

As Introduced

**129th General Assembly
Regular Session
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H. B. No. 430

Representatives Boose, Hackett

**Cosponsors: Representatives Grossman, Brenner, Beck, Blessing,
Adams, J., Henne, Gardner, Uecker, Stebelton, McGregor, Combs, Blair, Hill,
Thompson**

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A B I L L

To amend sections 307.12, 307.86, 307.861, 307.88, 1
and 5705.41 and to enact section 307.863 of the 2
Revised Code to increase the county competitive 3
bidding and other procurement thresholds, to make 4
other changes to the county competitive bidding 5
law, and to eliminate the annual adoption of 6
certain resolutions. 7

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

Section 1. That sections 307.12, 307.86, 307.861, 307.88, and 8
5705.41 be amended and section 307.863 of the Revised Code be 9
enacted to read as follows: 10

Sec. 307.12. (A) Except as otherwise provided in divisions 11
(D), (E), and (G) of this section, when the board of county 12
commissioners finds, by resolution, that the county has personal 13
property, including motor vehicles acquired for the use of county 14
officers and departments, and road machinery, equipment, tools, or 15
supplies, that is not needed for public use, is obsolete, or is 16
unfit for the use for which it was acquired, and when the fair 17

market value of the property to be sold or donated under this 18
division is, in the opinion of the board, in excess of two 19
thousand five hundred dollars, the board may do either of the 20
following: 21

(1) Sell the property at public auction or by sealed bid to 22
the highest bidder. Notice of the time, place, and manner of the 23
sale shall be published in a newspaper of general circulation in 24
the county at least ten days prior to the sale, and a typewritten 25
or printed notice of the time, place, and manner of the sale shall 26
be posted at least ten days before the sale in the offices of the 27
county auditor and the board of county commissioners. 28

If a board conducts a sale of property by sealed bid, the 29
form of the bid shall be as prescribed by the board, and each bid 30
shall contain the name of the person submitting it. Bids received 31
shall be opened and tabulated at the time stated in the notice. 32
The property shall be sold to the highest bidder, except that the 33
board may reject all bids and hold another sale, by public auction 34
or sealed bid, in the manner prescribed by this section. 35

(2) Donate any motor vehicle that does not exceed four 36
thousand five hundred dollars in value to a nonprofit organization 37
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 38
and (c)(3) for the purpose of meeting the transportation needs of 39
participants in the Ohio works first program established under 40
Chapter 5107. of the Revised Code and participants in the 41
prevention, retention, and contingency program established under 42
Chapter 5108. of the Revised Code. 43

(B) When the board of county commissioners finds, by 44
resolution, that the county has personal property, including motor 45
vehicles acquired for the use of county officers and departments, 46
and road machinery, equipment, tools, or supplies, that is not 47
needed for public use, is obsolete, or is unfit for the use for 48
which it was acquired, and when the fair market value of the 49

property to be sold or donated under this division is, in the 50
opinion of the board, two thousand five hundred dollars or less, 51
the board may do either of the following: 52

(1) Sell the property by private sale, without advertisement 53
or public notification; 54

(2) Donate the property to an eligible nonprofit organization 55
that is located in this state and is exempt from federal income 56
taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating 57
any property under this division, the board shall adopt a 58
resolution expressing its intent to make unneeded, obsolete, or 59
unfit-for-use county personal property available to these 60
organizations. The resolution shall include guidelines and 61
procedures the board considers necessary to implement a donation 62
program under this division and shall indicate whether the county 63
will conduct the donation program or the board will contract with 64
a representative to conduct it. If a representative is known when 65
the resolution is adopted, the resolution shall provide contact 66
information such as the representative's name, address, and 67
telephone number. 68

The resolution shall include within its procedures a 69
requirement that any nonprofit organization desiring to obtain 70
donated property under this division shall submit a written notice 71
to the board or its representative. The written notice shall 72
include evidence that the organization is a nonprofit organization 73
that is located in this state and is exempt from federal income 74
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 75
the organization's primary purpose; a description of the type or 76
types of property the organization needs; and the name, address, 77
and telephone number of a person designated by the organization's 78
governing board to receive donated property and to serve as its 79
agent. 80

