



## Ohio Administrative Code Rule 3333-1-30 Monitoring of capital projects.

Effective: May 25, 2020

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### (A) Authority

This rule is established by authority conferred upon the chancellor of the Ohio department of higher education in division (D) of section 3345.51 of the Revised Code upon consultation with representatives of institutions of higher education. This rule shall only apply to capital projects exceeding four million dollars in state capital appropriations dollars which are locally administered pursuant to sections 123.24 and 3345.51 of the Revised Code.

### (B) Definitions

(1) "Institution" means a state university, a state community college, and the northeast Ohio medical university.

(2) "Capital project" means a project exceeding four million dollars in state capital appropriations dollars which consists of construction, reconstruction, improvement, renovation, enlargement, or alteration, or other structural, mechanical, electrical or telecommunication improvements, or the installation of heating, cooling, or ventilating plant or other equipment or material supplied therefore.

(3) "Contract documents" means the standard conditions of contract for construction and the agreements for professional services for design associates and construction managers.

(4) "Institutional Designee" means the individual designated by the institution as the one principal contact for all capital projects for which local administration has been granted. The "Institutional Designee" may be either a university architect or engineer, director of capital facilities, or institution vice president empowered by the institution with a level of authority similar to the state architect.

(C) Monitoring of capital facilities projects administered by the institutions.



As part of the biennial process for monitoring local administration, the institution shall submit the following for review by the chancellor of the department of higher education or designee:

(1) Within sixty days after the effective date of the section of an act in which the general assembly initially makes an appropriation for a capital project to be administered pursuant to rule 3333-1-28 of the Administrative Code, or as requested by the chancellor of the board of regents or designee, the institution shall submit the following:

(a) The name and credentials of the individual serving as the "Institutional Designee" for both ongoing and new capital projects.

(b) The names and credentials of the staff for both ongoing and new capital projects.

(c) The names of institution staff who have received local administration certification training under section 123.24 of the Revised Code.

(d) Evidence that the institution's local administration certification granted under section 123.24 of the Revised Code is still in effect.

(e) Evidence of the institution's previous project management experience. The institution shall submit a list of locally administered projects; each project's total budget amount; the square footage of each project (if applicable); each project's schedule; each project's administration team; and the current status of each project including any pending claims.

(2) The audit reports from biennial audits conducted by the institution pursuant to division (C) of section 3345.51 of the Revised Code and rule 3333-1-29 of the Administrative Code.

(3) Any other information requested by the chancellor of the department of higher education or designee.

(D) Basis for revocation

The chancellor of the department of higher education may revoke the authority of an institution of



higher education to locally administer capital projects under the authority of section 3345.51 of the Revised Code if any of the following occur:

(1) The Ohio facilities construction commission has revoked the institution of higher education's local administration certification under section 123.24 of the Revised Code.

(2) The institution has not complied with rule 3333-1-28 of the Administrative Code; or

(3) The institution has not conducted the biennial audit in accordance with division (C) of section 3345.51 of the Revised Code and rule 3333-1-29 of the Administrative Code.

(E) Actions taken by the chancellor

In the event the biennial audit conducted by the institution reveals the institution has not materially complied with Chapters 9., 123., and 153. of the Revised Code in administering its capital projects, the chancellor may, at its discretion, take one of the following actions:

(1) Issue a written warning to the institution requesting correction of the problem within ninety days of receipt of the written warning; or

(2) Place the institution on probation for an appropriate period of time; or

(3) If the institution is already on probation, revoke the certification of the institution.

(F) Actions of an institution of higher education following revocation.

After an institution has had its certification revoked by either the Ohio facilities construction commission or the chancellor, the institution shall do the following:

(1) Reapply to the department of administrative services under section 123.24 of the Revised Code; and

(2) Petition the chancellor for reinstatement of its authority under section 3345.51 of the Revised



Code; and

(3) Have the board of trustees of the institution reissue its intent to be bound by the terms of section 153.13 of the Revised Code and the guidelines established pursuant to section 153.16 of the Revised Code.