

Rule Summary and Fiscal Analysis (Part A)**Pre-Qualification and Pre-Design of Public Improvements**

Agency Name

Department of Administrative Services
(Division of Public Works)

Division

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153:1-1-01

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Qualifications-based selection.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB153**General Assembly: **129**Sponsor: **Amstutz**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **153.71**

5. Statute(s) the rule, as filed, amplifies or implements: **153.66 -153.70**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

RC 153.71 allows a public authority to adopt, amend, or rescind rules under Chapter 119 of the Revised Code to implement RC 153.66 to 153.70. Currently, Rules 153:1-1-01 to 153:1-1-06 govern the selection of professional design services for the State of Ohio. However, with the passage of H.B. 153, these rules need to be rescinded and will be replaced with two new rules. One rule for qualifications-based selection of professional design firms and one rule for prequalification of professional design firms.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Rule 153:1-1-01 (Definitions) is being rescinded and replaced with new Rule 153:1-1-01 that establishes the qualifications-based selection process. The new rule also replaces rules 153:1-1-03 to 153:1-1-06. Consistent with the new law, this rule contains definitions for criteria architect or engineer, design-build services, and design-build firm; establishes a pre-design phase and the announcement for professional services contracts and design-build contracts. This rule also allows the Department of Administrative Services to require a state agency authorized by the Department to locally administer construction projects to publish its announcement on the Department's website as a condition of its authorization; establishes requirements for the appointment of a committee to evaluate statements of qualifications received from professional design firms; establishes a protocol for ranking and selecting a short-list of professional design firms; establishes a process for optional interviews, scope clarification meetings and technical proposal submittal; establishes a process for determining the selected firm in the event of a tie between two firms; establishes the process for negotiating a contract; and sets forth exemptions including emergencies and public exigencies.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

1. Added definition of "EDGE" in paragraph (A)(3).
2. Revised definition of "state" and renumbered from paragraph (A)(3) to paragraph (A)(4).
3. Renumbered definition of "selection coordinator" from paragraph (A)(4) to paragraph (A)(5).
4. Added EDGE requirement in paragraph (B)(1).
5. Deleted reference to standard form in paragraph (B)(2)(a).
6. Added EDGE requirement in paragraph (B)(2)(b).
7. Deleted paragraph (B)(2)(d)(i)-(iv) as the rule just repeated statutory language.
8. Changed "may" to "shall" in paragraph (B)(2)(e).
9. Deleted "or certification" from paragraph (B)(2)(f) as unnecessary.
10. Revised paragraph (B)(2)(h) to remove reference to "pre-proposal".
11. Moved paragraphs (D)(4) and (D)(5) to new paragraph (F).
12. Deleted paragraph (F)(1) to (F)(3) as the rule just repeated statutory language.
13. Revised language of old paragraph (F) and changed to paragraph (G).
14. Changed paragraph (G) to paragraph (H).
15. Changed paragraph (H) to paragraph (I).
16. Changed paragraph (I) to paragraph (J).

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0

Not Applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Not Applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**