



Ohio Administrative Code Rule 123:5-1-12 The reverse auction process.

Effective: April 26, 2024

(A) Reverse auctions will be conducted using an Invitation to Bid ("ITB"). At a minimum, an ITB will contain the following information:

- (1) Instructions and information to bidders concerning the submission of qualifications summaries, including the name of the state agency requesting to purchase goods or services;
- (2) Instructions governing communications, including 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) Complete and detailed specifications pertaining to the goods or services to be purchased; .
- (5) A description of the evaluation process to be followed for award of a contract;
- (6) The contract terms and conditions, including any requirement for acceptable financial assurances;
- (7) Requirements for submitting bid responses, including date and time; and
- (8) The date and time of the reverse auction and that it will be conducted using the department of administrative services' electronic procurement system.

(B) All reverse auction ITBs will be publicly posted as set forth in paragraph (E) of this rule.

(C) The department of administrative services ("the department") or contracting state agency may conduct conferences prior to and/or after issuing a reverse auction ITB. Prospective bidders will be notified of conferences as set forth in paragraph (E) of this rule.



(1) Conferences may be conducted prior to issuance of the reverse auction ITB to discuss proposed bid specifications. Information discussed may be used in the planning of the reverse auction ITB.

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

(D) Reverse auction ITB amendments will specify the portions of the ITB being changed. Amendments will be posted and suppliers notified as set forth in paragraph (E) of this rule. Prospective bidders will be given reasonable time to allow them to prepare bid responses. Amendments may extend the times and dates for submitting or opening bids.

(E) All pre-bid and bid conference notices, ITBs, ITB amendments, and awarded contracts 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 ITB.

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

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

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

(G) The signature of the bidder on the qualifications summary will serve as the signature for the entire bid response. The qualifications summary will include the names and contact information of



the persons who will serve as the authorized representatives of the bidder during the auction event.

(H) Qualification summaries will not be accepted by the department or contracting state agency after the submission time and date specified in the ITB.

(I) Correction or withdrawal of a qualification summary may be permitted by the department or contracting state agency due to an inadvertent mistake by the bidder. If the mistake is attributable to an error in judgment by the bidder, the qualification summary may not be corrected. Correction or withdrawal of a qualification summary due to an inadvertent mistake is permissible if it does not give the bidder a competitive advantage.

(1) A bidder may correct mistakes discovered before the time and date set for the qualifications summary opening by withdrawing or correcting the qualifications summary.

(2) When the department or contracting state agency knows or has reason to believe that the bidder made a mistake, the department or contracting state agency will request the bidder to confirm the accuracy of information in the qualification summary.

(J) The department or contracting state agency will use information from the qualifications summaries to register bidders for the auction event and reserves the right to exclude bidders who are deemed not responsive or not responsible.

(K) The department or contracting state agency will provide written notice to each bidder through the department of administrative services' electronic procurement system regarding the bidder's inclusion or exclusion from the qualified bidders list. Only those bidders on the qualified bidders list will be allowed to participate in the auction event.

(L) The department or contracting state agency will work with the bidders on the qualified bidders list to prepare for the auction event. Preparation may include configuration of the department of administrative services' electronic procurement system, testing of the bidder interface, delivery of auction event documentation, and training on how to use the system for the auction event.

(1) The department or contracting state agency will provide the necessary administrative support and



take any required actions to ensure that the integrity of the auction event is not compromised, including:

(a) Keeping an event record, which will include the prices offered by the bidders. The event record will become part of the contract documents and will become a public record at the conclusion of the event.

(b) Configuring the bidder interface so a bidder will not know the identities of competing bidders until the auction event is complete.

(2) Bidders may submit multiple bids during the auction event. The lowest price offered will become the price portion of the bid response.

(3) Bids must be submitted by, or under the direction of, an authorized representative designated in the bidder's qualifications summary.

(4) The auction event will have a scheduled stop time. However, if stated in the ITB, the department or contracting state agency may extend the auction event's duration if a pre-determined number of bids are not received within a specified period of time.

(a) Procedures for extending the auction event will be described in the ITB.

(b) The auction event will conclude at either the scheduled stop time or when all extensions are completed, whichever is later.

(5) When the department or contracting state agency knows or has reason to conclude that a bid is unreasonably lower than others that have been submitted, the department or contracting state agency will ask the bidder to confirm the bid response.

(6) After the conclusion of the auction event, the department or contracting state agency will award the contract to the bidder with the lowest bid determined to be the most responsive and responsible. An apparent low bidder found not to be responsive and responsible will be notified of that finding and the reasons for it.



(M) The department or contracting state agency reserves the right to reject any and all qualifications summaries in whole or in part, reject any bid submitted during an auction event, cancel, or reissue an ITB.