Rule Summary and Fiscal Analysis
<u>Part A</u> - 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 43228

Contact: Steve Meese   **Phone:**   614-387-3056

Email: Steve.Meese@das.ohio.gov

I.   <u>Rule Summary</u>

1.   **Is this a five year rule review?** Yes

   A.   **What is the rule's five year review date?** 2/7/2024

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. 122.925, 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.   **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No

   A.   **If so, what is the citation to the federal law or rule?** Not Applicable

7.   **What are the reasons for proposing the rule?**

   This rule is scheduled for its five-year review and amendments to it are being proposed.

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

   This rule contains definitions of terms found throughout OAC 123:5-1.

   1. References to "products, supplies, and/or services" were changed to "goods or services" throughout the rule.
   2. Language was cleaned-up in Paragraph (E).
   3. A new paragraph (F) was added to define "biobased product."
   4. A new paragraph (H) was added to define "Buy Ohio products."
   5. A new paragraph (I) was added to define "Buy Ohio supplier."
   6. The definition of "Chief executive" was updated in paragraph (J).
   7. The existing paragraph H was deleted.
   8. A new paragraph (K) was added to define "Competitive selection."
   9. The existing paragraph (I) was deleted.
   10. A new paragraph (L) was added to define "direct purchase authority."
   11. The exiting paragraph (J) was renumbered to (M) and the definition of "domestic source end product" revised.
   12. The existing paragraph (K) was renumbered to (N) and the definition of "emergency" revised.
   13. The existing paragraph (L) was renumbered to (O) and "electronic procurement" was defined.
   14. A new paragraph (P) was added to define "first requisite program."
   15. A new paragraph (Q) was added to define "goods."
   16. The existing paragraph (M) was renumbered to (R) and the definition of "invitation to bid" revised.
   17. The existing paragraph (N) was deleted.
   18. The existing paragraph (P) was deleted and the definition of "Buy Ohio supplier" was re-incorporated as paragraph (I).
   19. A new paragraph (T) was added to define "personal protective equipment."
   20. The existing paragraph (Q) was deleted and definition of "Buy Ohio products" was re-incorporated in paragraph (H).
   21. A new paragraph (AA) was added to define "second requisite program."
   22. Language was cleaned up in existing paragraphs (X) – (AA) and the rules renumbered to (BB) – (EE).
   23. The existing paragraph (CC) was deleted since it is redundant with paragraph (A).

9. **Does the rule incorporate material by reference?** No

10. **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

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

    R.C. 9.318, which was identified as being a statute implemented or amplified by the rule, was replaced by R.C. 122.925. R.C. 9.318 was renumbered to R.C. 122.925 by H.B. 110 (134th GA).

II. Fiscal Analysis

12. **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

    Not Applicable

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

    Not Applicable

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

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

16. **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

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

18. **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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. **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 to this rule?**

Not Applicable

B. **How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

C. **If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

D. **Please justify the adoption of the new regulatory restriction(s).**

Not Applicable