



## Ohio Administrative Code Rule 123:5-1-07 The invitation to bid process.

Effective: April 26, 2024

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(A) At a minimum, an invitation to bid ("ITB") will include the following information:

- (1) Instructions and information to bidders concerning submission of bid responses, including the name of the state agency requesting to purchase goods or services;
- (2) Instructions governing communications, including but not limited to 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 procedures 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;
- (8) Documents that may be incorporated by reference, provided the ITB specifies where such documents can be obtained and the documents are readily available to all bidders;

(B) All 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 an 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 ITB to discuss proposed bid specifications. Information discussed may be used in the planning of the ITB.

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

(D) 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) Bid responses will not be opened until the date and time set for bid opening.

(G) Once a contract is awarded, opened bid responses are public records pursuant to the Ohio Public Records Act.

(1) If a bidder includes information in its bid response that it considers exempt from disclosure pursuant to the Ohio Public Records Act, the bid response will be accompanied with a redacted version of the bid 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 bid response or an insufficient justification, the department or contracting state agency will advise the bidder in writing what portions of the bid response it believes are subject to disclosure in response to a public records request.



(H) Bid responses 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 bid response 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 bid response may not be corrected. Bid correction or withdrawal due to an inadvertent mistake is permissible only if it does not affect the bid response's cost or otherwise give the bidder a competitive advantage.

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

(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 bid response.

(J) Contracts may be awarded in whole or in part to one or multiple bidders. Notice of potential multiple contract awards will be provided in the ITB.

(K) The department or contracting state agency reserves the right to reject any responses to an ITB in whole or in part, cancel, or reissue the ITB.

(L) The department or contracting state agency will provide a contract notice of award to all bidders. An apparent low bidder found not to be responsive and responsible shall be notified of that finding and the reasons for it .