

**CONTROLLING
BOARD MANUAL**

Rev. 2018



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The purpose of this manual is to help agencies understand the role of the Controlling Board, as well as to explain the types of requests considered by the Board. In addition, it attempts to illustrate the proper and most successful ways to prepare requests for the Board's consideration. This manual is written primarily for state agencies and state employees who interact with the Board. It is useful, however, to anyone who has a desire to better understand the Board's work, practices and procedures.

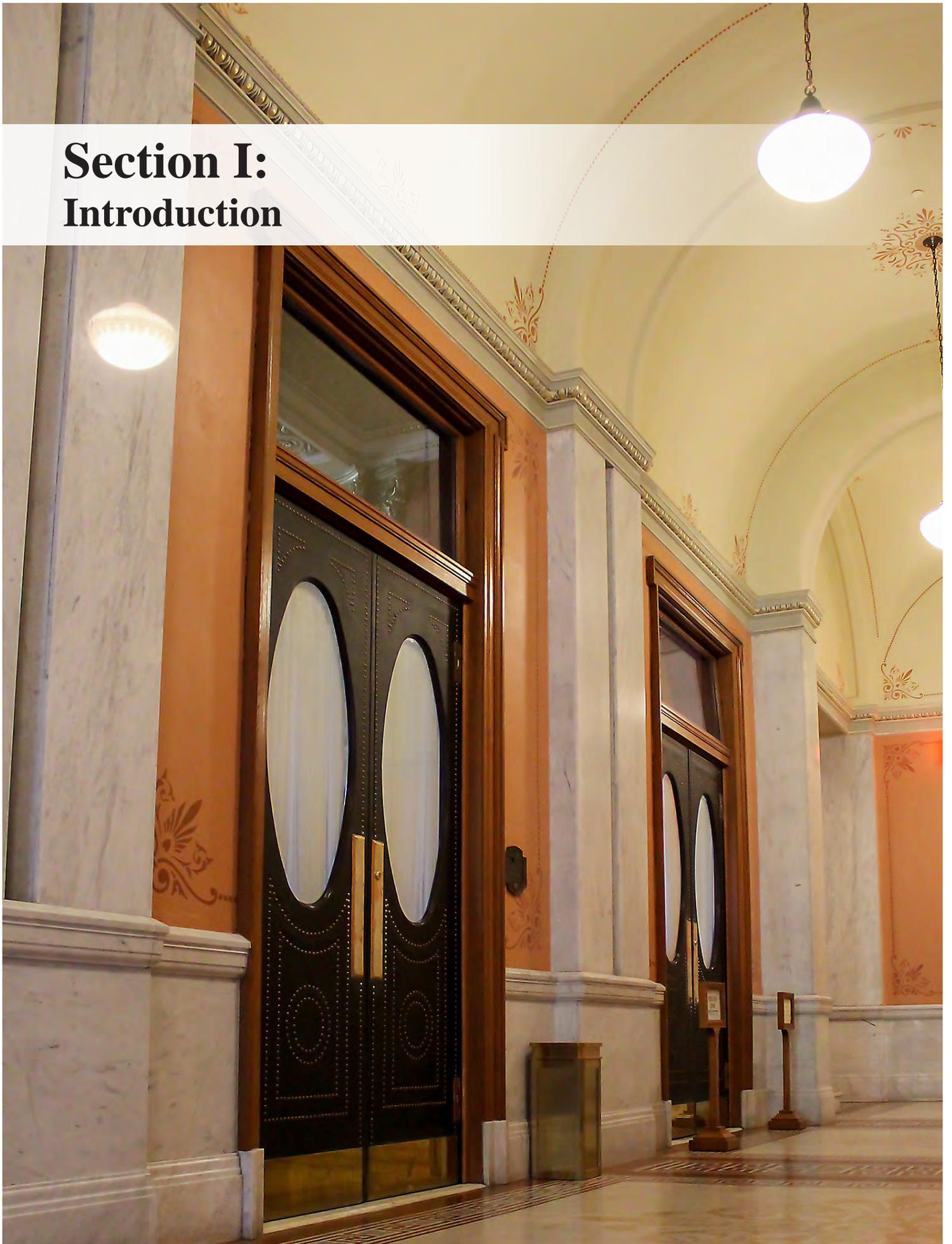
The manual is divided into five primary sections. The sections present the following information:

- I. Introduction**—This section provides background information on the Board and serves as an executive summary on the Board and its authority.
- II. Do I Need to Come to the Controlling Board?** —This section provides a general overview of the state's procurement procedures and the Controlling Board's role related to these procedures.
- III. Preparing a Controlling Board Request**—This section describes the types of requests presented to the Board for consideration. The various components of the most common requests (narrative, criteria, attachments, etc.) are discussed. Instructions for preparing requests, checklists, and samples of requests are included in this section.
- IV. Timelines**—This section discusses in general terms the Controlling Board "production" cycle and the time involved in each step of the process.
- V. At the Meeting**—This section explains the specifics of the Controlling Board meeting, including the agenda, the order of business, and protocol.

In addition to these five key sections, a variety of appendices and miscellaneous information are also provided.

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Section I: Introduction



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Section I—Introduction

Introduction: Controlling Board Overview

This section provides a general overview of the Board, authority and powers. It cross-references more detailed explanations contained in other parts of this manual. The following topics are discussed in this section:

- Why is there a Controlling Board?
- Controlling Board Authority and its Context
- Who is the Controlling Board?
- Who is the President?
- Who is the Secretary?
- When does the Board Meet and What Happens?
- Who is Involved in the Work of the Board?

Why a Controlling Board?

Imagine bringing the entire legislature together each time circumstances required an adjustment be made to a budget plan. Given that the Constitution invests in the legislature the power to make appropriations, acts of the legislature are required before dollars can be spent. While appropriations acts can attempt to prescribe the activities of state government, there inevitably arises circumstances that merit budget modifications. The need for the executive branch to be able to propose and obtain adjustments to appropriations is legitimate and often necessary.

The Controlling Board provides a mechanism for handling necessary adjustments to budgetary authority of state agencies in acts of the legislature containing appropriations. These adjustments can run the gamut from adjusting appropriation authority between fiscal years to creating new authority for unappropriated funds. Additionally, recognizing that from time to time standard competitive bidding requirements cannot be followed, a mechanism to waive such requirements is desirable as well. Trying to accommodate such circumstances acknowledges the practical realities of running a government the size of Ohio's and the need to allow for flexibility when such flexibility makes sense.

Controlling Board Authority and its Context

Most of the powers and duties of the Controlling Board are enumerated in Chapter 127 of the Ohio Revised Code (R.C.). However, other references to the Board are made in various places in both codified and uncodified law. This section does not provide a complete listing of all the powers and authorities of the Controlling Board but rather focuses on the major responsibilities of the Board. Other sections of this manual provide more detail regarding the circumstances requiring Controlling Board review. The Board is created in R.C. § 127.12, which also explicitly prohibits the Board from taking any action that does not carry out the legislative intent of the General Assembly regarding program goals and levels of support of state agencies as expressed in the prevailing appropriation acts of the General Assembly. within this broad principle, the Board considers some 2,000 to 2,500 requests each fiscal year, operating in three key arenas of state government:

1. Fiscal and Budgetary;
2. Purchasing; and,
3. Limited Legislative Oversight.

In order to understand how the Controlling Board operates within these areas, some general discussion of each is required.

Controlling Board Actions Related to State Finances and the Budget Arena

From an operational perspective, a budget is a plan for spending available state revenues and is passed by the General Assembly through acts containing appropriations. Article II, § 22 of the Ohio Constitution prohibits the General Assembly from making appropriations that last more than two years. Consequently, state agencies are prohibited from obligating appropriations beyond the fiscal biennium as every appropriation expires at the end of the biennium. Accordingly, Controlling Board action is also confined by the two-year (biennial) limitation.

NOTE: As discussed later on, agencies also need to be cognizant of contracting, payment, and purchasing limitations otherwise set out in the Revised Code or uncodified law of appropriations acts of the General Assembly when considering budget adjustments through the Controlling Board and any required interaction with other state entities. Two examples of such limitations requiring interaction with OBM are found in R.C. 126.07 and 126.071. R.C. 126.07 lays out OBM's review of agency contracts, agreements, or obligations regarding appropriated funds in the state treasury and invalidates any one of those items unless OBM certifies that there is sufficient appropriation to make an agency payment in accordance with a contract, agreement, or obligation. Relatedly, R.C. 126.071 prohibits agencies from agreeing to a settlement that obligates money in the state treasury without consulting with the Director of OBM. Compliance with these provisions and any OBM applicable guidance, will be of paramount importance to an agency seeking successful approval from Controlling Board for a budgetary adjustment through a transfer of appropriation or increase in appropriation authority if necessary as OBM will need to first review any related agency request and the Board will likely take particular interest in the agency's compliance with these provisions and any other applicable provisions of law.

The Main Operating Budget

The main operating budget is typically enacted at the end of June in odd-numbered years after an executive preparation and legislative approval process that takes place over the better part of a year.

Ohio budgets biennially with each main operating budget act covering a two-year period. An operating budget typically contains two columns of numbers, one for the first year of the biennium and one for the second year. Appropriations (i.e., authorization to spend money) are made to agencies through appropriation line items (ALIs) from specific funds.

In enacting and amending statutes that authorize the Board's powers, the General Assembly has delegated to the Board the power to make relatively minor adjustments to the enacted operating budget. Board actions related to the operating budget include, but are not limited to:

- Transferring appropriations between line items or fiscal years (R.C. §127.14(A) and (B));
- Increasing appropriation authority based on available fund balances in certain funds (R.C. §131.35 and §127.14(D));
- Providing additional resources to an agency in emergency situations through the Board's Emergency Purposes Fund (R.C. §127.14(E));
- Approving transfers of cash between funds (found throughout codified and uncodified law); and
- Creating new funds and establishing appropriation authority in new line items (R.C. §131.35).

The Capital Budget

The capital budget is typically enacted in even-numbered year. Similar to appropriations in the operating budget, capital appropriations are also made for a two-year biennium. However, one key distinction from operating budget is that the appropriations included in the capital budget are made by fund by line item effective for the entire two-year period. Unobligated balances from previous capital appropriations acts are also generally reappropriated through either the capital budget or a separate “reappropriations act” of the General Assembly.

Controlling Board actions facilitate some of the same types of adjustments to capital budgets as are available for operating budget. Additionally, the Controlling Board must release funds for capital construction. Controlling Board actions for capital budgets include:

- Transferring capital appropriations between line items or fiscal years (R.C. §127.14(A) and (B));
- Releasing capital appropriations for construction-related projects (and in some cases for the acquisition of real estate (R.C. §126.14); and
- Waiving competitive selection or releasing competitive opportunity for architects’ and engineers’ contracts for amounts in excess of certain thresholds.

Controlling Board Actions in the Purchasing Arena—Waiver of Competitive Selection or Agency Released Competitive Opportunity

State Procurement Processes

Generally, with the exception of relatively small purchases of supplies and services (under \$50,000) and other specifically exempted purchases, state agencies are required to make purchases using the competitive selection provisions of state law through the Department of Administrative Services (DAS) (generally, R.C. Chapter 125). However, certain provisions of law (generally R.C. §§ 127.16 and 127.162) authorize the Controlling Board to waive these statutory competitive selection requirements or approve an agency’s use of other competitive procurement process without DAS. The use of other competitive processes is strongly encouraged, and in all cases agencies are encouraged to get the best quality for the best price. Often contracts contain provisions that allow for renewals in subsequent fiscal years. Such renewals may require Controlling Board waivers of statutorily prescribed competitive selection through DAS.

DAS is authorized to establish contracts for use of state agencies through various provisions of R.C. Chapter 125. When using such contracts, agencies should be cognizant of and to the extent required by law, should follow any DAS purchasing guidance that applies to purchases through those contracts.

Controlling Board Actions Dealing with Limited Legislative Oversight

Other Legislative Oversight

All the areas previously discussed include elements of legislative oversight of actions of the executive branch. In addition to those areas, the Controlling Board exercises legislative oversight in a variety of areas. The following is a list of some of the major types of oversight exercised by the Board:

- Approval of land purchases by institutions of higher education (R.C. § 3333.071);

- Transfers of appropriations to accommodate a reorganization of government or the abolition of a state agency (R.C. §127.14(C));
- Approval of certain grants and loans made by the Development Services Agency;
- Approval of operating loans sought by school districts (R.C. § 3316.20);
- Approval of fee increases requested by certain regulatory boards and commissions; =
- Approval of certain subsidy distributions as required by law; and
- Approval of any advertising purchased with public money by a state official (R.C. 125.051).

Who is the Controlling Board?

R.C. 127.12 establishes the Controlling Board. The Board consists of seven members: The Director of OBM or his or her designee, the Chairpersons or Vice-Chairpersons of the Senate and House Finance committees (designated by the Speaker of the House and the Senate President), and a majority member and minority member from both the Senate and the House designated by the Speaker of the House and Senate President.

Who is the President?

R.C. 127.13 provides that the Director of OBM or his or her designee serves as President of the Controlling Board. The President chairs the Board meetings and determines which requests are to be presented to the Board for consideration. The President is required to publish the proposed agenda and provide all supporting documentation relative to matters before the Board to its members and the Legislative Service Commission at least seven days prior to the meeting.

Who is the Secretary?

R.C. **127.13** also provides that an employee of OBM serves as Secretary of the Board. This person has the duties of assisting the President, keeping records of each request and the Board's disposition of that request, and certifying to each Board member and the Director of OBM the record of the Board's actions. The Secretary works with the President, OBM staff, and state agency representatives to coordinate the review of all requests. Any questions or issues involving forms, Controlling Board procedures, revising requests, or obtaining copies of requests or agendas should be first directed to the Secretary.

When Does the Board Meet and What Happens?

The Board is required by **R.C. 127.13** to meet at least once a month, but generally meets at least twice a month with meetings held every other Monday throughout the year with limited exceptions. The schedule of meeting dates is published each October for the next calendar year and is available on the e-Controlling Board web site. Since the Controlling Board calendar may deviate from time to time due to state holidays, it is essential to consult the published Controlling Board schedule to determine the exact date of its meetings. Interested parties can check the OBM website for the Board's meeting schedule.

