

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 rescission and adoption of the following rules contained in the Ohio Administrative Code.

The public hearing will be conducted on **February 6, 2012**, beginning at **1:00 p.m.**, in **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The following rules are being rescinded and new ones proposed:

153:1-1-01 Definitions. (Rescind) Qualifications-based selection. (New)

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 However, with the passage of H.B. 153, these rules need to be rescinded and will be replaced with two new rules – one for qualifications-based selection of professional design firms and one for prequalification of professional design firms.

Rule 153:1-1-01 (Definitions) is being rescinded and replaced with new Rule 153:1-1-01 that establishes the qualifications-based selection process.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.

153:1-1-02 Prequalification. (Rescind) Pre-qualification of professional design firms. (New)

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.

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.

NOTICE OF PUBLIC HEARING (continued...)

The following rules are being rescinded:

153:1-1-03 Pre-design and announcement.

This rule sets forth the requirements for the selection of a design professional during the pre-design phase. With the new legislation setting forth new construction delivery methods, including design-build and construction manager at risk, this rule is being rescinded and replaced by Rule 153:1-1-01.

153:1-1-04 Statement of qualifications.

This rule requires design professionals to submit their statement of qualifications to the State Architect. With the new legislation setting forth new construction delivery methods, including design-build and construction manager at risk, this rule is being rescinded and replaced by Rule 153:1-1-01.

153:1-1-05 Selection process.

This rule sets forth the requirements for the selection of a design professional. With the new legislation setting forth new construction delivery methods, including design-build and construction manager at risk, this rule is being rescinded and replaced by Rule 153:1-1-01.

153:1-1-06 Exemptions.

This rule sets forth the exemptions for the selection of a design professional. With the new legislation setting forth new construction delivery methods, including design-build and construction manager at risk, the exemptions as written are being rescinded and replaced by Rule 153:1-1-01.

Copies of the proposed rules are available from:

- Dept. of Administrative Services, Office of Legal Services, 30 E. Broad St., Suite 4099, 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 January 30, 2012, 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 January 30, 2012, to:

The Department of Administrative Services
Office of Legal Services
Attn: Catherine C. Perkins, Associate Counsel
30 East Broad Street, Suite 4099
Columbus, Ohio 43215
cathy.perkins@das.state.oh.us