After adoption of the resolution, the board shall publish, in 81

a newspaper of general circulation in the county, notice of its intent to donate unneeded, obsolete, or unfit-for-use county personal property to eligible nonprofit organizations. The notice shall include a summary of the information provided in the resolution and shall be published twice or as provided in section 7.16 of the Revised Code. The second and any subsequent notice shall be published not less than ten nor more than twenty days after the previous notice. A similar notice also shall be posted continually in a conspicuous place in the offices of the county auditor and the board of county commissioners. If the county maintains a web site on the internet, the notice shall be posted continually at that web site.

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

The board or its representatives also shall maintain a list of all county personal property the board finds to be unneeded, obsolete, or unfit for use and to be available for donation under this division. The list shall be posted continually in a conspicuous location in the offices of the county auditor and the board of county commissioners, and, if the county maintains a web site on the internet, the list shall be posted continually at that web site. An item of property on the list shall be donated to the eligible nonprofit organization that first declares to the board or its representative its desire to obtain the item unless the board previously has established, by resolution, a list of eligible nonprofit organizations that shall be given priority with respect to the item's donation. Priority may be given on the basis

that the purposes of a nonprofit organization have a direct 114
relationship to specific public purposes of programs provided or 115
administered by the board. A resolution giving priority to certain 116
nonprofit organizations with respect to the donation of an item of 117
property shall specify the reasons why the organizations are given 118
that priority. 119

(C) Members of the board of county commissioners shall 120
consult with the Ohio ethics commission, and comply with the 121
provisions of Chapters 102. and 2921. of the Revised Code, with 122
respect to any sale or donation under division (A) or (B) of this 123
section to a nonprofit organization of which a county 124
commissioner, any member of the county commissioner's family, or 125
any business associate of the county commissioner is a trustee, 126
officer, board member, or employee. 127

(D) Notwithstanding anything to the contrary in division (A), 128
(B), or (E) of this section and regardless of the property's 129
value, the board of county commissioners may sell or donate county 130
personal property, including motor vehicles, to the federal 131
government, the state, any political subdivision of the state, or 132
a county land reutilization corporation without advertisement or 133
public notification. 134

(E) Notwithstanding anything to the contrary in division (A), 135
(B), or (G) of this section and regardless of the property's 136
value, the board of county commissioners may sell personal 137
property, including motor vehicles acquired for the use of county 138
officers and departments, and road machinery, equipment, tools, or 139
supplies, that is not needed for public use, is obsolete, or is 140
unfit for the use for which it was acquired, by internet auction. 141
The board shall adopt, ~~during each calendar year,~~ a resolution 142
expressing its intent to sell ~~that~~ property by internet auction. 143
The resolution shall include a description of how the internet 144
auctions will be conducted and shall specify the number of days 145

for bidding on the property, which shall be no less than ten days, 146
including Saturdays, Sundays, and legal holidays. The resolution 147
shall indicate whether the county will conduct the ~~auction~~ 148
internet auctions or the board will contract with a representative 149
to conduct the ~~auction~~ internet auctions and shall establish the 150
general terms and conditions of sale. If a representative is known 151
when the resolution is adopted, the resolution shall provide 152
contact information such as the representative's name, address, 153
and telephone number. 154

After adoption of the resolution, the board shall publish, in 155
a newspaper of general circulation in the county, notice of its 156
intent to sell unneeded, obsolete, or unfit-for-use county 157
personal property by internet auction. The notice shall include a 158
summary of the information provided in the resolution and shall be 159
published twice or as provided in section 7.16 of the Revised 160
Code. The second and any subsequent notice shall be published not 161
less than ten nor more than twenty days after the previous notice. 162
A similar notice also shall be posted continually ~~throughout the~~ 163
~~calendar year~~ in a conspicuous place in the offices of the county 164
auditor and the board of county commissioners. If the county 165
maintains a web site on the internet, the notice shall be posted 166
continually ~~throughout the calendar year~~ at that web site. 167

