

123:5-1-01

Definitions.

In addition to the definitions in section 125.01 and 125.091 of the Revised Code, the following definitions shall apply:

- ~~(A)~~ "Agency" means any state department, office, institution, board, or commission.
- ~~(B)~~ "Annual premium" means the total annual premium for one year for one type of insurance regardless of the number of policies.
- ~~(C)~~(A) "Bid response" means all documents, whether attached or incorporated by reference, supplied by the bidder in response to an invitation to bid.
- ~~(D)~~(B) "Bidder" means the person or firm ~~which~~ that submits a bid response ~~resulting from~~ to an invitation to bid.
- (C) "Biobased Content" shall be determined based on the amount of biobased carbon in the material or product as a percentage of weight (mass) of the total organic carbon in the material or product.
- ~~(E)~~(D) "Border state" means any state that is contiguous to Ohio and that does not impose a restriction greater than Ohio imposes pursuant to sections 125.09 and 125.11 of the Revised Code on persons located in Ohio selling products or services to agencies of that state.
- ~~(F)~~(E) "Competitive sealed proposal" means offering of proposals in response to a request for proposal by a state ~~department, office, institution, board or commission~~agency for the purchase of supplies and/or services.
- (F) "Domestic Source End Product" means (1) an unmanufactured end product mined or produced in the United States, or (2) an end product manufactured in the United States, if the cost of its components mined, produced, or manufactured in the United States, exceeds fifty per cent of the cost of all its components of foreign origin of the same class or kind as those that the department determines are not mined, produced, or manufactured in sufficient and reasonably available commercial quantities of a satisfactory quality are treated as domestic. Scrap generated, collected, and prepared for processing in the United States is considered domestic.
- (G) "Emergency condition" means a situation ~~which~~ that creates a threat to public health, welfare, safety, which may arise by reason of epidemics, riots, equipment failure or such other reasons as may be proclaimed by the governor; or which interrupts the operation of production facilities maintained by Ohio penal industries in its program for employment of prisoners.

~~(H)~~ "Equipment" means items, implements, and machinery with a predetermined and considerable usage life.

~~(I)~~(H) "Invitation to bid" or "ITB" means all documents, whether attached or incorporated by reference, utilized for soliciting bids.

~~(J)~~ "Lowest responsive and responsible bidder" means a bidder on the contract whose proposal responds to the bid specifications in all material respects and contains no irregularities or deviations from the specifications which would affect the amount of the bid or otherwise provide the bidder with a competitive advantage, and whose financial condition, experience, conduct and performance on previous contracts, facilities, and management skills, support the bidder's ability to execute the contract properly.

~~(K)~~ "Material" means items or substances of an expendable or nonexpendable nature from which something can be made, improved, or repaired.

~~(L)~~(I) "Offeree" means the state department, office, institution, board, or commission who is seeking to purchase supplies and/or services through a request for proposal.

~~(M)~~(J) "Offeror" means the person or firm which submits a proposal in response to a request for proposal.

~~(N)~~(K) "Ohio bid" means a bid received from a bidder offering Ohio products or a bidder demonstrating significant Ohio economic presence.

~~(O)~~ "Ohio Business Enterprise" means domestic corporations as defined in division (A) of section 1703.01 of the Revised Code and any sole proprietorship, partnership or joint venture whose principal place of business is located in Ohio.

~~(P)~~(L) "Post-consumer materials" means recovered materials ~~which~~ that were generated by a business or consumer, have served their intended end uses, and have been separated or diverted from solid wastes for the purposes of collection, recycling and disposition.

~~(Q)~~(M) "Pre-consumer materials" means recovered materials ~~which~~ that were production finished materials, products, or by products which did not reach the consumer for whose use they were intended, and have been diverted from solid wastes for the purposes of collection, recycling and disposition.

~~(R)~~ "Printed good" means any item produced by one of the various categories of printing including but not limited to, letterpress, gravure, offset, screen printing electro-photography, laser, ink jet, stencil, and spirit duplicating which usually take

~~the form of books, pamphlets, newsletters, tickets, posters, envelopes, letterhead, calling cards, multi-part unit sets, continuous forms, labels, decals, maps, and mailers, items not considered printing include clothing, wallpaper, matches, pencils, trash bags, computer paper, paper plates, signage, or photography.~~

~~(S)~~(N) "Proposal" means all documents, whether attached or incorporated by reference, supplied by the offeror in response to a request for proposal.

~~(F)~~(O) "Recovered materials" means waste materials and by products ~~which~~ that have been recovered or diverted from solid waste.

~~(U)~~(P) "Recycled content product" means a product made from pre-consumer or post-consumer recovered materials whose portion of weight or volume of recovered materials meets or exceeds the minimum content percentage standard guidelines established by the department of administrative services.

~~(V)~~(Q) "Request for proposal" or "RFP" means all documents, whether attached or incorporated by reference, utilized for soliciting ~~of~~ proposals from offerors.

~~(W)~~(R) "Significant Ohio economic presence" means business organizations that:

- (1) Pay required taxes to the state of Ohio; and;
- (2) Are registered and licensed to do business in the state of Ohio with the office of the secretary of state; and
- (3) Have ten or more employees based in Ohio, or seventy-five per cent or more of their employees based in Ohio.;

(S) "State agency" has the same meaning as in section 1.60 of the Revised Code, but does not include the elected state officers, the general assembly or any legislative agency, a court or any judicial agency, or a state institution of higher education.

~~(X) "Software" means the computer programs, data, routines, operating and communications systems, etc. as specified in the request for proposal that are held in some kind of storage medium and that perform common functions for all users as well as specific applications for particular user needs.~~

~~(Y)~~(T) "Specification" means any description of the physical or functional characteristics or of the nature of supplies or service to be purchased. It may include a description of any requirements for inspecting, testing, or preparing supplies or services for delivery.

~~(Z) "Term contract" means a requirement contract which has been arranged for the purchase of supplies or services deemed necessary for the use and maintenance of state agencies.~~

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Certification

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