



## Ohio Administrative Code

### Rule 123:5-1-01 Definitions.

Effective: July 4, 2022

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As used in this division of the AdministrativeCode:

- (A) "Agency" means a department created under section 121.02 of the Revised Code.
- (B) "Auction event" means a competitive process conducted in which prequalified responsive and responsible bidders compete to submit the lowest price.
- (C) "Bid response" means all documents, whether attached or incorporated by reference, supplied by the bidder in response to an invitation to bid. In a reverse auction, this also includes a qualifications summary and the lowest price submitted by the bidder during the auction event.
- (D) "Bidder" means the person or firm that submits a bid response to an invitation to bid.
- (E) "Biobased Content" shall be determined based on the amount of biobased carbon in the material or product as a percentage of weight (mass) of the total organic carbon in the material or product.
- (F) "Border state" means any state that is contiguous to Ohio and that does not impose a restriction greater than Ohio imposes pursuant to sections 125.09 and 125.11 of the Revised Code on persons located in Ohio selling products or services to agencies of that state.
- (G) "Chief executive" means the president of the United States, the governor of this state, the board of county commissioners of any county, the board of township trustees of any township, or the mayor or city manager of any municipal corporation within this state.
- (H) "Competitive manner" means an open and fair process that promotes competition among prospective bidders or offerors. The process should be tailored to the products and services to be acquired. Depending on the needs of the agency, the process may be an informal or formal solicitation of bids or offers with the goal of achieving the lowest price for the products or services



to be acquired or the most advantageous contract for the state of Ohio. Agencies may utilize similar processes for competitive selection as defined in section 125.01 of the Revised Code.

(I) "Competitive sealed proposal" means offering of proposals in response to a request for proposal by a state agency for the purchase of supplies and/or services.

(J) "Domestic Source End Product" means

(1) An unmanufactured end product mined or produced in the United States, or

(2) An end product manufactured in the United States, if the cost of its components mined, produced, or manufactured in the United States, exceeds fifty per cent of the cost of all its components of foreign origin of the same class or kind as those that the department determines are not mined, produced, or manufactured in sufficient and reasonably available commercial quantities of a satisfactory quality are treated as domestic. Scrap generated, collected, and prepared for processing in the United States is considered domestic.

(K) "Emergency" means any period during which the congress of the United States or a chief executive has declared or proclaimed that an emergency exists.

(L) "eProcurement" or "eProcurement solution" means the departments electronic, cloud-based solution used to purchase products, supplies and services.

(M) "Invitation to bid" or "ITB" means all documents, whether attached or incorporated by reference, utilized for soliciting bids.

(N) "Offeree" means the state department, office, institution, board, or commission who is seeking to purchase supplies and/or services through a request for proposal.

(O) "Offeror" means the person or firm which submits a proposal in response to a request for proposal.

(P) "Buy Ohio supplier" means a supplier submitting a bid or offer offering Buy Ohio products or



demonstrating significant economic presence in Ohio or a border state.

(Q) "Buy Ohio products" means products that are mined, excavated, produced, manufactured, raised, or grown in Ohio or a border state by a person where the input of such products, labor, skill, or other services constitutes no less than twenty-five per cent of the manufactured cost. With respect to mined products, such products shall be mined or excavated in this state or a border state.

(R) "Post-consumer materials" means recovered materials that were generated by a business or consumer, have served their intended end uses, and have been separated or diverted from solid wastes for the purposes of collection, recycling and disposition.

(S) "Pre-consumer materials" means recovered materials that were production finished materials, products, or by products which did not reach the consumer for whose use they were intended, and have been diverted from solid wastes for the purposes of collection, recycling and disposition.

(T) "Produced" has the same meaning as defined in section 125.01 of the Revised Code.

(U) "Products" has the same meaning as defined in section 125.01 of the Revised Code.

(V) "Proposal" means all documents, whether attached or incorporated by reference, supplied by the offeror in response to a request for proposal.

(W) "Purchase" has the same meaning as defined in section 125.01 of the Revised Code.

(X) "Qualifications summary" means information required to be submitted by a bidder or offeror as part of a solicitation, which is used to determine the bidders or offerors responsibility and responsiveness.

(Y) "Recovered materials" means waste materials and by products that have been recovered or diverted from solid waste.

(Z) "Recycled content product" means a product made from pre-consumer or post-consumer recovered materials whose portion of weight or volume of recovered materials meets or exceeds the



minimum content percentage standard guidelines established by the department of administrative services.

(AA) "Request for proposal" or "RFP" means all documents, whether attached or incorporated by reference, utilized for soliciting proposals from offerors.

(BB) "Significant Ohio economic presence" means business organizations that:

- (1) Pay required taxes to the state of Ohio or applicable border state; and
- (2) Are registered and licensed to do business in the state of Ohio with the office of the secretary of state or as required by applicable border state; and
- (3) Have ten or more employees based in Ohio or the applicable border state, or seventy-five per cent or more of their employees based in Ohio or the applicable border state.

(CC) "State agency" has the same meaning as in section 1.60 of the Revised Code, but does not include the elected state officers, the general assembly or any legislative agency, a court or any judicial agency, or a state institution of higher education.

(DD) "Specification" means any description of the physical or functional characteristics or of the nature of supplies or service to be purchased. It may include a description of any requirements for inspecting, testing, or preparing supplies or services for delivery.

(EE) "Supplies" has the same meaning as defined in section 125.01 of the Revised Code.