

**As Reported by the House Local and Municipal Government and
Urban Revitalization Committee**

127th General Assembly

Regular Session

2007-2008

Sub. S. B. No. 268

Representative Seitz

**Cosponsors: Senators Niehaus, Gardner, Schuler, Schuring, Cates, Fedor,
Roberts, Buehrer, Harris, Kearney, Mumper, Spada, Wilson
Representatives Mallory, Newcomb, Chandler, Uecker**

—

A B I L L

To amend sections 9.48, 125.04, 307.86, 505.10,	1
505.37, 505.376, 511.12, 515.01, 731.14, 971.07,	2
and 3313.46 and to enact section 307.862 of the	3
Revised Code to allow a county contracting	4
authority to use competitive sealed proposals	5
instead of competitive sealed bidding when doing	6
so would be advantageous to the county, to modify	7
provisions concerning a county contracting	8
authority's purchase of certain insurance policies	9
or health care plans, to extend the current county	10
and township joint purchasing authority to other	11
political subdivisions and exempt county	12
participants from competitive bidding	13
requirements, to authorize boards of education to	14
forgo the second newspaper publication of bid	15
advertisement in lieu of an internet web site	16
posting, and to change notice requirements for	17
other local government purposes.	18

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

Section 1. That sections 9.48, 125.04, 307.86, 505.10, 19
505.37, 505.376, 511.12, 515.01, 731.14, 971.07, and 3313.46 be 20
amended and section 307.862 of the Revised Code be enacted to read 21
as follows: 22

Sec. 9.48. (A) As used in this section, "political 23
subdivision" has the same meaning as in section 2744.01 of the 24
Revised Code and includes a county hospital as defined in section 25
339.01 of the Revised Code. 26

(B) A ~~county or township~~ political subdivision may do any of 27
the following: 28

(1) Permit one or more other ~~counties or townships~~ political 29
subdivisions to participate in contracts into which it has entered 30
for the acquisition of equipment, materials, supplies, or 31
services, and may charge such participating ~~counties or townships~~ 32
political subdivisions a reasonable fee to cover any additional 33
costs incurred as a result of their participation; 34

(2) Participate in a joint purchasing program operated by or 35
through a national or state association of political subdivisions 36
in which the purchasing ~~county or township~~ political subdivision 37
is eligible for membership. 38

(3) Participate in contract offerings from the federal 39
government that are available to a ~~county or township~~ political 40
subdivision including, but not limited to, contract offerings from 41
the general services administration. 42

~~(B)~~ (C) Acquisition by a ~~county or township~~ political 43
subdivision of equipment, material, supplies, or services, through 44
participation in a contract of another ~~county or township~~ 45
political subdivision or participation in an association program 46
under division ~~(A)~~ (B)(1) or (2) of this section, is exempt from 47
any competitive selection requirements otherwise required by law, 48

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
a lower price.

~~(C)~~(D) A ~~county or township~~ political subdivision that is
eligible to 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 may purchase supplies or
services from another party, including another political
subdivision, instead of through participation in contracts
authorized by division ~~(A)~~(B)(2) of this section if the ~~county or~~
~~township~~ political subdivision can purchase those supplies or
services from the other party upon equivalent terms, conditions,
and specifications but at a lower price than it can through those
contracts. Purchases that a ~~county or township~~ political
subdivision makes under this division are exempt from any
competitive selection procedures otherwise required by law. A
~~county or township~~ political subdivision that makes any purchase
under this division shall maintain sufficient information
regarding the purchase to verify that ~~the county or township~~ it
satisfied the conditions for making a purchase under this
division. Nothing in this division restricts any action taken by a
~~county or township~~ political subdivision as authorized by division

~~(A)~~(B)(1) of this section. 82

(E) The authorization granted to a municipal corporation 83
under this section shall be in addition to, and not in derogation 84
of, the powers and authority granted by state law, the Ohio 85
Constitution, and the provisions of a municipal charter, 86
ordinance, or resolution. 87

Sec. 125.04. (A) Except as provided in division (D) of this 88
section, the department of administrative services shall determine 89
what supplies and services are purchased by or for state agencies. 90
Whenever the department of administrative services makes any 91
change or addition to the lists of supplies and services that it 92
determines to purchase for state agencies, it shall provide a list 93
to the agencies of the changes or additions and indicate when the 94
department will be prepared to furnish each item listed. Except 95
for the requirements of division (B) of section 125.11 of the 96
Revised Code, sections 125.04 to 125.08 and 125.09 to 125.15 of 97
the Revised Code do not apply to or affect the educational 98
institutions of the state. The department shall not include the 99
bureau of workers' compensation in the lists of supplies, 100
equipment, and services purchased and furnished by the department. 101
102

Nothing in this division precludes the bureau from entering 103
into a contract with the department for the department to perform 104
services relative to supplies, equipment, and services contained 105
in this division for the bureau. 106

(B)(1) As used in this division: 107

(a) "Emergency medical service organization" has the same 108
meaning as in section 4765.01 of the Revised Code. 109

(b) "Political subdivision" means any county, township, 110
municipal corporation, school district, conservancy district, 111

township park district, park district created under Chapter 1545. 112
of the Revised Code, regional transit authority, regional airport 113
authority, regional water and sewer district, or port authority. 114
"Political subdivision" also includes any other political 115
subdivision described in the Revised Code that has been approved 116
by the department to participate in the department's contracts 117
under this division. 118

(c) "Private fire company" has the same meaning as in section 119
9.60 of the Revised Code. 120

(2) Subject to division (C) of this section, the department 121
of administrative services may permit a political subdivision, 122
county board of elections, private fire company, or private, 123
nonprofit emergency medical service organization to participate in 124
contracts into which the department has entered for the purchase 125
of supplies and services. The department may charge the entity a 126
reasonable fee to cover the administrative costs the department 127
incurs as a result of participation by the entity in such a 128
purchase contract. 129

A political subdivision desiring to participate in such 130
purchase contracts shall file with the department a certified copy 131
of an ordinance or resolution of the legislative authority or 132
governing board of the political subdivision. The resolution or 133
ordinance shall request that the political subdivision be 134
authorized to participate in such contracts and shall agree that 135
the political subdivision will be bound by such terms and 136
conditions as the department prescribes and that it will directly 137
pay the vendor under each purchase contract. A board of elections 138
desiring to participate in such purchase contracts shall file with 139
the purchasing authority a written request for inclusion in the 140
program. A private fire company or private, nonprofit emergency 141
medical service organization desiring to participate in such 142
purchase contracts shall file with the department a written 143

request for inclusion in the program signed by the chief officer 144
of the company or organization. A request for inclusion shall 145
include an agreement to be bound by such terms and conditions as 146
the department prescribes and to make direct payments to the 147
vendor under each purchase contract. 148

The department shall include in its annual report an estimate 149
of the cost it incurs by permitting political subdivisions, county 150
boards of elections, private fire companies, and private, 151
nonprofit emergency medical service organizations to participate 152
in contracts pursuant to this division. The department may require 153
such entities to file a report with the department, as often as it 154
finds necessary, stating how many such contracts the entities 155
participated in within a specified period of time, and any other 156
information the department requires. 157

(3) Purchases made by a political subdivision or a county 158
board of elections under this division are exempt from any 159
competitive selection procedures otherwise required by law. No 160
political subdivision shall make any purchase under this division 161
when bids have been received for such purchase by the subdivision, 162
unless such purchase can be made upon the same terms, conditions, 163
and specifications at a lower price under this division. 164

