

As Introduced

**127th General Assembly
Regular Session
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S. B. No. 67

Senator Miller, R.

Cosponsor: Senator Smith

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A B I L L

To amend sections 125.09 and 125.56 of the Revised 1
Code to further implement the Buy Ohio program by 2
requiring the Director of Administrative Services 3
to adopt certain rules and to declare the General 4
Assembly's intention to encourage certain bidders 5
to fully implement equal employment opportunity 6
and minority business laws and to report this 7
implementation. 8

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

Section 1. That sections 125.09 and 125.56 of the Revised 9
Code be amended to read as follows: 10

Sec. 125.09. (A) Pursuant to section 125.07 of the Revised 11
Code, the department of administrative services may prescribe such 12
conditions under which competitive sealed bids will be received 13
and terms of the proposed purchase as it considers necessary; 14
provided, that all such conditions and terms shall be reasonable 15
and shall not unreasonably restrict competition, and bidders may 16
bid upon all or any item of the supplies or services listed in 17
such notice. Those bidders claiming the preference for United 18
States and Ohio products outlined in this chapter shall designate 19

in their bids either that the product to be supplied is an Ohio product or that under the rules established by the director of administrative services they qualify as having a significant Ohio economic presence.

(B) The department may require that each bidder provide sufficient information about the energy efficiency or energy usage of the bidder's product or service.

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

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

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

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

(4) Criteria and procedures to be used by the director to qualify bidders located in states bordering Ohio who might otherwise be excluded from being awarded a contract by operation of this section and section 125.11 of the Revised Code. The criteria and procedures shall recognize the level and regularity of interstate commerce between Ohio and the border states and provide that the non-Ohio businesses may qualify for award of a contract as long as they are located in a state that imposes no greater restrictions than are contained in this section and section 125.11 of the Revised Code upon persons located in Ohio selling products or services to agencies of that state. The

criteria and procedures shall also provide that a non-Ohio 51
business shall not bid on a contract for state printing in this 52
state if the business is located in a state that excludes Ohio 53
businesses from bidding on state printing contracts in that state. 54

(5) Criteria and procedures to be used to qualify bidders 55
whose manufactured products, except for mined products, are 56
produced in other states or in North America, but the bidders have 57
a significant Ohio economic presence in terms of the number of 58
employees or capital investment a bidder has in this state. 59
Bidders with a significant Ohio economic presence shall qualify 60
for award of a contract on the same basis as if their products 61
were produced in this state. 62

(6) Criteria and procedures for the director to grant waivers 63
of the requirements of division (B) of section 125.11 of the 64
Revised Code on a contract-by-contract basis where compliance with 65
those requirements would result in the state agency paying an 66
excessive price for the product or acquiring a disproportionately 67
inferior product; 68

(7) Such other requirements or procedures reasonably 69
necessary to implement the system of preferences established 70
pursuant to division (B) of section 125.11 of the Revised Code. 71

(D) In adopting the rules required under this division (C) of 72
this section, the director shall, to do all of the following: 73

(1) To the maximum extent possible, conform to the 74
requirements of the federal "Buy America Act," 47 Stat. 1520, 75
(1933), 41 U.S.C.A. 10a-10d, as amended, and to the regulations 76
adopted thereunder; 77

(2) Stipulate that a price for Ohio products or services 78
contained in a bid is not an excessive price unless the Ohio bid 79
price exceeds by more than ten per cent the lowest bid price 80
submitted for non-Ohio products or services; 81

(3) Increase the amount of points awarded to an Ohio bid by 82
fifty per cent when the director uses a point system to grade 83
bids. 84

Sec. 125.56. (A) Except as provided in division (B) of this 85
section, all printing under sections 125.43 to 125.76 of the 86
Revised Code, shall be executed pursuant to section 125.11 of the 87
Revised Code. 88

(B) Division (A) of this section does not apply to printing 89
contracts requiring special, security paper of a unique nature if 90
compliance with division (A) will result in an excessive price for 91
the product or acquiring a disproportionately inferior product. 92

(C) As used in this section, "excessive price" means a price 93
that exceeds by more than ~~five~~ ten per cent the lowest price 94
submitted on a non-Ohio bid. 95

Section 2. That existing sections 125.09 and 125.56 of the 96
Revised Code are hereby repealed. 97

Section 3. It is the intention of the General Assembly to 98
strongly encourage all bidders on personal service and 99
construction contracts to fully implement all equal employment 100
opportunity and minority business laws and to report this 101
implementation to all appropriate contracting authorities. 102