Typically, regularly scheduled Controlling Board meetings are held in the North Hearing Room of the Statehouse Senate Office Building and begin at 1:30 p.m. Pursuant to R.C. 127.13, the Board is authorized to adopt procedural rules for the conduct of its meetings and may approve, disapprove, modify as to dollar amount, or defer any request that comes before it. In addition, the Board may require that certain matters, delineated in the statute, be added to its agenda. Approval of a request by the Board requires at least four affirmative votes. More details regarding what happens at a meeting can be found in "Section V. At the Meeting".

Who Else is Involved in the Work of the Controlling Board?

Agency Staff

Controlling Board requests are prepared by state agencies. Agency staff is responsible for responding to any requests for information made by OBM as well as explaining their requests at Board meetings and responding to Board members' questions. Agencies that bring large numbers of requests to the Board typically have individuals exclusively assigned to work on Board business. Agencies with less frequent requests are generally handled by the agency's fiscal office.

OBM Budget and Debt Analysts

With regard to Controlling Board requests, OBM Budget Analysts provide fiscal and policy analysis assistance to the President. In setting the agenda, the President relies on the knowledge and insights of the analysts to determine whether a request is appropriate and whether revisions or refinements are required. Analysts review all Controlling Board requests for substantive issues and work with agencies to ensure that the intent and impact of the requests are understood. Additionally, OBM debt analysts review and approve requests involving capital appropriations. Analysts may consult the legal, accounting, and financial divisions within OBM in order to facilitate the review of requests. Agencies are encouraged to maintain good communications with their OBM Budget Analysts regarding all fiscal issues. Agency staff preparing requests should contact their Budget Analysts with questions or issues they might have, especially with regards to policy considerations and fiscal or financial implications.

The Role of the Legislative Service Commission and Legislative Staff

Six of the seven Board members are legislators. They require assistance in analyzing and understanding items on the agenda. The staff of the Legislative Service Commission (LSC) reviews agency requests to ensure that, in accordance with R.C. 127.14, the agency is meeting the legislative intent of the General Assembly in regard to program goals and appropriation levels as included in the appropriation acts of the General Assembly. This review also includes ensuring that the agency is in compliance with Controlling Board regulations and procedures. Generally, House and Senate aides to the Controlling Board members review the requests concurrently with LSC. The LSC staff may provide written comments, referred to as "green sheets," on certain requests. The comments can summarize complex or precedent-setting items, analyze substantive concerns about the request, or provide additional information to the Board members.

OBM Ohio Shared Services (OSS) and State Accounting

Prior to Controlling Board approval, all supplier information relating to a forthcoming Controlling Board request should be entered into and accepted by the Ohio Administrative Knowledge System (OAKS). For assistance in providing a supplier's federal tax identification information, contact the Supplier Operations section within Ohio Shared Services, a division of OBM.

Upon Controlling Board approval, OBM State Accounting reviews financial information and enters it into OAKS. In addition to working with the agency's assigned OBM Budget Analyst, technical questions regarding requests involving appropriations (such as releases, transfers, and fund creations) should be directed to the OBM State Accounting. Questions on encumbering funds for requests involving waivers of competitive selection or agency released competitive opportunity, or changes in supplier or supplier numbers on Controlling Board requests should also be directed OBM State Accounting.

Procurement Services Offered by the Department of Administrative Services

Various divisions of the DAS General Services Division, including the Office of Procurement Services (OPS) and the Office of Real Estate and Planning, play a part in the agency procurement process and their involvement is required in a variety of situations related to the Controlling Board. Agencies that are subject to the oversight of DAS for purchasing should be cognizant of any DAS policies and requirements before submitting a Controlling Board request or making purchases where a release and permit from DAS is required for IT and non-IT supplies and services.

OPS is involved in most major purchasing processes for general and IT supplies and services and must grant a release and permit to an agency before an agency may request a waiver of competitive selection or an agency released competitive opportunity from the Board.

Director of Budget and Management

While the director of the Office of Budget and Management or an employee of the Office of Budget and Management designated by the director is the President of the Board certain provisions of law delegate to the Director certain duties that might otherwise fall to the Board. For instance, under R.C.127.14, the Controlling Board may authorize the OBM Director to approve certain requests for small transfers of appropriations between line items within the same fund within a fiscal year. The OBM director may also approve the release of capital funds for certain projects designated by the director as “specific projects” under **R.C. 126.14**.

Facilities Construction Commission (FCC)

The Ohio Facilities Construction Commission (FCC) is involved in selection of architects, engineers, construction managers, design-builders and other construction-related professionals. FCC is responsible for administering capital construction projects for state agencies and institutions of higher education.

Section II:

Do I Need to Come to the Controlling Board?



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Section II—Do I Need to Come to the Controlling Board?

This is probably the most frequently asked question regarding the role of Controlling Board in state agencies' daily operations. And the answer is not always simple. Section II of this manual is a guide to assist state agencies in determining what actions require Controlling Board approval. Although this section outlines many of the circumstances requiring Controlling Board approval, keep in mind that it is general in nature and not meant to be relied upon as legally authoritative. Some agencies have very specific legal requirements, which trigger Controlling Board review. Agencies with specific questions not addressed in this manual should contact their agency legal counsel to advise on legal requirements, and then their OBM Budget Analyst or the Controlling Board staff to assist with technical submission requirements.

As outlined in Section I, Controlling Board requests generally relate to the main operating budget, the capital budget, and state purchasing. In addition, Controlling Board and/or State Accounting's approval and notification may be required in a variety of circumstances affecting previously approved Controlling Board requests. The Controlling Board's role with respect to the budgets, purchasing, and previously approved requests is outlined in the four parts of this section as follows:

- **Operating Budget Issues**—This part discusses a variety of operating budget adjustments that can be made with the approval of the Controlling Board.
- **Capital Budget Issues**—This part discusses the Controlling Board's role in the use of capital appropriations and the Controlling Board's review of land acquisitions.
- **Purchasing Issues**—This part discusses the complex issues that determine whether a waiver of competitive selection or an agency released competitive opportunity must be approved by the Controlling Board for the purchase of supplies, services, data and telecommunication, and real estate. Differences between new contracts, contract renewals and contract addendums are also addressed.
- **Changes to Previously Approved Controlling Board Requests**—Refer to this part for a discussion of the Controlling Board and State Accounting's roles in approving changes (substantive, non-substantive, and accounting) to previously approved requests.

Operating Budget Issues

The Controlling Board has certain authority to make adjustments to budget authority for an agency approved through operating appropriations acts of the general assembly in order to facilitate needed changes for programmatic funding.

The following describes common circumstances or questions facing state agencies related to operating budget issues with direction of when Controlling Board action is necessary and recommended steps for an agency to consider in dealing with those issues.

1) I've just learned that my agency is going to receive a new grant for something we have never been involved in before. I'm not sure where to deposit the money or what I need to have in place to spend the money. What do I do? (Creation of Funds and Appropriation Authority under R.C. 131.35.)

Your OBM analyst can help you determine if you already have a fund into which the money can be deposited. If a fund does not exist, then the Controlling Board may be asked to create a new fund and the appropriation authority necessary to spend the dollars expected to be received. These types of requests should be prepared on the "Fund/Appropriation Request" form.

2) Our agency received more money than we expected from a grant award. Do we need additional appropriation authority to spend the extra dollars? (Increase in Appropriation Authority under R.C. 131.35.)

If current available appropriations are insufficient to allow for the expenditure of the amount the agency needs to spend, Controlling Board approval to increase appropriation authority is required. Appropriation authority is required to spend any dollars received into the state treasury. The Controlling Board can approve requests to increase appropriation authority in many funds. However, for some funds, (see R.C. 131.35), including the General Revenue Fund, the Board is prohibited from increasing appropriation authority in any fund from which transfers of cash are prohibited pursuant to R.C. 127.14(D). Increases in these funds can occur only through legislative action by the General Assembly.

Besides the receipt of a grant, an increase in appropriation authority may also be desired if an agency happens to have more cash in a particular fund than it has appropriation authority. Requests to spend such amounts will be closely scrutinized by OBM and the Board for their long-term impact. Proposals that have an ongoing operating impact should be sustainable by on-going revenues. These types of requests should be prepared on the “Fund/Appropriation Request” form.

NOTE: Pursuant to R.C. 131.35, the Controlling Board is limited in increasing appropriation or authorizing additional appropriation in a new fund of a state agency to an amount not to exceed one-half of one per cent of the state General Revenue Fund appropriations in the fiscal year in which the appropriation increase or new appropriation is sought. Additionally, the Controlling Board is generally prohibited from increasing appropriation authority for a licensing board from the Occupational Licensing and Regulatory Fund (4K90) in excess of 10 per cent of that board’s appropriation from Fund 4K90 in that fiscal year.

3) Due to an unforeseen circumstance, my agency has expended all or most of the appropriation authority for operating expenses in the current fiscal year, but have identified excess appropriation in another appropriation item that is not otherwise authorized for use to pay for my agency’s operating expenses. What do I do? (Transfer of Appropriation Authority under R.C. 127.14).

Under certain identified circumstances and in certain funds, the Controlling Board is authorized to transfer appropriation authority between fiscal years within a biennium or between funds within the same agency pursuant to R.C. 127.14(A) and (B). The Controlling Board is also authorized to transfer appropriation between state agencies for purposes of administrative reorganization or abolition of an agency or part of an agency pursuant to R.C. 127.14(C).

Capital Budget Issues

The Controlling Board has very specific authority regarding expenditures of capital appropriations. In order to understand the Board’s authority, it is helpful to recognize the appropriate uses of capital appropriations. Generally, capital appropriation acts prescribe the appropriate uses of capital funds. Capital funds cannot be used for operating expenses. Unless specifically authorized in an appropriations act, capital funds cannot be used for motor vehicles, computers and computer peripherals, and other office equipment.

Typically, capital appropriations acts allow capital funds to be used for the following purposes:

- Acquisition of real property;
- Buildings and structures (including construction, demolition, heating, lighting, utility infrastructure, ventilation, plumbing, sprinkler, and sewer systems);
- Directly related architectural, engineering and professional services;
- Machinery that is part of a structure when originally constructed or acquired;
- Acquisition, development, and deployment of new computer systems, including the redevelopment or integration of existing and new computer systems, but excluding regular or ongoing maintenance or support and operating expenses; and
- Equipment, furniture, and fixtures meeting all the following criteria:
 - It is essential to bringing a facility up to its intended use and the function of the facility;
 - It has a unit cost of \$100 or more;
 - It has a useful life of five years or more; and
 - Used primarily in the rooms or areas covered by the financed project.

NOTE: Agencies should refer to the applicable capital appropriations act, or check with the OBM Debt Management or Controlling Board staff for further clarification.

The following discussions may help an agency better understand when Controlling Board approval is required to address capital budget-related issues.

1) My agency is ready to start on a capital improvement project, but I’m not sure how we access the appropriations approved by the General Assembly for the project. Where do I start? (Uses of Capital Funds/Release of Capital Funds, R.C. 127.14 and R.C. 126.14.)

In order to expend capital dollars to pay legitimate project costs, an agency must submit a request to the Controlling Board or the Director of OBM to “release” the appropriations. However, there are specific legal requirements that must be met prior to requesting a release of funds. The capital funds will not be released until the agency is ready to spend (encumber) money for planning/design services, initiate competitively bid construction contracts, purchase equipment, or incur other capital-related costs.

Getting Started with Capital Projects

Initiating a capital improvement project involves a number of critical determinations and activities. The following are some of the important issues that must be considered prior to undertaking a capital project.

Administration

Generally, the administration of a capital improvement project is performed by FCC. However, as pursuant to R.C. 123.211, some agencies may receive approval from FCC to **administer** their own capital projects under a certain dollar amount. Additionally, pursuant to R.C. 3345.50, state-assisted institutions of Higher Education may administer projects of less than \$4 million without the approval of FCC. Also, those state-assisted institutions of Higher Education that maintain certification for local administration by FCC may administer projects of any size if the requirements of R.C. 3345.51 are met. For questions related to the administration of capital projects, agencies and institutions should contact FCC.

Selection of Service Providers

Most capital projects require two or more Controlling Board actions. Typically, when a project requires a contract for design or other professional services, a request for the release of funds to enter into the contract is presented to the Board for approval (See Below). A subsequent release of funds (or multiple releases) should be requested for the contracts for the construction phase(s) of the project.

Architects/Engineers or other Construction-Related Professional Services

Before requesting the release of funds, an agency must determine who will be providing the design or other professional services. For most projects, obtaining the planning and design services of an architect or engineer pursuant to the requirements of Revised Code Section 153.65 – 153.70 is the first step. Once the agency is ready to enter into a contract, Controlling Board approval is required for the release of funds according to R.C. 126.14 and R.C. 127.14(G). In addition, Controlling Board approval may be required if the proposed amount of the contract equals or exceeds the agency's Controlling Board threshold according to R.C. 127.16 (B).

Construction-Related Contracts

At later stages, certain construction services, not provided by a Construction Manager (CM) at Risk or Design-Builder, must be procured through the competitive bidding process as prescribed by law. Again, only when the agency is ready to enter into the contracts should Controlling Board approval be sought for the release of funds.

Note about Change Orders—Change orders may be recommended by the architect/engineer, authorized by the owner, and issued after execution of the construction contract in order to authorize a change in the work or an adjustment in the contract sum or contract time for the project.

Note about Contingency Moneys—Project contingency moneys are required to be reserved to pay costs resulting from unanticipated job conditions, to comply with rulings regarding building and other codes, to pay costs related to errors and omissions in contract documents, and to pay the cost of settlements and judgments related to the project (R.C. 126.141). If a portion of the contingency reserve remains unused upon completion of the project, the agency can seek Board approval to have such moneys released for use in other capital facilities projects.

Pursuant to R.C. 153.01, when the aggregate cost of public improvement projects is less than \$215,000, or the adjusted amount as determined by FCC pursuant to R.C. 153.53, a state agency is not bound to use the provisions found in Chapter 153 for public improvement projects. Public improvement projects that do not exceed this threshold in aggregate cost may be awarded in a manner other than competitive bidding or competitive selection. It is recommended that the agency follow the guidelines in the **FCC Construction Manual, Section 240, Construction Documents** when awarding those contracts.

For capital funded projects that follow the procedure above, the Controlling Board capital request should be designated as an “Agency Released Competitive Opportunity” (R.C. 127.162). Requests not following this procedure should be designated as a “Waiver of Competitive Selection” (R.C. 127.16(B)).

NOTE: For questions about construction-related contracts, change orders, contingencies, agencies should refer to the FCC Construction Manual or contact the FCC.