When property is to be sold by internet auction, the board or 168
its representative may establish a minimum price that will be 169
accepted for specific items and may establish any other terms and 170
conditions for ~~the~~ a particular sale, including requirements for 171
pick-up or delivery, method of payment, and sales tax. This type 172
of information shall be provided on the internet at the time of 173
the auction and may be provided before that time upon request 174
after the terms and conditions have been determined by the board 175
or its representative. 176

(F) When a county officer or department head determines that 177

county-owned personal property under the jurisdiction of the 178
officer or department head, including motor vehicles, road 179
machinery, equipment, tools, or supplies, is not of immediate 180
need, the county officer or department head may notify the board 181
of county commissioners, and the board may lease that personal 182
property to any municipal corporation, township, other political 183
subdivision of the state, or to a county land reutilization 184
corporation. The lease shall require the county to be reimbursed 185
under terms, conditions, and fees established by the board, or 186
under contracts executed by the board. 187

(G) If the board of county commissioners finds, by 188
resolution, that the county has vehicles, equipment, or machinery 189
that is not needed, or is unfit for public use, and the board 190
desires to sell the vehicles, equipment, or machinery to the 191
person or firm from which it proposes to purchase other vehicles, 192
equipment, or machinery, the board may offer to sell the vehicles, 193
equipment, or machinery to that person or firm, and to have the 194
selling price credited to the person or firm against the purchase 195
price of other vehicles, equipment, or machinery. 196

(H) If the board of county commissioners advertises for bids 197
for the sale of new vehicles, equipment, or machinery to the 198
county, it may include in the same advertisement a notice of the 199
willingness of the board to accept bids for the purchase of 200
county-owned vehicles, equipment, or machinery that is obsolete or 201
not needed for public use, and to have the amount of those bids 202
subtracted from the selling price of the other vehicles, 203
equipment, or machinery as a means of determining the lowest 204
responsible bidder. 205

(I) If a board of county commissioners determines that county 206
personal property is not needed for public use, or is obsolete or 207
unfit for the use for which it was acquired, and that the property 208
has no value, the board may discard or salvage that property. 209

(J) A county engineer, in the engineer's discretion, may 210
dispose of scrap construction materials on such terms as the 211
engineer determines reasonable, including disposal without 212
recovery of costs, if the total value of the materials does not 213
exceed twenty-five thousand dollars. The engineer shall maintain 214
records of all dispositions made under this division, including 215
identification of the origin of the materials, the final 216
disposition, and copies of all receipts resulting from the 217
dispositions. 218

As used in division (I) of this section, "scrap construction 219
materials" means construction materials that result from a road or 220
bridge improvement, remain after the improvement is completed, and 221
are not reusable. Construction material that is metal and that 222
results from a road or bridge improvement and remains after the 223
improvement is completed is scrap construction material only if it 224
cannot be used in any other road or bridge improvement or other 225
project in its current state. 226

Sec. 307.86. Anything to be purchased, leased, leased with an 227
option or agreement to purchase, or constructed, including, but 228
not limited to, any product, structure, construction, 229
reconstruction, improvement, maintenance, repair, or service, 230
except the services of an accountant, architect, attorney at law, 231
physician, professional engineer, construction project manager, 232
consultant, surveyor, or appraiser, by or on behalf of the county 233
or contracting authority, as defined in section 307.92 of the 234
Revised Code, at a cost in excess of ~~twenty-five~~ fifty thousand 235
dollars adjusted annually by the director of commerce under 236
section 307.863 of the Revised Code, except as otherwise provided 237
in division (D) of section 713.23 and in sections 9.48, 125.04, 238
125.60 to 125.6012, 307.022, 307.041, 307.861, 339.05, 340.03, 239
340.033, 4115.31 to 4115.35, 5119.16, 5513.01, 5543.19, 5713.01, 240
and 6137.05 of the Revised Code, shall be obtained through 241

competitive bidding. However, competitive bidding is not required 242
when any of the following applies: 243

