



Ohio Administrative Code

Rule 123:5-1-07 The invitation to bid process.

Effective: May 29, 2026

- (A) Unless otherwise specified, 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 supplies or services and the closing date and time;
 - (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 supplies or services to be purchased and any detailed specifications for the supplies or services;
 - (4) A description of the evaluation procedures to be followed for award of a contract;
 - (5) The contract terms and conditions, including any requirement for acceptable financial assurances; and
 - (6) If documents have been incorporated by reference, the ITB will specify where all bidders can obtain them.
- (B) All ITBs, ITB amendments, conference notices, and awarded contracts will be publicly posted on the department's electronic procurement system.
- (C) The department or the contracting state agency may conduct conferences:
- (1) Prior to the ITB being issued to discuss proposed specifications or other information that may be used in the planning of the ITB.
 - (2) After the ITB has been issued to explain the procurement's requirements. Nothing stated at the conference will change the ITB unless a change is made by written amendment.
- (D) ITB amendments will specify the portions of the ITB being changed. Amendments may extend the times and dates for submitting or opening bids.
- (E) The department or contracting state agency will not:
- (1) Open responses to an ITB until the closing date and time specified in the ITB.



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- (2) Accept responses to an ITB after the closing date and time specified in the ITB.
- (F) 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 response that it considers exempt from disclosure pursuant to the Ohio Public Records Act, the response will be accompanied with a redacted version of the response and a written justification that provides 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, prior to any award, the department or contracting state agency will advise the bidder in writing of the issues and provide the bidder a reasonable period of time to respond. Issues regarding redactions should be resolved prior to any award.
- (G) Correction or withdrawal of a response to an ITB may be permitted by the department or the contracting state agency due to an inadvertent mistake by the bidder.
- (1) If a mistake in a response to an ITB is attributable to an error in judgment by the bidder, the response to the ITB may not be corrected. Correction or withdrawal of a response to an ITB due to an inadvertent mistake is permissible only if it does not affect the response to the ITB's cost or otherwise give the bidder a competitive advantage.
 - (2) A bidder may correct mistakes discovered before the closing date and time specified in the ITB by withdrawing or correcting the response to the ITB.
 - (3) 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 response to the ITB.
- (H) 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.
- (I) The department or contracting state agency may reject any responses to an ITB in whole or in part, cancel, or reissue the ITB if it is determined that a contract award will not be in the best interest of the department or contracting state agency.



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- (J) The department or contracting state agency will provide a contract notice of award to all successful bidders using the department's electronic procurement system. Any apparent low bidder determined to be non-responsive or non-responsible will be notified of that determination and the basis for the determination.