



Ohio Administrative Code

Rule 123:5-1-17 First and second requisite procurement program.

Effective: June 7, 2021

(A) As used in this chapter of the Administrative Code:

(1) "First requisite procurement programs" means:

(a) Ohio penal industries within the department of rehabilitation and corrections; and

(b) Community rehabilitation programs administered by the department of administrative services under sections 125.60 to 125.6012 of the Revised Code.

(2) "Second requisite procurement programs" means:

(a) Business enterprise program at the opportunities for Ohioans with disabilities agency as prescribed in sections 3304.28 to 3304.33 of the Revised Code;

(b) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code;

(c) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code;

(d) Office of support services at the department of mental health as prescribed in section 5119.44 of the Revised Code; and

(e) Ohio facilities construction commission established in section 123.20 of the Revised Code.

(B) Unless otherwise exempt by the Revised Code:

(1) All state agencies wanting to purchase products, supplies, and/or services shall follow all



policies and procedures established by the department of administrative services including, but not limited to, requisite procurement programs.

(2) The director of the department of administrative services or the director's designee may issue a blanket waiver to all state agencies for specific types of purchases, thereby exempting such purchases from the requirements of this section. The blanket waiver may be for any length of time, not to exceed the current biennium.

(3) All state agencies are required to comply with sections 125.609 and 5147.07 of the Revised Code for the purchase of products, supplies, and/or services regardless of purchase price.

(C) The department of administrative services shall serve as a guide and resource for state agencies through the state procurement process as required by Chapter 125. of the Revised Code and this chapter of the Administrative Code.

(D) Upon receipt of a request to purchase or after being contacted, the department of administrative services will provide the requesting agency a notification of receipt of the request to purchase or confirmation of the contact from the state agency with a date and timestamp. If the department of administrative services fails to respond or provide an explanation for any further delay within five business days of the date and timestamp upon receipt, the requesting agency may use direct purchasing authority to make the requested purchase, subject to the requirement of division (G) of section 125.035 and section 127.16 of the Revised Code.

When the department provides explanation for further delay, the requesting agency shall supply the department with any additional information requested. Upon receipt of additional information, the department shall respond to the requesting agency with a determination or a subsequent request for additional information within two business days.

(E) In making the determination of whether or not a first requisite procurement program can fulfill the goods or services being requested, the department of administrative services shall attempt to make contact with both the Ohio penal industries and the office of community rehabilitation programs.



(F) If a first requisite procurement program cannot fulfill the products, supplies, and/or services being requested, the department of administrative services shall, if appropriate, make the second requisite procurement programs aware of the products, supplies, and/or services requested. The department of administrative services shall not make a final determination of whether or not a second requisite procurement program can fulfill the products, supplies, and/or services needs requested by the state agency. The department of administrative services may direct or refer a state agency to a second requisite procurement program. That determination is the responsibility of the individual second requisite procurement programs.