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Construction Reform rule making update

Construction Reform, which was signed into law June 30 as part of Governor Kasich's FY2012-2013 budget, paved the way for some very significant changes in the delivery of public construction in the State of Ohio.

The most significant change outlined in [House Bill 153](#) is the elimination of Ohio's multi-prime requirement for the use of separate contractors for each aspect of the project, including general trades, mechanical, electrical and plumbing work.

The new construction reform legislation will allow public authorities to continue to use the multi-prime approach, but adds new contracting options such as hiring a Construction Manager (CM) at Risk firm, a Design-Build (DB) firm or a single-prime contractor to perform the work.

The Ohio Department of Administrative Services (DAS) is required to develop administrative rules in order for the new alternative delivery methods to become effective. Rules amplify Revised Code and add further clarification and details for administrative procedures. An administrative rule becomes effective as part of the law in Ohio only after its adopting agency has taken it through a statutorily prescribed rule-making procedure.

DAS has drafted a total of seven proposed rules for Construction Reform which include:

- Surety Bonding Rule
- Contract Form Rule
- Subcontract Form Rule
- Prequalification Rule
- Best Value Rule
- Electronic Advertising Rule
- Electronic Bidding Rule

Drafts of the proposed rules are now available for comment on the Ohio Construction Reform (OCR) website at <http://ocr.ohio.gov> (click on Rules). In addition, contract documents are being posted to the website as they are developed and can be found on the "Documents" web page. We encourage and welcome all interested parties to review the information on the website and provide comments or questions as appropriate.

Also included on the [OCR website](#), which launched in September, are links to legislative information, an event calendar showing public hearing dates and other related events, a list of frequently asked questions, a glossary of terms and other general information related to Construction Reform. In addition, a link is provided on the website to sign up for periodic updates on Construction Reform.

The JCARR process

As mentioned in the article above, the Ohio Department of Administrative Services (DAS) is required to develop and adopt administrative rules in order for the new Ohio Construction Reform law to become effective. Under the rule making process, as outlined in R.C. Chapter 119 of the Ohio Administrative Procedure Act, DAS must give public notice of its intention to adopt a rule and then hold a public hearing on the proposed rules. In addition, the proposed rules are subject to legislative review by the Joint Committee on Agency Rule Review (JCARR).

The primary function of JCARR is to review the proposed new rules to ensure the following:

1. The rules do not exceed the scope of the rule-making agency's statutory authority;
2. The rules do not conflict with a rule of that agency or another rule-making agency;
3. The rules do not conflict with the intent of the legislature in enacting the statute under which the rule is proposed; and
4. The rule-making agency has prepared a complete and accurate rule summary and fiscal analysis of the proposed rule and any supporting materials referenced meet statutory standards.

It is important to note that JCARR does not approve rules. It may only recommend a concurrent resolution to invalidate the rule. Rules submitted to JCARR are subject to a 65-day JCARR jurisdiction before they can become effective. The 65 days start on the day that the rule is originally filed to JCARR. A public hearing on the rule must be held between the 31st and 40th day from the date filed. Completion of the JCARR process occurs when the rule is filed and assigned an effective date, which must be no fewer than 10 days after the final filing.

For more information about JCARR, go to <https://www.jcarr.state.oh.us>.



SAO College attracts largest attendance to date

SAO staff presented our annual SAO College training event in three cities during August and September. More than 350 professionals attended the events making it the largest attendance since SAO College began in 2002.

Participants learned more about the Construction Reform project delivery methods, as well as Building Information Modeling, OAKS Capital Improvements, the state's energy efficiency standards and recent changes to the Standard Requirements documents.

The program was well received and many participants especially enjoyed the open panel discussion and extra time spent on questions and answers.

For more information about SAO College or to download copies of the 2011 PowerPoint presentations, go to the SAO website at <http://ohio.gov/sao> and click on Outreach Events.



New Standard Requirements issued

SAO issued an update to the State of Ohio Standard Requirements for Public Facility Construction in September. The new Standard Requirements documents are available on the SAO website at <http://ohio.gov/sao> (click on Standard Requirements in the Documents module). For a complete list of the changes, refer to the version control document (SAO-M140-01-00 00 02-VC) at the website above.

The Standard Requirements includes, but is not limited to, the Instructions to Bidders, General Conditions, standard contract and bid forms and other construction contracting requirements currently in effect.

Updates to the Standard Requirements are released on an as-needed basis and subsequently posted to our website. SAO works closely with the Ohio Attorney General's Office and Department of Administrative Services legal counsel regarding the updates. We limit publication of updates to once per quarter.



Managing projects the OAKS CI way

Do you find yourself doing twice the amount of work to get project information into the OAKS Capital Improvements (OAKS CI) system? If so, why not let OAKS CI do the work for you?

OAKS CI is a workflow system. This means that your work, whether it's a payment request or approval, can take place in OAKS CI, replacing the paper forms.

Do it the OAKS CI way! Allow the system to handle the calculations, approval routings and project information and only do the process once!

Statement of Qualifications (330 form) revised

Minor changes have been made to the Statement of Qualifications (SAO-F110-330) form. The following sections have been updated:

- Instructions, Section H (Additional Information): The reference to Executive Order 2010-09S has been changed to Executive Order 2011-12K.
- Part I, Section Fd (Example Projects): Please list the project owner's e-mail address for each example project submitted.

All firms are asked to download and use the updated version of the Statement of Qualifications (SAO-F110-330) which can be found via the SAO website at <http://ohio.gov/sao> (click on Forms).

SAO welcomes Construction Compliance

The State Architect's Office would like to welcome several new staff members to its team. Employees from the Equal Opportunity Division (EOD)'s Construction Compliance are working side-by-side with SAO.

The Construction Compliance staff include Program Manager Pam Osborne; EEO Contract Specialists Kathy Dabney, Priscilla Smith and Alonzo Webb; and EEO Contract Officers Tim Collins, Brenda Hodge and Charles King.

The Construction Compliance unit is responsible for ensuring state contractors adhere to the State of Ohio's affirmative action program pursuant to O.A.C.123:2-3-02. Specifically, this unit's responsibilities include the issuance of certificates of compliance under ORC 9.47 and 153.08, conducting project site visits and compliance reviews (desk audits) to ensure contractors utilize minorities and women in the construction trades, as well as maintaining a working environment free of discrimination, harassment and intimidation.



SAO is pleased to welcome Construction Compliance and we look forward to working with Pam and her staff on the oversight of design and construction of facilities for state agencies, boards, commissions and institutions of higher education.



Internet Explorer 9.0 now supported by OAKS CI

The OAKS Capital Improvements (OAKS CI) Unifier system has been upgraded from version 9.4 to the recently released version 9.6. The most notable enhancement in this release is Unifier's support of Internet Explorer 9.0 (IE9), which was released in March.

Users who are currently running IE9 no longer need to use the compatibility mode in OAKS CI and any previous issues that may have been experienced are now resolved.

State Architect's Office

4200 Surface Road • Columbus, Ohio 43228-1395

Phone 614.466.4761

StateArchOff@das.state.oh.us