



Ohio Administrative Code

Rule 123:5-3-08 Release from purchasing requirements for failure to perform.

Effective: April 26, 2024

(A) The department of administrative services ("the department") may release a government ordering office from the requirement to purchase goods or services when the government ordering office or its duly appointed designee requests a waiver and demonstrates that all of the following conditions exist:

(1) The government ordering office or its duly appointed designee determines that the qualified nonprofit agency is failing to properly perform its contractual obligations.

(2) The government ordering office or its duly appointed designee provides the department and the qualified nonprofit agency with a detailed notice of the deficiencies or failure to properly perform .

(3) The government ordering office or its duly appointed designee and the department agree to an appropriate period of time to allow the qualified nonprofit agency an opportunity to cure the deficiencies or failures. After the period to cure has ended, the government ordering office or its duly appointed designee provides the department with a detailed report outlining the results of the qualified nonprofit agencies' attempt to cure the deficiencies or failures.

(B) The department will review all information provided pursuant to paragraphs (A)(1) to (A)(3) of this rule and determine whether the qualified nonprofit agency cured the performance issues within the designated time frame. If the department determines that the qualified nonprofit agency properly cured the deficiencies or failures, the department will not release the government ordering office from the purchasing requirements unless the department determines that it is not advantageous to the state for the government ordering office to continue to purchase the goods or services from the qualified nonprofit agency or agent.

(C) If upon review of the information provided pursuant to paragraphs (A)(1) to (A)(3) of this rule, the department determines that the qualified nonprofit agency did not adequately cure the deficiencies or failures, , the department may release the government ordering office from



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compliance with the purchasing requirements .