

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

In addition to the definitions in section 125.01 of the Revised Code, the following definitions shall apply:

- (A) "Agency" means any state department, office, institution, board, or commission.
- (B) "Annual premium" means the total annual premium for one year for one type of insurance regardless of the number of policies.
- (C) "Bid response" means all documents, whether attached or incorporated by reference, supplied by the bidder in response to an invitation to bid.
- (D) "Bidder" means the person or firm which submits a response resulting from an invitation to bid.
- (E) "Border state" means any state that is contiguous to Ohio and that does not impose a restriction greater than Ohio imposes pursuant to section 125.09 of the Revised Code.
- (F) "Competitive sealed proposal" means offering of proposals in response to a request for proposal by a state department, office, institution, board or commission for the purchase of supplies and/or services.
- (G) "Emergency condition" means a situation which creates a threat to public health, welfare, safety, which may arise by reason of epidemics, riots, equipment failure or such other reasons as may be proclaimed by the governor; or which interrupts the operation of production facilities maintained by Ohio penal industries in its program for employment of prisoners.
- (H) "Equipment" means items, implements, and machinery with a predetermined and considerable usage life.
- (I) "Invitation to bid" or "ITB" means all documents, whether attached or incorporated by reference, utilized for soliciting bids.
- (J) "Lowest responsive and responsible bidder" means a bidder on the contract whose proposal responds to the bid specifications in all material respects and contains no irregularities or deviations from the specifications which would affect the amount of the bid or otherwise provide the bidder with a competitive advantage, and whose financial condition, experience, conduct and performance on previous contracts, facilities, and management skills, support the bidder's ability to execute the contract properly.

- (K) "Material" means items or substances of an expendable or nonexpendable nature from which something can be made, improved, or repaired.
- (L) "Offeree" means the state department, office, institution, board, or commission who is seeking to purchase supplies and/or services through a request for proposal.
- (M) "Offeror" means the person or firm which submits a proposal in response to a request for proposal.
- (N) "Ohio bid" means a bid received from a bidder offering Ohio products or a bidder demonstrating significant Ohio economic presence.
- (O) "Ohio Business Enterprise" means domestic corporations as defined in division (A) of section 1703.01 of the Revised Code and any sole proprietorship, partnership or joint venture whose principal place of business is located in Ohio.
- (P) "Post-consumer materials" means recovered materials which were generated by a business or consumer, have served their intended end uses, and have been separated or diverted from solid wastes for the purposes of collection, recycling and disposition.
- (Q) "Pre-consumer materials" means recovered materials which were production finished materials, products, or by products which did not reach the consumer for whose use they were intended, and have been diverted from solid wastes for the purposes of collection, recycling and disposition.
- (R) "Printed good" means any item produced by one of the various categories of printing including but not limited to, letterpress, gravure, offset, screen printing electro-photography, laser, ink jet, stencil, and spirit duplicating which usually take the form of books, pamphlets, newsletters, tickets, posters, envelopes, letterhead, calling cards, multi-part unit sets, continuous forms, labels, decals, maps, and mailers, items not considered printing include clothing, wallpaper, matches, pencils, trash bags, computer paper, paper plates, signage, or photography.
- (S) "Proposal" means all documents, whether attached or incorporated by reference, supplied by the offeror in response to a request for proposal.
- (T) "Recovered materials" means waste materials and by products which have been recovered or diverted from solid waste.
- (U) "Recycled content product" means a product made from pre-consumer or

post-consumer recovered materials whose portion of weight or volume of recovered materials meets or exceeds the minimum content percentage standard guidelines established by the department of administrative services.

(V) "Request for proposal" or "RFP" means all documents, whether attached or incorporated by reference, utilized for soliciting of proposals from offerors.

(W) "Significant Ohio economic presence" means business organizations that:

(1) Pay required taxes to the State of Ohio; and, Have sales offices, divisions, sales outlets or manufacturing facilities in Ohio or which facilities demonstrate a significant capital investment to Ohio;

(2) Are registered and licensed to do business in the State of Ohio with the office of the Secretary of State~~Pay required taxes to the state of Ohio; and~~

(3) Have ten or more employees based in Ohio, or seventy-five percent or more of their employees based in Ohio.~~Are registered and licensed to do business in the state of Ohio with the office of the secretary of state.~~

(X) "Software" means the computer programs, data, routines, operating and communications systems, etc. as specified in the request for proposal that are held in some kind of storage medium and that perform common functions for all users as well as specific applications for particular user needs.

(Y) "Specification" means any description of the physical or functional characteristics or of the nature of supplies or service to be purchased. It may include a description of any requirements for inspecting, testing, or preparing supplies or services for delivery.

(Z) "Term contract" means a requirement contract which has been arranged for the purchase of supplies or services deemed necessary for the use and maintenance of state agencies.

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Certification

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