

## **NOTICE OF PUBLIC HEARING**

**THE DEPARTMENT OF ADMINISTRATIVE SERVICES (DAS)**, pursuant to Chapter 119 of the Ohio Revised Code, hereby gives notice that a public hearing will be conducted for the purpose of considering the adoption and amendment of the following rules contained in the Ohio Administrative Code (Ohio Adm. Code).

The public hearing will be conducted on **Tuesday, December 22, 2015**, beginning at **10:00 a.m.**, in the **Lobby Hearing Room, located at the James A. Rhodes State Office Tower, 30 East Broad Street, Columbus, Ohio 43215**. All interested persons affected by the proposed actions may be heard by oral or written testimony.

The following rules are proposed for **amendment**:

**123:5-1-01 Definitions.**

Inserts definitions for Active service, Armed forces, Chief executive, Competitive manner, Discharged under honorable conditions, Emergency, Employee, Evidence of satisfactory service, Honorably discharged, Products, Produced, Purchase, Record verifying veteran status, Supplies, Veteran, Veteran employment standard, and Veteran-friendly business enterprise.

**123:5-1-02 Delegation of procurement authority.**

Updates the list of individuals to whom procurement authority may be delegated to include the assistant director and deputy director.

**123:5-1-03 Permit to make purchases when impractical through the department.**

Updates requirements and procedures for purchases made during emergencies and emergency conditions, pursuant to ORC 125.061, which was passed as a part of HB 64.

**123:5-1-06 Implementation of domestic, Ohio bid preference.**

Adds language to reflect that if the Ohio bid preference is applied, the veteran-friendly business enterprise preference would not be applied.

**123:5-1-09 Purchase of recycled products.**

Revises the criteria that must be met in order for state agencies and other instrumentalities of the state to purchase recycled products.

**123:5-1-13 Biobased products bid preference policy.**

Changes the mandatory requirement to procure biobased products to discretionary and eliminates the requirement that minimum content for the anticipated biobased purchases be derived from the United States department of agriculture's determination of minimum content for the designated item.

**123:5-1-14 Biobased products bid preference program procedure.**

Eliminates unnecessary steps in the bid/proposal review process, updates terminology used to match OAC 125-5-1-01 "Definitions", and revises procedures for applying the preference to be consistent with the procedures to apply the domestic and Ohio bid preferences.

**123:5-2-01 Disposal of excess and surplus supplies.**

Updates rules regarding the State's surplus program and procedures to be followed by agencies turning in/disposing of excess and surplus supplies so they conform with statutory changes brought about by H.B. 64 §125.13. Also adds definitions for key terms used throughout the rule.

**123:6-1-01 Definitions.**

Removes the definition for “State Institution of Higher Learning”, as the term is not used anywhere in this chapter.

**123:6-1-02 Assignment of vehicles.**

Corrects non-substantive grammatical errors.

**123:6-1-03 Mileage reimbursement payments.**

Corrects non-substantive grammatical errors and to remove text that incorrectly states that this rule replaces OAC 123:6-1-02.

**123:6-1-04 123:6-1-04 Delegation of authority of fleet management.**

To correct a non-substantive grammatical error. At the beginning of division (D) of this rule, there is a misplaced “(A)”.

The following rule is proposed for adoption:

**123:5-1-17 First and second requisite procurement program.**

The rule will reiterate what the first and second requisite programs are and define how agency purchase requests are to be submitted and reviewed, how determinations are to be made, and what happens if responses are not provided to agencies on time.

Copies of the proposed rules are available from:

- Dept. of Administrative Services, 30 E. Broad St., Suite 4023, Columbus, Ohio 43215;
- Register of Ohio website: <http://www.registerofohio.state.oh.us>.

**All interested persons will be given an opportunity to be heard at the public hearing.** Those persons who wish to provide oral testimony are encouraged to contact the Department of Administrative Services at 614-644-1773, no later than **Wednesday, December 9, 2015**, and may be given preference in the order of their testimony.

**All interested persons providing written comments in lieu of oral testimony** are also encouraged to send their comments, no later than **Wednesday, December 9, 2015**, to:

The Department of Administrative Services  
Attn: Stephanie L. Warner, Associate Legal Counsel  
30 East Broad Street, Suite 4023  
Columbus, Ohio 43215  
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