



Ohio Revised Code

Section 125.061 Suspension of purchasing and contracting requirements in case of emergency.

Effective: September 29, 2017

Legislation: House Bill 49 - 132nd General Assembly

(A) As used in this section:

(1) "Emergency" has the same meaning as defined in section 5502.21 of the Revised Code.

(2) "State procurement emergency" means a situation that creates all of the following:

(a) A threat to public health, safety, or welfare;

(b) An immediate and serious need for supplies or services that cannot be met through normal procurement methods required by state law; and

(c) A serious threat of harm to the functioning of state government, the preservation or protection of property, or the health or safety of any person.

(B) During the period of an emergency, the department of administrative services may suspend, for the emergency management agency established in section 5502.22 of the Revised Code or any other state agency participating in response and recovery activities as defined in section 5502.21 of the Revised Code, the purchasing and contracting requirements contained in Chapter 125. and any requirement of Chapter 153. of the Revised Code that otherwise would apply to the agency. The director of public safety or the executive director of the emergency management agency shall make the request for the suspension of these requirements to the department of administrative services concurrently with the request to the governor or the president of the United States for the declaration of an emergency. The governor also shall include in any proclamation the governor issues declaring an emergency language requesting the suspension of those requirements during the period of the emergency.

(C) During the period of a state procurement emergency, the department of administrative services



may suspend, for any state agency, the purchasing and contracting requirements contained in Chapter 125. of the Revised Code that would otherwise be required of the agency.

(1) The director or administrative head of the state agency where the state procurement emergency exists shall request the department of administrative services to suspend the purchasing and contracting requirements in Chapter 125. of the Revised Code.

(2) The request shall include information detailing the immediacy of the state procurement emergency and a description of the necessary supplies or services that cannot be timely purchased through normal procurement methods otherwise required by state law.

(3) Whenever practical, the agency shall obtain a release and permit from the department of administrative services under section 125.035 of the Revised Code before making purchases under this division.

(D) Before any purchase may be made under a suspension authorized by this section, the director of administrative services shall send notice of the suspension as approved by the director to the director of budget and management and to the members of the controlling board. The notice shall provide details of the request for suspension and shall include a copy of the director's approval.

(E) Purchases made by state agencies under this section are exempt from the requirements of section 127.16 of the Revised Code, except that state agencies making purchases under this section shall file a report with the president of the controlling board describing all such purchases made by the agency during the period covered by the emergency declaration or state procurement emergency. The report shall be filed within ninety days after the declaration or state procurement emergency condition expires.