

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
Address: 4200 Surface Road Columbus OH 43212
Contact: Kelly Sanders **Phone:** 614-752-5259
Email: kelly.sanders@das.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 3/17/2024
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 110 - 134
- Oelslager
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 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. 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 being amended.
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. Paragraph (A) defining "active service" has been deleted since it pertains to the Veteran-friendly Business Enterprise Program, which is now administered by the Department of Development as a result of HB 110.
2. Paragraph (B) has been renumbered as Paragraph (A).
3. Paragraph (C) defining "armed forces" has been deleted since it pertains to the Veteran-friendly Business Enterprise Program, which is now administered by the Department of Development as a result of HB 110.
4. Paragraph (E) has been renumbered as Paragraph (C).
5. Paragraph (F) has been renumbered as Paragraph (D).
6. Paragraph (G) has been renumbered as Paragraph (E).
7. Paragraph (H) has been renumbered as Paragraph (F).
8. Paragraph (I) has been renumbered as Paragraph (G).
9. Paragraph (J) has been renumbered as Paragraph (H).
10. Paragraph (K) has been renumbered as Paragraph (I).
11. Paragraph (L) defining "discharged under honorable conditions" has been deleted since it pertains to the Veteran-friendly Business Enterprise Program, which is now administered by the Department of Development as a result of HB 110.
12. Paragraph (M) has been renumbered as Paragraph (J).
13. Paragraph (N) has been renumbered as Paragraph (K).
14. Paragraph (O) defining "employee" has been deleted since it pertains to the Veteran-friendly Business Enterprise Program, which is now administered by the Department of Development as a result of HB 110.
15. Paragraph (P) has been renumbered as Paragraph (L).
16. Paragraph (Q) defining "evidence of satisfactory service" has been deleted since it pertains to the Veteran-friendly Business Enterprise Program, which is now administered by the Department of Development as a result of HB 110.
17. Paragraph (R) defining "honorably discharged" has been deleted since it pertains to the Veteran-friendly Business Enterprise Program, which is now administered by the Department of Development as a result of HB 110.
18. Paragraph (S) has been renumbered as Paragraph (M).
19. Paragraph (T) has been renumbered as Paragraph (N).
20. Paragraph (U) has been renumbered as Paragraph (O).
21. Paragraph (V) has been renumbered as Paragraph (P). Additionally, the definition has been revised to "Buy Ohio" and language incorporated to include offers and to align it with the definition of "significant economic presence."
22. Paragraph (W) has been renumbered as Paragraph (Q). Additionally, the definition has been revised to "Buy Ohio Products" and include consideration of border states.
23. Paragraph (X) has been renumbered as Paragraph (R).
24. Paragraph (Y) has been renumbered as Paragraph (S).

25. Paragraph (Z) has been renumbered as Paragraph (T). Additionally, the definition was revised to reference R.C. 125.01.
26. Paragraph (AA) has been renumbered as Paragraph (U). Additionally, the definition was revised to reference R.C. 125.01.
27. Paragraph (BB) has been renumbered as Paragraph (V).
28. Paragraph (CC) has been renumbered as Paragraph (W).
29. Paragraph (DD) has been renumbered as Paragraph (X).
30. Paragraph (EE) defining "record verifying veteran status" has been deleted since it pertains to the Veteran-friendly Business Enterprise Program, which is now administered by the Department of Development as a result of HB 110.
31. Paragraph (FF) has been renumbered as Paragraph (Y).
32. Paragraph (GG) has been renumbered as Paragraph (Z).
33. Paragraph (HH) has been renumbered as Paragraph (AA).
34. Paragraph (II) has been renumbered as Paragraph (BB) and the definition updated from "significant Ohio economic presence" to "significant economic presence" Also, paragraphs (1) – (3) have been revised to enable consideration of border states in the determination of significant economic presence.
35. Paragraph (JJ) has been renumbered as Paragraph (CC).
36. Paragraph (KK) has been renumbered as Paragraph (DD).
37. Paragraph (LL) has been renumbered as Paragraph (EE). Additionally, the definition was revised to reference R.C. 125.01.
38. Paragraph (MM) defining "veteran" has been deleted since it pertains to the Veteran-friendly Business Enterprise Program, which is now administered by the Department of Development as a result of HB 110.
39. Paragraph (NN) defining "veteran employment standard" has been deleted since it pertains to the Veteran-friendly Business Enterprise Program, which is now administered by the Department of Development as a result of HB 110.
40. Paragraph (OO) defining "veteran friendly business enterprise" has been deleted since it pertains to the Veteran-friendly Business Enterprise Program, which is now administered by the Department of Development as a result of HB 110.

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. 121.75, 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. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

There are no increased/decreased revenues of expenditures affecting DAS or the state generally in either the current biennium or future years because of this rule revision.

- 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**

- 15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable.

III. Common Sense Initiative (CSI) Questions

- 16. Was this rule filed with the Common Sense Initiative Office? No**

- 17. 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

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

- 18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

- A. How many new regulatory restrictions do you propose adding?

Not Applicable

- B. How many existing regulatory restrictions do you propose removing?

Not Applicable