

**As Passed by the Senate**

**127th General Assembly**

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**Sub. S. B. No. 268**

**Senator Seitz**

**Cosponsors: Senators Niehaus, Gardner, Schuler, Schuring, Cates, Fedor,  
Roberts, Buehrer, Harris, Kearney, Mumper, Spada, Wilson**

**—**

**A B I L L**

To amend sections 9.48, 125.04, 307.86, and 3313.46 1  
and to enact section 307.862 of the Revised Code 2  
to allow a county contracting authority to use 3  
competitive sealed proposals instead of 4  
competitive sealed bidding when doing so would be 5  
advantageous to the county, to extend the current 6  
county and township joint purchasing authority to 7  
other political subdivisions, and to authorize 8  
boards of education to forgo the second newspaper 9  
publication of bid advertisement in lieu of an 10  
internet web site posting. 11

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

**Section 1.** That sections 9.48, 125.04, 307.86, and 3313.46 be 12  
amended and section 307.862 of the Revised Code be enacted to read 13  
as follows: 14

**Sec. 9.48.** (A) As used in this section, "political 15  
subdivision" has the same meaning as in section 2744.01 of the 16  
Revised Code. 17

(B) A county or township political subdivision may do any of 18

the following:

(1) Permit one or more other ~~counties or townships~~ political subdivisions to participate in contracts into which it has entered for the acquisition of equipment, materials, supplies, or services, and may charge such participating ~~counties or townships~~ political subdivisions a reasonable fee to cover any additional costs incurred as a result of their participation;

(2) Participate in a joint purchasing program operated by or through a national or state association of political subdivisions in which the purchasing ~~county or township~~ political subdivision is eligible for membership.

(3) Participate in contract offerings from the federal government that are available to a ~~county or township~~ political subdivision including, but not limited to, contract offerings from the general services administration.

~~(B)~~(C) Acquisition by a ~~county or township~~ political subdivision of equipment, material, supplies, or services, through participation in a contract of another ~~county or township~~ political subdivision or participation in an association program under division ~~(A)~~(B)(1) or (2) of this section, is exempt from any competitive selection requirements otherwise required by law, if the contract in which it is participating was awarded pursuant to a publicly solicited request for a proposal or a competitive selection procedure of another political subdivision within this state or in another state. Acquisition by a ~~county or township~~ political subdivision of equipment, materials, supplies, or services pursuant to division ~~(A)~~(B)(3) of this section is exempt from any competitive selection requirements otherwise required by law. No ~~county or township~~ political subdivision shall acquire equipment, materials, supplies, or services by participating in a contract under this section if it has received bids for such acquisition, unless its participation enables it to make the

acquisition upon the same terms, conditions, and specifications at 51  
a lower price. 52

~~(C)~~(D) A ~~county or township~~ political subdivision that is 53  
eligible to participate in a joint purchasing program operated by 54  
or through a national or state association of political 55  
subdivisions in which the purchasing ~~county or township~~ political 56  
subdivision is eligible for membership may purchase supplies or 57  
services from another party, including another political 58  
subdivision, instead of through participation in contracts 59  
authorized by division ~~(A)~~(B)(2) of this section if the ~~county or~~ 60  
~~township~~ political subdivision can purchase those supplies or 61  
services from the other party upon equivalent terms, conditions, 62  
and specifications but at a lower price than it can through those 63  
contracts. Purchases that a ~~county or township~~ political 64  
subdivision makes under this division are exempt from any 65  
competitive selection procedures otherwise required by law. A 66  
~~county or township~~ political subdivision that makes any purchase 67  
under this division shall maintain sufficient information 68  
regarding the purchase to verify that ~~the county or township~~ it 69  
satisfied the conditions for making a purchase under this 70  
division. Nothing in this division restricts any action taken by a 71  
~~county or township~~ political subdivision as authorized by division 72  
~~(A)~~(B)(1) of this section. 73

(E) The authorization granted to a municipal corporation 74  
under this section shall be in addition to, and not in derogation 75  
of, the powers and authority granted by state law, the Ohio 76  
Constitution, and the provisions of a municipal charter, 77  
ordinance, or resolution. 78

**Sec. 125.04.** (A) Except as provided in division (D) of this 79  
section, the department of administrative services shall determine 80  
what supplies and services are purchased by or for state agencies. 81

