

As Reported by the House Public Utilities and Energy Committee

126th General Assembly

Regular Session

2005-2006

Sub. H. B. No. 251

**Representatives Uecker, Kearns, Raga, McGregor, J., Martin, Schneider,
Collier, Wagoner, Bubp, Law, Brown, Williams, Mason, Hagan, Stewart, J.,
Hartnett**

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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

~~As used in this section:~~ 77

~~(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.~~

~~(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.~~

~~(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.~~

~~(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.~~

~~(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.~~

(C) 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 qualified architect or engineer in accordance with the rules

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 296

conservation. 297

(F)(1) The office of energy services shall require all 298
~~departments, state~~ agencies, ~~state institutions, universities,~~ 299
~~colleges~~ departments, divisions, bureaus, offices, units, 300
commissions, boards, authorities, ~~commissions, boards, and~~ 301
quasi-governmental entities, institutions, and state institutions 302
of higher education to implement procedures ensuring that all 303
their passenger automobiles acquired in each fiscal year, except 304
for those passenger automobiles acquired for use in law 305
enforcement or emergency rescue work, achieve a fleet average fuel 306
economy of not less than ~~twenty miles per gallon in fiscal year~~ 307
~~1979, not less than twenty one miles per gallon in fiscal year~~ 308
~~1980, and, in each fiscal year thereafter, not less than the fleet~~ 309
average fuel economy ~~prescribed, by rule, by the office~~ for that 310
fiscal year ~~in accordance with this division.~~ 311

~~Prior~~ as shall be prescribed by rule adopted by the office 312
prior to the beginning of ~~fiscal year 1981 and each~~ the fiscal 313
year ~~thereafter, the office shall adopt rules prescribing the~~ 314
~~fleet average fuel economy all passenger automobiles acquired by~~ 315
~~all departments, agencies, state institutions, universities,~~ 316
~~colleges, authorities, commissions, boards, and quasi-governmental~~ 317
~~entities of state government during the fiscal year covered by the~~ 318
~~rules must achieve, except for those passenger automobiles~~ 319
~~acquired for use in law enforcement or emergency rescue work.~~ 320
These rules shall not be less stringent than the average fuel 321
economy standards established pursuant to federal law for 322
passenger automobiles manufactured during the model year that 323
begins during the fiscal year. 324

~~(1)(2)~~ Each ~~department, state~~ agency, ~~state institution,~~ 325
~~university, college~~ department, division, bureau, office, unit, 326
commission, board, authority, ~~commission, board, and~~ 327
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, 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)(2) and (3) 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

(2) 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

(3) 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)(2) and (3) 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