



Ohio Administrative Code Rule 123:5-1-10 Specification authority.

Effective: [May 29, 2026](#)

- (A) The department of administrative services has authority to prepare specifications for procurement of supplies or services. At its discretion, the department may delegate specification preparation authority to a state agency.
- (B) The department or authorized state agency may contract for specification preparation provided there is no conflict of interest and such action is in the state's best interest.
 - (1) Any contractor engaged in preparing specifications will not submit a bid or proposal, participate as a subcontractor, or otherwise receive any financial or competitive advantage - directly or through any affiliate, subsidiary, parent company, or entity under common control - from the resulting contract, any related agreement, or from any brand, product, or manufacturer identified in the specifications or qualified products list.
 - (2) The department or authorized state agency has final authority to review, edit, and approve specifications to ensure that the specifications are non-restrictive, reflect current industry standards, and promote open competition.
- (C) A specification must not include contract terms and conditions, response or proposal opening details, delivery schedules, payment terms, liquidated damages, or qualification of bidders or offerors. Specifications will be developed using one or more of the following methods:
 - (1) A design specification may be used when prescriptive details are necessary. A design specification will include specific manufacturing requirements and may include engineering plans, drawings, or blueprints.
 - (2) A performance specification may be used to describe required performance characteristics to achieve an intended outcome without mandating design details.
 - (3) A combination specification may be used when both design and performance attributes are necessary to meet requirements.
 - (4) Brand name or approved equal specifications may be used when design or performance specifications are impracticable or time constraints exist. Such specifications will establish minimum requirements and include at least two manufacturers or authorized distributors to ensure competition. Any brand name or approved equal specifications that meet



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or exceed minimum requirements will qualify for a contract award. Any individual or entity engaged in preparing brand name or approved equal specifications will disclose any financial interest in the identified brands or their authorized distributors and will not participate if such an interest exists.

- (5) A qualified products list is a list of products tested and approved as meeting applicable specifications. A qualified products list may be used when time does not permit specification development or when deemed in the best interest of the state. At least two manufacturers need to be solicited for inclusion on the qualified products list to ensure competition. Product testing or evaluation may be conducted by the department, authorized state agency, or an independent product testing facility as designated by the department or the authorized agency. Any party engaged in testing or evaluating products for inclusion on the qualified products list will disclose any financial interest in the products or the manufacturers under consideration and will not participate if such an interest exists.
- (6) A brand-specific specification may be used when a particular brand is the only product capable of meeting the department's or authorized state agency's needs. A brand-specific specification will only be used when at least one of the following conditions exists:
 - (a) The brand-specific product is a component of an existing item and alternative products are incompatible;
 - (b) Alternative equivalent products are unavailable in sufficient quantities to meet the need;
 - (c) Inventory considerations make alternatives cost prohibitive; and
 - (d) At least two authorized distributors are available. If not, purchases will comply with section 127.16 of the Revised Code.