Whenever the department of administrative services makes any 82  
change or addition to the lists of supplies and services that it 83  
determines to purchase for state agencies, it shall provide a list 84  
to the agencies of the changes or additions and indicate when the 85  
department will be prepared to furnish each item listed. Except 86  
for the requirements of division (B) of section 125.11 of the 87  
Revised Code, sections 125.04 to 125.08 and 125.09 to 125.15 of 88  
the Revised Code do not apply to or affect the educational 89  
institutions of the state. The department shall not include the 90  
bureau of workers' compensation in the lists of supplies, 91  
equipment, and services purchased and furnished by the department. 92

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Nothing in this division precludes the bureau from entering 94  
into a contract with the department for the department to perform 95  
services relative to supplies, equipment, and services contained 96  
in this division for the bureau. 97

(B)(1) As used in this division: 98

(a) "Emergency medical service organization" has the same 99  
meaning as in section 4765.01 of the Revised Code. 100

(b) "Political subdivision" means any county, township, 101  
municipal corporation, school district, conservancy district, 102  
township park district, park district created under Chapter 1545. 103  
of the Revised Code, regional transit authority, regional airport 104  
authority, regional water and sewer district, or port authority. 105  
"Political subdivision" also includes any other political 106  
subdivision described in the Revised Code that has been approved 107  
by the department to participate in the department's contracts 108  
under this division. 109

(c) "Private fire company" has the same meaning as in section 110  
9.60 of the Revised Code. 111

(2) Subject to division (C) of this section, the department 112

of administrative services may permit a political subdivision, 113  
county board of elections, private fire company, or private, 114  
nonprofit emergency medical service organization to participate in 115  
contracts into which the department has entered for the purchase 116  
of supplies and services. The department may charge the entity a 117  
reasonable fee to cover the administrative costs the department 118  
incurs as a result of participation by the entity in such a 119  
purchase contract. 120

A political subdivision desiring to participate in such 121  
purchase contracts shall file with the department a certified copy 122  
of an ordinance or resolution of the legislative authority or 123  
governing board of the political subdivision. The resolution or 124  
ordinance shall request that the political subdivision be 125  
authorized to participate in such contracts and shall agree that 126  
the political subdivision will be bound by such terms and 127  
conditions as the department prescribes and that it will directly 128  
pay the vendor under each purchase contract. A board of elections 129  
desiring to participate in such purchase contracts shall file with 130  
the purchasing authority a written request for inclusion in the 131  
program. A private fire company or private, nonprofit emergency 132  
medical service organization desiring to participate in such 133  
purchase contracts shall file with the department a written 134  
request for inclusion in the program signed by the chief officer 135  
of the company or organization. A request for inclusion shall 136  
include an agreement to be bound by such terms and conditions as 137  
the department prescribes and to make direct payments to the 138  
vendor under each purchase contract. 139

The department shall include in its annual report an estimate 140  
of the cost it incurs by permitting political subdivisions, county 141  
boards of elections, private fire companies, and private, 142  
nonprofit emergency medical service organizations to participate 143  
in contracts pursuant to this division. The department may require 144

such entities to file a report with the department, as often as it 145  
finds necessary, stating how many such contracts the entities 146  
participated in within a specified period of time, and any other 147  
information the department requires. 148

(3) Purchases made by a political subdivision or a county 149  
board of elections under this division are exempt from any 150  
competitive selection procedures otherwise required by law. No 151  
political subdivision shall make any purchase under this division 152  
when bids have been received for such purchase by the subdivision, 153  
unless such purchase can be made upon the same terms, conditions, 154  
and specifications at a lower price under this division. 155

(C) A political subdivision as defined in division (B) of 156  
this section or a county board of elections may purchase supplies 157  
or services from another party, including a political subdivision, 158  
instead of through participation in contracts described in 159  
division (B) of this section if the political subdivision or 160  
county board of elections can purchase those supplies or services 161  
from the other party upon equivalent terms, conditions, and 162  
specifications but at a lower price than it can through those 163  
contracts. Purchases that a political subdivision or county board 164  
of elections makes under this division are exempt from any 165  
competitive selection procedures otherwise required by law. A 166  
political subdivision or county board of elections that makes any 167  
purchase under this division shall maintain sufficient information 168  
regarding the purchase to verify that the political subdivision or 169  
county board of elections satisfied the conditions for making a 170  
purchase under this division. Nothing in this division restricts 171  
any action taken by a county or township as authorized by division 172  
~~(A)~~(B)(1) of section 9.48 of the Revised Code. 173