(A) The board of county commissioners, by a unanimous vote of 244
its members, makes a determination that a real and present 245
emergency exists, and that determination and the reasons for it 246
are entered in the minutes of the proceedings of the board, when 247
either of the following applies: 248

(1) The estimated cost is less than ~~fifty~~ one hundred 249
thousand dollars. 250

(2) There is actual physical disaster to structures, radio 251
communications equipment, or computers. 252

For purposes of this division, "unanimous vote" means all 253
three members of a board of county commissioners when all three 254
members are present, or two members of the board if only two 255
members, constituting a quorum, are present. 256

Whenever a contract of purchase, lease, or construction is 257
exempted from competitive bidding under division (A)(1) of this 258
section because the estimated cost is less than ~~fifty~~ one hundred 259
thousand dollars, but the estimated cost is ~~twenty-five~~ fifty 260
thousand dollars or more, the county or contracting authority 261
shall solicit informal estimates from no fewer than three persons 262
who could perform the contract, before awarding the contract. With 263
regard to each such contract, the county or contracting authority 264
shall maintain a record of such estimates, including the name of 265
each person from whom an estimate is solicited. The county or 266
contracting authority shall maintain the record for the longer of 267
at least one year after the contract is awarded or the amount of 268
time the federal government requires. 269

(B)(1) The purchase consists of supplies or a replacement or 270
supplemental part or parts for a product or equipment owned or 271
leased by the county, and the only source of supply for the 272

supplies, part, or parts is limited to a single supplier. 273

(2) The purchase consists of services related to information 274
technology, such as programming services, that are proprietary or 275
limited to a single source. 276

(C) The purchase is from the federal government, the state, 277
another county or contracting authority of another county, or a 278
board of education, educational service center, township, or 279
municipal corporation. 280

(D) The purchase is made by a county department of job and 281
family services under section 329.04 of the Revised Code and 282
consists of family services duties or workforce development 283
activities or is made by a county board of developmental 284
disabilities under section 5126.05 of the Revised Code and 285
consists of program services, such as direct and ancillary client 286
services, child care, case management services, residential 287
services, and family resource services. 288

(E) The purchase consists of criminal justice services, 289
social services programs, family services, or workforce 290
development activities by the board of county commissioners from 291
nonprofit corporations or associations under programs funded by 292
the federal government or by state grants. 293

(F) The purchase consists of any form of an insurance policy 294
or contract authorized to be issued under Title XXXIX of the 295
Revised Code or any form of health care plan authorized to be 296
issued under Chapter 1751. of the Revised Code, or any combination 297
of such policies, contracts, plans, or services that the 298
contracting authority is authorized to purchase, and the 299
contracting authority does all of the following: 300

(1) Determines that compliance with the requirements of this 301
section would increase, rather than decrease, the cost of the 302
purchase; 303

(2) Requests issuers of the policies, contracts, plans, or services to submit proposals to the contracting authority, in a form prescribed by the contracting authority, setting forth the coverage and cost of the policies, contracts, plans, or services as the contracting authority desires to purchase;

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

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

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

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

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

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

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

(d) The contracting authority negotiates with the prospective

lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect.

(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, plans, or services listed

in division (F) of this section and any prospective lessor under 365
division (I) of this section may have the issuer's or prospective 366
lessor's name and address, or the name and address of an agent, 367
placed on a special notification list to be kept by the 368
contracting authority, by sending the contracting authority that 369
name and address. The contracting authority shall send notice to 370
all persons listed on the special notification list. Notices shall 371
state the deadline and place for submitting proposals. The 372
contracting authority shall mail the notices at least six weeks 373
prior to the deadline set by the contracting authority for 374
submitting proposals. Every five years the contracting authority 375
may review this list and remove any person from the list after 376
mailing the person notification of that action. 377

Any contracting authority that negotiates a contract under 378
division (F) of this section shall request proposals and negotiate 379
with issuers in accordance with that division at least every three 380
years from the date of the signing of such a contract, unless the 381
parties agree upon terms for extensions or renewals of the 382
contract. Such extension or renewal periods shall not exceed six 383
years from the date the initial contract is signed. 384