(C) A political subdivision as defined in division (B) of 165
this section or a county board of elections may purchase supplies 166
or services from another party, including a political subdivision, 167
instead of through participation in contracts described in 168
division (B) of this section if the political subdivision or 169
county board of elections can purchase those supplies or services 170
from the other party upon equivalent terms, conditions, and 171
specifications but at a lower price than it can through those 172
contracts. Purchases that a political subdivision or county board 173
of elections makes under this division are exempt from any 174
competitive selection procedures otherwise required by law. A 175

political subdivision or county board of elections that makes any 176
purchase under this division shall maintain sufficient information 177
regarding the purchase to verify that the political subdivision or 178
county board of elections satisfied the conditions for making a 179
purchase under this division. Nothing in this division restricts 180
any action taken by a county or township as authorized by division 181
~~(A)~~(B)(1) of section 9.48 of the Revised Code. 182

183

(D) This section does not apply to supplies or services 184
required by the legislative or judicial branches, the capitol 185
square review and advisory board, the adjutant general, to 186
supplies or services purchased by a state agency directly as 187
provided in division (A) or (E) of section 125.05 of the Revised 188
Code, to purchases of supplies or services for the emergency 189
management agency as provided in section 125.023 of the Revised 190
Code, or to purchases of supplies or services for the department 191
of rehabilitation and correction in its operation of the program 192
for the employment of prisoners established under section 5145.16 193
of the Revised Code that shall be made pursuant to rules adopted 194
by the director of administrative services and the director of 195
rehabilitation and correction in accordance with Chapter 119. of 196
the Revised Code. The rules may provide for the exemption of the 197
program for the employment of prisoners from the requirements of 198
division (A) of this section. 199

Sec. 307.86. Anything to be purchased, leased, leased with an 200
option or agreement to purchase, or constructed, including, but 201
not limited to, any product, structure, construction, 202
reconstruction, improvement, maintenance, repair, or service, 203
except the services of an accountant, architect, attorney at law, 204
physician, professional engineer, construction project manager, 205
consultant, surveyor, or appraiser, by or on behalf of the county 206
or contracting authority, as defined in section 307.92 of the 207

Revised Code, at a cost in excess of twenty-five thousand dollars, 208
except as otherwise provided in division (D) of section 713.23 and 209
in sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 210
307.861, 339.05, 340.03, 340.033, 4115.31 to 4115.35, 5119.16, 211
5513.01, 5543.19, 5713.01, and 6137.05 of the Revised Code, shall 212
be obtained through competitive bidding. However, competitive 213
bidding is not required when any of the following applies: 214

(A) The board of county commissioners, by a unanimous vote of 215
its members, makes a determination that a real and present 216
emergency exists, and that determination and the reasons for it 217
are entered in the minutes of the proceedings of the board, when 218
either of the following applies: 219

(1) The estimated cost is less than fifty thousand dollars. 220

(2) There is actual physical disaster to structures, radio 221
communications equipment, or computers. 222

For purposes of this division, "unanimous vote" means all 223
three members of a board of county commissioners when all three 224
members are present, or two members of the board if only two 225
members, constituting a quorum, are present. 226

Whenever a contract of purchase, lease, or construction is 227
exempted from competitive bidding under division (A)(1) of this 228
section because the estimated cost is less than fifty thousand 229
dollars, but the estimated cost is twenty-five thousand dollars or 230
more, the county or contracting authority shall solicit informal 231
estimates from no fewer than three persons who could perform the 232
contract, before awarding the contract. With regard to each such 233
contract, the county or contracting authority shall maintain a 234
record of such estimates, including the name of each person from 235
whom an estimate is solicited. The county or contracting authority 236
shall maintain the record for the longer of at least one year 237
after the contract is awarded or the amount of time the federal 238

government requires. 239

(B)(1) The purchase consists of supplies or a replacement or 240
supplemental part or parts for a product or equipment owned or 241
leased by the county, and the only source of supply for the 242
supplies, part, or parts is limited to a single supplier. 243

(2) The purchase consists of services related to information 244
technology, such as programming services, that are proprietary or 245
limited to a single source. 246

(C) The purchase is from the federal government, the state, 247
another county or contracting authority of another county, or a 248
board of education, township, or municipal corporation. 249

(D) The purchase is made by a county department of job and 250
family services under section 329.04 of the Revised Code and 251
consists of family services duties or workforce development 252
activities or is made by a county board of mental retardation and 253
developmental disabilities under section 5126.05 of the Revised 254
Code and consists of program services, such as direct and 255
ancillary client services, child care, case management services, 256
residential services, and family resource services. 257

(E) The purchase consists of criminal justice services, 258
social services programs, family services, or workforce 259
development activities by the board of county commissioners from 260
nonprofit corporations or associations under programs funded by 261
the federal government or by state grants. 262

(F) The purchase consists of any form of an insurance policy 263
or contract authorized to be issued under Title XXXIX of the 264
Revised Code or any form of health care plan authorized to be 265
issued under Chapter 1751. of the Revised Code, or any combination 266
of such policies, contracts, ~~or~~ plans, or services that the 267
contracting authority is authorized to purchase, and the 268
contracting authority does all of the following: 269

(1) Determines that compliance with the requirements of this 270
section would increase, rather than decrease, the cost of the 271
purchase; 272

(2) ~~Employs a competent consultant to assist the contracting~~ 273
~~authority in procuring appropriate coverages at the best and~~ 274
~~lowest prices;~~ 275

~~(3)~~ Requests issuers of the policies, contracts, ~~or~~ plans, or 276
services to submit proposals to the contracting authority, in a 277
form prescribed by the contracting authority, setting forth the 278
coverage and cost of the policies, contracts, ~~or~~ plans, or 279
services as the contracting authority desires to purchase; 280

~~(4)~~(3) Negotiates with the issuers for the purpose of 281
purchasing the policies, contracts, ~~or~~ plans, or services at the 282
best and lowest price reasonably possible. 283

(G) The purchase consists of computer hardware, software, or 284
consulting services that are necessary to implement a computerized 285
case management automation project administered by the Ohio 286
prosecuting attorneys association and funded by a grant from the 287
federal government. 288

(H) Child care services are purchased for provision to county 289
employees. 290

(I)(1) Property, including land, buildings, and other real 291
property, is leased for offices, storage, parking, or other 292
purposes, and all of the following apply: 293

(a) The contracting authority is authorized by the Revised 294
Code to lease the property. 295

(b) The contracting authority develops requests for proposals 296
for leasing the property, specifying the criteria that will be 297
considered prior to leasing the property, including the desired 298
size and geographic location of the property. 299

(c) The contracting authority receives responses from 300
prospective lessors with property meeting the criteria specified 301
in the requests for proposals by giving notice in a manner 302
substantially similar to the procedures established for giving 303
notice under section 307.87 of the Revised Code. 304

(d) The contracting authority negotiates with the prospective 305
lessors to obtain a lease at the best and lowest price reasonably 306
possible considering the fair market value of the property and any 307
relocation and operational costs that may be incurred during the 308
period the lease is in effect. 309

(2) The contracting authority may use the services of a real 310
estate appraiser to obtain advice, consultations, or other 311
recommendations regarding the lease of property under this 312
division. 313

(J) The purchase is made pursuant to section 5139.34 or 314
sections 5139.41 to 5139.46 of the Revised Code and is of programs 315
or services that provide case management, treatment, or prevention 316
services to any felony or misdemeanor delinquent, unruly youth, 317
or status offender under the supervision of the juvenile court, 318
including, but not limited to, community residential care, day 319
treatment, services to children in their home, or electronic 320
monitoring. 321

(K) The purchase is made by a public children services agency 322
pursuant to section 307.92 or 5153.16 of the Revised Code and 323
consists of family services, programs, or ancillary services that 324
provide case management, prevention, or treatment services for 325
children at risk of being or alleged to be abused, neglected, or 326
dependent children. 327

(L) The purchase is to obtain the services of emergency 328
medical service organizations under a contract made by the board 329
of county commissioners pursuant to section 307.05 of the Revised 330

Code with a joint emergency medical services district. 331

(M) The county contracting authority determines that the use 332
of competitive sealed proposals would be advantageous to the 333
county and the contracting authority complies with section 307.862 334
of the Revised Code. 335

