



Ohio Administrative Code

Rule 123:5-1-05 Purchase of biobased products.

Effective: February 23, 2026

(A) A biobased product is a product currently designated by the United States department of agriculture ("USDA") as either qualifying for mandatory federal purchasing or being certified through the federal voluntary labeling initiative.

(B) The department of administrative services will provide access to the current USDA biobased products catalog on its website and will implement any policies and procedures necessary to administer the biobased preference program.

(C) Bidders or offerors will furnish information in their bids or proposals demonstrating how their products meet paragraph (A) of this rule. Information furnished in bids or proposals will be used to determine if a qualified biobased product is being offered. Any bidder or offeror that intentionally submits false or misleading information will be immediately disqualified and may be subject to administrative or legal action.

(D) When a qualified biobased product and a substantially equivalent non-biobased product are available, state agencies will purchase the qualified biobased product unless the director of the department or the director's designee determines that:

(1) Any of the circumstances described in paragraphs (C) or (H) of section 125.092 of the Revised Code apply. For purposes of this rule, "unreasonable price" means that the price of a qualified biobased product exceeds either the price or fair market value of a substantially equivalent non-biobased product by the percentage established by paragraph (E) of this rule; or

(2) Purchasing the biobased products would not be in the best interest of the state or the purchase is otherwise prohibited.

(E) For the price of a qualified biobased product to be reasonable, the price will not exceed the price or the fair market value of a substantially equivalent non-biobased product by five per cent or more.