



## Ohio Administrative Code

### Rule 3361:20-23-02 Contracts: purchasing, competitive bidding.

Effective: August 8, 2016

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- (A) The university shall adhere to established guidelines for competitive bidding when purchasing goods or services for the university, except as is otherwise hereinafter permitted. This rule applies to purchases using any and all funds administered by the university.
- (B) The university shall use contracts created by its central purchasing department when purchasing goods and services for the university, except as is otherwise hereinafter permitted.
- (C) The bidding guidelines shall be as follows:
- (1) For purchases in amount less than fifteen thousand dollars, the buyer shall obtain bids by telephone or electronic transmission as competition warrants.
  - (2) For purchases in an amount above fifteen thousand dollars but not in excess of six hundred sixty-five thousand five hundred dollars, the buyer shall obtain bids in writing, including electronic transmission as authorized by the director of purchasing and materiel management, in a number commensurate with the amount of the expenditure and the competition available in the traditional market.
  - (3) For purchases in an amount above six hundred sixty-five thousand five hundred dollars but not in excess of four million five hundred thousand dollars, approval of the president and compliance with the requirements of paragraph (B)(2) of this rule are required. The five million five hundred thousand dollar limit may be increased to five million dollars with the verbal or written consent of the chairperson of the finance and administration committee. Under normal conditions written approval is preferred.
  - (4) Public works projects of a kind and in the amounts specified in Chapter 153. of the Revised Code shall be competitively bid and award in accordance with all laws and regulations applicable thereto.



(D) Provided the bidding guidelines described in paragraph (B) of this rule are complied with, the director of purchasing and materiel management may:

(1) Exercise the president's entire approval and signature authority for purchase orders in amounts that do not exceed one million three hundred thirty-one thousand dollars when such purchase orders are made on standard forms that have been previously approved by the office of general counsel (OGC) and bear no attachments that could vary the terms of the purchase order; and

(2) Competitively bid, approve and execute purchase orders and term contracts for annual supplies and services in any amount during the interval between the June and September meetings of the board when such purchase orders and term contracts are made on standard forms that have been previously approved by the office of general counsel (OGC) and bear no attachments that could vary the terms of the order. A summary report of all purchase orders and term contracts executed with this authority shall be provided to the board for its fall meeting.

(3) Competitively bid, approve and execute purchase orders and term contracts for purchases in amounts above five million dollars, with the approval of the board of trustees and compliance with the requirements of paragraph (B)(2) of this rule unless the board of trustees specifically waves compliance.

(E) The authority granted and delegated to the director of purchasing and materiel management by this rule may not be further granted, delegated or assigned, either in whole or in part, to any other person.

(F) For the purchase of printed materiel, the requirements of section 3345.10 of the Revised Code shall be adhered to in addition to the requirements set forth above.

(G) Those bids to be advertised and the details of the bidding process shall be determined by policies established by the department of purchasing and materiel management.

(H) Contracts shall be awarded to the lowest and best bidder, except that the university reserves the right to accept or reject any or all bids or proposals in whole or in part.



(I) The director of purchasing and materiel management shall have authority, within the purchase dollar threshold authority of that office, to create and maintain a list of products determined to be non-competitive. These products may be purchased without competitive bidding or letters requesting a waiver from the competitive bidding policy as specified by paragraph (I) of this rule.

(J) Other waiver or modification of the bidding guidelines may be sought because of timing or unique product requirements, or where sufficient economic reasons exist. A written request for a waiver containing an explanation of the reasons for the request must be forwarded to the director of purchasing and materiel management with the requisition. Such waiver shall be effective on approval of the director of purchasing and materiel management for purchases within the dollar authority of that office, by the president for purchases within the purchase authority of that office and by the board of trustees thereafter.

(K) The director of purchasing and materiel management shall have authority to create and maintain a list of price agreements entered into by educational associations, state agencies and consortia through which goods and services may be procured without competitive bidding.

(L) Purchases made pursuant to sections 4115.31 to 4115.35 and 5147.07 of the Revised Code are exempt from the guidelines.

(M) Purchases of professional, non-competitive services for thirty thousand dollars or less as provided for in paragraph (M)(1) of this rule, and purchases of legal services from special counsel appointed by the Ohio attorney general in any amount, are exempt from these guidelines established in paragraph (B) of this rule.

(N) For the purchase of services which are professional and non-competitive in nature, the following shall apply:

(1) When the aggregate amount to be paid for such services will not exceed thirty thousand dollars in any calendar year, no bidding or express waiver thereof is required. An appropriate personal services contract purchase order or other form of agreement will be required under the applicable university contract policies and procedures.



(2) When the aggregate amount to be paid for such services will exceed thirty thousand dollars in any calendar year, bidding is required unless expressly waived by the contracting officer or director of purchasing and materiel management. A written request for such waiver containing an explanation of the reasons for the request must be forwarded to the contracting officer when the services are proposed to be provided by an individual sole proprietor or by the director of purchasing and materiel management when the services are proposed to be provided by a corporation, partnership or other business entity or organization prior to processing an appropriate university personal services contract purchase order or other form of agreement under the applicable university contract policies and procedures.

(O) Even where the competitive bidding guidelines may be waived or do not apply, compliance with such guidelines is encouraged.

(P) In compliance with section 125.081 of the Revised Code, the university shall set aside a number of purchases each year for bidding by certified minority businesses only. The bidding procedures for such contracts shall be the same as for all other contracts except that:

(1) Only minority business enterprises certified by the state of Ohio equal employment opportunity coordinator shall be qualified to submit bids, and

(2) The cost of products and services may not exceed the estimated market price by more than approximately ten per cent.

(3) If bids are rejected because of this cost consideration, the purchase shall be awarded in accordance with standard bidding procedures.

(Q) This rule shall not apply to the employment or reemployment by the university of regular teaching or administrative personnel.

(R) The university will adhere to all other applicable laws and regulations with respect to purchasing and competitive bidding.

(S) This rule shall be amended every three years to increase signing authority pursuant to rule



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OHIO LEGISLATIVE SERVICE  
COMMISSION  
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