) Each state agency, department, division, bureau, office, 347  
unit, board, commission, authority, quasi-governmental entity, 348  
institution, state institution of higher education, and public 349  
school shall comply with any applicable provision of this section 350  
or of a rule adopted pursuant to division (D) or (F) of this 351  
section. 352

**Sec. 125.09.** (A) Pursuant to section 125.07 of the Revised 353  
Code, the department of administrative services may prescribe ~~such~~ 354  
conditions under which competitive sealed bids will be received 355  
and terms of the proposed purchase as it considers necessary; 356  
provided~~7~~, that all ~~such~~ conditions and terms shall be reasonable 357

and shall not unreasonably restrict competition, and bidders may 358  
bid upon all or any item of the supplies or services listed in 359  
~~such~~ the notice. Those bidders claiming the preference for United 360  
States and Ohio products outlined in this chapter shall designate 361  
in their bids either that the product to be supplied is an Ohio 362  
product or that, under the rules established by the director of 363  
administrative services, they qualify as having a significant Ohio 364  
economic presence. 365

(B) The department ~~may~~ shall require that each bidder provide 366  
sufficient information about the energy efficiency or energy usage 367  
of the bidder's product or service, including whether the product 368  
or service meets the energy efficiency guidelines set by the 369  
United States environmental protection agency and department of 370  
energy. 371

(C) The director of administrative services ~~shall~~, by rule 372  
adopted pursuant to Chapter 119. of the Revised Code, shall 373  
prescribe criteria and procedures for use by all state agencies in 374  
giving preference to United States and Ohio products as required 375  
by division (B) of section 125.11 of the Revised Code. The rules 376  
shall extend to all of the following: 377

(1) Criteria for determining that a product is produced or 378  
mined in the United States rather than in another country or 379  
territory; 380

(2) Criteria for determining that a product is produced or 381  
mined in Ohio; 382

(3) Information to be submitted by bidders as to the nature 383  
of a product and the location where it is produced or mined; 384

(4) Criteria and procedures to be used by the director to 385  
qualify bidders located in states bordering ~~Ohio~~ this state who 386  
might otherwise be excluded from being awarded a contract by 387  
operation of this section and section 125.11 of the Revised Code. 388

The criteria and procedures shall recognize the level and 389  
regularity of interstate commerce between ~~Ohio~~ this state and the 390  
border states and provide that the non-Ohio businesses may qualify 391  
for award of a contract as long as they are located in a state 392  
that imposes no greater restrictions than are contained in this 393  
section and section 125.11 of the Revised Code upon persons 394  
located in ~~Ohio~~ this state who are selling products or services to 395  
agencies of that state. The criteria and procedures ~~shall~~ also 396  
shall provide that a non-Ohio business shall not bid on a contract 397  
for state printing in this state if the business is located in a 398  
state that excludes Ohio businesses from bidding on state printing 399  
contracts in that state. 400

(5) Criteria and procedures to be used to qualify ~~bidders~~ a 401  
bidder whose manufactured products, except for mined products, are 402  
produced in other states or in North America, but the ~~bidders have~~ 403  
bidder has a significant Ohio economic presence in terms of the 404  
number of employees or capital investment ~~a~~ the bidder has in this 405  
state. Bidders with a significant Ohio economic presence shall 406  
qualify for award of a contract on the same basis as if their 407  
products were produced in this state. 408

(6) Criteria and procedures for the director to grant waivers 409  
of the requirements of division (B) of section 125.11 of the 410  
Revised Code on a contract-by-contract basis where compliance with 411  
those requirements would result in the state agency paying an 412  
excessive price for the product or acquiring a disproportionately 413  
inferior product; 414

(7) ~~Such other~~ Other requirements or procedures reasonably 415  
necessary to implement the system of preferences established 416  
pursuant to division (B) of section 125.11 of the Revised Code. 417

In adopting the rules required under this division, the 418  
director ~~shall~~, to the maximum extent possible, shall conform to 419  
the requirements of the federal "Buy America Act," 47 Stat. 1520, 420

(1933), 41 U.S.C.A. 10a-10d, as amended, and to the regulations 421  
adopted ~~thereunder~~ under that act. 422

**Sec. 125.11.** (A) Subject to ~~division~~ divisions (A)(1) and (2) 423  
and (B) of this section, contracts awarded pursuant to a reverse 424  
auction under section 125.072 of the Revised Code or pursuant to 425  
competitive sealed bidding, including contracts awarded under 426  
section 125.081 of the Revised Code, shall be awarded to the 427  
lowest responsive and responsible bidder on each item in 428  
accordance with section 9.312 of the Revised Code. ~~When~~ 429

(1) After applying division (B) of this section, when 430  
applicable, the department of administrative services shall give 431  
preference to lowest responsive and responsible bidders whose 432  
product or service meets the energy efficiency guidelines set by 433  
the United States environmental protection agency and department 434  
of energy. And, when the contract is for meat products as defined 435  
in section 918.01 of the Revised Code or poultry products as 436  
defined in section 918.21 of the Revised Code, only those bids 437  
received from vendors offering products from establishments on the 438  
current list of meat and poultry vendors established and 439  
maintained by the director of administrative services under 440  
section 125.17 of the Revised Code shall be eligible for 441  
acceptance. ~~The~~ 442

(2) The department of administrative services may accept or 443  
reject any or all bids in whole or by items, except that when the 444  
contract is for services or products available from a qualified 445  
nonprofit agency pursuant to sections 125.60 to 125.6012 or 446  
4115.31 to 4115.35 of the Revised Code, the contract shall be 447  
awarded to that agency. 448

