

**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)****Sarah Spence**

Division

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**153:1-1-02**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Prequalification of professional design firms.****RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **No**
2. Are you proposing this rule as a result of recent legislation? **No**
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:

Under the Ohio Revised Code, the Commission has authority to establish a prequalification process for selecting professional design firms through administrative rule. The prequalification list created through this process is used to contract with various design professionals to provide engineering, architectural, testing and surveying services for small projects, projects requiring an accelerated design schedule, or emergency projects that require expedited services. The amended rule will give Commission staff more flexibility in the administration of

the list.

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:

Under the proposed rule, firms wishing to be considered for the prequalification list will have to maintain a current statement of qualifications on file with the Commission. Commission staff will evaluate all statements of qualification before submitting the firms to the Controlling Board for approval; however, interviews of those firms before Controlling Board approval will no longer be required. The processes to follow for certain contract thresholds were also adjusted to give Commission staff more flexibility in using the prequalification list based upon the project's need while leaving in the necessary oversight. For contracts of \$100,000 or less, staff can either ask for technical proposal from three firms on the list and rank them based on the proposals, or can select one firm from the list and request a technical and fee proposal. For contracts greater than \$100,000, staff can must ask for technical proposal from three firms on the list and may interview those firms and then rank them based upon the proposals. All firms on the list are still subject to the \$250,000 cap of contract dollar amount that they can receive.

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. If applicable, indicate each specific paragraph of the rule that has been modified:

We are revising the originally filed rule in order to correct a typo.

12. Five Year Review (FYR) Date: **10/5/2017**

(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.

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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**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **No**

19. Specific to this rule, answer the following:

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**