Approval to Expend the Funds

General/Specific Designation

R.C. 126.14 allows the Director of OBM to approve releases of capital appropriations for “specific projects”. Understanding whether a capital project has been designated as “General” or “Specific” will determine the way the Controlling Board request is prepared and determine how the release will be approved. While the Director can approve the release of capital appropriation for specific projects, the release of any funds to be used for real estate acquisition, as well as the request for the release of funds from “General” line items, requires the approval of the Controlling Board.

The General/Specific list is prepared by OBM and indicates whether a line item has been designated as “General” or “Specific” based on recommendations from the agencies or institutions of higher education. The Controlling Board is provided with this list within sixty (60) days of the effective date of the particular capital appropriations act containing the capital appropriation.

Controlling Board Review

For capital projects that have been designated as “General,” Controlling Board approval to expend the funds to execute competitively bid construction contracts or to purchase competitively selected equipment is required (See R.C. 126.14). In addition, all requests for a Waiver of Competitive Selection or Agency Released Competitive Opportunity require Controlling Board approval, regardless of the General/Specific designation (See 127.16, and 127.162). For purchases of equipment using capital funds, the agency must obtain a release and permit from FCC unless the purchase was made by FCC under competitive selection.

All requests for the release of capital funds should be prepared on the “Capital Request” form, except for the acquisition of real estate, regardless of whether it will be approved by the Director of OBM or by the Controlling Board.

2) Part of a construction-related project my agency is involved with includes the design or planning services of an architect or engineer. These services were selected by FCC (or the agency) using the architect/engineer selection process. Do such contracts require Controlling Board approval? (Release of Capital Appropriation and/or an Agency Released Competitive Opportunity, R.C. 127.14 and/or 127.162)

Yes, they do. Because the selection of these types of professional services is based on qualifications, they are not subject to statutorily defined competitive bidding processes by which contracts are awarded to the lowest responsive and responsible bidder. Rather, pursuant to R.C. 153.65 through 153.70, FCC (or the agency, in cases of agency-administered projects) is required to select and rank at least three firms considered to be the most qualified to provide the professional design services. Starting with the firm ranked most qualified, the professional design contract is negotiated and compensation is determined based on those qualifications and the scope of the project. Such contracts require Controlling Board approval if the amount of the contract equals or exceeds the Controlling Board threshold with the supplier (R.C. 127.16(B)(1) and (2)).

Generally, in the same request, a release of funds accompanies the request for approval to release competitive opportunity to initiate the contract for the professional services. The Director of OBM cannot approve a request to release competitive opportunity, even if the project has been designated “Specific.” Requests for a release of capital appropriations and/or a release of competitive

opportunity for professional design or construction management services should be prepared on the “Capital Request” form.

3) My agency has experienced cost overruns on one capital project, but we have excess appropriation in another capital project. Can I use the excess appropriation in one project for another capital project? (Transfer of Appropriation Authority between Capital Line Items, R.C. 127.14 and 127.15.)

The Controlling Board is authorized to transfer appropriations between capital line items or create new capital line items and authorize transfers to those new line items, within the same fund. Prior to submitting a request for the transfer of capital appropriations, the agency should consult its OBM Budget Analyst and discuss the rationale for the proposed transfer of appropriations.

According to R.C. 127.15, prior to such transfers, the agency (or institution of higher education) is required to notify by mail the elected representatives of the General Assembly from the counties affected by such transfers of appropriation stating the time and place of the hearing on the proposed transfer. Requests to transfer capital appropriations should be prepared on the “Capital Request.” Typically, requests to transfer appropriation authority between capital line items are accompanied, in the same request, by a request to release the transferred funds.

4) When our agency received approval for the release of funds for a “General” capital project, we submitted a project budget based on our best estimates for the various components of the project. The construction phase went better than we had anticipated and we have a remaining balance in our contingency account. We now want to shift some of the dollars from the contingency component of the budget to purchase equipment. Does this require Controlling Board approval? (Change of Intent.)

Yes. This is known as a “change of intent.” Such a change occurs within the project budget and does not require a transfer of appropriation authority between capital line items. A request for a change of intent involving previously released capital appropriations approved by the Controlling Board allows the agency or institution to reallocate a portion of the funds already released for a specific purpose, such as a contingency account, to an existing component included in the project budget, such as equipment (R.C. 126.141 and 127.15). However, all of the following criteria must be met:

- The appropriation has been previously released;
- This reallocation involves one project, one appropriation line item;
- This reallocation involves unencumbered appropriations within the capital biennium in which the original release occurred, or this reallocation involves encumbered appropriations from a different capital biennium in which the original release occurred; and
- The request for the change of intent does not modify the original scope of the project.

This type of request may be accompanied by an Additional Release of Capital Appropriations and/or a Waiver of Competitive Selection or Agency Released Competitive Opportunity. If the change of intent affects a contract for which the Controlling Board has already approved or if the contract modification will result in exceeding the Controlling Board threshold, a waiver of competitive selection by the Controlling Board is required.

This type of request should also be prepared using the “Capital Request” form.

NOTE: The Director of OBM may approve a change of intent for the components of a “Specific” project for which approval has already been granted, provided that a waiver of competitive selection or agency released competitive opportunity is not required.

5) Do we need Controlling Board approval for the purchase of real estate? (Real Estate Acquisition, Sections 126.14 and/or 3333.071 of the Revised Code.)

Pursuant to R.C. 126.14, all acquisitions of real estate *made with capital appropriations* require approval of the release of funds by the Controlling Board. The Director of OBM cannot approve the release of funds for real estate acquisition.

In addition, under R.C. 3333.071, all expenditures for acquisitions of real estate made by state-assisted institutions of higher education or agents of such institutions require Controlling Board approval, regardless of the source of funds.

A request for the acquisition of real estate should be submitted using the “Real Estate Acquisition” form.

Purchasing Issues

Perhaps the most difficult determinations to make regarding whether Controlling Board approval is required are those that involve the purchase of supplies and services. Agency purchases of supplies and services are governed by law and related rules and policies. Pursuant to R.C. 127.16, the Controlling Board may grant a waiver of competitive selection when it determines that an emergency or sufficient economic reason exists for an agency to make a purchase without competitive selection.

The following definitions from R.C. 125.01 are helpful in understanding the Controlling Board’s role in approving the purchase of supplies and services:

Purchase: To buy, rent, lease, lease-purchase, or otherwise acquire supplies or services; it also includes all functions that pertain to the obtaining of supplies or services, including description of requirements, selection and solicitation of sources, preparation and award of contracts, all phases of contract administration, and receipt and acceptance of the supplies and services and payment for them.

Services: The furnishing of labor, time, or effort by a person, not involving the delivery of a specific end product other than a report which, if provided, is merely incidental to the required performance; it does not include services furnished pursuant to employment agreements or collective bargaining agreements.

Supplies: All property, including, but not limited to, equipment, materials, insurance, and other tangible assets, and insurance with the exception of real property or an interest in real property.

All requests for waivers of competitive selection or agency released competitive opportunity (except those involving the use of capital funds) should be prepared on the “Operating Request” form.

When preparing to purchase supplies and services, an agency should consider the following factors to determine whether the purchase requires a waiver of competitive selection or an agency released competitive opportunity by Controlling Board:

- Types of and sources of supplies or services that are exempt from Controlling Board approval;
- Purchasing processes that are exempt from Controlling Board approval; and
- Amount of the proposed purchase and all other fiscal activity with a particular supplier.
NOTE: For purposes of the Controlling Board threshold in R.C. 127.16, all “purchases” with a single supplier in a fiscal year, except for those that are otherwise exempt, made with competitive selection, or previously approved by Controlling Board are included in the threshold. This will include those open encumbrances that do not reference a competitive selection process, a state term schedule (STS), a multiple award contract (MAC), a master maintenance agreement (MMA), a master service agreement (MSA), a master cloud service agreement (MCSA) , or prior Controlling Board approval, and includes those purchases made with a payment card.

Agencies that are subject to the oversight of DAS for purchasing should be cognizant of any DAS policies and requirements related to the use of STS, MAC, MMA, MSA, and MCSA before making purchases for IT and non-IT supplies and services. Based on DAS policies and requirements, an agency may still be required to seek approval of Controlling Board when using one of these procurement options. Agencies should contact DAS OPS with any questions related to purchasing policies and requirements related to STS, MAC, MMA, MSA, and MCSA contracts established through DAS.

Prior Approvals – DAS Release and Permit Process

As mentioned above, certain purchases require review and approval from DAS before completing the purchase. The need for prior approval may be triggered by the type of supply or service, amount of purchase, or deviation from normal procedures. A pre-approval is required prior to any purchase of:

- Information technology supplies and services;
- Printed supplies and multi-functional print devices (e.g. copiers, printers); and
- Vehicles.

The main kind of pre-approval mentioned above and further discussed below, is a release and permit from DAS. R.C. Chapter 125 places a responsibility upon DAS to superintend purchases of certain types of supplies and services (i.e., computers, software, telecommunications, printers, copiers, and vehicles). DAS is also responsible for making purchases of supplies and services above the agency direct purchasing threshold set by DAS, unless DAS determines that it is not practical or advantageous to make the purchase on behalf of the agency. This section will explain the procedures an agency must follow when seeking prior approvals and when DAS issues a release and permit to allow the agency to make the purchase under its direct authority. DAS' authority to grant a release and permit is established in R.C. 125.035 and 125.05 and Ohio Administrative Code 123:5-1-03.

The agency should not proceed with the purchase until DAS has granted the release and permit. If the request is approved, a release and permit number will be assigned to the using agency. A copy of the approved release and permit, including supportive documentation, will be retained by DAS. Whenever DAS grants a release and permit, the agency may make the purchase by utilizing their direct purchase authority or with Controlling Board approval (R.C. 125.05 or R.C.127.16).

SPECIAL NOTE: A release and permit from DAS is required for all purchases that will exceed the \$50,000 cumulative annual direct purchasing threshold promulgated in R.C. 127.16. OAKS has been configured to require a release and permit regardless of the value of the purchase if the cumulative annual direct purchasing threshold will be exceeded. Agencies should not solicit suppliers until the release and permit has been obtained from DAS.

Non-IT Release and Permit

When the value of an agency's direct purchase of general supplies or services equals or exceeds \$50,000, the agency is required to forward its request to DAS to make the purchase via competitive selection. If DAS determines that it is not possible or advantageous for it to make the purchase, permission will be given to the agency to make the purchase under its direct purchase authority through a non-IT release and permit.

If the value of an agency's direct purchase of general supplies or services is less than \$50,000, the cumulative value of the purchase plus all other purchases made with that supplier in the fiscal year may cause the agency to exceed the \$50,000 purchasing threshold in R.C. 127.16. As noted above, a non-IT release and permit is required in these situations. Procedures for requesting a release and permit can be found in the DAS Procurement Manual at http://procure.ohio.gov/pdf/PUR_ProcManual.pdf

IT Release and Permit

(for IT supplies or services)

For purchases involving IT supplies and services, an IT release and permit from DAS is required before an agency may seek a waiver of competitive selection or agency released competitive opportunity from the Board.

Purchases of IT supplies and services costing \$25,000 or more also require an IT release and permit.

Blanket Release and Permits

DAS also grants non-IT and IT blanket release and permits, typically identified by OAKS expense account code for certain supplies and services when it is not possible or advantageous for DAS to make such purchases. DAS will generally issue blanket release and permits prior to the beginning of each biennium.

Questions & Answers:

Q: When should a Release and Permit be requested?

A: DAS should be contacted when the agency has determined that it will be exceeding the \$50,000 direct purchase threshold or when the agency desires to purchase any IT-related supplies or services. DAS will review the purchase request and make a determination if such can be purchased through competitive selection or if a release and permit should be granted to the agency. Agencies should not contact suppliers prior to DAS review. If it is determined that the purchase can be purchased through competitive selection, the request will be denied and the agency will have invested time and effort needlessly.

Q: What is the difference between a non-IT release and permit and an IT release and permit?

A: A non-IT release and permit provides authority for an agency to seek controlling board approval to waive competitive selection processes or to use the agency's direct procurement authority to acquire general supplies or services. An IT release and permit provides authority for an agency to

purchase IT supplies or services or seek controlling board approval to waive competitive selection processes or to use the agency's direct procurement authority to acquire IT supplies or services. .

Q: How does my agency know if a request is IT related or not?

A: All IT (and other) expenses are identified in OBM State Accounting's Expense Account Code table at:

<http://finsource.ohio.gov/#mergedProjects/OAKSFINAccountCodeTable/Welcome.htm>

Q: What if the purchase has been made and my agency now discovers that a release and permit is necessary?

A: Law requires DAS to determine that it is not possible or advantageous to make the purchase through Competitive Selection. If determined that DAS could have made the purchase through Competitive Selection, the purchase could be considered invalid. This may require the agency to return the item and/or may leave the person authorizing the purchase personally responsible to pay for the purchase.

Q: What about purchases made when there is an emergency?

A: R.C. 125.061 outlines two conditions that affect agency purchasing when there is an emergency condition: an "emergency" as defined in R.C. 5502.21 and a "state procurement emergency". Pursuant to R.C. 125.061, when one of these conditions exists, DAS can suspend the purchasing requirements, which includes the release and permit requirements, of R.C. Chapter 125 (for an emergency – DAS can also suspend requirements of R.C. Chapter 153). All purchases made by an agency when DAS has exercised the authority in R.C. 125.061 are required to be reported to the Controlling Board. For guidance and advice on the application of this provision, agencies are encouraged to reach out to DAS.

Q: How long does it take to obtain a Release and Permit?

A: With the exception of an emergency, the process generally takes a maximum of five (5) business days from the date the request is received. Agencies should be mindful to include all relative information to support the request as failure to do so will result in return of the request and will delay receipt of the release and permit. Depending upon the purchase, some requests may require additional time for review.

Q: How do I make a request for a Release and Permit?

A: For purchases of general supplies and services, complete the Request to Purchase form online at: <http://apps.das.ohio.gov/requesttopurchase/requestform.aspx>.

For purchases of information technology supplies and services, complete a release and permit form located at: <https://itrelease.ohio.gov/>.

Include all required information and complete all areas of the forms, as requested. When the review is completed, notification to the agency will be sent electronically.

Q: I need to make a purchase involving a repair to our public building. How do I obtain a release and permit?

A: The DAS is not authorized by law to make purchases related to the construction, reconstruction, alterations, or similar repairs to a public building (see Chapter 11). Agencies should contact the FCC at (614) 466-6290 to make the purchase through FCC or to obtain the necessary release and permit.

DAS OPS can assist agencies with the purchase of maintenance and repair services.