Any real estate appraiser employed pursuant to division (I) 385
of this section shall disclose any fees or compensation received 386
from any source in connection with that employment. 387

Sec. 307.861. The county or contracting authority, as defined 388
in section 307.92 of the Revised Code, may renew a lease which has 389
been entered into for electronic data processing equipment, 390
services, or systems, or a radio communications system at a cost 391
in excess of ~~ten~~ fifty thousand dollars as follows: 392

(A) The lessor shall submit a written bid to the county or 393
contracting authority ~~which~~ that is the lessee under the lease, 394
stating the terms under which the lease would be renewed, 395

including the length of the renewal lease, and the cost of the 396
renewal lease to the county or contracting authority. The county 397
or contracting authority may require the lessor to submit a bond 398
with the bid. 399

(B) The county or contracting authority shall advertise for 400
and receive competitive bids, as provided in sections 307.87 to 401
307.90 of the Revised Code, for a lease under the same terms and 402
for the same period as provided in the bid of the lessor submitted 403
under division (A) of this section. 404

(C) The county or contracting authority may renew the lease 405
with the lessor only if the bid submitted by the lessor under 406
division (A) of this section is an amount less than the lowest and 407
best bid submitted pursuant to competitive bidding under division 408
(B) of this section. 409

Sec. 307.863. On January 1, 2012, and on the first day of 410
January of each year thereafter, the director of commerce shall 411
adjust the fifty thousand dollar threshold amount specified in 412
division (A) of section 307.86 of the Revised Code, as adjusted in 413
any previous year under this section. The director shall adjust 414
the amount according to the percentage increase or decrease in the 415
United States department of commerce, bureau of economic analysis 416
implicit price deflator for gross domestic product, state and 417
local governments, from the first day of January of the preceding 418
calendar year to the last day of December of the preceding 419
calendar year, and shall adjust the amount for the current 420
calendar year by multiplying the amount by the percentage increase 421
or decrease in the implicit price deflator, state and local 422
governments, for that period, adding to or subtracting the 423
resulting product from the amount, and rounding the resulting sum 424
upward to the nearest multiple of five dollars. In no case shall 425
the increase or decrease for any calendar year exceed five per 426

cent of the threshold amount existing at the time of the 427
adjustment. 428

The director of commerce shall post the new threshold amount 429
on the department of commerce's web site immediately after the 430
director adjusts the amount. 431

Sec. 307.88. (A) Bids submitted pursuant to sections 307.86 432
to 307.92 of the Revised Code shall be in a form prescribed by the 433
contracting authority and filed in a sealed envelope at the time 434
and place mentioned in the notice. The bids received shall be 435
opened and tabulated at the time stated in the notice. Each bid 436
shall contain the full name of each person submitting the bid. If 437
the bid is in excess of ~~twenty-five~~ fifty thousand dollars and for 438
a contract for the construction, demolition, alteration, repair, 439
or reconstruction of an improvement, it shall meet the 440
requirements of section 153.54 of the Revised Code. If the bid is 441
in excess of ~~twenty-five~~ fifty thousand dollars and for any other 442
contract authorized by sections 307.86 to 307.92 of the Revised 443
Code, it ~~shall~~ may be accompanied by a bond or certified check, 444
cashier's check, or money order on a solvent bank or savings and 445
loan association in a reasonable amount stated in the notice but 446
not to exceed five per cent of the bid, conditioned that the 447
bidder, if the bidder's bid is accepted, shall execute a contract 448
in conformity to the invitation and the bid. 449

(B) The board of county commissioners, by a unanimous vote of 450
the entire board, may permit a contracting authority to exempt a 451
bid from any or all of the requirements of section 153.54 of the 452
Revised Code if the estimated cost is ~~twenty-five~~ two hundred 453
fifty thousand dollars or less. If the board exempts a bid from 454
any but not all of those requirements, the bid notice published in 455
the newspaper pursuant to section 307.87 of the Revised Code shall 456
state the specific bid guaranty requirements that apply. If the 457

board exempts a bid from all requirements of section 153.54 of the Revised Code, the notice shall state that none of the requirements of that section apply.