Any issuer of policies, contracts, ~~or plans,~~ or services 336
listed in division (F) of this section and any prospective lessor 337
under division (I) of this section may have the issuer's or 338
prospective lessor's name and address, or the name and address of 339
an agent, placed on a special notification list to be kept by the 340
contracting authority, by sending the contracting authority that 341
name and address. The contracting authority shall send notice to 342
all persons listed on the special notification list. Notices shall 343
state the deadline and place for submitting proposals. The 344
contracting authority shall mail the notices at least six weeks 345
prior to the deadline set by the contracting authority for 346
submitting proposals. Every five years the contracting authority 347
may review this list and remove any person from the list after 348
mailing the person notification of that action. 349

Any contracting authority that negotiates a contract under 350
division (F) of this section shall request proposals and 351
~~renegotiate~~ negotiate with issuers in accordance with that 352
division at least every three years from the date of the signing 353
of such a contract, unless the parties agree upon terms for 354
extensions or renewals of the contract. Such extension or renewal 355
periods shall not exceed six years from the date the initial 356
contract is signed. 357

~~Any consultant employed pursuant to division (F) of this 358~~
~~section and any~~ real estate appraiser employed pursuant to 359
division (I) of this section shall disclose any fees or 360
compensation received from any source in connection with that 361
employment. 362

Sec. 307.862. (A) When a county contracting authority uses 363
competitive sealed proposals pursuant to section 307.86 of the 364
Revised Code, the county contracting authority shall do all of the 365
following: 366

(1) Develop factors and criteria to evaluate each proposal, 367
specify the relative importance of each factor or criterion in 368
writing, and describe the evaluation procedures the contracting 369
authority shall follow when awarding a contract to an offeror. 370

(2) Solicit competitive sealed proposals through a request 371
for proposals; 372

(3) Include, at a minimum, all of the information described 373
in division (B) of this section in the request for proposals; 374

(4) Give notice of the request for proposals in the same 375
manner that notice must be given for competitive bidding pursuant 376
to section 307.87 of the Revised Code; 377

(5) Open proposals that the contracting authority receives in 378
a manner that prevents the disclosure of contents of competing 379
offers to competing offerors; 380

(6) Rank each proposal using the factors and criteria the 381
contracting authority develops pursuant to division (A)(1) of this 382
section; 383

(7) If necessary, conduct discussions with offerors for the 384
purpose of ensuring full understanding of, and responsiveness to, 385
the requirements specified in the request for proposals, and 386
accord fair and equal treatment with respect to any opportunity 387
for discussion with offerors to provide any clarification, 388
correction, or revision of proposals; 389

(8) If the contracting authority determines that discussions 390
described in division (A)(7) of this section are necessary, avoid 391
disclosing any information derived from proposals submitted by 392

<u>competing offerors during those discussions;</u>	393
<u>(9) Negotiate with the offeror who submits the proposal that</u>	394
<u>the contracting authority determines is the most advantageous to</u>	395
<u>the county based on the rankings performed by the contracting</u>	396
<u>authority pursuant to division (A)(6) of this section and</u>	397
<u>including any adjustment to those rankings based on discussions</u>	398
<u>conducted pursuant to division (A)(7) of this section;</u>	399
<u>(10) Conduct negotiations with only one offeror at a time;</u>	400
<u>(11) Except as provided in division (F) of this section,</u>	401
<u>award a contract in accordance with division (E) of this section.</u>	402
<u>(B) A contracting authority shall include, at a minimum, all</u>	403
<u>of the following information in the contracting authority's</u>	404
<u>request for proposals:</u>	405
<u>(1) The name and address of the department, office,</u>	406
<u>institution, board, or commission that is requesting to purchase</u>	407
<u>supplies, services, or both;</u>	408
<u>(2) Instructions for offerors to follow when submitting</u>	409
<u>proposals;</u>	410
<u>(3) Instructions governing communications between an offeror</u>	411
<u>and the contracting authority, including, but not limited to, the</u>	412
<u>name, title, and telephone number of the person to whom questions</u>	413
<u>concerning the request for proposals should be directed;</u>	414
<u>(4) A description of the scope of work that the contracting</u>	415
<u>authority requests an offeror to perform or supplies the</u>	416
<u>contracting authority plans to purchase;</u>	417
<u>(5) To the extent possible, a description of the performance</u>	418
<u>criteria the contracting authority shall require an offeror to</u>	419
<u>satisfy, including but not limited to, the quantity of the</u>	420
<u>supplies, services, or both, to be purchased; the requirements the</u>	421
<u>contracting authority shall follow for inspection and acceptance</u>	422

of the supplies, services, or both; and the delivery schedule for 423
each such supply or service; 424

(6) The factors and criteria the contracting authority shall 425
consider in evaluating proposals received; 426

(7) Any terms and conditions that the contracting authority 427
is required by law to include in the contract the contracting 428
authority awards, including any requirement for a bond and the 429
amount required for that bond; 430

(8) The date and time by which, and the place to which an 431
offeror must deliver the offeror's proposal to the contracting 432
authority in order to be considered for the contract; 433

(9) A list of any documents that the contracting authority 434
incorporates by reference in the request for proposals, provided 435
that the contracting authority specifies in the request for 436
proposals that the documents are readily available to all offerors 437
and the location where an offeror may obtain those documents; 438

(10) A statement that includes all of the following 439
information: 440

(a) That the contracting authority reserves the right to 441
reject any proposal in which the offeror takes exception to the 442
terms and conditions of the request for proposals; fails to meet 443
the terms and conditions of the request for proposals, including 444
but not limited to, the standards, specifications, and 445
requirements specified in the request for proposals; or submits 446
prices that the contracting authority considers to be excessive, 447
compared to existing market conditions, or determines exceed the 448
available funds of the contracting authority; 449

(b) That the contracting authority reserves the right to 450
reject, in whole or in part, any proposal that the county 451
contracting authority has determined, using the factors and 452
criteria the contracting authority develops pursuant to division 453

(A)(1) of this section, would not be in the best interest of the 454
county; 455

(c) That the contracting authority may conduct discussions 456
with offerors who submit proposals for the purpose of 457
clarifications or corrections regarding a proposal to ensure full 458
understanding of, and responsiveness to, the requirements 459
specified in the request for proposals. 460

(11) Information concerning any potential partial or multiple 461
party awards that the contracting authority may include in the 462
contract, and a description of the supplies, services, or both 463
that may be subject to a partial award or multiple awards; 464

(12) Any additional information the contracting authority 465
considers necessary for its purposes in determining to whom to 466
award the contract. 467

(C) In order to ensure fair and impartial evaluation, 468
proposals and any documents or other records related to a 469
subsequent negotiation for a final contract that would otherwise 470
be available for public inspection and copying under section 471
149.43 of the Revised Code shall not be available until after the 472
award of the contract. 473

(D) An offeror may withdraw the offeror's proposal at any 474
time prior to the award of a contract. A contracting authority may 475
terminate negotiations with an offeror at any time during the 476
negotiation process if the offeror fails to provide the necessary 477
information for negotiations in a timely manner or fails to 478
negotiate in good faith. If the contracting authority terminates 479
negotiations with an offeror, the contracting authority shall 480
negotiate with the offeror whose proposal is ranked the next most 481
advantageous to the county according to the factors and criteria 482
developed pursuant to division (A)(1) of this section. 483

(E) A county contracting authority may award a contract to 484

the offeror whose proposal is determined to be the most 485
advantageous to the county, taking into consideration the 486
evaluation factors and criteria developed pursuant to division 487
(A)(1) of this section and set forth in the request for proposals. 488
A contracting authority may award a contract in whole or in part 489
to one or more offerors. The contracting authority shall include a 490
written statement in the contract file stating the basis on which 491
the award is made. 492