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(D) This section does not apply to supplies or services 175  
required by the legislative or judicial branches, the capitol 176

square review and advisory board, the adjutant general, to 177  
supplies or services purchased by a state agency directly as 178  
provided in division (A) or (E) of section 125.05 of the Revised 179  
Code, to purchases of supplies or services for the emergency 180  
management agency as provided in section 125.023 of the Revised 181  
Code, or to purchases of supplies or services for the department 182  
of rehabilitation and correction in its operation of the program 183  
for the employment of prisoners established under section 5145.16 184  
of the Revised Code that shall be made pursuant to rules adopted 185  
by the director of administrative services and the director of 186  
rehabilitation and correction in accordance with Chapter 119. of 187  
the Revised Code. The rules may provide for the exemption of the 188  
program for the employment of prisoners from the requirements of 189  
division (A) of this section. 190

**Sec. 307.86.** Anything to be purchased, leased, leased with an 191  
option or agreement to purchase, or constructed, including, but 192  
not limited to, any product, structure, construction, 193  
reconstruction, improvement, maintenance, repair, or service, 194  
except the services of an accountant, architect, attorney at law, 195  
physician, professional engineer, construction project manager, 196  
consultant, surveyor, or appraiser, by or on behalf of the county 197  
or contracting authority, as defined in section 307.92 of the 198  
Revised Code, at a cost in excess of twenty-five thousand dollars, 199  
except as otherwise provided in division (D) of section 713.23 and 200  
in sections 125.04, 125.60 to 125.6012, 307.022, 307.041, 307.861, 201  
339.05, 340.03, 340.033, 4115.31 to 4115.35, 5119.16, 5513.01, 202  
5543.19, 5713.01, and 6137.05 of the Revised Code, shall be 203  
obtained through competitive bidding. However, competitive bidding 204  
is not required when any of the following applies: 205

(A) The board of county commissioners, by a unanimous vote of 206  
its members, makes a determination that a real and present 207  
emergency exists, and that determination and the reasons for it 208

are entered in the minutes of the proceedings of the board, when 209  
either of the following applies: 210

(1) The estimated cost is less than fifty thousand dollars. 211

(2) There is actual physical disaster to structures, radio 212  
communications equipment, or computers. 213

For purposes of this division, "unanimous vote" means all 214  
three members of a board of county commissioners when all three 215  
members are present, or two members of the board if only two 216  
members, constituting a quorum, are present. 217

Whenever a contract of purchase, lease, or construction is 218  
exempted from competitive bidding under division (A)(1) of this 219  
section because the estimated cost is less than fifty thousand 220  
dollars, but the estimated cost is twenty-five thousand dollars or 221  
more, the county or contracting authority shall solicit informal 222  
estimates from no fewer than three persons who could perform the 223  
contract, before awarding the contract. With regard to each such 224  
contract, the county or contracting authority shall maintain a 225  
record of such estimates, including the name of each person from 226  
whom an estimate is solicited. The county or contracting authority 227  
shall maintain the record for the longer of at least one year 228  
after the contract is awarded or the amount of time the federal 229  
government requires. 230

(B)(1) The purchase consists of supplies or a replacement or 231  
supplemental part or parts for a product or equipment owned or 232  
leased by the county, and the only source of supply for the 233  
supplies, part, or parts is limited to a single supplier. 234

(2) The purchase consists of services related to information 235  
technology, such as programming services, that are proprietary or 236  
limited to a single source. 237

(C) The purchase is from the federal government, the state, 238  
another county or contracting authority of another county, or a 239



board of education, township, or municipal corporation. 240

(D) The purchase is made by a county department of job and 241  
family services under section 329.04 of the Revised Code and 242  
consists of family services duties or workforce development 243  
activities or is made by a county board of mental retardation and 244  
developmental disabilities under section 5126.05 of the Revised 245  
Code and consists of program services, such as direct and 246  
ancillary client services, child care, case management services, 247  
residential services, and family resource services. 248

