



Ohio Administrative Code

Rule 123:5-1-08 The request for proposal process.

Effective: [March 9, 2020](#)

(A) At a minimum, the request for proposal ("RFP") should include the following information:

- (1) Instructions and information to offerors concerning submission of proposals, including the name of the agency, office, institution, board or commission requesting to purchase products, supplies and/or services;
- (2) Instructions governing communications, including but not limited instructions for submitting questions and posting answers electronically;
- (3) A description of products, supplies and/or services to be purchased and any other relevant criteria;
- (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;
- (6) The date, time and place for delivery of the proposal;
- (7) Documents that may be incorporated by reference provided the RFP specifies where such documents can be obtained and the documents are readily available to all offerors;
- (8) A statement that the offeree reserves the right to reject any and all proposals where the offeror takes exception to the terms and conditions of the RFP or fails to meet the terms and conditions, including but not limited to, standards, specifications, and requirements as specified in the RFP.
- (9) A statement that the offeree reserves the right to reject, in whole or in part, any and all proposals where the offeree, has determined that award of a contract would not be in the best interest of the



offeree or the state.

(B) As provided in the RFP, discussions and/or negotiations may be conducted with offerors who submit proposals for the purpose of clarification and/or correction, including any revisions that may occur during negotiations, to assure full understanding of and responsiveness to the requirements, terms and conditions and specifications of the RFP. Offerors shall be accorded fair and equal treatment in any clarification and/or correction and/or negotiation process.

(C) The department shall post all requests for proposals on the department's website or eProcurement solution. All requests for proposals shall state the date and time by which the proposal must be received by the department, and the date and time proposals will be opened.

(D) The department may conduct conferences to discuss an RFP in the following manner:

(1) Conferences may be conducted prior to issuance of the RFP. Information discussed may be used in the planning of the RFP. Notice of conferences shall be provided on the department's website or eProcurement solution.

(2) Conferences may be conducted after issuance of the RFP to explain the procurement requirements. notice of a conference shall be provided on the department's website or eProcurement solution. nothing stated at the conference shall change the RFP unless a change is made by written amendment.

(E) The department shall consider the following upon receipt of a proposal:

(1) Upon receipt, each proposal shall be time and date stamped but not opened and shall be stored in a secure place until the time and date set for the proposals opening.

(2) All timely bid responses shall be opened at the time, date, and place designated in the RFP. Pursuant to section 9.28 of the Revised Code, opened proposals shall not be available for public inspection until the department announces the award of a contract based on the competitive solicitation. As set forth in paragraph (E)(3) of this rule, material designated by the bidder as a confidential trade secret shall accompany the bid and shall be readily separable from the bid response



in order to facilitate public inspection of the non-confidential portion of the proposal. Prices, makes, model, catalog numbers of the items offered, deliveries, and terms of payment shall be available for public inspection pursuant to section 9.28 of the Revised Code regardless of any designation to the contrary.

(3) Any requests by the offerors for nondisclosure of trade secrets or assertions by the offeror that information in its proposal, or the entire proposal, is a trade secret shall be examined by the department to determine the validity of the request or assertion. Offeror requests or assertions must be in writing. If the department and offeror do not agree upon the information identified or asserted as a trade secret, the offeror shall be informed in writing by the department regarding what portions of the proposal shall be disclosed. The offeror may withdraw its proposal at any time prior to award of a contract. proposals shall be open to public inspection, excluding trade secrets agreed upon by the department and offeror, upon award of a contract.

(F) The department reserves the right to reject any and all responses to an RFP, in whole or in part, or cancel and/or reissue the RFP when:

(1) The products, supplies and/or services offered are not in compliance with the requirements, specifications, and terms and conditions set forth in the RFP; or

(2) Pricing offered is considered to be excessive in comparison with existing market conditions or exceeds the available funds of the state; or

(3) It is determined that award of a contract would not be in the best interests of the state.

(G) The department of administrative services may award a contract in whole or in part to one or multiple offerors. Notice of any potential partial and/or multiple party award(s) shall be provided in the RFP.

(H) Notice of an award shall be provided to the successful offeror. Notice of an award shall be posted on the department's website or eProcurement solution.