



## Ohio Revised Code

### Section 5537.07 Bidding process for contracts exceeding \$50,000.

Effective: October 17, 2019

Legislation: House Bill 166 - 133rd General Assembly

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(A) When the cost to the Ohio turnpike and infrastructure commission under any contract with a person other than a governmental agency involves an expenditure of more than fifty thousand dollars, the commission shall make a written contract with the lowest responsive and responsible bidder, in accordance with section 9.312 of the Revised Code, after advertisement, in accordance with section 7.16 of the Revised Code, for not less than two consecutive weeks in a newspaper of general circulation and in such other publications as the commission determines. The notice shall state the general character of the work and the general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids. The commission may require that the cost estimate for the construction, demolition, alteration, repair, improvement, renovation, or reconstruction of roadways and bridges for which the commission is required to receive bids be kept confidential and remain confidential until after all bids for the public improvement have been received or the deadline for receiving bids has passed. Thereafter, and before opening the bids submitted for the roadways and bridges, the commission shall make the cost estimate public knowledge by reading the cost estimate in a public place. The commission may reject any and all bids. The requirements of this division do not apply to contracts for the acquisition of real property or compensation for professional or other personal services.

(B) Each bid for a contract for construction, demolition, alteration, repair, improvement, renovation, or reconstruction shall contain the full name of every person interested in it and shall meet the requirements of section 153.54 of the Revised Code.

(C) Other than for a contract referred to in division (B) of this section, each bid for a contract that involves an expenditure in excess of five hundred thousand dollars or any contract with a service facility operator shall contain the full name of every person interested in it and shall be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted a contract will be entered into and the performance of its proposal secured.

(D) Other than a contract referred to in division (B) of this section, a bond with good and sufficient



surety, in a form as prescribed and approved by the commission, shall be required of every contractor awarded a contract that involves an expenditure in excess of five hundred thousand dollars or any contract with a service facility operator. The bond shall be in an amount equal to at least fifty per cent of the contract price and shall be conditioned upon the faithful performance of the contract.

(E)(1) Notwithstanding any other provisions of this section, the commission may establish a program to expedite special turnpike projects by combining the design and construction elements of any public improvement project into a single contract. The commission shall prepare and distribute a scope of work document upon which the bidders shall base their bids. At a minimum, bidders shall meet the requirements of section 4733.161 of the Revised Code. Except in regard to those requirements relating to providing plans, the commission shall award contracts following the requirements set forth in divisions (A), (B), (C), and (D) of this section.

(2) Notwithstanding any other provision of this section or any other provision of the Revised Code to the contrary, the commission may use a value-based selection process when selecting a contractor to perform a project that contains both design and construction elements in a single contract under this division.

(F) Other than for a contract referred to in division (B) or (E) of this section, and notwithstanding any other provision of the Revised Code to the contrary, the commission may enter into a written contract after submission of competitive proposals when the commission determines that competitive bidding is not practical or advantageous to the commission. The commission may conduct discussions with anyone that submits a competitive proposal when that proposal might be selected to ensure that the person understands and is responsive to the requirements of the project. The commission may award the contract to the person that submits the best proposal, as determined by the commission. The commission shall consider multiple factors in awarding a contract under this division, including price and the evaluation criteria set forth in the request for competitive proposals.

(G) The commission may contract for the purchase of equipment, materials, and services without public advertisement in any of the following circumstances:

(1) The construction of a temporary bridge;



- (2) The making of temporary emergency repairs to a highway or bridge when necessary because of a storm, flood, landslide, or other natural disaster;
  
- (3) While responding to circumstances created by an extraordinary emergency, as determined by the commission.