



## Ohio Administrative Code

### Rule 3357:10-2-37 Purchasing: facility improvement projects.

Effective: August 3, 2018

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#### (A) Competitive bidding.

(1) Projects for capital improvements, whether local or state funded, in amounts equal to or in excess of two hundred thousand dollars must follow the formal competitive bidding process, including advertising, in accordance with sections 9.312, and 3357.16 and Chapter 153. of the Revised Code. The threshold is based on total project cost, not contract cost, regardless of the source of funds.

(2) Capital improvement projects with a total project cost less than two hundred thousand dollars are not required to follow the formal competitive bidding process, including advertising, in accordance with sections 9.312, and 3357.16 and Chapter 153. of the Revised Code.

(3) Any questions regarding whether a project involves maintenance or construction shall be referred to legal counsel.

(4) A project may not be divided into separate projects to avoid competitive bidding.

#### (B) Quotes.

(1) Improvement projects that exceed seventy-five thousand dollars but are less than two hundred thousand dollars must obtain at least three written quotes and follow the general purchasing policy of Marion technical college, and include prevailing wage rates in the bidding specifications and in the contract.

(a) All prevailing wage projects shall be managed by the college's prevailing wage coordinator.

(b) All bids, regardless of amount, will be received and maintained by the prevailing wage coordinator of the college.



(2) Improvement contracts below seventy-five thousand dollars shall obtain at least three written quotes whenever possible. If less than three quotes are available, the reasons must be documented in writing.

(C) All projects greater than seventy-five thousand dollars must require certifications from the prime contractor that prevailing wages have been paid.

(D) For all construction projects, regardless of size, the following are required:

(1) Issue a "notice of commencement," using the appropriate state of Ohio form. A copy of the notice shall be sent to all contractors and to all subcontractors that the college is aware of, and shall be posted on the college website.

(2) Use a contract form, not just a purchase order, and include the time for completion of the project.

(3) The contract shall contain the non-discrimination clauses provided for in section 153.59 of the Revised Code.

(4) Obtain a lien release in the form of the attached letter, before making final payment to the contractor.

(5) Ensure that no contractors are barred from doing business with the state of Ohio.

(6) Require that each contractor have a drug safety policy approved by the Ohio bureau of worker's compensation.

(7) Ensure each improvement contract includes a provision for findings for recovery.

(8) Ensure each contractor is registered to do business with the Ohio secretary of state's office.

(E) Bond.

The chief financial officer will make a case-by-case decision as to when a bid bond and performance



and payment bond will be required for all projects less than two hundred thousand dollars. In general, a bond will not be required unless the projects involves demolition, excavation, utility work, hazardous materials, specialized construction, or roofing.

(F) Insurance.

(1) For projects requiring a bond, insurance coverage will also be required, in the following amounts:

(a) Not less than five hundred thousand on account of bodily injury to or death of one person, and one million dollars on account of bodily injuries or death of more than one person as a result of any one accident or disaster, and two hundred fifty thousand dollars for property damage in any one accident.

(b) Such insurance shall be written by a company or companies authorized to engage in the business of general liability insurance in the state of Ohio with an A.M. best rating of at least "A" or be otherwise approved in writing by the college.

(c) Any insurance policy required herein shall include an endorsement naming the college and the state of Ohio as additional insureds.

(G) Bid advertising.

(1) Improvement projects equal to or in excess of two hundred thousand dollars shall be advertised after the notice calling for bids has been published once a week for three consecutive weeks in at least one newspaper of general circulation within the Marion technical college district where the work is to be done.

(H) Awarding of contract.

(1) The college shall award the project to the lowest responsive and responsible bidder considering the bidder criterion set forth in section 9.312 of the Revised Code. For projects under the two hundred thousand dollars formal competitive bidding threshold, the college shall select the quote or proposal that is in the best interest of the college.



- (a) Such contracts shall be accompanied by or shall refer to plans and specifications for the work to be done.
- (b) Such contracts shall be approved by the board of trustees and signed by the chairperson of the board and by the contractor.
- (2) The college treasurer shall certify there are sufficient funds for the project in accordance with section 3357.10 of the Revised Code.
- (3) The college shall obtain a bid bond and performance and payment bond for all projects equal to or in excess of two hundred thousand dollars.
- (4) The college may accept or reject any or all proposals or quotes, in whole or in part.
- (5) In the event the college determines to reject a bidder, the college shall follow the procedure set forth in section 9.312 of the Revised Code and consult with legal counsel at the attorney general's office.
- (6) Clarification of bids or additional information on bids will be sought only through the business office and after consultation with legal counsel at the attorney general's office.
- (7) No changes to specifications or prices may be made after bid due date. Any change to specifications may require a rebid from all bidders.