The contracting authority shall send a written notice to the 493
offeror to whom it wishes to award the contract and shall make 494
that notice available to the public. Within a reasonable time 495
period after the award is made, the contracting authority shall 496
notify all other offerors that the contract has been awarded to 497
another offeror. 498

(F) A contracting authority may cancel or reissue a request 499
for proposals if any of the following apply: 500

(1) The supplies or services offered through all of the 501
proposals submitted to the contracting authority are not in 502
compliance with the requirements, specifications, and terms and 503
conditions set forth in the request for proposals; 504

(2) The prices submitted by the offerors are excessive 505
compared to existing market conditions or exceed the available 506
funds of the contracting authority; 507

(3) The contracting authority determines that award of a 508
contract would not be in the best interest of the county. 509

(G) A county contracting authority shall not use competitive 510
sealed proposals for contracts for construction, design, 511
demolition, alteration, repair, or reconstruction of a building, 512
highway, drainage system, water system, road, street, alley, 513
sewer, ditch, sewage disposal plant, waterworks, and all other 514
structures or works of any nature by a county contracting 515

authority. 516

Sec. 505.10. (A) The board of township trustees may accept, 517
on behalf of the township, the donation by bequest, devise, deed 518
of gift, or otherwise, of any real or personal property for any 519
township use. When the township has property, including motor 520
vehicles, road machinery, equipment, and tools, which the board, 521
by resolution, finds is not needed for public use, is obsolete, or 522
is unfit for the use for which it was acquired, the board may sell 523
and convey that property or otherwise dispose of it in accordance 524
with this section. Except as otherwise provided in sections 525
505.08, 505.101, and 505.102 of the Revised Code, the sale or 526
other disposition of unneeded, obsolete, or unfit-for-use property 527
shall be made in accordance with one of the following: 528

(1) If the fair market value of property to be sold is, in 529
the opinion of the board, in excess of two thousand five hundred 530
dollars, the sale shall be by public auction or by sealed bid to 531
the highest bidder. The board shall publish notice of the time, 532
place, and manner of the sale once a week for ~~three~~ two weeks in a 533
newspaper published, or of general circulation, in the township, 534
~~the last of those publications to be at least five days before the~~ 535
~~date of sale,~~ and shall post a typewritten or printed notice of 536
the time, place, and manner of the sale in the office of the board 537
for at least ten days prior to the sale. The board may also cause 538
notice to be inserted in trade papers or other publications 539
designated by it or to be distributed by electronic means, 540
including posting the notice on the board's internet web site. If 541
the board posts the notice on its web site, it may eliminate the 542
second notice otherwise required to be published in a newspaper 543
published or of general circulation in the township, provided that 544
the first notice published in such newspaper meets all of the 545
following requirements: 546

(a) It is published at least two weeks before the sale of the 547
property. 548

(b) It includes a statement that the notice is posted on the 549
board's internet web site. 550

(c) It includes the internet address of the board's internet 551
web site. 552

(d) It includes instructions describing how the notice may be 553
accessed on the board's internet web site. 554

If the board conducts the sale of the property by sealed bid, 555
the form of the bid shall be as prescribed by the board, and each 556
bid shall contain the name of the person submitting it. Bids 557
received shall be opened and tabulated at the time stated in the 558
published and posted notices. The property shall be sold to the 559
highest bidder, except that the board may reject all bids and hold 560
another sale, by public auction or sealed bid, in the manner 561
prescribed by this section. 562

(2) If the fair market value of property to be sold is, in 563
the opinion of the board, two thousand five hundred dollars or 564
less, the board may do either of the following: 565

(a) Sell the property by private sale, without advertisement 566
or public notification; 567

(b) Donate the property to an eligible nonprofit organization 568
that is located in this state and is exempt from federal income 569
taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating 570
any property under this division, the board shall adopt a 571
resolution expressing its intent to make unneeded, obsolete, or 572
unfit-for-use township property available to these organizations. 573
The resolution shall include guidelines and procedures the board 574
considers to be necessary to implement the donation program and 575
shall indicate whether the township will conduct the donation 576
program or the board will contract with a representative to 577

conduct it. If a representative is known when the resolution is 578
adopted, the resolution shall provide contact information such as 579
the representative's name, address, and telephone number. 580

The resolution shall include within its procedures a 581
requirement that any nonprofit organization desiring to obtain 582
donated property under this division shall submit a written notice 583
to the board or its representative. The written notice shall 584
include evidence that the organization is a nonprofit organization 585
that is located in this state and is exempt from federal income 586
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 587
the organization's primary purpose; a description of the type or 588
types of property the organization needs; and the name, address, 589
and telephone number of a person designated by the organization's 590
governing board to receive donated property and to serve as its 591
agent. 592

After adoption of the resolution, the board shall publish, in 593
a newspaper of general circulation in the township, notice of its 594
intent to donate unneeded, obsolete, or unfit-for-use township 595
property to eligible nonprofit organizations. The notice shall 596
include a summary of the information provided in the resolution 597
and shall be published at least twice. ~~The second and any~~ 598
~~subsequent notice shall be published not less than ten nor more~~ 599
~~than twenty days after the previous notice.~~ A similar notice also 600
shall be posted continually in the board's office, ~~and, if the~~ 601
~~township maintains a web site on the internet, the notice shall be~~ 602
~~posted continually at that web site.~~ The board may also cause 603
notice to be inserted in trade papers or other publications 604
designated by it or to be distributed by electronic means, 605
including posting the notice on the board's internet web site. If 606
the board posts the notice on its web site, it may eliminate the 607
second notice otherwise required to be published in a newspaper of 608
general circulation in the township, provided that the first 609

notice published in such newspaper meets all of the following 610
requirements: 611

(a) It is published at least two weeks before the donation of 612
the property. 613

(b) It includes a statement that the notice is posted on the 614
board's internet web site. 615

(c) It includes the internet address of the board's internet 616
web site. 617

(d) It includes instructions describing how the notice may be 618
accessed on the board's internet web site. 619

The board or its representatives shall maintain a list of all 620
nonprofit organizations that notify the board or its 621
representative of their desire to obtain donated property under 622
this division and that the board or its representative determines 623
to be eligible, in accordance with the requirements set forth in 624
this section and in the donation program's guidelines and 625
procedures, to receive donated property. 626

The board or its representative also shall maintain a list of 627
all township property the board finds to be unneeded, obsolete, or 628
unfit for use and to be available for donation under this 629
division. The list shall be posted continually in a conspicuous 630
location in the board's office, and, if the township maintains a 631
web site on the internet, the list shall be posted continually at 632
that web site. An item of property on the list shall be donated to 633
the eligible nonprofit organization that first declares to the 634
board or its representative its desire to obtain the item unless 635
the board previously has established, by resolution, a list of 636
eligible nonprofit organizations that shall be given priority with 637
respect to the item's donation. Priority may be given on the basis 638
that the purposes of a nonprofit organization have a direct 639
relationship to specific public purposes of programs provided or 640

administered by the board. A resolution giving priority to certain 641
nonprofit organizations with respect to the donation of an item of 642
property shall specify the reasons why the organizations are given 643
that priority. 644

(3) If the board finds, by resolution, that the township has 645
motor vehicles, road machinery, equipment, or tools which are not 646
needed or are unfit for public use, and the board wishes to sell 647
the motor vehicles, road machinery, equipment, or tools to the 648
person or firm from which it proposes to purchase other motor 649
vehicles, road machinery, equipment, or tools, the board may offer 650
to sell the motor vehicles, road machinery, equipment, or tools to 651
that person or firm, and to have the selling price credited to the 652
person or firm against the purchase price of other motor vehicles, 653
road machinery, equipment, or tools. 654

(4) If the board advertises for bids for the sale of new 655
motor vehicles, road machinery, equipment, or tools to the 656
township, it may include in the same advertisement a notice of the 657
willingness of the board to accept bids for the purchase of 658
township-owned motor vehicles, road machinery, equipment, or tools 659
which are obsolete or not needed for public use, and to have the 660
amount of those bids subtracted from the selling price of the new 661
motor vehicles, road machinery, equipment, or tools, as a means of 662
determining the lowest responsible bidder. 663

