

NOTICE OF PUBLIC HEARING

Pursuant to Ohio Revised Code Section 119.03, notice is hereby given that the Department of Administrative Services (DAS) intends to conduct a public hearing for the purpose of amending, implementing, or rescinding the following Ohio Administrative Code (OAC) rules:

1. OAC 123:5-1-01. This rule, which is being amended, contains definitions of terms used throughout OAC 123:5-1.
2. OAC 123:5-1-07. This rule, which is being amended, contains the requirements for the Invitation to Bid (ITB) process, including information contained in an ITB, the means by which the ITB will be publicly posted, use of conferences, opening and acceptance of bids, when documents are public records, bid corrections, and contract awards.
3. OAC 123:5-1-08. This rule, which is being amended, contains the requirements for the Request for Proposal (RFP) process, including information contained in an RFP, the means by which the RFP will be publicly posted, use of conferences, opening and acceptance of bids, when documents are public records, bid corrections, and contract awards.
4. OAC 123:5-1-10. This rule, which is being amended, provides DAS with the authority to prepare specifications for goods or services, to delegate this authority to a state agency, the types of specifications that can be used, and the requirements for each of the specifications.
5. OAC 123:5-1-12. This rule, which is being amended, contains the requirements for the reverse auction process, including information contained in a reverse auction ITB, the means by which the reverse auction ITB will be publicly posted, use of conferences, opening and acceptance of bids, conduct of the Reverse Auction, when documents are public records, bid corrections, and contract awards.
6. OAC 123:5-1-17. This rule, which is being amended, contains the requirements for use of the first and second requisite procurement programs, including policies and procedures to be followed by state agencies, use of blanket waivers to exempt purchases from the rule's requirements, and notifying first and second requisite programs of purchases.
7. OAC 123:5-1-18. This new rule supports implementation of the Ohio-Based Personal Protective Equipment Manufacturers Program, and includes certification processes, qualification criteria, and certification periods, notices, revocations, and renewals.
8. OAC 123:5-3-01. This rule, which is being amended, contains definitions of terms used throughout OAC 123:5-3.
9. OAC 123:5-3-02. This rule, which is being amended, contains the requirements for community rehabilitation program certification as a qualified nonprofit agency, including necessary documents, certification renewal, and notification, suspension, and revocation of certification.
10. OAC 123:5-3-04. This rule, which is being amended, establishes requirements for quarterly reporting by qualified nonprofit agencies and suspension or revocation of certification for non-reporting.
11. OAC 123:5-3-05. This rule, which is being amended, establishes the ability for DAS to request information from government ordering agencies, and annual reporting requirements for certified agents and qualified nonprofit agencies.

12. OAC 123:5-3-07. This rule, which is being amended, allows government ordering agencies to request a waiver from the requirement to purchase a particular good or service from a qualified nonprofit agency, specifies reasons for a waiver, and actions that can be taken if DAS denies the waiver request.
13. OAC 123:5-3-08. This rule, which is being amended, allows DAS to release a government ordering agency from the requirement to purchase from a particular product supplier. This rule stipulates the criteria that must be demonstrated and the review process to be followed by DAS.
14. OAC 123:5-3-09. This rule, which is being amended, specifies conditions that must be met for DAS to add goods or services that can be purchased from qualified nonprofit agencies.
15. OAC 123:5-3-10. This rule, which is being amended, allows DAS to select a specific qualified nonprofit agency to provide a good or service, specifies the considerations for making a selection, and establishes decision processes.
16. OAC 123:5-3-11. This rule, which is being amended, authorizes DAS to audit qualified nonprofit agencies, government ordering offices, and their agents. The rule is also being amended to include monitoring functions enabled by OAC 123:5-3-12.
17. OAC 123:5-3-12. This rule is being rescinded and its requirements incorporated into OAC 5-3-11.

The public hearing will be conducted on Monday, March 11, 2024, beginning at 9:00 a.m., in the Lobby Hearing Room, located at the James A. Rhodes State Office Tower, 30 East Broad Street, Columbus, Ohio 43215. At this hearing, any person affected by the rule may appear and be heard in person, by the person's attorney, or both; may present the person's position, arguments, or contentions orally or in writing; offer and examine witnesses; and present evidence that tends to show that the rule, if effectuated, will be unreasonable or unlawful.

Individuals desiring to submit their position, arguments, or contentions in writing only (written statement) may do so by submitting them to the following address:

The Department of Administrative Services
Office of Legal Services
Attn: Chief Legal Counsel
30 East Broad Street, Suite 4023
Columbus, Ohio 43215
das.legalservices@das.ohio.gov

Any such written statements actually received by 5:00 p.m. on Monday, March 4, 2024, will be considered by the Department of Administrative Services. A person who timely submits a written statement is not required to appear at the hearing to have the written statement considered in the rule making process.

Those persons who wish to provide oral testimony are encouraged to contact the Department of Administrative Services through das.legalservices@das.ohio.gov no later than March 4, 2024, at 5:00 p.m., and may be given preference in the order of their testimony.

Copies of the proposed rules are available from:

- Dept. of Administrative Services, Office of Legal Services, 30 E. Broad St., Suite 4023, Columbus, Ohio 43215, 614-644-1773;
- Register of Ohio website: <http://www.registerofohio.state.oh.us>