

As Reported by the Senate Government Oversight Committee

135th General Assembly

Regular Session

2023-2024

S. B. No. 23

Senator Lang

A BILL

To amend section 9.48 of the Revised Code to expand 1
political subdivision joint purchasing authority 2
to expressly include purchases for construction 3
services. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 9.48 of the Revised Code be 5
amended to read as follows: 6

Sec. 9.48. (A) As used in this section, ~~"political:~~ 7

"Political subdivision" has the same meaning as in section 8
2744.01 of the Revised Code and includes a county hospital as 9
defined in section 339.01 of the Revised Code. 10

"Professional design services" means services within the 11
scope of practice of an architect or landscape architect 12
registered under Chapter 4703. of the Revised Code or a 13
professional engineer or surveyor registered under Chapter 4733. 14
of the Revised Code. 15

"Services" includes construction services, but does not 16
include professional design services. 17

(B) A political subdivision may do any of the following: 18

(1) Permit one or more other political subdivisions to participate in contracts into which it has entered for the acquisition of equipment, materials, supplies, or services, and may charge such participating political subdivisions a reasonable fee to cover any additional costs incurred as a result of their participation;

(2) Participate in a joint purchasing program operated by or through a national or state association of political subdivisions in which the purchasing political subdivision is eligible for membership.

(3) Participate in contract offerings from the federal government that are available to a political subdivision including, but not limited to, contract offerings from the general services administration.

(C) Acquisition by a political subdivision of equipment, material, supplies, or services, through participation in a contract of another political subdivision or participation in an association program under division (B) (1) or (2) of this section, is exempt from any competitive selection requirements otherwise required by law, if the contract in which it is participating was awarded pursuant to a publicly solicited request for a proposal or a competitive selection procedure of another political subdivision within this state or in another state. Acquisition by a political subdivision of equipment, materials, supplies, or services pursuant to division (B) (3) of this section is exempt from any competitive selection requirements otherwise required by law. No political subdivision shall acquire equipment, materials, supplies, or services by participating in a contract under this section if it has received bids for such acquisition, unless its participation

enables it to make the acquisition upon the same terms, 49
conditions, and specifications at a lower price. 50

(D) A political subdivision that is eligible to 51
participate in a joint purchasing program operated by or through 52
a national or state association of political subdivisions in 53
which the purchasing political subdivision is eligible for 54
membership may purchase supplies or services from another party, 55
including another political subdivision, instead of through 56
participation in contracts authorized by division (B) (2) of this 57
section if the political subdivision can purchase those supplies 58
or services from the other party upon equivalent terms, 59
conditions, and specifications but at a lower price than it can 60
through those contracts. Purchases that a political subdivision 61
makes under this division are exempt from any competitive 62
selection procedures otherwise required by law. A political 63
subdivision that makes any purchase under this division shall 64
maintain sufficient information regarding the purchase to verify 65
that it satisfied the conditions for making a purchase under 66
this division. Nothing in this division restricts any action 67
taken by a political subdivision as authorized by division (B) 68
(1) of this section. 69

(E) The authorization granted to a municipal corporation 70
under this section shall be in addition to, and not in 71
derogation of, the powers and authority granted by state law, 72
the Ohio Constitution, and the provisions of a municipal 73
charter, ordinance, or resolution. 74

Section 2. That existing section 9.48 of the Revised Code 75
is hereby repealed. 76