(5) When a township has title to real property, the board of 664
township trustees, by resolution, may authorize the transfer and 665
conveyance of that property to any other political subdivision of 666
the state upon such terms as are agreed to between the board and 667
the legislative authority of that political subdivision. 668

(6) When a township has title to real property and the board 669
of township trustees wishes to sell or otherwise transfer the 670
property, the board, upon a unanimous vote of its members and by 671
resolution, may authorize the transfer and conveyance of that real 672

property to any person upon whatever terms are agreed to between 673
the board and that person. 674

(7) If the board of township trustees determines that 675
township personal property is not needed for public use, or is 676
obsolete or unfit for the use for which it was acquired, and that 677
the property has no value, the board may discard or salvage that 678
property. 679

(B) When the board has offered property at public auction 680
under this section and has not received an acceptable offer, the 681
board, by resolution, may enter into a contract, without 682
advertising or bidding, for the sale of that property. The 683
resolution shall specify a minimum acceptable price and the 684
minimum acceptable terms for the contract. The minimum acceptable 685
price shall not be lower than the minimum price established for 686
the public auction. 687

(C) Members of the board shall consult with the Ohio ethics 688
commission and comply with the provisions of Chapters 102. and 689
2921. of the Revised Code, with respect to any sale or donation 690
under division (A)(2) of this section to a nonprofit organization 691
of which a township trustee, any member of the township trustee's 692
family, or any business associate of the township trustee is a 693
trustee, officer, board member, or employee. 694

(D) Notwithstanding anything to the contrary in division (A) 695
or (B) of this section and regardless of the property's value, the 696
board may sell personal property, including motor vehicles, road 697
machinery, equipment, tools, or supplies, which is not needed for 698
public use, is obsolete, or is unfit for the use for which it was 699
acquired, by internet auction. The board shall adopt, during each 700
calendar year, a resolution expressing its intent to sell that 701
property by internet auction. The resolution shall include a 702
description of how the auctions will be conducted and shall 703
specify the number of days for bidding on the property, which 704

shall be no less than fifteen days, including Saturdays, Sundays, 705
and legal holidays. The resolution shall indicate whether the 706
township will conduct the auction or the board will contract with 707
a representative to conduct the auction and shall establish the 708
general terms and conditions of sale. If a representative is known 709
when the resolution is adopted, the resolution shall provide 710
contact information such as the representative's name, address, 711
and telephone number. 712

After adoption of the resolution, the board shall publish, in 713
a newspaper of general circulation in the township, notice of its 714
intent to sell unneeded, obsolete, or unfit-for-use township 715
personal property by internet auction. The notice shall include a 716
summary of the information provided in the resolution and shall be 717
published at least twice. ~~The second and any subsequent notice~~ 718
~~shall be published not less than ten nor more than twenty days~~ 719
~~after the previous notice.~~ A similar notice also shall be posted 720
continually throughout the calendar year in a conspicuous place in 721
the board's office, ~~and, if the township maintains a web site on~~ 722
~~the internet, the notice shall be posted continually throughout~~ 723
~~the calendar year at that web site.~~ The board may also cause 724
notice to be inserted in trade papers or other publications 725
designated by it or to be distributed by electronic means, 726
including posting the notice on the board's internet web site. If 727
the board posts the notice on its web site, it may eliminate the 728
second notice otherwise required to be published in a newspaper of 729
general circulation in the township, provided that the first 730
notice published in such newspaper meets all of the following 731
requirements: 732

(a) It is published at least two weeks before the internet 733
auction begins. 734

(b) It includes a statement that the notice is posted on the 735
board's internet web site. 736

(c) It includes the internet address of the board's internet 737
web site. 738

(d) It includes instructions describing how the notice may be 739
accessed on the board's internet web site. 740

When property is to be sold by internet auction, the board or 741
its representative may establish a minimum price that will be 742
accepted for specific items and may establish any other terms and 743
conditions for the particular sale, including requirements for 744
pick-up or delivery, method of payment, and sales tax. This type 745
of information shall be provided on the internet at the time of 746
the auction and may be provided before that time upon request 747
after the terms and conditions have been determined by the board 748
or its representative. 749

Sec. 505.37. (A) The board of township trustees may establish 750
all necessary rules to guard against the occurrence of fires and 751
to protect the property and lives of the citizens against damage 752
and accidents, and may, with the approval of the specifications by 753
the prosecuting attorney or, if the township has adopted limited 754
home rule government under Chapter 504. of the Revised Code, with 755
the approval of the specifications by the township's law director, 756
purchase, lease, lease with an option to purchase, or otherwise 757
provide any fire apparatus, mechanical resuscitators, or other 758
equipment, appliances, materials, fire hydrants, and water supply 759
for fire-fighting purposes that seems advisable to the board. The 760
board shall provide for the care and maintenance of fire 761
equipment, and, for these purposes, may purchase, lease, lease 762
with an option to purchase, or construct and maintain necessary 763
buildings, and it may establish and maintain lines of fire-alarm 764
communications within the limits of the township. The board may 765
employ one or more persons to maintain and operate fire-fighting 766
equipment, or it may enter into an agreement with a volunteer fire 767

company for the use and operation of fire-fighting equipment. The 768
board may compensate the members of a volunteer fire company on 769
any basis and in any amount that it considers equitable. 770

771

When the estimated cost to purchase fire apparatus, 772
mechanical resuscitators, other equipment, appliances, materials, 773
fire hydrants, buildings, or fire-alarm communications equipment 774
or services exceeds fifty thousand dollars, the contract shall be 775
let by competitive bidding. When competitive bidding is required, 776
the board shall advertise once a week for not less than two ~~not~~ 777
~~more than four~~ consecutive weeks in a newspaper of general 778
circulation within the township. The board may also cause notice 779
to be inserted in trade papers or other publications designated by 780
it or to be distributed by electronic means, including posting the 781
notice on the board's internet web site. If the board posts the 782
notice on its web site, it may eliminate the second notice 783
otherwise required to be published in a newspaper of general 784
circulation within the township, provided that the first notice 785
published in such newspaper meets all of the following 786
requirements: 787

(a) It is published at least two weeks before the opening of 788
bids. 789

(b) It includes a statement that the notice is posted on the 790
board's internet web site. 791

(c) It includes the internet address of the board's internet 792
web site. 793

(d) It includes instructions describing how the notice may be 794
accessed on the board's internet web site. 795

The advertisement shall include the time, date, and place 796
where the clerk of the township, or the clerk's designee, will 797
read bids publicly. The time, date, and place of bid openings may 798

be extended to a later date by the board of township trustees, 799
provided that written or oral notice of the change shall be given 800
to all persons who have received or requested specifications not 801
later than ninety-six hours prior to the original time and date 802
fixed for the opening. The board may reject all the bids or accept 803
the lowest and best bid, provided that the successful bidder meets 804
the requirements of section 153.54 of the Revised Code when the 805
contract is for the construction, demolition, alteration, repair, 806
or reconstruction of an improvement. 807

(B) The boards of township trustees of any two or more 808
townships, or the legislative authorities of any two or more 809
political subdivisions, or any combination of these, may, through 810
joint action, unite in the joint purchase, lease, lease with an 811
option to purchase, maintenance, use, and operation of 812
fire-fighting equipment, or for any other purpose designated in 813
sections 505.37 to 505.42 of the Revised Code, and may prorate the 814
expense of the joint action on any terms that are mutually agreed 815
upon. 816