NOTE: Refer to DAS for further questions on release and permit.

Exempt Types and Sources of Services and Supplies

Certain types of supplies and services and certain sources (suppliers) from which supplies and services may be purchased are exempt from Controlling Board review, regardless of the total dollar amount.

Types of Purchases Exempt from Controlling Board Review

By virtue of statutory exemptions, the following is a partial list of the most common types of specific purchases (many of which are listed in R.C. 127.16(D)) that are exempt from Controlling Board review:

- Examinations purchased from a sole supplier by a state licensing board under Revised Code Title 47;
- Membership dues in an association or organization;
- Purchases made pursuant to DAS rules of motor vehicle, aviation or watercraft fuel, or emergency repairs of such vehicles;
- Passenger airline tickets;
- Legally required public notices or notifications of job openings;
- Motor Courier and Freight Services purchased pursuant to DAS rules;
- Postage;
- Books, periodicals, newspapers, maintenance subscriptions, and published materials; and
- Purchases made from other state agencies, including state-assisted institutions of higher education.

If your agency has a question regarding whether a particular type of purchase is exempt from Controlling Board approval, please feel free to contact the Controlling Board Office after consultation with agency legal counsel.

Sources for Purchases Exempt from Controlling Board Review

Pursuant to R.C. 125.035 and DAS policy, state agencies are *required* to use the following sources (suppliers) for supplies and services if offered by those sources, in the order listed below (also known as the “requisite procurement programs”):

- Ohio Penal Industries (OPI) within the Department of Rehabilitation and Correction;
- DAS Office of Procurement from Community Rehabilitation Programs (OPCRP);
- Business Enterprises Program at the Opportunities for Ohioans with Disabilities Agency;
- DAS OIT;
- DAS Office of State Printing and Mail Services;
- Ohio Pharmacy Services at the Ohio Department of Mental Health and Addiction Services (Institutional Agencies only); and
- FCC

Prior to making a purchase, and after checking with the requisite procurement programs, state agencies must also check to see if a DAS term contract for the needed supplies or services exists. In some cases, use of these contracts to fulfill procurement needs is mandatory. Agencies are encouraged to purchase from other state agencies or state assisted institutions of higher education

when possible. All questions related to requisite procurement requirement should be directed to DAS.

Optional Sources for Purchases Exempt from Controlling Board Review

State agencies also have the option of purchasing from **state term schedules (STS)**, **master maintenance agreements (MMA)**, **master cloud service agreements (MCSA)**, **master service agreements (MSA)**, and **multiple award term contracts (MAC)** established by DAS. Generally, purchases from MMA, MSA, and STS contracts do not require Controlling Board review, regardless of the amount, because DAS traditionally receives approval by the Controlling Board covering agency purchases made under the STS and MMA. Purchases from MCSA contracts do not require Controlling Board review, regardless of the amount, because DAS uses competitive selection to create these contracts.

NOTE: Agencies should consult DAS STS Guidance when purchasing from STS contracts to determine whether Controlling Board approval is required in accordance with DAS policy. Agencies should reach out to DAS with questions.

When making a purchase from optional use contracts, the agency must be sure that the supplies or services (including data/telecommunications equipment and software, when applicable) are included in the contract awarded by DAS. If the items have not been approved by DAS, the purchase will be considered a purchase using the agency's direct purchasing authority, which may require a release and permit from DAS, as well as approval from the Controlling Board.

Exempt Process by Which the Purchase is Made

If an agency desires to make a purchase of supplies or services that are not available from an exempt source, then procurement without Controlling Board approval may still be accomplished through DAS using competitive selection as defined in R.C. 125.01.

In most cases, state agencies are required to coordinate their purchasing activity through DAS. DAS follows statutorily authorized procedures for the competitive selection of suppliers to provide the desired supplies and services on behalf of state agencies.

- **OPS** coordinate the purchases of IT and non-IT supplies and services;
- The **Office of State Printing and Mail Services** coordinates the purchases of printed materials; and

Purchases made by DAS on behalf of an agency using competitive selection pursuant to state law do not require a waiver of competitive selection or an agency released competitive opportunity by the Controlling Board.

Amount of the Purchase and Fiscal Activity

If the proposed purchase of a supply or service is not one of the exempt types and is not being procured from an exempt source or through one of the entities listed above, then the final factor for determining the requirement for Controlling Board approval is whether the agency's fiscal activity with the supplier equals or exceeds the Controlling Board threshold.

Understanding the Controlling Board Threshold

The Controlling Board threshold is a spending limitation on the amount of noncompetitively selected purchasing activity between an agency and a supplier without prior approval by the

Controlling Board. The following types of purchases highlight the statutory references governing the Controlling Board's authority to grant a waiver of competitive selection.

Purchase of Supplies or Services

Pursuant to **R.C. 127.16(B)(1)**, the Controlling Board threshold for purchases of supplies or services is the limit at which a purchase from a particular supplier would equal or exceed \$50,000 when combined with the amount of all disbursements to the supplier during the fiscal year for purchases made by the agency from the supplier and the amount of all outstanding encumbrances for purchases made by the agency from the supplier unless the purchase is made by competitive selection or with the approval of the Controlling Board.

Real Estate Leases

Pursuant to **R.C. 127.16(B)(2)**, the Controlling Board threshold for real estate leases is the limit at which a real estate lease from a particular supplier would equal or exceed \$75,000 when combined with both the amount of all disbursements to the supplier during the fiscal year for real estate leases made by the agency from the supplier and the amount of all outstanding encumbrances for real estate leases made by the agency from the supplier, unless the lease was made by competitive selection or with approval by the Controlling Board.

Generally, Real Estate Commercial Leases through DAS' Office of Real Estate and Planning expire at the end of the biennium period and must be renewed every two years.

Since 2010, in order to streamline the renewal process, Real Estate Commercial Lease Agreements through DAS have been categorized into two classifications: Routine Renewals and New Leases and/or Non-Routine. DAS has traditionally sought to waive competitive bidding for all commercial lease agreements in a block format in one Controlling Board request.

- ***Routine Renewal Agreements***—If a commercial lease renewal agreement contains a renewal rent increase of less than 5% and the office space allocation meets or is better than the established criteria of 250-350 square feet per person, the lease renewal will be considered routine and approved through the streamlined method. The streamlined method permits rental payments for commercial lease renewal agreements classified as “routine” to be processed using the Controlling Board number aligned with the approved commercial lease renewal process.
- ***New Lease and/or Non-Routine Renewal Agreements***—If a commercial lease agreement does not meet the above criteria as defined in the Routine Renewal Agreements, the New Lease or Non-Routine Renewal Agreement should be submitted as an independent request to the Controlling Board for consideration if it exceeds the Controlling Board threshold.

Elements of the Controlling Board Threshold

As stated above, the Controlling Board threshold is an agency spending limitation for purchases from or leases with a single supplier in any given fiscal year.

The following elements of the Controlling Board threshold deserve additional discussion:

- ***Purchase Amount/Contract Amount***—The full amount to be paid to the supplier over the term of the contract is applied to the Controlling Board threshold, regardless of whether the term of the contract covers more than one fiscal year within the biennium.

- **Cumulative**—The sum of all purchasing activity not competitively selected pursuant to **R.C. Chapter 125** or previously approved by the Controlling Board in the fiscal year of the proposed purchase is applied toward the Controlling Board threshold.
- **Per Supplier**—The Controlling Board threshold applies to a single supplier.
- **Per Agency**—The Controlling Board threshold reflects only the purchases made by a single agency and does not reflect purchases made by other state agencies.
- **Encumbrances & Disbursements**—The Controlling Board threshold is calculated counting all disbursements (“a payment made for any purpose” – R.C. 131.01(J)) to the supplier in the current fiscal year and all outstanding encumbrances (OAKS encumbrance “[reservation of] all or part of an appropriation” – R.C. 131.01(M)) with the supplier. However, the full amount of the proposed contract is considered regardless of the fiscal year in which payment may be made.
- **Prior Controlling Board Approvals**—Purchases previously approved by the Controlling Board, regardless of the amount of the purchase, are not applied toward the Controlling Board threshold.

Will This Purchase Equal or Exceed the Controlling Board Threshold?

Amount of Purchase Below the Controlling Board Threshold

For an individual, non-competitively selected purchase, or contract that is less than the aforementioned Controlling Board thresholds, this purchase or contract requires a Controlling Board approval, Waiver of Competitive Selection or Agency Released Competitive Opportunity if the sum of A + B + C below is greater than or equal to the Controlling Board threshold.

The following table illustrates the calculation of the Controlling Board threshold for purchases of supplies and services:

A	+ B	+ C	= D
Total amount of proposed purchase (not competitively selected) from a particular supplier. This is the amount to be spent over the entire period of the contract.	Amount of all disbursements to the supplier during the fiscal year for purchases* from the supplier that were NOT competitively selected nor approved by the Controlling Board	Amount of all outstanding encumbrances for purchases* from the supplier that were NOT competitively selected nor approved by the Controlling Board	\$50,000 or more

Examples:

- (1) If an agency is seeking to purchase not using competitive selection and the amount of the proposed purchase from the supplier is \$7,000, with total disbursements in the current fiscal year to that same supplier equaling \$15,000, and outstanding encumbrances with that same supplier equaling \$28,000, the agency will need Controlling Board approval before making the purchase:
 - **\$7,000 + \$15,000 + \$28,000 = \$50,000***
- (2) If an agency is seeking to purchase not using competitive selection and the amount of the proposed purchase from the supplier is \$30,000, with total disbursements in the current

fiscal year to that same supplier equaling \$3,000, and outstanding encumbrances with that same supplier equaling \$23,000, the agency will need Controlling Board approval before making the purchase:

- $\$30,000 + \$ 3,000 + \$23,000 = \$56,000^*$

*Purchases that have been made by competitive selection (defined in **R.C. 125.01(I)**) or that have been approved by the Controlling Board are **NOT** included in the calculation.

Both example purchases above are subject to the approval of the Controlling Board because the \$50,000 cumulative amount has been reached or exceeded as illustrated under Column D in the table.

NOTE: When making the calculation for real estate leases, only real estate lease-related expenses to the same supplier in the same fiscal year need to be considered pursuant to R.C. 127.16(B)(2).

Will This Purchase Equal or Exceed the Controlling Board Threshold?

Contract Amendments and Contract Renewals

- An **amendment** to a contract not previously approved by the Controlling Board with a particular supplier requires Controlling Board approval if the amount of the amendment, the original contract, and applicable encumbrances with and disbursements to a particular supplier equals or exceeds the Controlling Board threshold.
- An **amendment** to a contract previously approved by the Board that increases the dollar amount of the contract, changes the supplier, or modifies the scope of the work must be approved by the Controlling Board (see discussion related to Substantive Changes to previously approved Controlling Board Requests).
- A **renewal** of a noncompetitively selected contract with a particular supplier requires Controlling Board approval if the amount of the renewal and applicable encumbrances with and disbursements to equals or exceeds the Controlling Board threshold.

Examples:

The following examples, using the threshold of \$50,000, illustrate some of the most common situations related to the dollar amount of the purchase and the applicable Controlling Board threshold to determine whether Controlling Board approval for a Waiver of Competitive Selection or Agency Released Competitive Opportunity, pursuant to R.C. 127.16 and 127.162, is required.

1) Our agency has received a release and permit from DAS for a \$45,000 purchase of telephone equipment from a supplier. We have not previously disbursed any amounts to the supplier, nor do we have any outstanding encumbrances based on non-competitive purchases with this supplier. Is Controlling Board approval required? (Amount of the Purchase)

Controlling Board approval is **not** required. This purchase applied to the agency's Controlling Board threshold for this supplier is less than the agency's threshold for the fiscal year.

2) Our agency has already made \$45,000 in non-competitively selected purchases of telephone equipment from a particular supplier this fiscal year. Now we want to make an additional

\$10,000 purchase of equipment. I plan to use my direct purchase authority, but do I need Controlling Board approval? (Cumulative Purchases)

Controlling Board approval **is** required. The two purchases from this supplier result in a total of \$55,000 in non-competitively selected purchases, which would exceed the agency's Controlling Board threshold.

3) Our agency purchased \$45,000 in janitorial supplies from a supplier and encumbered the money in June of last fiscal year. This was a non-competitively- selected purchase that did not require Controlling Board approval. However, payment to the supplier was not made until July of the new fiscal year. Now I want to make a \$10,000 purchase of supplies under my direct purchase authority. Does this require approval by the Controlling Board or DAS? (Disbursements to the Supplier)

Controlling Board approval **is** required. Even though this individual purchase of \$10,000 is less than the threshold for your direct purchase authority, this purchase would push the agency over their cumulative Controlling Board threshold which may or may not require a release and permit from DAS. The agency's Controlling Board threshold for this supplier includes the disbursement to that supplier in that fiscal year, as well as outstanding encumbrances for that supplier for purchases not competitively selected through DAS or approved by Controlling Board. The calculation would yield \$55,000 in the current fiscal year, which would exceed the agency's Controlling Board threshold, thus requiring Controlling Board approval.

4) Our agency has a service contract with a supplier in the amount of \$100,000, and this supplier was awarded the contract by DAS through its competitive sealed proposal (CSP) process. We have no other fiscal activity with this supplier. Now we want to make a \$10,000 non-competitively selected purchase that is unrelated to the other contract. Do I need Controlling Board approval? (Exempt Process and Purchase Amount)

Controlling Board approval **is not** required. While the agency has made another purchase with the supplier, the initial purchase was competitively selected through the CSP process, and therefore is not applied to the agency's Controlling Board threshold.

5) Our agency has a service contract with a supplier for \$100,000 and it was approved by the Controlling Board. Now I want to make an additional \$10,000 non-competitively selected purchase from the supplier that is unrelated to the other contract. Do I need Controlling Board approval? (Prior Controlling Board Approval)

Controlling Board approval **is not** required. The previous non-competitively selected activity was approved by the Controlling Board and, therefore, does not apply toward the Controlling Board threshold.

6) Our agency has a service contract with a supplier for \$100,000 and it was approved by the Controlling Board. Now I want to amend this contract for an additional \$10,000 in services. Do I need Controlling Board approval? (Contract Amendment)

Yes. This \$10,000 represents an increase and/or change in the scope of a contract previously approved by the Controlling Board, and, therefore, Controlling Board approval is required prior to entering into the contract amendment.

