



Ohio Revised Code Section 125.05 Competitive selection.

Effective: October 3, 2023

Legislation: House Bill 33

No state agency shall purchase any supplies or services except as provided in this section and section 127.16 of the Revised Code. When exercising direct purchasing authority the agency shall utilize a selection process that complies with all applicable laws, rules, or regulations of the department of administrative services.

(A) A state agency may, without competitive selection, make any purchase of supplies or services that cost less than fifty thousand dollars after complying with divisions (A) to (E) of section 125.035 of the Revised Code. The agency may make the purchase directly or may make the purchase from or through the department of administrative services, whichever the agency determines. The agency shall adopt written procedures consistent with the department's purchasing procedures and shall use those procedures when making purchases under this division.

Section 127.16 of the Revised Code does not apply to purchases made under this division.

(B) A state agency shall make purchases of supplies and services that cost fifty thousand dollars or more through the department of administrative services and the process provided in section 125.035 of the Revised Code, unless the department grants a waiver and a release and permit under that section.

(C) An agency that has been granted a release and permit under section 125.035 of the Revised Code to make a purchase may make the purchase without competitive selection if after making the purchase the cumulative purchase threshold as computed under division (E) of section 127.16 of the Revised Code would:

- (1) Be exceeded and the controlling board approves the purchase;
- (2) Not be exceeded and the department of administrative services approves the purchase.



(D) An agency that has been granted a release and permit under section 125.035 of the Revised Code to make a purchase may make the purchase by utilizing the electronic procurement system established by the department of administrative services under section 125.073 of the Revised Code.

(E) If the department of education and workforce or the Ohio education computer network determines that it can purchase software services or supplies for specified school districts at a price less than the price for which the districts could purchase the same software services or supplies for themselves, the department or network shall certify that fact to the department of administrative services and, acting as an agent for the specified school districts, shall make that purchase without following the provisions in divisions (A) to (D) of this section.

(F) When the purchase cost of personal protective equipment is less than fifty thousand dollars, a state agency shall comply with section 125.035 of the Revised Code. If the purchase is not subject to the requirements of an applicable first or second requisite procurement program, the agency shall apply the same preferences in section 125.09 of the Revised Code when making the purchase. As used in this division, "personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.