

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)**Lisa J. Iannotta**

Division

Contact

30 East Broad Street Suite 4040 Columbus OH
43215-0000**614-644-1773**

Agency Mailing Address (Plus Zip)

Phone

Fax

153:1-1-02

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Prequalification of professional design firms.**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 any 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. With the passage of H.B. 153, substantial revisions were made to the laws governing construction of public improvements, including revisions to the engagement of professional design services. This rule originally set forth the prequalification requirements for professional design firms seeking to

provide services to public authorities. Because of the changes, Rule 153:1-1-02 must be rescinded and will be replaced with new Rule 153:1-1-02.

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:

The new rule establishes requirements for professional design firms seeking to be prequalified by the Department of Administrative Services to maintain a current statement of qualifications on file. This rule includes a process to select firms under \$50,000 and a tiered selection process for firms that receive a waiver of competitive selection from the controlling board per RC 153.691.

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. Deleted "be responsible for maintaining" and added "maintains" to paragraph (A)
2. Deleted language in paragraph (B) and replaced with new language

3. Deleted paragraphs (C)(1),(C)(2) and (C)(3) and revised language by adding EDGE requirements and statutory references to paragraph (C)
4. Deleted old paragraph (D)
5. Revised old language of paragraph (E) and changed it to paragraph (D)
6. Deleted reference to "waiver of competitive selection" from paragraphs (E)(1), (E)(2), and (E)(3) and deleted "selected, ranked and" from paragraphs (E)(1)(a) and (E)(1)(b), (E)(2), and (E)(3)
7. Changed paragraph (F) to paragraph (E)

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**