7) Our agency is ready to enter into a two-year contract in the total amount of \$55,000 for the biennium. We expect to spend \$25,000 in the first fiscal year of the biennium and \$30,000 in the second fiscal year. We have no previous fiscal activity with this supplier (and therefore no disbursements to the supplier this fiscal year or open encumbrances with this supplier). Is Controlling Board action required? (Purchase Amount)

Yes. The full amount to be paid to the supplier over the term of the contract in exchange for supplies or services is to be counted against the Controlling Board threshold, regardless of the amount to be spent in a fiscal year. Since the proposed \$55,000 purchase exceeds the threshold, the item requires approval by the Board.

8) Our agency is ready to enter into a service contract in the amount of \$150,000 that has not been competitively selected through DAS. The contract will extend for a period that crosses both years of the fiscal operating biennium. Do I need to seek approval by the Controlling Board twice? (Purchase Amount and Multi-Year Contracts)

Controlling Board approval is required, and the request can be approved for a Waiver of Competitive Selection or Agency Released Competitive Opportunity that covers both fiscal years within the biennium. However, Controlling Board requires that both the request and the contract specifically designate the amount of the proposed contract to be spent per fiscal year.

Contracts may include renewal provisions, but prior to the expiration of the contract and the beginning of a new fiscal biennium, agencies must seek approval by the Controlling Board to renew the contract.

9) Our agency is ready to enter into a service contract with a supplier in the amount of \$100,000 that will require services to be performed in more than one fiscal operating biennium. Can we seek Controlling Board approval for more than one biennium? (Contracts Extending Beyond the Biennium)

Agencies are prohibited by law from entering into contracts that go beyond the fiscal operating biennium, thus obligating future General Assemblies to appropriate funds to pay for contractual arrangements. The contract may be written for the portion of the work to be performed during the current biennium and allow for a renewal of the contract once the new biennium begins and subject to sufficient appropriations by the General Assembly. The agency will need to come to the Controlling Board for both the original contract if the agency chooses to exercise the renewal provision.

10) Our agency is ready to exercise the second of three renewal clauses in a service contract that was previously approved by Controlling Board. The amount for the renewal period is \$100,000. Does this renewal require approval by Controlling Board? (Contract Renewal)

A contract renewal is considered a separate purchase and is subject to Controlling Board approval if the amount of the renewal and current fiscal year encumbrances and disbursements equals or exceeds the Controlling Board threshold.

11) Our agency needs more office space than we currently have, and have found a place that we would like to move into. What is Controlling Board's role in leases of real estate of non-state-owned facilities? (Real Estate Leases)

Most state agency leases for real estate, including warehouses, are coordinated by DAS—General Services Division’s Office of Real Estate and Planning. Real estate leases may have to be approved by the Controlling Board for a waiver of competitive selection if the amount of the proposed lease, all real estate lease-related expenses, all disbursements to the lessor in the given fiscal year, and all outstanding encumbrances with the lessor (for purchases not approved by Controlling Board) equals or exceeds the Controlling Board threshold for real estate leases (R.C. 127.16(B)(2) - \$75,000). The DAS—Office of Real Estate and Planning is responsible for preparing the request for Controlling Board review.

12) The lease for our current facility is ready to expire and we will be exercising an option to renew the lease. Since Controlling Board approval was granted for the initial lease agreement, is Controlling Board approval required to renew the lease agreement? (Real Estate Lease Renewal)

Real estate lease agreements typically contain renewal clauses establishing the rental and service rates and the duration of the lease agreement, which usually correspond with the beginning of each fiscal operating biennium. Renewals of real estate lease agreements, like other contract renewals, must also be approved by the Controlling Board if the amount causes the agency to equal or exceeds the Controlling Board threshold for real estate leases. Again, the DAS—Office of Real Estate and Planning is responsible for preparing the request for Controlling Board review prior to the beginning of the new biennium.

13) Our agency needs more office space than we currently have, and our landlord has offered additional space to us. Our existing lease agreement has been approved by the Controlling Board. Do we need Controlling Board approval to amend our existing lease? (Real Estate Lease Addendum)

Any amendment that results in an increased cost for a real estate lease agreement (because of an increase in square footage, an increase in the rental rate, additional costs for services, or any other significant modifications to the agreement) requires Controlling Board approval. The DAS—Office of Real Estate and Planning is responsible for preparing the request for Controlling Board review of the addendum.

Changes to Previously Approved Controlling Board Requests

Changes to previously approved Controlling Board requests are classified as substantive, non-substantive, or accounting changes. Substantive changes to requests previously approved by the Board must be submitted to the Board for approval. Non-substantive changes must be submitted through the Controlling Board electronic website (e-Controlling Board) to the Controlling Board President for approval. Notices of accounting changes must be submitted to OBM State Accounting.

Substantive Change

A substantive change to a previously approved Controlling Board request requires the preparation and submission of a new request to the Controlling Board for approval. The requirements that apply to a new request are necessary for a substantive change.

Substantive changes include the following:

- A different supplier, contractor, or provider of services;

- An increase in the amount to be paid to a supplier or the rate(s) of payment to the supplier;
- A change in the scope of work, type of work, work product, purpose or context of a contract;
- An increase in the amount of a real estate lease resulting from increased rent, square footage or other terms of the lease;
- A change in the amount of a loan, rate of interest, guarantors, security, repayment period or terms, or project that is the subject of the loan; and
- Any other change which the President of the Controlling Board determines to be a substantive change.

Non-substantive Change

A non-substantive change to a previously approved Controlling Board request requires the approval of the President of the Controlling Board through the e-Controlling Board website. An electronic submission that includes the Controlling Board number, approval date and an explanation of the request for a non-substantive change along with agency contact should be submitted through the e-Controlling Board website along with any supplemental information or documents necessary to explain the requested change. Anyone with e-Controlling Board access can create and submit a non-substantive change request to the Controlling Board President. It is not necessary to notify the Controlling Board members.

Non-substantive changes include the following:

- The term or fiscal year for which the contract is approved. The term or fiscal year change must be within the current biennium;
- The contract amount allocated to each fiscal year of the biennium;
- The appropriation line item number or name or fund identified in the request;
- The subcontractor(s) identified in the contract; and
- Contractor's tax identification number;
- Contractor's name or address;
- Ownership, e.g., contractor is bought by or merges with a third party;
- Status, e.g., contractor incorporates or joins partnership; and
- Any other change that the President identifies as a non-substantive change.

For additional questions regarding the changes to a previously approved Controlling Board request, contact your OBM Budget Analyst or the Controlling Board staff.

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Section III: Preparing a Controlling Board Request



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Section III—Preparing a Controlling Board Request

At this point you have determined whether you need to bring a request to the Controlling Board and possibly would like more specific information on the actual preparation of a particular type of Controlling Board request. This section is structured to give detailed instructions for the preparation of Controlling Board requests. Although it covers the most common types of requests, a circumstance not covered by these instructions will occasionally arise. In such cases, contact the Controlling Board Secretary or your agency's OBM Budget Analyst for more information and guidance. This section, as with all sections in this manual, is designed only for informational purposes. Any advice or guidelines contained within are in no way binding on the Controlling Board.

This section is divided into six parts as follows:

- Overview of Various Types of Controlling Board Requests
- Capital Request
- Operating Request
- Operating Transfer Request
- Fund/Appropriation Request
- Land Acquisition Request

Generally, the parts providing detailed instructions for the various requests specify three components of the request:

- The Request Form
- Required Information
- Attachments.

1. Types of Controlling Board Requests

The type of request that an agency submits is determined by the specific action the Controlling Board or the OBM Director is being requested to approve.

There are five basic request types and the actions for which they are used are as follows:

- Capital Request
- Operating Request
- Operating Transfer Request
- Fund/Appropriation Request
- Land Acquisition Request

Capital Request

This request involves the use of appropriations generally related to the financing of building projects or improvements and typically made in a capital appropriations act.

The most common circumstances in which this request is submitted include:

- Transfer of Capital Appropriations
- Release of Money Appropriated for Capital Projects
- Waiver of Competitive Selection involving the selection of a supplier related to a Capital Project
- Agency Released Competitive Opportunity involving the selection of a supplier related to a Capital Project
- Change of Intent for Previously Released Capital Money Appropriated for a Capital Project

Operating Request

This request is submitted primarily in those cases that involve a Waiver of Competitive Selection using operating funds, although it can also be used to accommodate other circumstances.

The common uses of this form include Waivers of Competitive Selection, including waivers for:

- New Contracts
- Contract Amendments
- Contract Renewals
- Non-Real Estate Leases
- New Real Estate Leases
- Real Estate Lease Amendments
- Real Estate Lease Renewals or Real Estate Lease Holdovers
- Other Controlling Board approvals required by statute or uncodified law

Operating Transfer Request

This request is submitted primarily to accommodate fiscal and accounting types of actions related to operating appropriation.

The common uses of this form include:

- Transfer of Operating Appropriations
- Transfer of Cash
- Transfer of Cash and Operating Appropriations

Fund/Appropriation Request

This request is submitted primarily for the creation of a fund or the increase in appropriation authority related to operating funds.

The common uses of this form include:

- Increase Appropriation Authority
- Establish Appropriation Authority
- Create a New Fund

Real Estate Acquisition Request

This request is submitted almost exclusively for real estate acquisitions that must be presented to the Board. These requests include all purchases of real estate made with capital appropriations by any agency pursuant to R.C. 126.14 and all land purchases, regardless of the source of funds, made by higher education institutions pursuant to R.C. 3333.071.

The common uses of this form include the following:

- Release of Capital Appropriations for Real Estate Acquisition
 - Transfer of Capital Appropriations Involving Real Estate Acquisition
 - All Real Estate Acquisitions by Institutions of Higher Education
-

2. Capital Request—Detailed Instructions

The Capital Request may be submitted to seek the Controlling Board’s approval of any combination of the various actions listed below:

- Release of Money Appropriated for Capital Projects under R.C. 126.14 (may or may not include a release for Percent for Arts pursuant to R.C. 3379.10)
- Transfer of Capital Appropriations under R.C. 127.14 and 127.15.
- Agency Released Competitive Opportunity using Capital Moneys
- Waiver of Competitive Selection using Capital Moneys
- Change of Intent for Previously Released Money Appropriated for Capital Projects

Instructions—Checklist Format

The following detailed instructions are presented in a checklist format. The detailed instructions are divided into three sections:

- 1. Form Contents:** Describe the parts of the form itself and the information required on the form.
- 2. Required Explanation of Request:** Describes the information required for the explanation of the request to be included on the form and Continuation forms.
- 3. Attachments:** Describe other material that must be submitted with the form.

Capital Request Combinations

For when seeking approval from the Controlling Board related to the use of money appropriated for capital purposes, an agency is likely to request more than one of the actions for which the capital request form can be used. **An agency should know all aspects of the request and complete all checklist items for all actions requested.** For instance:

- Most requests for a *transfer of funds* also involve the *release of funds* for a particular component of the capital project. Complete all requirements for both a type of requests.

- Most requests for *waivers* of non-competitively selected contracts which equal or exceed the Controlling Board threshold involve a *release of funds* as well. Complete all requirements for both types of requests.
- Requests for a *change of intent* involves previously released, but unencumbered, capital funds, and may also involve a request for a *waiver of competitive selection* or an *agency released competitive opportunity*. Complete all requirements for a *change of intent*, and, if applicable, a *waiver* or *agency released* request. Requests for *changes of intent* may also be combined with a request to *release* and/or *transfer capital funds*, in which case, also complete all requirements for both type of requests.
- Requests for the *release of funds* for Planning/Design/Engineer contracts for amounts that will not exceed the Controlling Board threshold, for competitively bid construction contracts, or for the purchase of equipment through competitive selection only involves the *release of funds*. Complete all requirements for a *release of funds* request only.

FORM CONTENTS - Capital Request

GENERAL INFORMATION

The screenshot shows a web-based form titled "CB Request" with a "New" button and "Open", "Delete", and "Check Status" links. The "Meeting Date" is 02/13/2012, the "Status" is "New", and the "Controlling Board Request No." is OBM0100057. The "GENERAL INFORMATION" section is divided into two main parts: "Real Estate Acquisition" and "Capital Request".

1 points to the "Controlling Board Request No." field.

2 points to the "Agency Name" field, which is "Real Estate Acquisition".

3 points to the "Capital Request" section, which includes options like "Release of Capital Funds", "Transfer of Capital Funds", "Waiver of Competitive Selection", "No Competitive Opportunity", "Agency Released Competitive Opportunity", "Agency Released Competitive Opportunity", "Release Percent for Arts", and "Other".

4 points to the "Eligible for OBM Director Approval?" field, which has "Yes" and "No" radio buttons.

5 points to the "Fiscal Year(s)" field.

6 points to the "Bill No." field.

7 points to the "Eligible for Local Administration?" field, which has "Yes" and "No" radio buttons.

A "Save and Continue" button is located at the bottom left of the form.

1. Controlling Board Request No.: A ten-character code that identifies the request. The first three characters are to be the agency's agency code and the remaining will be sequentially generated by e-Controlling Board (e.g. OBM0100007).
2. Agency Name: Name of the agency completing the request.
3. Capital Request: Types of authorization include:
 - Release of Capital Funds (**R.C. 127.14G and /or R.C. 126.14**)
 - Transfer of Capital Funds (**R.C. 127.14G and/or R.C. 127.15**)

- Waiver of Competitive Selection involving capital appropriations (**R.C. 127.16(B)**)
 - Agency Released Competitive Opportunity involving capital appropriations (**R.C. 127.162**)
 - Release Percent for Arts (**R.C. 3379.10**)
 - Other Statutory Authority/Bill Section: Cite Revised Code or Bill Section reference requiring Controlling Board approval.
4. Eligible for OBM Director Approval? Check “Yes” or “No” field to identify whether this request is eligible for approval by the Director of OBM according to the “General/ Specific” List as published by OBM for act containing a capital appropriation. (More information on this list can be found in Section II.
 5. Fiscal Year(s): The fiscal year(s) for which the request applies.
 6. Bill No.: The Bill Number(s) referencing the source of the appropriation applying to this request.
 7. Eligible for Local Administration? Check “Yes” or “No” field to identify whether this construction-related project is being administered by the agency and if necessary, the agency has sought and received any required approval from FCC. (See Section II for a discussion about agency administration of capital expense.)

