



Ohio Administrative Code Rule 113-8-04 Pay for success fund.

Effective: August 13, 2020

(A) If the treasurer of state, and as applicable, the director of administrative services, does elect to enter into a pay for success contract, the requesting state agency, political subdivision, or group of state agencies or political subdivisions shall deposit the cost of the contract, as determined by the treasurer of state, in the appropriate fund established under section 113.62 of the Revised Code.

(B) If the federal grant moneys are received and those moneys do not cover all of the cost of the contract, the requesting state agency, political subdivision, or group of state agencies or political subdivisions shall deposit the remainder of the cost of the contract, as determined by the treasurer of state, into the appropriate pay for success fund under section 113.62 of the Revised Code.

(C) Moneys shall be deposited into the pay for success funds as follows:

(1) If a pay for success contract is funded by a state agency or political subdivision, the requesting state agency or political subdivision shall deposit into the applicable pay for success fund the cost of the contract, and used in accordance with divisions (A) to (C) of section 113.62 of the Revised Code, as applicable.

(2) If a pay for success contract is funded by general assembly appropriation, those funds shall be deposited into the applicable pay for success fund upon receipt, and used in accordance with division (A) of section 113.62 of the Revised Code.

(3) If a pay for success contract is funded by federal grant moneys, those funds shall be deposited into the applicable pay for success fund upon receipt, and used in accordance with division (B) of section 113.62 of the Revised Code. Federal grant moneys and any other funds received by the treasurer of state shall not constitute state funds for purposes of division (B)(2)(b) of section 113.60 of the Revised Code.

(4) If one pay for success contract is funded by more than one of the sources set forth in this



paragraph, those moneys shall be deposited into the applicable pay for success fund and earmarked for that project.

(D) Costs related to a contract with an independent evaluator may be paid from funds on deposit in a pay for success fund.

(E) The treasurer of state may create and hold one or more trust accounts or escrow accounts with a corporate trustee or escrow agent, which trustee or escrow agent may be any trust company or bank having the powers of a trust company within or without the state, within which the treasurer of state may deposit any moneys on deposit in a pay for success fund pursuant to section 113.62 of the Revised Code, or any other funds received from any person to be used for purposes under sections 113.60 to 113.62 of the Revised Code. In the sole discretion of the treasurer of state, any installment payments payable under sections 113.60 to 113.62 of the Revised Code may be secured by one or more trust agreements or escrow agreements between the treasurer of state and a corporate trustee or escrow agent, under which the treasurer of state may pledge or assign any funds on deposit in a pay for success fund pursuant to section 113.62 of the Revised Code, or any other funds received from any person to be used for purposes under sections 113.60 to 113.62 of the Revised Code. All expenses incurred in carrying out the provisions of this section may be treated as a part of the cost of administration of the pay for success contracting program and may be paid from funds on deposit in a pay for success fund.