



## Ohio Administrative Code

### Rule 123:5-1-08 The request for proposal process.

Effective: April 26, 2024

---

(A) At a minimum, a request for proposal ("RFP") should include the following information:

- (1) Instructions and information to offerors concerning submission of proposals, including the name of the state agency requesting to purchase goods or services;
- (2) Instructions governing communications, including but not limited instructions for submitting questions and posting answers on the department of administrative services' electronic procurement system;
- (3) A description of the goods or services to be purchased;
- (4) A description of the evaluation procedures to be followed for award of a contract;
- (5) The contract terms and conditions, including any requirement for acceptable financial assurances;
- (6) Requirements for submitting proposals, including date and time;
- (7) Documents that may be incorporated by reference, provided the RFP specifies where such documents can be obtained and the documents are readily available to all offerors;
- (8) A statement that the department of administrative services ("the department") or contracting state agency reserves the right to reject any proposals where the offeror takes exception to the terms and conditions of the RFP or fails to meet any of the requirements, terms and conditions, and specifications of the RFP.
- (9) A statement that the department or contracting state agency reserves the right to reject, in whole or in part, any proposals where the department or contracting state agency determines that award of



a contract would not be in the best interest of the department or contracting state agency, or;

(10) A statement that the department or contracting state agency may conduct discussions and/or negotiations with offerors who submit proposals for the purpose of clarification and/or correction, including the documentation of such to assure full understanding of and responsiveness to the requirements, terms and conditions, and specifications of the RFP.

(B) All RFPs will be publicly posted as set forth in paragraph (D) of this rule.

(C) The department or contracting state agency may conduct conferences prior to and/or after issuing an RFP. Prospective offerors will be notified of conferences as set forth in paragraph (D) of this rule.

(1) Conferences may be conducted prior to issuance of the RFP. Information discussed may be used in the planning of the RFP.

(2) Conferences may be conducted after issuance of the RFP to explain the procurement's requirements. Nothing stated at the conference changes the RFP unless a change is made by written amendment.

(D) All conference notices, RFPs, and RFP amendments will be:

(1) Publicly posted on the department of administrative services' electronic procurement system; and

(2) Sent to all suppliers registered under the commodity code(s) listed in the RFP.

(E) Proposals will not be opened until the date and time set for opening proposals.

(F) Once a contract is awarded, opened proposals are public records pursuant to the Ohio Public Records Act.

(1) If an offeror includes information in its proposal that it considers exempt from disclosure pursuant to the Ohio Public Records Act, the proposal will be accompanied with a redacted version of the proposal and a written justification with a detailed legal explanation for each redaction.



(2) If an offeror submits what the department or contracting state agency determines is an improperly redacted version of the proposal or an insufficient justification, the department or contracting state agency will advise the offeror in writing what portions of the proposal it believes are subject to disclosure in response to a public records request.

(G) Proposals will not be accepted by the department or contracting state agency after the submission date and time specified in the RFP.

(H) Contracts may be awarded in whole or in part to one or multiple offerors. Notice of potential multiple contract awards will be provided in the RFP.

(I) The department or contracting state agency has the right to reject any responses to an RFP in whole or in part, cancel, or reissue the RFP.

(J) The department or contracting state agency will provide a contract notice of award to all offerors.