

**AUDITOR OF STATE BULLETIN: 96-011**  
**APRIL 15, 1996**

TO: ALL COUNTY COMMISSIONERS  
ALL TOWNSHIP TRUSTEES  
ALL BOARDS OF EDUCATION  
ALL MUNICIPAL CORPORATION LEGISLATIVE AUTHORITIES  
ALL INDEPENDENT PUBLIC ACCOUNTANTS

SUBJECT: PUBLIC BUILDINGS

The purpose of this Auditor of State Bulletin is to inform all political subdivisions of Sub House Bill No. 169 which is effective April 9, 1996. This bill amends Sections 123.151, 153.07, 153.50, 153.51, 153.52, 3354.16, 3355.12, and 3357.16 and repeals Sections 153.02 and 153.03 of the Revised Code to eliminate the requirement that a public agency award separate contracts for each separate and distinct branch or class of work on a public works project, to increase the bidding threshold on certain public works projects to \$50,000, to require that the notice seeking bids on state public works projects be published for three rather than four consecutive weeks, and to permit a community college, state community college, university branch, or technical college to solicit separate or combined bids and to award separate or combined contracts for each distinct branch or class of work.

Section 153.07 of the Revised Code was amended to require the notice provided for in Section 153.06 of the Revised Code be published once each week for three consecutive weeks, rather than four consecutive weeks, in a newspaper of general circulation in the county where the activity for which proposals are submitted is to occur and in such other newspapers as ordered by the department of administrative services, the last publication to be at least eight days preceding the day for opening the bids, and in such form and with such phraseology as the department orders.

Section 153.50 (A) of the Revised Code as amended retains the requirement that all public authorities (i.e., the state and political subdivisions of the state) solicit separate bids and award separate contracts for different parts of a public works project, but specifies that the bids and contracts are to be only for the following:

- (1) Plumbing and Gas Fitting;
- (2) Steam and Hot-Water Heating, Ventilating Apparatus, and Steam-Power Plant;
- (3) Electrical Equipment

rather than for each separate and distinct "trade or kind of mechanical labor, employment, or business" as is currently required.

Section 153.50 (B) of the Revised Code provides that a public authority is not required to solicit separate proposals for a branch or class of work specified in division (A) of this section for an improvement if the estimated cost for that branch or class of work is less than five thousand dollars (\$5,000).

Section 153.51 (B)(1) of the Revised Code provides that the public authority may also award a single, aggregate contract for the entire project pursuant to division (A) of this section. This award shall be made to the bidder who is the lowest responsive and responsible bidder or the lowest and best bidder, as applicable, as specified in Section 153.52 of the Revised Code.

Section 153.51 (B)(2) of the Revised Code permits a public authority to assign all or any portion of its interest in the contract of the lowest responsive and responsible bidder or lowest and best bidder to another successful bidder on the project as an agreed condition for the award for the amount of its respective bid. Such assignment may include, but is not limited to, the duty to schedule, coordinate, and administer the contracts.

Section 153.51 (C) of the Revised Code provides that a public authority is not required to award separate contracts for a branch or class of work specified in division (A) of Section 153.50 of the Revised Code entering into an improvement if the estimated cost for that branch or class of work is less than five thousand dollars (\$5,000).

Section 153.52 of the Revised Code was amended to read that Sections 153.50 to 153.52 of the Revised Code do not apply to the erection of buildings and other structures which cost less than fifty thousand dollars (\$50,000).

Sections 3354.16, 3355.12, and 3357.16 of the Revised Code were amended in this legislation to permit a community college, state community college, university branch, or technical college to solicit separate or combined bids and to award separate or combined contracts for each distinct branch or class of work. **FOR THESE TYPES OF ENTITIES, PLEASE REFER TO THE APPROPRIATE SECTIONS OF THE OHIO REVISED CODE FOR THE PROCEDURES TO BE FOLLOWED.**

The information provided in this bulletin summarizes portions of Sub. H.B. 169. For more complete details, public offices should obtain a copy of the legislation.

If you should have any questions regarding this bulletin, please contact the Auditor of State's Local Government Services staff at 614-466-4717 or 1-800-345-2519.