SUPPLIER INFORMATION

VENDOR INFORMATION							Hide
Vendor ID	Address Code	Vendor Name	Vendor Address of Principal Place of Business				
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>				
FY	Contract Amount	Release & Permit #	City	State	County (Ohio Only)	Zip Code	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	OH	<input type="text"/>	<input type="text"/>	
<input type="text"/>	<input type="text"/>	<input type="text"/>	Owner Agency		OBM(<input type="text"/>)		
<input type="button" value="Add New"/>							

8. Supplier Name: The name of the supplier for which the waiver of competitive selection or agency released competitive opportunity is being requested.
9. Supplier Address of Principal Place of Business: The address of the supplier’s principal place of business.
10. City: The supplier’s city of its principal place of business.
11. State: The supplier’s state of its principal place of business.
12. County (Ohio Only): If the supplier’s location of its principal place of business is in Ohio, the name of the county in which it is located.
13. Supplier ID: The supplier’s identification number.

14. Contract Amount: The actual dollar amount that requires the waiver of competitive selection. This amount should include any allowances and change order fees or contingency amounts included in the contract.

TRANSFER INFORMATION

TRANSFER INFORMATION										Hide
Edit	From To Agency	FY	Fund Group	Fund Code	Appropriation Line Item	Appropriation Line Item Name	Transfer Amount	Previously Released Amount		
	<input type="radio"/> OSU01	12	16	17	123456	18 TEST	19	20 \$100.00	21	\$500.00
	<input checked="" type="radio"/> OSU01	12	23	24	654321	25 TEST2	26	27 \$100.00	28	\$500.00
Add New	<input type="radio"/> OSUC									

15. From To Agency: The appropriation line item from which the transfer is being requested.
16. Fund Group: This field is no longer required.
17. Fund Code: The code designating the fund from which the transfer is being requested.
18. Appropriation Line Item: The six-digit appropriation line item assigned by State Accounting (Example: 200321).
19. Appropriation Line Item Name: The exact appropriation line item name from which the transfer is being requested.
20. Transfer Amount: The appropriation amount requested to be transferred. (**NOTE**: This is the amount that has not been previously approved for release by the Controlling Board or by the Director of OBM.)
21. Previously Released Amount: If an appropriation previously released by the Controlling Board is involved in the transfer, the appropriation amount requested to be transferred. (**NOTE**: This is the amount that has been previously approved for release by the Controlling Board or by the Director of OBM but has not been encumbered.) Do not list the entire amount previously released for the project, just the released dollar amount included in the transfer request.
22. From To Agency: The appropriation line item to which the transfer is being requested.
23. Fund Group: This field is no longer required for requests.
24. Fund Code: The code designating the fund to which the transfer is being requested.
25. Appropriation Line Item: The six-character appropriation line item name to which the transfer is being requested. Assigned by State Accounting (Example: 235321).
26. Appropriation Line Item Name: The exact appropriation line item name to which the transfer is being requested.

- 27. Transfer Amount: The appropriation amount requested to be transferred. (**NOTE**: This is the amount that has *not been* previously approved for release by the Controlling Board or by the Director of OBM.)
- 28. Previously Released Amount: This field is blank if agency haven't previously released any funds from line item for the project.

FUNDING INFORMATION

FUNDING INFORMATION							Hide
Edit	Fund Group	Fund Code	Appropriation Line Item		Appropriation Line Item Name	Type	Total Amount
<input type="button" value="Add New"/>	29	30	31	32			33 \$0.00

- 29. Fund Group: This field is no longer required for requests.
- 30. Fund Code: The code designating the fund from which the release is being requested.
- 31. Appropriation Line Item: The six-digit appropriation line item from which the release is being requested. Assigned by State Accounting (Example: 250401).
- 32. Appropriation Line Item Name: The exact appropriation line item name from which the release is being requested.
- 33. Total Amount: The exact appropriation amount being requested for release or approval.

NOTE for Colleges and Universities: When requesting a release of funds from the Higher Education Improvement Fund or Higher Education Improvement Taxable Fund, using the Basic Renovations appropriation line item include only the previously released amount that relates to this project. Do not include the total amount of Basic Renovation appropriations that have been released to date.

SIGNATURES

SIGNATURES	
<input type="text" value="34"/> _____ Agency Director or Authorized Agent	<input type="text" value="35"/> _____ On The Date Of
_____ Date	_____ Controlling Board President/OBM Director

- 34. Agency Director or Authorized Agent: A signature of the agency director or his or her designee is populated by the e-Controlling Board system after the authorized representative submits the request.
- 35. On The Date Of: The date that the agency director or authorized designee submits the request.

AGENCY CONTACT

AGENCY CONTACT 36				Hide
First Name	MI	Last Name	Title	
Phone	Fax	E-Mail		
<input type="button" value="Update Agency Contact"/>				

36. Agency Contact: The information requested in these fields for the primary agency/institution contact regarding questions about the request.

REQUIRED EXPLANATION OF REQUEST

REQUIRED EXPLANATION OF REQUEST 37	Hide
Summary Paragraph: The text included in the following summary paragraph text box will be the request description included in the agenda. If this request is for a waiver of competitive selection, please complete the required information questions and then return to this page to systematically create the summary paragraph. You may then edit the system-created summary paragraph. To systematically create the summary paragraph or to replace the text with the system-created summary paragraph, click the following button: <input type="button" value="Create Summary"/>	
The Budget and Management respectfully requests Controlling Board approval to {complete the summary paragraph for this request}.	
[Note: Only the first 2000 characters will be saved.]	
Subsequent Paragraphs: Provide a detailed explanation of the nature of the request and any additional background information relative to this request. Click here for instructions on information required for each type of request.	
[Note: Only the first 6000 characters will be saved.]	
Related CBR No.:	
[Note: Only the first 200 characters will be saved.]	
<input type="button" value="Check Spelling"/>	
<input type="button" value="Save and Continue"/>	

37. Required Explanation of Request: The following components are to be included with each Capital Request.

- Summary Paragraph
- Subsequent Paragraphs
- Project Budget
- Responses to Required Information Questions (Waivers of Competitive Selection, only)
- Attachments, where applicable

Required Explanation Checklist

This checklist format will guide you through the required information sections for the type of request being prepared. For each type of request, an example of a summary paragraph and suggestions for subsequent paragraphs are provided to assist in preparing your explanation.

Summary Paragraph

The first paragraph should be a brief summary in the format specified below based on the particular type of request. Choose one of the following examples or a combination of the following examples based on the nature of the request:

Release of Funds

“The {agency or institution name} respectfully requests Controlling Board approval to release capital funds in the amount of \$_____ for the {project name} project in {name of city, name of county}. {OAKS FIN project number}”

Transfer of Appropriation

“The {agency or institution name} _____ respectfully requests Controlling Board approval to transfer \$_____ in capital appropriation from {line item name} to {line item name} for the {project name} project in {name of city, name of county}. {OAKS FIN project number}.”

Waiver of Competitive Selection or Agency Released Competitive Opportunity & Release of Funds - Service Contracts*

“The {agency or institution name} _____ respectfully requests Controlling Board approval to release capital funds in the amount of \$_____ from fund _____, ALI _____ (ALI name_____), in FY____, and a waiver of competitive selection /agency released competitive opportunity to contract with {contractor name}, {contractor city, state, of its principal place of business}, to provide {type of service} for the {project name} project in {name of city, name of county}. {OAKS FIN project number}” (NOTE: For *Contract Amendments*, please replace “to contract” with the phrase “to modify or amend the contract”).

Waiver of Competitive Selection or Agency Released Competitive Opportunity & Release of Funds - Purchase of Supplies or Equipment*

“The {agency or institution name} _____ respectfully requests Controlling Board approval to release capital funds in the amount of \$_____ from fund _____, ALI _____ (ALI name_____), in FY____ and a waiver of competitive selection/agency released competitive opportunity to purchase {item(s)} from {supplier name}, {supplier city, state, of its principal place of business}, for the {project name} project in {name of city, name of county}. {OAKS FIN project number}”

***Most requests for a waiver of competitive selection or agency released competitive opportunity will also require the release of funds. If an agency comes for the Release before seeking the Waiver, the summary paragraph need only reference the Waiver or Agency Released Competitive Opportunity.**

Change of Intent

“The {agency or institution name} _____ respectfully requests Controlling Board approval of a change of intent for previously released capital funds in the amount of \$_____ for the {project name} project in {name of city, name of county}. {OAKS FIN project number, if applicable}”

Other Common Request Combinations, Summary Paragraphs, and Examples:

Transfer Funds, Release Different Amount, and Waiver of Competitive Selection/Agency Released Competitive Opportunity

“The {agency or institution name} respectfully requests Controlling Board approval to transfer of capital funds (or appropriation) in the amount of \$_____ from fund _____, ALI _____

{line item name} to fund _____, ALI _____ {line item name}; and to release capital funds in the amount of \$ _____ from fund _____, ALI _____, (ALI name), in FY ____, for the {project name} project in {name of city, name of county}; and, a waiver of competitive selection/agency released competitive opportunity to {contract/purchase} with {contractor name}, {contractor city, state of its principal place of business}, for {service type, purchase type}. {OAKS FIN project number}”

Release Funds and Waiver of Competitive Selection/Agency Released Competitive Opportunity, Different Amount as Release

“The {agency or institution name} respectfully requests Controlling Board approval to release capital funds in the amount of \$ _____ from fund _____, ALI _____, (ALI name _____), in FY ____, for the {project name} project in {name of city, name of county}, which includes a waiver of competitive selection or agency released competitive opportunity in the amount of \$ _____ to contract with {contractor name}, {contractor city, state of its principal place of business}, for {type of service}. {OAKS FIN project number}”

Subsequent Paragraphs

These paragraphs should provide a written explanation providing as much detail as necessary for a complete understanding of the request. Include any of the following information, as appropriate to the type of request being prepared:

Transfer of Funds

Explain why amounts are being transferred, including a reason why amounts are no longer needed in the fund and the project from which appropriations are being transferred. Provide a brief history of the capital projects involved in the transfer.

Release of Funds (Purchase of Equipment)

Explain the intended use of the equipment for which funds are being released. Provide a brief explanation of the scope of this capital project, including prior and future phases of the project.

Low bidder not selected—If for some reason the lowest bidder is not awarded the contract involved in the release of funds presented in the request, explain why.

Equipment List: A request for a release of capital funds for the purchase of equipment must include a list of each item being purchased with the actual quoted price. Estimates are not acceptable. Please itemize the list of equipment on the request form as follows:

- Supplier(s) Name and Complete Address
- Item Name
- Quantity
- Per Unit Pricing
- Total Cost
- Supplier’s Identification Number
- Method of Selection (within local bid threshold, competitively bid, Inter-University Council contract/state term contract/state term schedule, or sole source)

(For a complete discussion about the eligibility of using capital appropriations for the purchase of equipment, see Section II.)

Release of Funds (Construction or Professional Services Contracts)

Describe the services or work to be performed by the contractor(s) included in this request for a release of capital funds. Describe the selection process used in the selection of the contractor(s). Provide a brief explanation of the scope of this capital project, including prior and future phases of the project.

Low bidder not selected—If for some reason the low bidder is not awarded the contract for which the release of funds is requested, explain why.

Change of Intent

Explain the nature of the change and why funds are no longer needed for future phases of the project.

Waiver of Competitive Selection/Agency Released Competitive Opportunity

(New Professional Service Contracts)

Provide a detailed written explanation describing as necessary the nature of the request. Describe the service for which competitive selection is being waived or agency released competitive opportunity is requested. Provide background information relative to the history of project for which the waiver of competitive selection or agency released competitive opportunity is being sought. Suggestions for these paragraphs based on the type of request include the following:

- Prior phases of the project
- If the contract is a portion of a multi-phase project, indicate the phases of the contract with this supplier, including future phases of the project.
- Specify the deliverables or describe the scope of work of the contract.
- Low bidder not selected—If for some reason the low bidder is not awarded the contract involved in this release of funds presented in the request, explain why.

Waiver of Competitive Selection/Agency Released Competitive Opportunity

(Contract Amendment)

Provide a detailed written explanation of the nature of the request. Describe the circumstances requiring an amendment to services for which competitive selection is being waived. Provide background information relative to the history of the project for which the waiver of competitive selection or agency released competitive opportunity is being sought. Suggestions for these paragraphs based on the type of requests, include the following:

- Prior phases of the project
- If the contract is a portion of a multi-phase project, indicate the phases of the contract with this supplier, including future phases of the project.
- Specify the deliverables or describe the scope of work to be performed under the contract.
- Low bidder not selected—If for some reason the low bidder is not awarded the contract for which the release of funds is requested, explain why.

Waiver of Competitive Selection/Agency Released Competitive Opportunity

(Purchase of Equipment)

Provide a detailed written explanation of the nature of the request. Describe the circumstances requiring a waiver of competitive selection or approval of the agency released competitive opportunity for the purchase of equipment. Provide background information relative to the history of the project.

Equipment List: A request for a release of capital appropriations for the purchase of equipment must include a list of each item being purchased with the actual quoted price. Estimates are not acceptable. Please itemize the list of equipment on the request form as follows:

- Supplier(s) Name and Complete Address
- Item Name
- Quantity
- Per Unit Pricing
- Total Cost
- Supplier’s Identification Number

Project Budget

All requests utilizing capital appropriations must include a project budget. The project budget should outline the various components involved, including the estimated budget for the entire project or portion of the project, the actual and/or revised budget, the previously approved releases of funds, and the amount of the current request. This information provides the history of the project.

A suggested format follows:

Project Budget				Controlling Board Request No.: OBM010047			
Project Name:					OFCC Project No:		
Local Project No:					OAKS Project No:		
Project County(s):							
County		Release Amount					
Total Release Amount:			\$0.00				
Category	Estimated Amount	Est %	Revised Amount	Actual Amount	Act %	Prev Rel Amount	Amount this Request
Estimated Cost of Construction/Professional Services	\$0.00		\$0.00	\$0.00		\$0.00	\$0.00
Allowances and Change Order Fees	\$0.00	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Local Admin / FCC Fees	\$0.00	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Percent For Arts	\$0.00	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Equipment	\$0.00	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Contingency & Pre-Bid Expenses	\$0.00	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Other1	\$0.00	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Other2	\$0.00	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Total	\$0.00		\$0.00	\$0.00		\$0.00	\$0.00

Universities: If Local funds are being utilized for this project, insert a column outlining how local funds are to be used.

For a discussion of what are considered to be “contingency and pre-bid/pre-proposal expenses” and “allowances and change order fees” see Section II.

Required Information Questions - Waiver of Competitive Selection and/or Agency Released Competitive Opportunity

Depending upon the nature of the Capital Request, a waiver of competitive selection or agency released competitive opportunity may be required.