(C) The board of township trustees of any township may, by 817
resolution, whenever it is expedient and necessary to guard 818
against the occurrence of fires or to protect the property and 819
lives of the citizens against damages resulting from their 820
occurrence, create a fire district of any portions of the township 821
that it considers necessary. The board may purchase, lease, lease 822
with an option to purchase, or otherwise provide any fire 823
apparatus, appliances, materials, fire hydrants, and water supply 824
for fire-fighting purposes, or may contract for the fire 825
protection for the fire district as provided in section 9.60 of 826
the Revised Code. The fire district so created shall be given a 827
separate name by which it shall be known. 828

Additional unincorporated territory of the township may be 829
added to a fire district upon the board's adoption of a resolution 830

authorizing the addition. A municipal corporation that is within 831
or adjoining the township may be added to a fire district upon the 832
board's adoption of a resolution authorizing the addition and the 833
municipal legislative authority's adoption of a resolution or 834
ordinance requesting the addition of the municipal corporation to 835
the fire district. 836

If the township fire district imposes a tax, additional 837
unincorporated territory of the township or a municipal 838
corporation that is within or adjoining the township shall become 839
part of the fire district only after all of the following have 840
occurred: 841

(1) Adoption by the board of township trustees of a 842
resolution approving the expansion of the territorial limits of 843
the district and, if the resolution proposes to add a municipal 844
corporation, adoption by the municipal legislative authority of a 845
resolution or ordinance requesting the addition of the municipal 846
corporation to the district; 847

(2) Adoption by the board of township trustees of a 848
resolution recommending the extension of the tax to the additional 849
territory; 850

(3) Approval of the tax by the electors of the territory 851
proposed for addition to the district. 852

Each resolution of the board adopted under division (C)(2) of 853
this section shall state the name of the fire district, a 854
description of the territory to be added, and the rate and 855
termination date of the tax, which shall be the rate and 856
termination date of the tax currently in effect in the fire 857
district. 858

The board of trustees shall certify each resolution adopted 859
under division (C)(2) of this section to the board of elections in 860
accordance with section 5705.19 of the Revised Code. The election 861

required under division (C)(3) of this section shall be held, 862
canvassed, and certified in the manner provided for the submission 863
of tax levies under section 5705.25 of the Revised Code, except 864
that the question appearing on the ballot shall read: 865

"Shall the territory within 866
(description of the proposed territory to be added) be added to 867
..... (name) fire district, and a property tax 868
at a rate of taxation not exceeding (here insert tax rate) 869
be in effect for (here insert the number of years the 870
tax is to be in effect or "a continuing period of time," as 871
applicable)?" 872

If the question is approved by at least a majority of the 873
electors voting on it, the joinder shall be effective as of the 874
first day of July of the year following approval, and on that 875
date, the township fire district tax shall be extended to the 876
taxable property within the territory that has been added. If the 877
territory that has been added is a municipal corporation and if it 878
had adopted a tax levy for fire purposes, the levy is terminated 879
on the effective date of the joinder. 880

Any municipal corporation may withdraw from a township fire 881
district created under division (C) of this section by the 882
adoption by the municipal legislative authority of a resolution or 883
ordinance ordering withdrawal. On the first day of July of the 884
year following the adoption of the resolution or ordinance of 885
withdrawal, the municipal corporation withdrawing ceases to be a 886
part of the district, and the power of the fire district to levy a 887
tax upon taxable property in the withdrawing municipal corporation 888
terminates, except that the fire district shall continue to levy 889
and collect taxes for the payment of indebtedness within the 890
territory of the fire district as it was composed at the time the 891
indebtedness was incurred. 892

Upon the withdrawal of any municipal corporation from a 893

township fire district created under division (C) of this section, 894
the county auditor shall ascertain, apportion, and order a 895
division of the funds on hand, moneys and taxes in the process of 896
collection except for taxes levied for the payment of 897
indebtedness, credits, and real and personal property, either in 898
money or in kind, on the basis of the valuation of the respective 899
tax duplicates of the withdrawing municipal corporation and the 900
remaining territory of the fire district. 901

A board of township trustees may remove unincorporated 902
territory of the township from the fire district upon the adoption 903
of a resolution authorizing the removal. On the first day of July 904
of the year following the adoption of the resolution, the 905
unincorporated township territory described in the resolution 906
ceases to be a part of the district, and the power of the fire 907
district to levy a tax upon taxable property in that territory 908
terminates, except that the fire district shall continue to levy 909
and collect taxes for the payment of indebtedness within the 910
territory of the fire district as it was composed at the time the 911
indebtedness was incurred. 912

(D) The board of township trustees of any township, the board 913
of fire district trustees of a fire district created under section 914
505.371 of the Revised Code, or the legislative authority of any 915
municipal corporation may purchase, lease, or lease with an option 916
to purchase the necessary fire-fighting equipment, buildings, and 917
sites for the township, fire district, or municipal corporation 918
and issue securities for that purpose with maximum maturities as 919
provided in section 133.20 of the Revised Code. The board of 920
township trustees, board of fire district trustees, or legislative 921
authority may also construct any buildings necessary to house 922
fire-fighting equipment and issue securities for that purpose with 923
maximum maturities as provided in section 133.20 of the Revised 924
Code. 925

The board of township trustees, board of fire district trustees, or legislative authority may issue the securities of the township, fire district, or municipal corporation, signed by the board or designated officer of the municipal corporation and attested by the signature of the township fiscal officer, fire district clerk, or municipal clerk, covering any deferred payments and payable at the times provided, which securities shall bear interest not to exceed the rate determined as provided in section 9.95 of the Revised Code, and shall not be subject to Chapter 133. of the Revised Code. The legislation authorizing the issuance of the securities shall provide for levying and collecting annually by taxation, amounts sufficient to pay the interest on and principal of the securities. The securities shall be offered for sale on the open market or given to the vendor or contractor if no sale is made.

Section 505.40 of the Revised Code does not apply to any securities issued, or any lease with an option to purchase entered into, in accordance with this division.

(E) A board of township trustees of any township or a board of fire district trustees of a fire district created under section 505.371 of the Revised Code may purchase a policy or policies of liability insurance for the officers, employees, and appointees of the fire department, fire district, or joint fire district governed by the board that includes personal injury liability coverage as to the civil liability of those officers, employees, and appointees for false arrest, detention, or imprisonment, malicious prosecution, libel, slander, defamation or other violation of the right of privacy, wrongful entry or eviction, or other invasion of the right of private occupancy, arising out of the performance of their duties.

When a board of township trustees cannot, by deed of gift or by purchase and upon terms it considers reasonable, procure land

for a township fire station that is needed in order to respond in 958
reasonable time to a fire or medical emergency, the board may 959
appropriate land for that purpose under sections 163.01 to 163.22 960
of the Revised Code. If it is necessary to acquire additional 961
adjacent land for enlarging or improving the fire station, the 962
board may purchase, appropriate, or accept a deed of gift for the 963
land for these purposes. 964

(F) As used in this division, "emergency medical service 965
organization" has the same meaning as in section 4766.01 of the 966
Revised Code. 967

A board of township trustees, by adoption of an appropriate 968
resolution, may choose to have the Ohio medical transportation 969
board license any emergency medical service organization it 970
operates. If the board adopts such a resolution, Chapter 4766. of 971
the Revised Code, except for sections 4766.06 and 4766.99 of the 972
Revised Code, applies to the organization. All rules adopted under 973
the applicable sections of that chapter also apply to the 974
organization. A board of township trustees, by adoption of an 975
appropriate resolution, may remove its emergency medical service 976
organization from the jurisdiction of the Ohio medical 977
transportation board. 978

Sec. 505.376. When any expenditure of a fire and ambulance 979
district, other than for the compensation of district employees, 980
exceeds fifty thousand dollars, the contract for the expenditure 981
shall be in writing and made with the lowest and best bidder after 982
advertising once a week for not less than two ~~nor more than four~~ 983
consecutive weeks in a newspaper of general circulation within the 984
district. The board of trustees of a fire and ambulance district 985
may also cause notice to be inserted in trade papers or other 986
publications designated by it or to be distributed by electronic 987
means, including posting the notice on the board's internet web 988

site. If the board posts the notice on its web site, it may 989
eliminate the second notice otherwise required to be published in 990
a newspaper of general circulation within the district, provided 991
that the first notice published in such newspaper meets all of the 992
following requirements: 993

