



## Ohio Administrative Code

### Rule 123:5-3-08 Release from purchasing requirements for failure to perform.

Effective: January 1, 2007

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(A) The administrator may release a government ordering office from the requirement of continuing to purchase a product or service pursuant to sections 125.60 to 125.6012 of the Revised Code, when the government ordering office of their duly appointed designee demonstrates that all of the following conditions exist:

- (1) The government ordering office, or their duly appointed designee determines that the service provider/product producer is failing to adequately or properly perform its contractual obligations.
- (2) The government ordering office, or their duly appointed designee, provides the office and service provider/product producer with a detailed notice of the deficiencies or failure to properly perform by the contractor of record.
- (3) The government ordering office, or their duly appointed designee, and the office agree to an appropriate period of time to allow the services provider/product producer an opportunity to cure the deficiencies or failures.
- (4) After the period to cure, as described above, has ended, the government ordering office, or their duly appointed designee, provides the office with a detailed report outlining the results of the service provider/product producer attempt to cure the deficiencies or failures.
- (5) The government ordering office, or their duly appointed designee, requests that the office grant a release to the government ordering office from the requirement to continue to purchase the product or service pursuant to the requirements in sections 125.60 to 125.6012 of the Revised Code.

(B) The administrator of the office of procurement from community rehabilitation programs shall review all information provided pursuant to paragraphs (A)(1) to (A)(5) of this rule and determine whether the service provider/product producer cured the performance issues within the designated time frame. If the administrator determines that the services provider/product producer properly



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DOCUMENT #253441

cured the deficiencies or failures, then the administrator shall not release the government ordering office from the purchasing requirements set forth in sections 125.60 to 125.6012 of the Revised Code. Unless the administrator determines that it is not advantageous to the state for the government ordering office to continue to purchase the product or service from the qualified nonprofit agency or agent.

(C) If upon review of the information provide pursuant to paragraphs (A)(1) to (A)(5) of this rule, the administrator determines that the service provider/product producer did not adequately cure the deficiencies inn performance or failures, the administrator may release the government ordering office from compliance with the purchasing requirements of sections 125.60 to 125.6012 of the Revised Code.