



Ohio Administrative Code

Rule 123:5-1-03 Permit to make purchases when impractical through the department.

Effective: June 7, 2021

(A) No state agency other than those excepted in sections 125.02, 125.04 and 125.041 of the Revised Code shall procure or purchase any supplies or services, except in accordance with sections 125.035 and 125.05 of the Revised Code. When the department of administrative services determines that it is not possible or not advantageous for the department to make the purchase, the department shall grant the agency a release and permit to make the purchase. Release and permits may be granted for a single purchase or for a group of similar or related purchases. The department may issue a blanket release and permit to an agency for specific types of purchases and for any length of time, not to exceed the current biennium. Factors to consider for issuance of a release and permit include, but are not limited to, the following:

- (1) The demonstrated ability of the agency in terms of procurement knowledge and any specialized knowledge pertinent to the procurement covered by the release;
- (2) The past professional experience of the agency in exercising similar authority and the degree and quality of professional analysis demonstrated and documented by the agency seeking to undertake the acquisition;
- (3) The degree of economy and efficiency to be achieved in meeting the state's requirements if authority is delegated;
- (4) The available resources of the department to exercise the authority if it is not delegated; and
- (5) The ability of the department to complete the purchase pursuant to competitive selection;

(B) An agency shall not proceed with the purchase until the department has granted a specific release and permit or the purchase is covered by a blanket release and permit. Whenever a release and permit has been granted, the requesting agency must purchase the products, supplies, and/or services in a competitive manner and with controlling board approval unless the controlling board



determines that such approval is not required.

(C) The emergency management agency or any other state agency participating in response and recovery activities may make procurements of products, supplies, and/or services when an emergency as defined in paragraph (N) of rule 123:5-1-01 of the Administrative Code arises and the purchasing and contracting requirements contained in Chapter 125. and any requirement of Chapter 153. of the Revised Code have been suspended by the director and the need cannot be met through normal procurement methods. Whenever it is not possible or feasible to obtain approval from the controlling board and/or a release and permit from the department prior to making the purchase, the agency may proceed with the purchase and file a report with the president of the controlling board describing all such purchases made by the agency during the period covered by the emergency declaration. The report shall be filed within ninety days after the declaration expires. The emergency procurement shall be limited to those products, supplies, and/or services necessary to resolve the emergency.