(a) It is published at least two weeks before the opening of 994
bids. 995

(b) It includes a statement that the notice is posted on the 996
board's internet web site. 997

(c) It includes the internet address of the board's internet 998
web site. 999

(d) It includes instructions describing how the notice may be 1000
accessed on the board's internet web site. 1001

The bids shall be opened and shall be publicly read by the 1002
clerk of the district, or the clerk's designee, at the time, date, 1003
and place specified in the advertisement to bidders or the 1004
specifications. The time, date, and place of bid openings may be 1005
extended to a later date by the board of trustees of the district, 1006
provided that written or oral notice of the change shall be given 1007
to all persons who have received or requested specifications no 1008
later than ninety-six hours prior to the original time and date 1009
fixed for the opening. 1010

Each bid on any contract shall contain the full name of every 1011
person interested in the bid. If the bid is for a contract for the 1012
construction, demolition, alteration, repair, or reconstruction of 1013
an improvement, it shall meet the requirements of section 153.54 1014
of the Revised Code. If the bid is for any other contract, it 1015
shall be accompanied by a sufficient bond or certified check, 1016
cashier's check, or money order on a solvent bank or savings and 1017
loan association that, if the bid is accepted, a contract will be 1018
entered into and the performance of it will be properly secured. 1019

If the bid for work embraces both labor and material, it shall be 1020
separately stated, with the price of the labor and the material. 1021
The board may reject any and all bids. The contract shall be 1022
between the district and the bidder, and the district shall pay 1023
the contract price in cash. When a bonus is offered for completion 1024
of a contract prior to a specified date, the board may exact a 1025
prorated penalty in like sum for each day of delay beyond the 1026
specified date. When there is reason to believe there is collusion 1027
or combination among bidders, the bids of those concerned shall be 1028
rejected. 1029

Sec. 511.12. The board of township trustees may prepare plans 1030
and specifications and make contracts for the construction and 1031
erection of a memorial building, monument, statue, or memorial, 1032
for the purposes specified and within the amount authorized by 1033
section 511.08 of the Revised Code. If the total estimated cost of 1034
the construction and erection exceeds twenty-five thousand 1035
dollars, the contract shall be let by competitive bidding. If the 1036
estimated cost is twenty-five thousand dollars or less, 1037
competitive bidding may be required at the board's discretion. In 1038
making contracts under this section, the board shall be governed 1039
as follows: 1040

(A) Contracts for construction when competitive bidding is 1041
required shall be based upon detailed plans, specifications, forms 1042
of bids, and estimates of cost, adopted by the board. 1043

(B) Contracts shall be made in writing upon concurrence of a 1044
majority of the members of the board, and shall be signed by at 1045
least two of the members and by the contractor. If competitive 1046
bidding is required, no contract shall be made or signed until an 1047
advertisement has been placed in ~~two newspapers~~ a newspaper, 1048
published or of general circulation in the township, ~~for a period~~ 1049
~~of thirty days~~ at least twice. The board may also cause notice to 1050

be inserted in trade papers or other publications designated by it 1051
or to be distributed by electronic means, including posting the 1052
notice on the board's internet web site. If the board posts the 1053
notice on its web site, it may eliminate the second notice 1054
otherwise required to be published in a newspaper published or of 1055
general circulation in the township, provided that the first 1056
notice published in such newspaper meets all of the following 1057
requirements: 1058

(a) It is published at least two weeks before the opening of 1059
bids. 1060

(b) It includes a statement that the notice is posted on the 1061
board's internet web site. 1062

(c) It includes the internet address of the board's internet 1063
web site. 1064

(d) It includes instructions describing how the notice may be 1065
accessed on the board's internet web site. 1066

(C) No contract shall be let by competitive bidding except to 1067
the lowest and best bidder, who shall meet the requirements of 1068
section 153.54 of the Revised Code. 1069

(D) When, in the opinion of the board, it becomes necessary 1070
in the prosecution of such work to make alterations or 1071
modifications in any contract, the alterations or modifications 1072
shall be made only by order of the board, and that order shall be 1073
of no effect until the price to be paid for the work or materials 1074
under the altered or modified contract has been agreed upon in 1075
writing and signed by the contractor and at least two members of 1076
the board. 1077

(E) No contract or alteration or modification of it shall be 1078
valid unless made in the manner provided in this section. 1079

Sec. 515.01. The board of township trustees may provide 1080

artificial lights for any road, highway, public place, or building 1081
under its supervision or control, or for any territory within the 1082
township and outside the boundaries of any municipal corporation, 1083
when the board determines that the public safety or welfare 1084
requires that the road, highway, public place, building, or 1085
territory shall be lighted. The lighting may be procured either by 1086
the township installing a lighting system or by contracting with 1087
any person or corporation to furnish lights. 1088

If lights are furnished under contract, the contract may 1089
provide that the equipment employed may be owned by the township 1090
or by the person or corporation supplying the lights. 1091

If the board determines to procure lighting by contract and 1092
the total estimated cost of the contract exceeds twenty-five 1093
thousand dollars, the board shall prepare plans and specifications 1094
for the lighting equipment and shall, for two weeks, advertise for 1095
bids for furnishing the lighting equipment, either by posting the 1096
advertisement in three conspicuous places in the township or by 1097
publication of the advertisement once a week, for two consecutive 1098
weeks, in a newspaper of general circulation in the township. Any 1099
such contract for lighting shall be made with the lowest and best 1100
bidder. 1101

The board may also cause notice to be inserted in trade 1102
papers or other publications designated by it or to be distributed 1103
by electronic means, including posting the notice on the board's 1104
internet web site. If the board posts the notice on its web site, 1105
it may eliminate the second notice otherwise required to be 1106
published in a newspaper of general circulation in the township, 1107
provided that the first notice published in such newspaper meets 1108
all of the following requirements: 1109

(a) It is published at least two weeks before the opening of 1110
bids. 1111

(b) It includes a statement that the notice is posted on the 1112
board's internet web site. 1113

(c) It includes the internet address of the board's internet 1114
web site. 1115

(d) It includes instructions describing how the notice may be 1116
accessed on the board's internet web site. 1117

No lighting contract awarded by the board shall be made to 1118
cover a period of more than twenty years. The cost of installing 1119
and operating any lighting system or any light furnished under 1120
contract shall be paid from the general fund of the township 1121
treasury. 1122

Sec. 731.14. All contracts made by the legislative authority 1123
of a village shall be executed in the name of the village and 1124
signed on its behalf by the mayor and clerk. Except where the 1125
contract is for equipment, services, materials, or supplies to be 1126
purchased under division (D) of section 713.23 or section 125.04 1127
or 5513.01 of the Revised Code, available from a qualified 1128
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 1129
Revised Code, or required to be purchased from a qualified 1130
nonprofit agency under sections 125.60 to 125.6012 of the Revised 1131
Code, when any expenditure, other than the compensation of persons 1132
employed in the village, exceeds twenty-five thousand dollars, 1133
such contracts shall be in writing and made with the lowest and 1134
best bidder after advertising once a week for not less than two 1135
~~nor more than four~~ consecutive weeks in a newspaper of general 1136
circulation within the village. The legislative authority may also 1137
cause notice to be inserted in trade papers or other publications 1138
designated by it or to be distributed by electronic means, 1139
including posting the notice on the legislative authority's 1140
internet web site. If the legislative authority posts the notice 1141
on its web site, it may eliminate the second notice otherwise 1142

required to be published in a newspaper of general circulation 1143
within the village, provided that the first notice published in 1144
such newspaper meets all of the following requirements: 1145