For requests that include a waiver of competitive selection or an agency released competitive opportunity, provide responses to the following required information based on whether the waiver or agency released competitive opportunity is for architect, engineering, or other professional services contracts, amendments to professional services contracts, construction manager at risk or design-build contracts, guaranteed maximum price amendments to construction manager at risk or design-build contracts, or purchases of equipment.

Architect, Engineering, or Other Professional Services Contracts / Construction Manager at Risk or Design Build Contracts

NOTE: If this construction-related project is *administered by FCC* and requires a waiver of competitive selection or an agency released competitive opportunity for the Architect/Engineer, or Construction Manager as Adviser, Construction Manager at Risk or Design-Builder, contact your project coordinator at FCC for completion of the responses to the required information questions. If this construction-related project is *Locally Administered*, and requires a waiver of competitive selection or an agency released competitive opportunity, the agency/institution of higher education is responsible for completion of the responses to the required information questions.

Answers to the following questions are required in order to submit your request to the Controlling Board. *(As required by FCC, please type all questions or requests for information and provide a response. The request package will be returned to the agency if the questions or requests for information are not provided with the response.)*

1. Type of service to be provided:
2. Selection Process:
 - a. How was the Request for Qualifications (RFQ)/Request for Proposals (RFP) publicized or advertised? Explain.
 - b. Number of proposals distributed.
 - c. Number of days in which interested parties had to respond to the RFQ/RFP.
 - d. Number of proposals/statements of qualifications (or responses) received.
 - e. For each proposal/statement of qualifications received provide (or attach as a list) the following:
 - Name
 - Complete Address of the principal place of business
 - Amount of each proposal
 - f. Identify who rated the responses and was involved in the selection of the contractor.
3. Identify the selected contractor and explain why this contractor was selected.

4. Contractor's location of its principal place of business.
5. Contractor's location from which all or most of contract work will be performed, different from the location of its principal place of business.
6. Identify all state contracts that the selected contractor has had since the beginning of the previous fiscal year through this fiscal year to date. Include contracts for this agency or institution of higher education.
 - a. Total number of contracts:
 - b. For each, list the state agency _____ and the contract amount \$ _____

7. Provide the following employee information for the contractor:

	Nationwide	Ohio
Total No. of Employees		
% Women	%	%
% Minorities	%	%

8. What percent of the work will be done by subcontractors?
If more than 50 percent, provide the same employee information for each subcontractor as requested in #7 above for the contractor.
9. Fee Analysis: For design-build and construction management at risk services, also provide a fee analysis that includes the following:
 - a. Total estimated construction cost \$ _____
 - b. Provide the following information regarding the contractor's fees for the services to be performed.

Fee Analysis	Contract Amount	Percent of Total Construction/Cost of Work
Professional Design Services and/or Construction Management Services/Design-Build	\$	%
Personnel Cost	\$	%
Testing & Special Inspections	\$	%
General Conditions	\$	%
Design Services Fees (A/E of Record in Design-Build Contract only)	\$	%
Other (Explain)	\$	%

Refer to the requirements of R.C. 9.33-9.335 or 153.65-153.73 (Design-Build and Design Services).

Amendments to Architect, Engineering, or Other Professional Services Contracts / Construction Manager at Risk or Design-Build Contracts including Guaranteed Maximum Price Amendments

1. Type of service to be provided.
2. Identify the supplier and location of supplier’s principal place of business.
3. Explain why the contract is being amended.
 - Change in scope of work?
 - Change in the amount of hours of service required?
 - Change in deliverables?
 - Change in rate or amount?
 - Miscellaneous substantive error?
4. What is the effect of the contract amendment on the project?
5. **Using the following example:** Provide the dates of previous Controlling Board approvals for this contract. Indicate whether the approvals were for the initial contract or previous amendments to this contract. In addition, provide the information regarding the contract amount(s) depending upon the type of contract previously approved by the Controlling Board.

Example:

Initial Contract—Total amount of the initial contract or number of hours and the rate per hour.

Amendment—Total amount of the amended contract (initial + amendment) or total number of hours (initial + amendment) and the total rate per hour (initial contract + contract amendment).

Example:

CB Approval Date	Type of Approval	Total Amount or # of Hours and Rate/Hour
7/1/12	Initial	\$100,000.00
9/30/13	Amendment	\$125,000.00

6. In addition to the revised project budget, provide a revised fee analysis that includes the following:

Fee Analysis	Previous Contract Amount	Previous Percent of Total Construction Cost	Revised Contract Amount	Revised Percent of Total Construction Cost
Professional Design Services and/or Construction Management Services/Design-Build	\$	%	\$	%
Personnel Cost	\$	%	\$	%
Testing & Special Inspections	\$	%	\$	%
General Conditions	\$	%	\$	%
Design Services Fees (A/E of Record in Design-Build Contract only)	\$	%	\$	%
Other (Explain)	\$	%	\$	%

Refer to the requirements of R.C. 9.33-9.335 or 153.65-153.73 (Design-Build and Design Services).

7. Provide the following employee information:

	Nationwide	Ohio
Total No. of Employees		
% Women	%	%
% Minorities	%	%

Refer to the requirements of R.C. 153.65-153.70

Purchases of equipment

1. Identify the equipment and provide the amount of each item.
Example: Name of the Item; Price Per Unit of Each Item x Number of Units = Amount.
2. Selection Process:
 - a. How was the Request for Proposal (RFP)/Request for Quote (RFQ) publicized or advertised? Explain.
 - b. Number of proposals/quotes distributed.
 - c. Number of days in which interested parties had to respond to the RFP/RFQ.
 - d. Number of proposals received.
 - e. For each proposal received provide (or attach a list):
 - Name
 - Complete address of principal place of business
 - Amount of proposal
 - f. Identify who rated the responses and was involved in the selection of the supplier.

- g. Indicate the selected supplier and explain why this supplier was selected.
- h. Provide the complete address of the supplier’s principal place of business.

Attachments

Attachments, in addition to the responses to the Required Information Questions, provide helpful information for understanding the nature of the request. The following table outlines the required attachments in *italics* for requests involving capital appropriations by project administration designation and project component. A description of each attachment is also provided..

Project Administration		
PROJECT COMPONENT	AGENCY/INSTITUTION OF HIGHER EDUCATION	OFCC
Professional planning/ design/ engineering or construction management services or design-build services	<i>Preapproval for agency administration</i> State agency: Attach a copy of preapproval <i>letter from FCC.</i> Higher education institutions: Not required.	<i>FCC planning/design/ /engineering or construction management recommendation letter</i>
Construction contracts	<i>Preapproval for agency administration:</i> State agency: Attach a copy of the preapproval letter from FCC. Higher education institutions: Not required. <i>Bid tabulations/price quotations</i>	<i>FCC construction contract award letter.</i>
Purchase of equipment	<i>Bid tabulations/price quotations</i> <i>Sole Source supplier letter, if applicable.</i>	<i>FCC equipment purchase award letter.</i> <i>Bid tabulations/price quotations</i> <i>Sole source supplier letter, if applicable</i>

Preapproval for agency administration: Attach a copy of the notification from FCC authorizing the agency to administer the capital project.

FCC Planning/Design/Engineering, Construction Management or Design Build Services.

Recommendation Letter: Attach a copy of the notification from FCC of its recommendation that states the name of the contractor and the amount to be released for the planning/design/engineering or construction management services contract.

FCC Construction Contract Award Letter: Attach a copy of the notification from FCC of their recommendation that states the name(s) of the contractor(s) and the amount to be released for the contract(s).

Bid Tabulations/Price Quotations: Attach a copy of the bid tabulations or applicable price quotation with the lowest and most responsible bid circled for requests to release funds for construction contracts or equipment purchases, which have awarded by the competitive selection required for the particular type of contract.

Sole Source Supplier Letter: If a waiver of competitive selection is requested and the agency has proposed to purchase equipment or services from a sole source, provide a letter from the supplier explaining the justification for the sole source designation. For institutions of higher education, provide a letter from the institution’s purchasing department justifying that the proposed purchase is from a sole source supplier.

NOTE: For purposes of Controlling Board, the term “sole source” means that there is only one supplier that can provide the supplies or services desired by the agency and that any attempt to obtain bids or quotation would only result in that single supplier bidding on it.

3. Operating Request—Detailed Instructions

An Operating Request is submitted primarily to request approval from the Controlling Board to waive competitive selection for the procurement of non-capital funded supplies or services that equal or exceed the Controlling Board threshold for a particular supplier pursuant to **R.C. 127.16 (B)(1)**. (For a detailed discussion of the threshold, see Section II.) In addition, pursuant to **R.C. 127.16 (B)(2)**, an Operating Request is required for approval to enter into real estate lease agreements.

An Operating Request may also be submitted for various types of actions requiring Controlling Board approval as defined Ohio law including codified and uncodified law. This request should not be used for any action involving capital appropriations.

An Operating Request for a waiver of competitive selection or approval of an agency released competitive opportunity for various procurement activities can be divided into eight categories. Each of these categories has specific and different required information.

The eight categories that typically use the Operating Request Form are as follows:

1. New Contracts
2. Contract Amendments
3. Contract Renewals
4. Purchases of Supplies
5. Non-Real Estate Leases
6. New Real Estate Leases
7. Real Estate Lease Addendums
8. Real Estate Lease Renewals/Holdovers

Detailed instructions for each type of request are divided into three sections:

1. **Form Contents:** Describe the parts of the form itself and the information required on the form.
2. **Required Explanation of Request:** Describes the information required for the explanation of the request to be included on the form and Continuation forms.
 - Summary Paragraph
 - Subsequent Paragraph(s)
 - Responses to Required Information Questions

- Attachments:** Describe other material that must be submitted with the form as part of the request.

FORM CONTENTS—Operating Request

GENERAL INFORMATION

Complete Fields 1-4.

CB Request		New	Open	Delete	Check Status
Meeting Date:	02/13/2012	OPERATING REQUEST			Controlling Board Request No.: OBM0100058
Status:	New				1
GENERAL INFORMATION					
Agency Name	2	Operating Request	3	Fiscal Year(s)	
Budget and Management	<input type="radio"/> Waiver of Competitive Selection (Revised Code Section 127.16B) <input type="checkbox"/> No Competitive Opportunity <input type="checkbox"/> Agency Released Competitive Opportunity <input checked="" type="radio"/> Agency released competitive opportunity (Revised Code Section 127.162) <input type="radio"/> Other Statutory Authority/Bill Section: <input type="text"/> <input checked="" type="radio"/> Operating Transfer Request (Revised Code Section 127.14) <input type="checkbox"/> Appropriation <input type="checkbox"/> Cash <input type="checkbox"/> Other Statutory Authority/Bill Section: <input type="text"/>				
Institution/Division Administration					Bill No. 4
					Eligible for OBM Director Approval? <input type="radio"/> Yes <input checked="" type="radio"/> No

- Controlling Board Request No.:** A ten-character code that identifies the request. The first three characters are to be the agency code, and the remaining numbers are generated sequentially by the e-Controlling Board. (e.g. OBM0100007)
- Agency Name:** Name of the agency completing request.
- Operating Request:** The applicable Controlling Board authorization for this request.
 - Waiver of Competitive Selection involving operating appropriations (R.C. 127.16(B))
 - Agency Released Competitive Opportunity involving operating appropriations (R.C. 127.162)
 - Other Statutory Authority/Bill Section: Cite Revised Code or Uncodified Law Section specifying the requirement for Controlling Board approval.
- Bill No.:** The Bill Number(s) referencing the source of the appropriation applying to this request.

SUPPLIER INFORMATION

VENDOR INFORMATION							Hide
Vendor ID	Address Code	Vendor Name	Vendor Address of Principal Place of Business				
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>				
10		5	6				
FY	Contract Amount	Release & Permit #	City	State	County (Ohio Only)	Zip Code	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
11	12 \$0.00		7	OH	8	9	
13	14 \$0.00		Owner Agency		OBM(

- 5. Supplier Name: The supplier’s name for which the waiver of competitive selection or agency released competitive opportunity is being sought.
- 6. Supplier Address of Principal Place of Business: The address of the supplier principal place of business.
- 7. City: The city of the supplier’s principal place of business.
- 8. State: The state of the supplier’s principal place of business.
- 9. County (Ohio Only): If the supplier’s principal place of business is located in Ohio, the county in which it is located.
- 10. Supplier ID: Enter the supplier’s identification number.

NOTE: If the request for a waiver of competitive selection or agency released competitive opportunity covers more than one fiscal year in a biennium, the amount of the contract must be divided between the first fiscal year of the biennium and the second year of the biennium.

- 11. FY: The current fiscal year for which a waiver of competitive selection or agency released competitive opportunity is being sought.
- 12. Contract Amount: The actual dollar amount that requires the waiver of competitive selection or agency released competitive opportunity for the current year of the fiscal biennium.
- 13. FY: The second fiscal year, within the fiscal biennium, for which a waiver of competitive selection or agency released competitive opportunity is being sought.
- 14. Contract Amount: If a waiver of competitive selection or agency released competitive opportunity is being sought for both fiscal years in a fiscal biennium, the actual dollar amount that requires the waiver of competitive selection for the second year of the fiscal biennium.

FUNDING INFORMATION

NOTE: If there is more than one fund code, appropriation line item, or appropriation line item name being utilized for this request, the amount of the contract/purchase from each source must be shown in the appropriate fields.

FUNDING INFORMATION							Hide
Edit	Fund Group	Fund Code	Appropriation Line Item	Appropriation Line Item Name	Type	Total Amount	
<input type="button" value="Add New"/>	15	16	17	18		19	\$0.00

15. Fund Group: Not required for requests.

16. Fund Code: The code designating the fund from which the agency intends to pay for the purchase requiring the waiver of competitive selection approval of an agency released competitive opportunity.

17. Appropriation Line Item: The six-digit line item that the agency intends to charge the purchase against. (Example: 400001)

18. Appropriation Line Item Name: The exact appropriation line item name. .

19. Total Amount: The total amount being requested for approval for a waiver of competitive selection or agency released competitive opportunity in the current fiscal year.

NOTE: Repeat by selecting “Add New” for a different Fiscal Year.

SIGNATURES

SIGNATURES	
23	24
_____ Agency Director or Authorized Agent	_____ On The Date Of
_____ Date	_____ Controlling Board President/OBM Director

23. Agency Director or Authorized Agent: A signature of the agency director or his or her designee is populated by the e-Controlling Board system after the authorized representative submits the request.