(E) The purchase consists of criminal justice services, 249  
social services programs, family services, or workforce 250  
development activities by the board of county commissioners from 251  
nonprofit corporations or associations under programs funded by 252  
the federal government or by state grants. 253

(F) The purchase consists of any form of an insurance policy 254  
or contract authorized to be issued under Title XXXIX of the 255  
Revised Code or any form of health care plan authorized to be 256  
issued under Chapter 1751. of the Revised Code, or any combination 257  
of such policies, contracts, or plans that the contracting 258  
authority is authorized to purchase, and the contracting authority 259  
does all of the following: 260

(1) Determines that compliance with the requirements of this 261  
section would increase, rather than decrease, the cost of the 262  
purchase; 263

(2) Employs a competent consultant to assist the contracting 264  
authority in procuring appropriate coverages at the best and 265  
lowest prices; 266

(3) Requests issuers of the policies, contracts, or plans to 267  
submit proposals to the contracting authority, in a form 268  
prescribed by the contracting authority, setting forth the 269  
coverage and cost of the policies, contracts, or plans as the 270

contracting authority desires to purchase; 271

(4) Negotiates with the issuers for the purpose of purchasing 272  
the policies, contracts, or plans at the best and lowest price 273  
reasonably possible. 274

(G) The purchase consists of computer hardware, software, or 275  
consulting services that are necessary to implement a computerized 276  
case management automation project administered by the Ohio 277  
prosecuting attorneys association and funded by a grant from the 278  
federal government. 279

(H) Child care services are purchased for provision to county 280  
employees. 281

(I)(1) Property, including land, buildings, and other real 282  
property, is leased for offices, storage, parking, or other 283  
purposes, and all of the following apply: 284

(a) The contracting authority is authorized by the Revised 285  
Code to lease the property. 286

(b) The contracting authority develops requests for proposals 287  
for leasing the property, specifying the criteria that will be 288  
considered prior to leasing the property, including the desired 289  
size and geographic location of the property. 290

(c) The contracting authority receives responses from 291  
prospective lessors with property meeting the criteria specified 292  
in the requests for proposals by giving notice in a manner 293  
substantially similar to the procedures established for giving 294  
notice under section 307.87 of the Revised Code. 295

(d) The contracting authority negotiates with the prospective 296  
lessors to obtain a lease at the best and lowest price reasonably 297  
possible considering the fair market value of the property and any 298  
relocation and operational costs that may be incurred during the 299  
period the lease is in effect. 300

(2) The contracting authority may use the services of a real estate appraiser to obtain advice, consultations, or other recommendations regarding the lease of property under this division.

(J) The purchase is made pursuant to section 5139.34 or sections 5139.41 to 5139.46 of the Revised Code and is of programs or services that provide case management, treatment, or prevention services to any felony or misdemeanor delinquent, unruly youth, or status offender under the supervision of the juvenile court, including, but not limited to, community residential care, day treatment, services to children in their home, or electronic monitoring.

(K) The purchase is made by a public children services agency pursuant to section 307.92 or 5153.16 of the Revised Code and consists of family services, programs, or ancillary services that provide case management, prevention, or treatment services for children at risk of being or alleged to be abused, neglected, or dependent children.

(L) The purchase is to obtain the services of emergency medical service organizations under a contract made by the board of county commissioners pursuant to section 307.05 of the Revised Code with a joint emergency medical services district.

(M) The county contracting authority determines that the use of competitive sealed proposals would be advantageous to the county and the contracting authority complies with section 307.862 of the Revised Code.

Any issuer of policies, contracts, or plans listed in division (F) of this section and any prospective lessor under division (I) of this section may have the issuer's or prospective lessor's name and address, or the name and address of an agent, placed on a special notification list to be kept by the

contracting authority, by sending the contracting authority that 332  
name and address. The contracting authority shall send notice to 333  
all persons listed on the special notification list. Notices shall 334  
state the deadline and place for submitting proposals. The 335  
contracting authority shall mail the notices at least six weeks 336  
prior to the deadline set by the contracting authority for 337  
submitting proposals. Every five years the contracting authority 338  
may review this list and remove any person from the list after 339  
mailing the person notification of that action. 340

