



Ohio Administrative Code Rule 123:5-1-01 Definitions.

Effective: [April 26, 2024](#)

As used in this division of the Administrative Code:

- (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" means 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) "Biobased product" has the same meaning as defined in section 125.091 of the Revised Code.
- (G) "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 goods or services to agencies of that state.
- (H) "Buy Ohio products" has the same meaning as defined in section 125.01 of the Revised Code.
- (I) "Buy Ohio supplier" means a supplier submitting a bid or proposal offering Buy Ohio products or demonstrating significant economic presence in Ohio or a border state.
- (J) "Chief executive" has the same meaning as defined in section 5502.21 of the Revised Code.



(K) "Competitive selection" has the same meaning as defined in section 125.01 of the Revised Code.

(L) "Direct purchase authority" has the same meaning as defined in section 125.01 of the Revised Code.

(M) "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, provided:

(a) The cost of its components mined, produced, or manufactured in the United States exceeds fifty percent of the cost of all its components of foreign origin; and

(b) Its components of foreign origin are of the same class or kind as those that the department of administrative services ("the department") determines are not mined, produced, or manufactured in the United States in neither sufficient and reasonably available commercial quantities nor of a satisfactory quality.

(3) Scrap that is generated, collected, and prepared for processing in the United States.

(N) "Emergency" has the same meaning as defined in section 5502.21 of the Revised Code..

(O) "Electronic procurement" means the department of administrative services' electronic procurement system to purchase goods or services in a manner prescribed by the department.

(P) "First requisite program" has the same meaning as defined in section 125.035 of the Revised Code.

(Q) "Goods" means anything that can be purchased that is not a service or real property, including "products" and "supplies" as defined in section 125.01 of the Revised Code.



(R) "Invitation to bid" or "ITB" means the process for soliciting competitive sealed bids and all documents, whether attached or incorporated by reference, utilized for soliciting competitive sealed bids.

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

(T) "Personal protective equipment" has the same meaning as 125.05 of the Revised Code.

(U) "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.

(V) "Pre-consumer materials" means recovered materials that were production finished materials, products, or by-products that 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.

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

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

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

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

(AA) "Second requisite program" has the same meaning as section 125.035 of the Revised Code.

(BB) "Qualifications summary" means information submitted by a bidder or offeror as part of a solicitation that is used to determine the bidder's or offeror's responsibility and responsiveness.

(CC) "Recovered materials" means waste materials and by-products that have been recovered or



diverted from solid waste.

(DD) "Recycled content product" means a product made from pre-consumer or post-consumer recovered materials where the portion of weight or volume of recovered materials meets or exceeds the minimum content percentage standard guidelines established by the department.

(EE) "Request for proposal" or "RFP" means all documents, whether attached or incorporated by reference, utilized for soliciting competitive sealed proposals .

(FF) "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.

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