Sec. 5705.41. No subdivision or taxing unit shall:

(A) Make any appropriation of money except as provided in Chapter 5705. of the Revised Code; provided, that the authorization of a bond issue shall be deemed to be an appropriation of the proceeds of the bond issue for the purpose for which such bonds were issued, but no expenditure shall be made from any bond fund until first authorized by the taxing authority;

(B) Make any expenditure of money unless it has been appropriated as provided in such chapter;

(C) Make any expenditure of money except by a proper warrant drawn against an appropriate fund;

(D)(1) Except as otherwise provided in division (D)(2) of this section and section 5705.44 of the Revised Code, make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the obligation or, in the case of a continuing contract to be performed in whole or in part in an ensuing fiscal year, the amount required to meet the obligation in the fiscal year in which the contract is made, has been lawfully appropriated for such purpose and is in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances. This certificate need be signed only by the subdivision's fiscal officer. Every such contract made without such a certificate shall be void, and no warrant shall be issued in payment of any amount due thereon. If no certificate is furnished as required, upon receipt by the taxing authority of the subdivision or taxing unit of a certificate of the fiscal officer stating that there was at

the time of the making of such contract or order and at the time 489
of the execution of such certificate a sufficient sum appropriated 490
for the purpose of such contract and in the treasury or in process 491
of collection to the credit of an appropriate fund free from any 492
previous encumbrances, such taxing authority may authorize the 493
drawing of a warrant in payment of amounts due upon such contract, 494
but such resolution or ordinance shall be passed within thirty 495
days after the taxing authority receives such certificate; 496
provided that, if the amount involved is less than one hundred 497
dollars in the case of counties or three thousand dollars in the 498
case of all other subdivisions or taxing units, the fiscal officer 499
may authorize it to be paid without such affirmation of the taxing 500
authority of the subdivision or taxing unit, if such expenditure 501
is otherwise valid. 502

(2) ~~Annually, the~~ The board of county commissioners may adopt 503
a resolution exempting county purchases of one thousand dollars or 504
less from the requirement of division (D)(1) of this section that 505
a certificate be attached to any contract or order involving the 506
expenditure of money. The resolution shall state the dollar amount 507
that is exempted from the certificate requirement and whether the 508
exemption applies to all purchases, to one or more specific 509
classes of purchases, or to the purchase of one or more specific 510
items. Prior to the adoption of the resolution, the board shall 511
give written notice to the county auditor that it intends to adopt 512
the resolution. The notice shall state the dollar amount that is 513
proposed to be exempted and whether the exemption would apply to 514
all purchases, to one or more specific classes of purchases, or to 515
the purchase of one or more specific items. The county auditor may 516
review and comment on the proposal, and shall send any comments to 517
the board within fifteen days after receiving the notice. The 518
board shall wait at least fifteen days after giving the notice to 519
the auditor before adopting the resolution. A person authorized to 520
make a county purchase in a county that has adopted such a 521

resolution shall prepare and file with the county auditor, within 522
three business days after incurring an obligation not requiring a 523
certificate, or within any other period of time the board of 524
county commissioners specifies in the resolution, a written or 525
electronically transferred document specifying the purpose and 526
amount of the expenditure, the date of the purchase, the name of 527
the vendor, the specific appropriation items from which the 528
expenditures are to be made, and any additional information as the 529
auditor of state may prescribe. 530

(3) Upon certification by the auditor or other chief fiscal 531
officer that a certain sum of money, not in excess of an amount 532
established by resolution or ordinance adopted by a majority of 533
the members of the legislative authority of the subdivision or 534
taxing unit, has been lawfully appropriated, authorized, or 535
directed for a certain purpose and is in the treasury or in the 536
process of collection to the credit of a specific line-item 537
appropriation account in a certain fund free from previous and 538
then outstanding obligations or certifications, then for such 539
purpose and from such line-item appropriation account in such 540
fund, over a period not extending beyond the end of the fiscal 541
year, expenditures may be made, orders for payment issued, and 542
contracts or obligations calling for or requiring the payment of 543
money made and assumed; provided, that the aggregate sum of money 544
included in and called for by such expenditures, orders, 545
contracts, and obligations shall not exceed the sum so certified. 546
Such a certification need be signed only by the fiscal officer of 547
the subdivision or the taxing district and may, but need not, be 548
limited to a specific vendor. An itemized statement of obligations 549
incurred and expenditures made under such certificate shall be 550
rendered to the auditor or other chief fiscal officer before 551
another such certificate may be issued, and not more than one such 552
certificate shall be outstanding at a time. 553

