



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Dan DeSantis

H.B. 471

132nd General Assembly
(As Introduced)

Reps. Gonzales, Reineke, Strahorn

BILL SUMMARY

- Clarifies the law governing the Department of Administrative Services (DAS) and the Ohio Facilities Construction Commission (OFCC) with respect to the care of state buildings.
 - Exempts purchases by a state agency, of supplies or services through a third-party administrator contract, from the first and second requisite procurement program, which generally requires a state agency to give preference to certain state agency programs such as Ohio Penal Industries.
-

CONTENT AND OPERATION

DAS and OFCC authority

The bill clarifies the law governing the Department of Administrative Services (DAS) and the Ohio Facilities Construction Commission (OFCC) with respect to the care of state buildings. Under continuing law, the Director of Administrative Services must protect, maintain, and keep in repair, the public works of the state.¹ But also under continuing law, the OFCC has permissive authority to perform certain functions related to contracts for the design and construction of improvements to public facilities of the state.²

The bill clarifies that DAS has the authority to maintain, repair, rehabilitate, remodel, renovate, retrofit, enlarge, improve, alter, equip, furnish, paint, and decorate

¹ R.C. 123.02, not in the bill.

² R.C. 123.21(A); R.C. 123.20, not in the bill.

any building under the control of a state agency and to engage with the state agency in designing the project.³ Further, the bill clarifies that OFCC's powers do not extend to letting or administering contracts that fall under that DAS authority,⁴ and that OFCC's general power to authorize a state agency to administer capital facilities projects does not include the power to authorize DAS with respect to those projects.⁵

Requisite procurement program

The bill exempts purchases by a state agency, of supplies or services through a third-party administrator contract established by DAS, from the first and second requisite procurement program.⁶ Under continuing law, the program requires state agencies to submit a purchase request to DAS unless DAS has determined the request does not require review. First requisite procurement programs include Ohio Penal Industries and certain community rehabilitation programs administered by DAS. Second requisite procurement programs include the Business Enterprise Program at the Opportunities for Ohioans with Disabilities Agency, the Office of Information Technology and the Office of State Printing and Mail Services at DAS, the Ohio Pharmacy Services at the Department of Mental Health and Addiction Services, the OFCC, and other programs within or administered by a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency.⁷

Architectural and engineering plans

Continuing OFCC law requires, for certain public works projects, that an architect or an engineer prepare full and accurate plans.⁸ The bill appears to exempt projects administered by DAS from this specific law when DAS law otherwise makes provisions for such plans. In this case, the provisions of DAS law take precedence over the general OFCC law.⁹

³ R.C. 123.01(A)(17).

⁴ R.C. 123.21(D)(2).

⁵ R.C. 123.211(A)(11).

⁶ R.C. 125.035(A).

⁷ R.C. 125.035.

⁸ R.C. 153.01.

⁹ R.C. 123.01 and 153.01(A).

HISTORY

ACTION

DATE

Introduced

01-18-18

H0471-I-132.docx/ts