Any contracting authority that negotiates a contract under 341  
division (F) of this section shall request proposals and 342  
renegotiate with issuers in accordance with that division at least 343  
every three years from the date of the signing of such a contract. 344

Any consultant employed pursuant to division (F) of this 345  
section and any real estate appraiser employed pursuant to 346  
division (I) of this section shall disclose any fees or 347  
compensation received from any source in connection with that 348  
employment. 349

Sec. 307.862. (A) When a county contracting authority uses 350  
competitive sealed proposals pursuant to section 307.86 of the 351  
Revised Code, the county contracting authority shall do all of the 352  
following: 353

(1) Develop factors and criteria to evaluate each proposal, 354  
specify the relative importance of each factor or criterion in 355  
writing, and describe the evaluation procedures the contracting 356  
authority shall follow when awarding a contract to an offeror. 357

(2) Solicit competitive sealed proposals through a request 358  
for proposals; 359

(3) Include, at a minimum, all of the information described 360  
in division (B) of this section in the request for proposals; 361

(4) Give notice of the request for proposals in the same 362  
manner that notice must be given for competitive bidding pursuant 363  
to section 307.87 of the Revised Code; 364

(5) Open proposals that the contracting authority receives in 365  
a manner that prevents the disclosure of contents of competing 366  
offers to competing offerors; 367

(6) Rank each proposal using the factors and criteria the 368  
contracting authority develops pursuant to division (A)(1) of this 369  
section; 370

(7) If necessary, conduct discussions with offerors for the 371  
purpose of ensuring full understanding of, and responsiveness to, 372  
the requirements specified in the request for proposals, and 373  
accord fair and equal treatment with respect to any opportunity 374  
for discussion with offerors to provide any clarification, 375  
correction, or revision of proposals; 376

(8) If the contracting authority determines that discussions 377  
described in division (A)(7) of this section are necessary, avoid 378  
disclosing any information derived from proposals submitted by 379  
competing offerors during those discussions; 380

(9) Negotiate with the offeror who submits the proposal that 381  
the contracting authority determines is the most advantageous to 382  
the county based on the rankings performed by the contracting 383  
authority pursuant to division (A)(6) of this section and 384  
including any adjustment to those rankings based on discussions 385  
conducted pursuant to division (A)(7) of this section; 386

(10) Conduct negotiations with only one offeror at a time; 387

(11) Except as provided in division (F) of this section, 388  
award a contract in accordance with division (E) of this section. 389

(B) A contracting authority shall include, at a minimum, all 390  
of the following information in the contracting authority's 391

<u>request for proposals:</u>	392
<u>(1) The name and address of the department, office,</u>	393
<u>institution, board, or commission that is requesting to purchase</u>	394
<u>supplies, services, or both;</u>	395
<u>(2) Instructions for offerors to follow when submitting</u>	396
<u>proposals;</u>	397
<u>(3) Instructions governing communications between an offeror</u>	398
<u>and the contracting authority, including, but not limited to, the</u>	399
<u>name, title, and telephone number of the person to whom questions</u>	400
<u>concerning the request for proposals should be directed;</u>	401
<u>(4) A description of the scope of work that the contracting</u>	402
<u>authority requests an offeror to perform or supplies the</u>	403
<u>contracting authority plans to purchase;</u>	404
<u>(5) To the extent possible, a description of the performance</u>	405
<u>criteria the contracting authority shall require an offeror to</u>	406
<u>satisfy, including but not limited to, the quantity of the</u>	407
<u>supplies, services, or both, to be purchased; the requirements the</u>	408
<u>contracting authority shall follow for inspection and acceptance</u>	409
<u>of the supplies, services, or both; and the delivery schedule for</u>	410
<u>each such supply or service;</u>	411
<u>(6) The factors and criteria the contracting authority shall</u>	412
<u>consider in evaluating proposals received;</u>	413
<u>(7) Any terms and conditions that the contracting authority</u>	414
<u>is required by law to include in the contract the contracting</u>	415
<u>authority awards, including any requirement for a bond and the</u>	416
<u>amount required for that bond;</u>	417
<u>(8) The date and time by which, and the place to which an</u>	418
<u>offeror must deliver the offeror's proposal to the contracting</u>	419
<u>authority in order to be considered for the contract;</u>	420
<u>(9) A list of any documents that the contracting authority</u>	421

incorporates by reference in the request for proposals, provided 422  
that the contracting authority specifies in the request for 423  
proposals that the documents are readily available to all offerors 424  
and the location where an offeror may obtain those documents; 425

