

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 123:5-1-01
Rule Type: Amendment
Rule Title/Tagline: Definitions.
Agency Name: Department of Administrative Services
Division: Division of Purchasing
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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 3/18/2019
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** R.C. 9.318, R.C. 125.035, R.C. 125.08, R.C. 125.082, R.C. 125.09
5. **What statute(s) does the rule implement or amplify?** R.C. 9.318, R.C. 125.01, R.C. 125.035, R.C. 125.08, R.C. 125.082, R.C. 125.09, R.C. 125.11
6. **What are the reasons for proposing the rule?**

This rule is scheduled for its 5-Year revision and is being updated.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Summary of rule content

This rule defines terms contained within OAC Chapter 123:5-1, General Provisions.

Summary of rule amendments

1. A new Paragraph (B) was added to define "agency," which is consistent with the definition contained in R.C. 125.112(A)(1).
2. The current Paragraph (B) was renumbered as Paragraph (C).
3. A new Paragraph (D) was added to define "auction event," which replaces a definition found in OAC 123:1-1-12(A)(2).
4. The current Paragraph (C) was renumbered as Paragraph (E) and was revised to incorporate the definition of "bid response" found in OAC 123:5-1-12(A)(3).
5. The current Paragraphs (D) â (G) were renumbered to Paragraphs (F) â (I), respectively.
6. The current Paragraph (H) was renumbered to Paragraph (J) was revised to remove extraneous wording.
7. The current Paragraphs (I) â (L) were renumbered to Paragraphs (K) â (N), respectively.
8. The current Paragraph (M) was renumbered to Paragraph (O) and revised to clarify employee-requirements for the veteran-friendly business enterprise preference program.
9. The current Paragraph (P) has been replaced by 123:5-1-01(S).
10. A new Paragraph (P) was added to define "e-Procurement" or "e-Procurement solution."
11. The current Paragraphs (N) and (O) were renumbered to Paragraphs (Q) and (R), respectively.
12. A new Paragraph (S) was added to replace the current Paragraph (P).
13. The current Paragraphs (Q) â (V) were renumbered to Paragraphs (T) â (Y), respectively.
14. The current Paragraph (W) was not in alphabetic order, so it was deleted and replaced by 123:5-1-01(AA).
15. The current Paragraph (X) was renumbered as Paragraph (Z) and for consistency was revised to incorporate language contained in R.C. 125.01(D).
16. Paragraph (AA) was added to replace the current Paragraph (W) so the term "products" would be in alphabetic sequence.
17. The current Paragraphs (Y) and (Z) were renumbered to Paragraphs (BB) and (CC), respectively.
18. Paragraph (DD) was added to define "qualifications summary," which replaces a definition found in OAC 123:5-1-12(A)(1).
19. The current Paragraphs (AA) â (DD) were renumbered to Paragraphs (EE) â (HH), respectively.
20. The current Paragraph (EE) is out of alphabetic sequence and has been rescinded and replaced by 123:5-1-01(LL).
21. The current Paragraphs (FF) â (HH) were renumbered to Paragraphs (II) â (KK), respectively.

22. Paragraph (LL) was added to replace the current Paragraph (EE), so the term "supplies" would be in alphabetic sequence.

23. The current Paragraphs (II) â (KK) were renumbered to Paragraphs (MM) â (OO), respectively.

a. Paragraph (NN)(4) was revised to update a reference to Paragraph (MM), defining "veteran."

b. Paragraph (OO) was revised to update a reference to Paragraph (NN), defining "veteran employment standard."

- 8. Does the rule incorporate material by reference? No**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

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Not Applicable

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

There are no compliance costs for all persons/organizations affected by this rule.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? No

16. Does this rule have an adverse impact on business? No

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No