(B) Prior to awarding a contract for products under division 449  
(A) of this section, the department of administrative services or 450  
the state agency responsible for evaluating a contract for the 451

purchase of products shall evaluate the bids received according to 452  
the criteria and procedures established pursuant to divisions 453  
(C)(1) and (2) of section 125.09 of the Revised Code for 454  
determining if a product is produced or mined in the United States 455  
and if a product is produced or mined in this state. The 456  
department or other state agency shall first remove bids that 457  
offer products that have not been or that will not be produced or 458  
mined in the United States. From among the remaining bids and 459  
subject to divisions (A)(1) and (2) of this section, the 460  
department or other state agency shall select the lowest 461  
responsive and responsible bid, in accordance with section 9.312 462  
of the Revised Code, from among the bids that offer products that 463  
have been produced or mined in this state where sufficient 464  
competition can be generated within this state to ensure that 465  
compliance with these requirements will not result in an excessive 466  
price for the product or acquiring a disproportionately inferior 467  
product. If there are two or more qualified bids that offer 468  
products that have been produced or mined in this state, it shall 469  
be deemed that there is sufficient competition to prevent an 470  
excessive price for the product or the acquiring of a 471  
disproportionately inferior product. 472

(C) Division (B) of this section applies to contracts for 473  
which competitive bidding is waived by the controlling board. 474

(D) Division (B) of this section does not apply to the 475  
purchase by the division of liquor control of spirituous liquor. 476

(E) The director of administrative services shall publish in 477  
the form of a model act for use by counties, townships, municipal 478  
corporations, or any other political subdivision described in 479  
division (B) of section 125.04 of the Revised Code, a system of 480  
preferences for products mined and produced in this state and in 481  
the United States and for Ohio-based contractors. The model act 482  
shall reflect substantial equivalence to the system of preferences 483



in purchasing and public improvement contracting procedures under 484  
which the state operates pursuant to this chapter and section 485  
153.012 of the Revised Code. To the maximum extent possible, 486  
consistent with the Ohio system of preferences in purchasing and 487  
public improvement contracting procedures, the model act shall 488  
incorporate all of the requirements of the federal "Buy America 489  
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 490  
the rules adopted under that act. 491

Before and during the development and promulgation of the 492  
model act, the director shall consult with appropriate statewide 493  
organizations representing counties, townships, and municipal 494  
corporations so as to identify the special requirements and 495  
concerns these political subdivisions have in their purchasing and 496  
public improvement contracting procedures. The director shall 497  
~~promulgate~~ adopt the model act by rule adopted pursuant to Chapter 498  
119. of the Revised Code and shall revise the act as necessary to 499  
reflect changes in this chapter or section 153.012 of the Revised 500  
Code. 501

The director shall make available copies of the model act, 502  
supporting information, and technical assistance to any township, 503  
county, or municipal corporation wishing to incorporate the 504  
provisions of the act into its purchasing or public improvement 505  
contracting ~~procedure~~ procedures. 506

**Sec. 3345.69.** (A) As used in this section: 507

(1) "State institution of higher education" has the same 508  
meaning as in section 3345.011 of the Revised Code. 509

(2) "Board of trustees of a state institution of higher 510  
education" has the same meaning as in section 3345.61 of the 511  
Revised Code. 512

(B) The chairperson of the interuniversity council of Ohio 513

shall assist in coordinating the organization and operation of a 514  
committee to carry out this section. The committee shall be 515  
comprised of the presidents of the state institutions of higher 516  
education or their designees. The committee, in consultation with 517  
the office of energy services of the department of administrative 518  
services, shall develop guidelines for the board of trustees of 519  
each state institution of higher education to use in ensuring 520  
energy efficiency and conservation in on- and off-campus 521  
buildings. Initial guidelines shall be adopted not later than 522  
March 31, 2006. At a minimum, guidelines under this section shall 523  
do all of the following: 524

(1) Include a goal to reduce on- and off-campus building 525  
energy expenditures by at least twenty per cent by 2014, using 526  
calendar year 2004 as the benchmark year, while recognizing the 527  
diverse nature and different energy demands and uses of such 528  
buildings and measures already taken to increase building energy 529  
efficiency and conservation; 530

(2) Prescribe minimum energy efficiency and conservation 531  
standards for any new, on- or off-campus capital improvement 532  
project with a construction cost of one hundred thousand dollars 533  
or more, which standards shall be based on general building type 534  
and cost-effectiveness; 535

(3) Prescribe minimum energy efficiency and conservation 536  
standards for the leasing of an off-campus space of at least 537  
twenty-thousand square feet; 538

(4) Incorporate best practices into energy efficiency and 539  
conservation standards and plans; 540

(5) Provide that each board develop its own fifteen-year plan 541  
for phasing-in energy efficiency and conservation projects; 542

(6) Provide that project impact assessments include the 543  
fiscal effects of energy efficiency and conservation 544

recommendations and plans; 545

(7) Establish mechanisms for each board to report 546  
periodically to the committee on its progress relative to the 547  
guidelines. 548

(C) The board of trustees of a state institution of higher 549  
education shall adopt rules under section 111.15 of the Revised 550  
Code to carry out the guidelines established pursuant to division 551  
(B) of this section, including in the execution of the board's 552  
authority under sections 3345.62 to 3345.66 of the Revised Code. 553

**Section 2.** That existing sections 123.011, 125.09, and 125.11 554  
of the Revised Code are hereby repealed. 555

**Section 3.** Within 60 days after the effective date of this 556  
act, the Director of Administrative Services shall review the 557  
current operation of the Office of Energy Services and ensure that 558  
staffing levels and equipment and supplies are sufficient for the 559  
office to fully perform its duties under the act. 560