(10) A statement that includes all of the following 426  
information: 427

(a) That the contracting authority reserves the right to 428  
reject any proposal in which the offeror takes exception to the 429  
terms and conditions of the request for proposals; fails to meet 430  
the terms and conditions of the request for proposals, including 431  
but not limited to, the standards, specifications, and 432  
requirements specified in the request for proposals; or submits 433  
prices that the contracting authority considers to be excessive, 434  
compared to existing market conditions, or determines exceed the 435  
available funds of the contracting authority; 436

(b) That the contracting authority reserves the right to 437  
reject, in whole or in part, any proposal that the county 438  
contracting authority has determined, using the factors and 439  
criteria the contracting authority develops pursuant to division 440  
(A)(1) of this section, would not be in the best interest of the 441  
county; 442

(c) That the contracting authority may conduct discussions 443  
with offerors who submit proposals for the purpose of 444  
clarifications or corrections regarding a proposal to ensure full 445  
understanding of, and responsiveness to, the requirements 446  
specified in the request for proposals. 447

(11) Information concerning any potential partial or multiple 448  
party awards that the contracting authority may include in the 449  
contract, and a description of the supplies, services, or both 450  
that may be subject to a partial award or multiple awards; 451

(12) Any additional information the contracting authority 452

considers necessary for its purposes in determining to whom to 453  
award the contract. 454

(C) In order to ensure fair and impartial evaluation, 455  
proposals and any documents or other records related to a 456  
subsequent negotiation for a final contract that would otherwise 457  
be available for public inspection and copying under section 458  
149.43 of the Revised Code shall not be available until after the 459  
award of the contract. 460

(D) An offeror may withdraw the offeror's proposal at any 461  
time prior to the award of a contract. A contracting authority may 462  
terminate negotiations with an offeror at any time during the 463  
negotiation process if the offeror fails to provide the necessary 464  
information for negotiations in a timely manner or fails to 465  
negotiate in good faith. If the contracting authority terminates 466  
negotiations with an offeror, the contracting authority shall 467  
negotiate with the offeror whose proposal is ranked the next most 468  
advantageous to the county according to the factors and criteria 469  
developed pursuant to division (A)(1) of this section. 470

(E) A county contracting authority may award a contract to 471  
the offeror whose proposal is determined to be the most 472  
advantageous to the county, taking into consideration the 473  
evaluation factors and criteria developed pursuant to division 474  
(A)(1) of this section and set forth in the request for proposals. 475  
A contracting authority may award a contract in whole or in part 476  
to one or more offerors. The contracting authority shall include a 477  
written statement in the contract file stating the basis on which 478  
the award is made. 479

The contracting authority shall send a written notice to the 480  
offeror to whom it wishes to award the contract and shall make 481  
that notice available to the public. Within a reasonable time 482  
period after the award is made, the contracting authority shall 483  
notify all other offerors that the contract has been awarded to 484



another offeror. 485

(F) A contracting authority may cancel or reissue a request 486  
for proposals if any of the following apply: 487

(1) The supplies or services offered through all of the 488  
proposals submitted to the contracting authority are not in 489  
compliance with the requirements, specifications, and terms and 490  
conditions set forth in the request for proposals; 491

(2) The prices submitted by the offerors are excessive 492  
compared to existing market conditions or exceed the available 493  
funds of the contracting authority; 494

(3) The contracting authority determines that award of a 495  
contract would not be in the best interest of the county. 496

(G) A county contracting authority shall not use competitive 497  
sealed proposals for contracts for construction, design, 498  
demolition, alteration, repair, or reconstruction of a building, 499  
highway, drainage system, water system, road, street, alley, 500  
sewer, ditch, sewage disposal plant, waterworks, and all other 501  
structures or works of any nature by a county contracting 502  
authority. 503

**Sec. 3313.46.** (A) In addition to any other law governing the 504  
bidding for contracts by the board of education of any school 505  
district, when any such board determines to build, repair, 506  
enlarge, improve, or demolish any school building, the cost of 507  
which will exceed twenty-five thousand dollars, except in cases of 508  
urgent necessity, or for the security and protection of school 509  
property, and except as otherwise provided in division (D) of 510  
section 713.23 and in section 125.04 of the Revised Code, all of 511  
the following shall apply: 512