(a) It is published at least two weeks before the opening of 1146
bids. 1147

(b) It includes a statement that the notice is posted on the 1148
legislative authority's internet web site. 1149

(c) It includes the internet address of the legislative 1150
authority's internet web site. 1151

(d) It includes instructions describing how the notice may be 1152
accessed on the legislative authority's internet web site. 1153

The bids shall be opened and shall be publicly read by the 1154
clerk of the village or a person designated by the clerk at the 1155
time, date, and place specified in the advertisement to bidders or 1156
specifications. The time, date, and place of bid openings may be 1157
extended to a later date by the legislative authority of the 1158
village, provided that written or oral notice of the change shall 1159
be given to all persons who have received or requested 1160
specifications no later than ninety-six hours prior to the 1161
original time and date fixed for the opening. This section does 1162
not apply to those villages that have provided for the appointment 1163
of a village administrator under section 735.271 of the Revised 1164
Code. 1165

Sec. 971.07. (A) If either ~~person~~ owner fails to build or 1166
maintain in good repair the portion of a partition fence assigned 1167
to ~~him~~ the owner under section 971.04 of the Revised Code, the 1168
board of township trustees, upon the application of the aggrieved 1169
~~person~~ owner, shall award the contract to the lowest responsible 1170
bidder agreeing to furnish the labor and material, and build such 1171
fence according to the specifications proposed by the board, after 1172

advertising for bids once a week for ~~three~~ two consecutive weeks 1173
in a newspaper of general circulation in the county in which the 1174
township is situated. 1175

The board may also cause notice to be inserted in trade 1176
papers or other publications designated by it or to be distributed 1177
by electronic means, including posting the notice on the board's 1178
internet web site. If the board posts the notice on its web site, 1179
it may eliminate the second notice otherwise required to be 1180
published in a newspaper of general circulation in the county, 1181
provided that the first notice published in such newspaper meets 1182
all of the following requirements: 1183

(a) It is published at least two weeks before the opening of 1184
bids. 1185

(b) It includes a statement that the notice is posted on the 1186
board's internet web site. 1187

(c) It includes the internet address of the board's internet 1188
web site. 1189

(d) It includes instructions describing how the notice may be 1190
accessed on the board's internet web site. 1191

(B) If no bids are received from responsible bidders as 1192
provided in this section, the trustees shall procure labor and 1193
materials at prevailing rates and cause such fence to be 1194
constructed. 1195

(C) No person shall obstruct or interfere with anyone 1196
lawfully engaged in construction of a partition fence or in the 1197
performance of any other act described in this section. 1198

Sec. 3313.46. (A) In addition to any other law governing the 1199
bidding for contracts by the board of education of any school 1200
district, when any such board determines to build, repair, 1201
enlarge, improve, or demolish any school building, the cost of 1202

which will exceed twenty-five thousand dollars, except in cases of 1203
urgent necessity, or for the security and protection of school 1204
property, and except as otherwise provided in division (D) of 1205
section 713.23 and in section 125.04 of the Revised Code, all of 1206
the following shall apply: 1207

(1) The board shall cause to be prepared the plans, 1208
specifications, and related information as required in divisions 1209
(A), (B), and (D) of section 153.01 of the Revised Code unless the 1210
board determines that other information is sufficient to inform 1211
any bidders of the board's requirements. However, if the board 1212
determines that such other information is sufficient for bidding a 1213
project, the board shall not engage in the construction of any 1214
such project involving the practice of professional engineering, 1215
professional surveying, or architecture, for which plans, 1216
specifications, and estimates have not been made by, and the 1217
construction thereof inspected by, a licensed professional 1218
engineer, licensed professional surveyor, or registered architect. 1219

(2) The board shall advertise for bids once each week for a 1220
period of ~~at least~~ not less than two consecutive weeks in a 1221
newspaper of general circulation in the district ~~prior to~~ before 1222
the date specified by the board for receiving bids. The board may 1223
also cause notice to be inserted in trade papers or other 1224
publications designated by it or to be distributed by electronic 1225
means, including posting the notice on the board's internet web 1226
site. If the board posts the notice on its web site, it may 1227
eliminate the second notice otherwise required to be published in 1228
a newspaper of general circulation within the school district, 1229
provided that the first notice published in such newspaper meets 1230
all of the following requirements: 1231

(a) It is published at least two weeks before the opening of 1232
bids. 1233

(b) It includes a statement that the notice is posted on the 1234

board of education's internet web site. 1235

(c) It includes the internet address of the board's internet 1236
web site. 1237

(d) It includes instructions describing how the notice may be 1238
accessed on the board's internet web site. 1239

(3) Unless the board extends the time for the opening of bids 1240
they shall be opened at the time and place specified by the board 1241
in the advertisement for the bids. 1242

(4) Each bid shall contain the name of every person 1243
interested therein. Each bid shall meet the requirements of 1244
section 153.54 of the Revised Code. 1245

(5) When both labor and materials are embraced in the work 1246
bid for, the board may require that each be separately stated in 1247
the bid, with the price thereof, or may require that bids be 1248
submitted without such separation. 1249

(6) None but the lowest responsible bid shall be accepted. 1250
The board may reject all the bids, or accept any bid for both 1251
labor and material for such improvement or repair, which is the 1252
lowest in the aggregate. In all other respects, the award of 1253
contracts for improvement or repair, but not for purchases made 1254
under section 3327.08 of the Revised Code, shall be pursuant to 1255
section 153.12 of the Revised Code. 1256

(7) The contract shall be between the board and the bidders. 1257
The board shall pay the contract price for the work pursuant to 1258
sections 153.13 and 153.14 of the Revised Code. The board shall 1259
approve and retain the estimates referred to in section 153.13 of 1260
the Revised Code and make them available to the auditor of state 1261
upon request. 1262

(8) When two or more bids are equal, in the whole, or in any 1263
part thereof, and are lower than any others, either may be 1264

accepted, but in no case shall the work be divided between such 1265
bidders. 1266

(9) When there is reason to believe there is collusion or 1267
combination among the bidders, or any number of them, the bids of 1268
those concerned therein shall be rejected. 1269

(B) Division (A) of this section does not apply to the board 1270
of education of any school district in any of the following 1271
situations: 1272

(1) The acquisition of educational materials used in 1273
teaching. 1274

(2) If the board determines and declares by resolution 1275
adopted by two-thirds of all its members that any item is 1276
available and can be acquired only from a single source. 1277

(3) If the board declares by resolution adopted by two-thirds 1278
of all its members that division (A) of this section does not 1279
apply to any installation, modification, or remodeling involved in 1280
any energy conservation measure undertaken through an installment 1281
payment contract under section 3313.372 of the Revised Code or 1282
undertaken pursuant to division (G) of section 133.06 of the 1283
Revised Code. 1284

(4) The acquisition of computer software for instructional 1285
purposes and computer hardware for instructional purposes pursuant 1286
to division (B)(4) of section 3313.37 of the Revised Code. 1287

(C) No resolution adopted pursuant to division (B)(2) or (3) 1288
of this section shall have any effect on whether sections 153.12 1289
to 153.14 and 153.54 of the Revised Code apply to the board of 1290
education of any school district with regard to any item. 1291

Section 2. That existing sections 9.48, 125.04, 307.86, 1292
505.10, 505.37, 505.376, 511.12, 515.01, 731.14, 971.07, and 1293
3313.46 of the Revised Code are hereby repealed. 1294

Section 3. Section 505.10 of the Revised Code is presented in 1295
this act as a composite of the section as amended by both Sub. 1296
H.B. 204 and Sub. H.B. 323 of the 125th General Assembly. The 1297
General Assembly, applying the principle stated in division (B) of 1298
section 1.52 of the Revised Code that amendments are to be 1299
harmonized if reasonably capable of simultaneous operation, finds 1300
that the composite is the resulting version of the section in 1301
effect prior to the effective date of the section as presented in 1302
this act. 1303