

As Introduced

**129th General Assembly
Regular Session
2011-2012**

H. B. No. 246

Representative Roegner

**Cosponsors: Representatives Blessing, Huffman, Thompson, Martin,
Derickson, Uecker, Adams, J., Sprague, Wachtmann, Young, Slaby,
Rosenberger, Hayes**

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A B I L L

To amend section 9.314 of the Revised Code to 1
authorize political subdivisions to purchase by 2
reverse auction certain services and supplies that 3
they are currently prohibited from purchasing by 4
reverse auction. 5

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

Section 1. That section 9.314 of the Revised Code be amended 6
to read as follows: 7

Sec. 9.314. (A) As used in this section: 8

(1) "Contracting authority" has the same meaning as in 9
section 307.92 of the Revised Code. 10

(2) "Political subdivision" means a municipal corporation, 11
township, county, school district, or other body corporate and 12
politic responsible for governmental activities only in geographic 13
areas smaller than that of the state and also includes a 14
contracting authority. 15

(3) "Reverse auction" means a purchasing process in which 16

offerors submit proposals in competing to sell services or 17
supplies in an open environment via the internet. 18

(4) "Services" means the furnishing of labor, time, or effort 19
by a person, not involving the delivery of a specific end product 20
other than a report which, if provided, is merely incidental to 21
the required performance. "Services" does not include services 22
furnished pursuant to employment agreements or collective 23
bargaining agreements. 24

(5) "Supplies" means all property, including, but not limited 25
to, equipment, materials, other tangible assets, and insurance, 26
but excluding real property or interests in real property. 27

(B)~~(1)~~ Whenever any political subdivision determines that the 28
use of a reverse auction is advantageous to the political 29
subdivision, the political subdivision, in accordance with this 30
section and rules the political subdivision shall adopt, may 31
purchase services or supplies by reverse auction. The services or 32
supplies purchased by reverse auction may include 33

~~(2) A political subdivision shall not purchase supplies or 34
services by reverse auction if the contract concerns the design, 35
construction, alteration, repair, reconstruction, or demolition of 36
a building, highway, road, street, alley, drainage system, water 37
system, waterworks, ditch, sewer, sewage disposal plant, or any 38
other structure or works of any kind. 39~~

(C) A political subdivision shall solicit proposals through a 40
request for proposals. The request for proposals shall state the 41
relative importance of price and other evaluation factors. The 42
political subdivision shall give notice of the request for 43
proposals in accordance with the rules it adopts. 44

(D) As provided in the request for proposals and in the rules 45
a political subdivision adopts, and to ensure full understanding 46
of and responsiveness to solicitation requirements, the political 47

subdivision may conduct discussions with responsible offerors who 48
submit proposals determined to be reasonably susceptible of being 49
selected for award. The political subdivision shall accord 50
offerors fair and equal treatment with respect to any opportunity 51
for discussion regarding any clarification, correction, or 52
revision of their proposals. 53

(E) A political subdivision may award a contract to the 54
offeror whose proposal the political subdivision determines to be 55
the most advantageous to the political subdivision, taking into 56
consideration factors such as price and the evaluation criteria 57
set forth in the request for proposals. The contract file shall 58
contain the basis on which the award is made. 59

(F) The rules that a political subdivision adopts under this 60
section may require the provision of a performance bond, or 61
another similar form of financial security, in the amount and in 62
the form specified in the rules. 63

(G) If a political subdivision is required by law to purchase 64
services or supplies by competitive sealed bidding or competitive 65
sealed proposals, a purchase made by reverse auction satisfies 66
that requirement. 67

Section 2. That existing section 9.314 of the Revised Code is 68
hereby repealed. 69