(1) The board shall cause to be prepared the plans, 513  
specifications, and related information as required in divisions 514

(A), (B), and (D) of section 153.01 of the Revised Code unless the  
board determines that other information is sufficient to inform  
any bidders of the board's requirements. However, if the board  
determines that such other information is sufficient for bidding a  
project, the board shall not engage in the construction of any  
such project involving the practice of professional engineering,  
professional surveying, or architecture, for which plans,  
specifications, and estimates have not been made by, and the  
construction thereof inspected by, a licensed professional  
engineer, licensed professional surveyor, or registered architect.

(2) The board shall advertise for bids once each week for a  
period of ~~at least~~ not less than two consecutive weeks in a  
newspaper of general circulation in the district ~~prior to~~ before  
the date specified by the board for receiving bids. The board may  
also cause notice to be inserted in trade papers or other  
publications designated by it or to be distributed by electronic  
means, including posting the notice on the board's internet web  
site. If the board posts the notice on its web site, it may  
eliminate the second notice otherwise required to be published in  
a newspaper of general circulation within the school district,  
provided that the first notice published in such newspaper meets  
all of the following requirements:

(a) It is published at least two weeks before the opening of  
bids.

(b) It includes a statement that the notice is posted on the  
board of education's internet web site.

(c) It includes the internet address of the board's internet  
web site.

(d) It includes instructions describing how the notice may be  
accessed on the board's internet web site.

(3) Unless the board extends the time for the opening of bids

they shall be opened at the time and place specified by the board 546  
in the advertisement for the bids. 547

(4) Each bid shall contain the name of every person 548  
interested therein. Each bid shall meet the requirements of 549  
section 153.54 of the Revised Code. 550

(5) When both labor and materials are embraced in the work 551  
bid for, the board may require that each be separately stated in 552  
the bid, with the price thereof, or may require that bids be 553  
submitted without such separation. 554

(6) None but the lowest responsible bid shall be accepted. 555  
The board may reject all the bids, or accept any bid for both 556  
labor and material for such improvement or repair, which is the 557  
lowest in the aggregate. In all other respects, the award of 558  
contracts for improvement or repair, but not for purchases made 559  
under section 3327.08 of the Revised Code, shall be pursuant to 560  
section 153.12 of the Revised Code. 561

(7) The contract shall be between the board and the bidders. 562  
The board shall pay the contract price for the work pursuant to 563  
sections 153.13 and 153.14 of the Revised Code. The board shall 564  
approve and retain the estimates referred to in section 153.13 of 565  
the Revised Code and make them available to the auditor of state 566  
upon request. 567

(8) When two or more bids are equal, in the whole, or in any 568  
part thereof, and are lower than any others, either may be 569  
accepted, but in no case shall the work be divided between such 570  
bidders. 571

(9) When there is reason to believe there is collusion or 572  
combination among the bidders, or any number of them, the bids of 573  
those concerned therein shall be rejected. 574

(B) Division (A) of this section does not apply to the board 575  
of education of any school district in any of the following 576

situations:	577
(1) The acquisition of educational materials used in teaching.	578 579
(2) If the board determines and declares by resolution adopted by two-thirds of all its members that any item is available and can be acquired only from a single source.	580 581 582
(3) If the board declares by resolution adopted by two-thirds of all its members that division (A) of this section does not apply to any installation, modification, or remodeling involved in any energy conservation measure undertaken through an installment payment contract under section 3313.372 of the Revised Code or undertaken pursuant to division (G) of section 133.06 of the Revised Code.	583 584 585 586 587 588 589
(4) The acquisition of computer software for instructional purposes and computer hardware for instructional purposes pursuant to division (B)(4) of section 3313.37 of the Revised Code.	590 591 592
(C) No resolution adopted pursuant to division (B)(2) or (3) of this section shall have any effect on whether sections 153.12 to 153.14 and 153.54 of the Revised Code apply to the board of education of any school district with regard to any item.	593 594 595 596
<b>Section 2.</b> That existing sections 9.48, 125.04, 307.86, and 3313.46 of the Revised Code are hereby repealed.	597 598