In addition to providing the certification for expenditures 554
as specified in this division, a subdivision also may make 555
expenditures, issue orders for payment, and make contracts or 556
obligations calling for or requiring the payment of money made and 557
assumed for specified permitted purposes from a specific line-item 558
appropriation account in a specified fund for a sum of money upon 559
the certification by the fiscal officer of the subdivision that 560
this sum of money has been lawfully appropriated, authorized, or 561
directed for a permitted purpose and is in the treasury or in the 562
process of collection to the credit of the specific line-item 563
appropriation account in the specified fund free from previous and 564
then-outstanding obligations or certifications; provided that the 565
aggregate sum of money included in and called for by the 566
expenditures, orders, and obligations shall not exceed the 567
certified sum. The purposes for which a subdivision may lawfully 568
appropriate, authorize, or issue such a certificate are the 569
services of an accountant, architect, attorney at law, physician, 570
professional engineer, construction project manager, consultant, 571
surveyor, or appraiser by or on behalf of the subdivision or 572
contracting authority; fuel oil, gasoline, food items, roadway 573
materials, and utilities; and any purchases exempt from 574
competitive bidding under section 125.04 of the Revised Code and 575
any other specific expenditure that is a recurring and reasonably 576
predictable operating expense. Such a certification shall not 577
extend beyond the end of the fiscal year or, in the case of a 578
board of county commissioners that has established a quarterly 579
spending plan under section 5705.392 of the Revised Code, beyond 580
the quarter to which the plan applies. Such a certificate shall be 581
signed by the fiscal officer and may, but need not, be limited to 582
a specific vendor. An itemized statement of obligations incurred 583
and expenditures made under such a certificate shall be rendered 584
to the fiscal officer for each certificate issued. More than one 585
such certificate may be outstanding at any time. 586

In any case in which a contract is entered into upon a per 587
unit basis, the head of the department, board, or commission for 588
the benefit of which the contract is made shall make an estimate 589
of the total amount to become due upon such contract, which 590
estimate shall be certified in writing to the fiscal officer of 591
the subdivision. Such a contract may be entered into if the 592
appropriation covers such estimate, or so much thereof as may be 593
due during the current year. In such a case the certificate of the 594
fiscal officer based upon the estimate shall be a sufficient 595
compliance with the law requiring a certificate. 596

Any certificate of the fiscal officer attached to a contract 597
shall be binding upon the political subdivision as to the facts 598
set forth therein. Upon request of any person receiving an order 599
or entering into a contract with any political subdivision, the 600
certificate of the fiscal officer shall be attached to such order 601
or contract. "Contract" as used in this section excludes current 602
payrolls of regular employees and officers. 603

(E) Taxes and other revenue in process of collection, or the 604
proceeds to be derived from authorized bonds, notes, or 605
certificates of indebtedness sold and in process of delivery, 606
shall for the purpose of this section be deemed in the treasury or 607
in process of collection and in the appropriate fund. This section 608
applies neither to the investment of sinking funds by the trustees 609
of such funds, nor to investments made under sections 731.56 to 610
731.59 of the Revised Code. 611

No district authority shall, in transacting its own affairs, 612
do any of the things prohibited to a subdivision by this section, 613
but the appropriation referred to shall become the appropriation 614
by the district authority, and the fiscal officer referred to 615
shall mean the fiscal officer of the district authority. 616

Section 2. That existing sections 307.12, 307.86, 307.861, 617
307.88, and 5705.41 of the Revised Code are hereby repealed. 618