24. On The Date Of: The date that the agency director or authorized agent’s signature is populated.

AGENCY CONTACT

AGENCY CONTACT				25	Hide
First Name	MI	Last Name	Title		
Phone	Fax	E-Mail			
<input type="button" value="Update Agency Contact"/>					

25. Agency Contact: The information requested in these fields for the primary agency/institution contact regarding questions about the request.

REQUIRED EXPLANATION OF REQUEST

REQUIRED EXPLANATION OF REQUEST		26	Hide
Summary Paragraph:			
The text included in the following summary paragraph text box will be the request description included in the agenda. If this request is for a waiver of competitive selection, please complete the required information questions and then return to this page to systematically create the summary paragraph. You may then edit the system-created summary paragraph.			
To systematically create the summary paragraph or to replace the text with the system-created summary paragraph, click the following button:			
<input type="button" value="Create Summary"/>			
The Budget and Management respectfully requests Controlling Board approval to {complete the summary paragraph for this request}.			
[Note: Only the first 2000 characters will be saved.]			
Subsequent Paragraphs:			
Provide a detailed explanation of the nature of the request and any additional background information relative to this request. Click here for instructions on information required for each type of request.			
[Note: Only the first 6000 characters will be saved.]			
Related CBR No.:			
[Note: Only the first 200 characters will be saved.]			
<input type="button" value="Check Spelling"/>			
<input type="button" value="Save and Continue"/>			

26. See Required Information sections below.

For each type of operating request for a waiver of competitive selection or agency released competitive opportunity, an example of a Summary Paragraph and suggestions for Subsequent Paragraphs are provided to assist you in preparing your explanation. In addition, certain Responses to Required Information Questions are to be included as part of the explanation of the request.

NEW CONTRACTS:

Summary Paragraph

The first paragraph of the request should be a summary paragraph in the following format:

“The {agency or institution name} respectfully requests Controlling Board approval for {a waiver of competitive selection or an agency released competitive opportunity} in the amount of \$ _____, from fund ____, ALI ____ (ALI name ____), in FY__(s), to contract with {supplier name}, {supplier city, state of its principal place of business} to provide {service/deliverables} for the {describe program/project}.”

Subsequent Paragraphs

Provide a written explanation describing, in detail, the nature of the request. Provide background information relative to the project or program for which the waiver of competitive selection is being sought. Suggestions for these paragraphs, based on the type of request, should include the following:

- Objectives of the project or program requiring a contract
- Prior phases of the project or program requiring a contract
- If the contract is a portion of a multi-phase project or program, indicate the phases of the contract, including future phases of the project or program

Required Information Questions

New Contract

1. Selection Process: Was this contract subject to selection by a Request for Proposal (RFP) , Request for Qualifications (RFQ), Request for Information (RFI) process? Provide the responses to the requested information for either Y or N.
 - If no, explain why this contract was not subject to an RFP process (proceed to question 2)
 - If yes, answer the following requests for information:
 - a. If a Request for Proposal (RFP), Request for Qualification (RFQ), Request for Information (RFI) for this service was issued, how was the RFP, RFQ or RFI publicized or advertised? Explain.
 - b. Number of proposals distributed.
 - c. Number of days in which interested parties had to respond to the RFP, RFQ or RFI.
 - d. Number of proposals received.
 - e. For each proposal received provide (or attach a list):
 - Name
 - Complete address of the principal place of business
 - Amount of proposal
 - f. Explain why this contractor was selected.
 - g. Indicate who rated the responses and was involved in the selection of the contractor.
2. Provide the following selected contractor information and provide the contractor's address (city, state, and county (Ohio suppliers only)) of its principal place of business.
3. Contractor's location from which all or most of contract work will be performed, if different from the location of principal place of business. (For institutional agencies, cite the location of the institution, including the city and county, where services are to be performed.)
4. Institutional agencies only: Is the contractor currently performing services at the institution listed above? If yes, provide the date that the contractor first began performing services at this state institution.
5. Specify the deliverables of this contract or describe the scope of service(s) to be performed by this contractor.
6. Cite the account category being used for this purchase of service(s).
7. Duration of this contract (beginning and ending dates) within the fiscal biennium.
8. Is the contractor already performing work under this contract?

- If no, proceed to question 9
 - If yes, answer a, b, and c.
 - a. On what date did the contractor begin work?
 - b. Are you requesting retroactive approval of the contract?
 - c. If yes, give the requested retroactive effective date.
9. Identify all state contracts that the selected contractor has had approved by the Controlling Board since the beginning of the last fiscal year through this fiscal year to date. Also, include contracts approved for this agency or institutions of higher education.
- a. Total number of contracts
 - b. For each contract list the state agency and contract amount
10. Contractor Procurement Compliance:
- a. Is this contractor in compliance with the federal “Buy America Act” (47 Stat. 1520, (1933), 41 U.S.C.A. 10a-10d, as amended)? N/A, Yes or No. Explain.
 - b. Is this contractor in compliance with the “Buy Ohio Program” (R.C. 125.09 and R.C. 125.11)? N/A, Yes or No. Explain.

11. Provide the following employee Information:

	Nationwide	Ohio
Total No. of Employees		
% Women	%	%
% Minorities	%	%

12. What percent of the work will be done by subcontractors? If more than 50%, provide the same information for each subcontractor as requested in number 11 above for the contractor.
13. Provide all subsequent renewal schedules (beginning and ending dates) and amounts associated with this contract. A contract renewal is the exercise of an option to enter into a subsequent contract with a supplier in accordance with renewal provisions specified in a preceding contract.

NOTE: All amounts must be shown in amounts per fiscal year.

Attachments

New Contract—Assemble in this order following the responses to the Required Information Questions.

- Copy of approved release and permit from DAS. (If purchasing from a blanket release & permit issued by DAS, provide a copy of the release and permit that exempts this purchase).

- Sole source justification letter, if applicable
- Request for Proposal (RFP) - A copy of the actual RFP as it was distributed to prospective bidders.
- Response to RFP from selected supplier.
- Contract, specifying the amount and the duration of the contract, signed by the supplier only.

CONTRACT AMENDMENTS:

Summary Paragraph

The first paragraph of the request should be a summary paragraph in the following format:

“The {agency or institution name} respectfully requests Controlling Board approval for {a waiver of competitive selection or an agency released competitive opportunity} in the amount of \$ _____, from fund ____, ALI _____ (ALI name _____), in FY__ (s), to amend the contract with {supplier name}, {supplier city, state of its principal place of business} to provide {service/deliverables} for the {describe program/project}.”

Subsequent Paragraphs

Provide a detailed written explanation of the nature of the request. Provide background information relative to the project or program, and why an amendment is being sought. Suggestions for these paragraphs include:

- Objectives of the project or program requiring a contract amendment
- Prior phases of the project or program
- If the contract is a portion of a multi-phase project or program, indicate the phases of this contract, including future phases of the project or program.

Required Information Questions

Contract Amendment:

1. Identify the contractor and provide the contractor’s address of their principal place of business.
2. Explain why this contract is being amended and the effect on the project or program. For example, any of the following, or combination of the following, would require a contract amendment.
 - Change in supplier
 - Change in scope of work
 - Change in the number of hours of personal service required
 - Change in deliverables
 - Change in rate or amount
 - Miscellaneous substantive error in the original contract
3. Specify the deliverables of this contract or describe the scope of service(s) to be performed by this contractor.
4. Cite the account category(s) of expense being used for this purchase of service(s).

5. *Using the following example:* Provide the dates of previous Controlling Board approvals for this contract. Indicate whether the approvals were for the initial contract, amendments to this contract, or previous renewals for this contract. In addition to the date(s) of Controlling Board approval, provide the following information depending upon the type of contract previously approved by the Controlling Board.

- *Initial Contract*—Total amount of the initial contract or number of hours and the rate/hour.
- *Amendment*—Total amount of the amended contract (initial + amendment) or total number of hours (initial + amendment) and the total rate per hour (initial contract + contract amendment + contract renewals within the biennium).
- *Renewal*—Total amount of the renewed contract or the total number of hours and the total rate per hour.

NOTE: All amounts must be shown in amounts per fiscal year.

Example:

CB Approval Date	Type of Contract	Amount per FY	# of Hours	Rate per Hour per FY
04/23/2012	Initial	\$5,507,670.00	0.00	\$0.00
05/20/2013	Renewal	\$6,853,920.00	0.00	\$0.00
05/20/2013	Renewal	\$6,853,920.00	0.00	\$0.00
09/23/2013	Amendment	\$4,022,320.00	0.00	\$0.00
09/23/2013	Amendment	\$5,129,760.00	0.00	\$0.00

6. If this contract amendment affects the total amount of the contract or the total number of hours and total rate per hour, provide the new information in comparison to the prior version of the contract.
7. Duration of this contract (beginning and ending dates) within the fiscal biennium, including amendment.
8. Provide all subsequent renewal schedules (beginning and ending dates) and amounts associated with this contract.

NOTE: All amounts must be shown in amounts per fiscal year.

9. Provide the following employee Information:

	Nationwide	Ohio
Total No. of Employees		
% Women	%	%
% Minorities	%	%

Attachments

Contract Amendment—Assemble in this order, following the responses to the Required Information Questions:

- Copy of the contract amendment, specifying the amount and the duration of the contract, signed by the supplier only
- Copy of the original contract

When applicable, a copy of approved release and permit from DAS. (If purchasing from a blanket release and permit issued by DAS, provide a copy of the release and permit that exempts this purchase).

CONTRACT RENEWALS:

Summary Paragraph

The first paragraph of the request should be a summary paragraph in the following format:

“The {agency or institution name} respectfully requests Controlling Board approval for {a waiver of competitive selection or an agency released competitive opportunity} in the amount of \$ _____, from fund ____, ALI _____ (ALI name _____), in FY__(s), to renew the contract with {supplier name}, {supplier city, state of its principal place of business} to provide {service/deliverables} for the {describe program/project}.”

Subsequent Paragraphs

Provide a detailed written explanation of the nature of the request. Provide background information relative to the project or program for which the waiver of competitive selection for the renewal of this contract is being sought. Suggestions for these paragraphs include the following:

- Objectives of the project or program requiring the renewal of a contract
- Prior phases of the project or program
- If the contract is a portion of a multi-phase project or program, indicate the phases of the contract, including future phases of the project or program.

Required Information Questions

Contract Renewal:

1. Identify the contractor and contractor’s address of its principal place of business.
2. Provide a brief history of the project or program being affected by the work of the contractor.
3. Specify the deliverables of this contract or describe the scope of the services to be performed by renewing this contract.
4. Cite the account category of expense being used for this purchase of service(s).
5. Using the following example, provide dates of previous Controlling Board approvals for this contract. Indicate whether the approvals were for the initial contract, amendments to this contract, or previous renewals for this contract. In addition to the date(s) of Controlling Board

approval, provide the following information depending upon the type of contract previously approved by the Controlling Board.

- *Initial Contract*—Total amount of the initial contract or total number of hours and the total rate per hour.
- *Amendment*—Total amount of the amended contract (initial + addendum) or total number of hours (initial + addendum) and the total rate per hour (initial contract + contract addenda + contract renewals within the biennium).
- *Renewal*—Total amount of the renewed contract or the total number of hours and the total rate per hour.

NOTE: All Amounts must be shown in amounts per fiscal year.

Example:

CB Approval Date	Type of Contract	Amount per FY	# of Hours	Rate per Hour per FY
04/23/2012	Initial	\$5,507,670.00	0.00	\$0.00
05/20/2013	Renewal	\$6,853,920.00	0.00	\$0.00
05/20/2013	Renewal	\$6,853,920.00	0.00	\$0.00
09/23/2013	Amendment	\$4,022,320.00	0.00	\$0.00
09/23/2013	Amendment	\$5,129,760.00	0.00	\$0.00

6. Provide the total amount of the contract renewal or total number of hours and total rate per hour.
7. Is this contract rate an increase in the total amount of the contract or the rate per hour over the previous contract rate? If yes, explain why.
8. Duration (beginning and ending dates) of this contract renewal within the fiscal biennium.
9. Provide all subsequent renewal schedules (beginning and ending dates) and amounts associated with this contract.

NOTE: All amounts must be shown in amounts per fiscal year.

10. Provide the following employee Information:

	Nationwide	Ohio
Total No. of Employees		
% Women	%	%
% Minorities	%	%

Attachments

Contract Renewal—Assemble in this order following the responses to the Required Information Questions:

- Copy of approved release and permit from DAS. If purchasing from a blanket release and permit issued by DAS, provide a copy of the release and permit that exempts this purchase.
- Recent sole source justification letter, if applicable.
- A copy of the original contract.
- A copy of the contract renewal signed by the supplier or a copy of a letter from the agency to the supplier informing the supplier that the agency would like to exercise the option to renew the contract pursuant to the terms of the original contract and subject to Controlling Board approval. This contract or letter must specify the duration of the renewal and the amount of the contract per fiscal year.

PURCHASES OF SUPPLIES OR EQUIPMENT:

Summary Paragraph

The first paragraph of the request should be a summary paragraph in the following format:

“The {agency or institution name} respectfully requests Controlling Board approval for {a waiver of competitive selection or an agency released competitive opportunity} in the amount of \$_____, from fund ____, ALI _____ (ALI name _____), in FY__(s), to purchase {supply/equipment} from {supplier name}, {supplier city, state of its principal place of business} for the {describe program/project}.”

Subsequent Paragraphs

Provide a detailed written explanation of the nature of the request. Provide background information relative to the project or program for which the waiver of competitive selection for the purchase of supplies/equipment is being sought. These paragraphs should include an explanation of the objectives of the project or program requiring the supplies or equipment.

Required Information Questions

Purchases of Supplies or Equipment:

1. Identify the supply or supplies/equipment and provide the amount of each item.

Example: Name of the Item: Price Per Unit x Number of Units = Amount of Each Item

NOTE: If purchasing the supply or supplies/equipment from more than one supplier, identify each supplier, and provide the above information.

2. Cite the account category, subobject code, and amount of each item included in this purchase from the supplier.
3. Selection Process: Was this purchase subject to selection by a Request for Proposal (RFP) or Request for Quote (RFQ) process? Provide the responses to the requested information for either Y or N.
 - If no, explain why this purchase was not subject to an RFP or RFQ process (proceed to question 4)
 - If yes, answer the following requests for information.
 - a. If a Request for Proposal (RFP) or Request for Quote (RFQ) for this purchase was issued, how was the RFP/RFQ publicized or advertised? Explain.

- b. Number of proposals distributed.
 - c. Number of days in which interested parties had to respond to the RFP or RFQ.
 - d. Number of proposals/quotes received.
 - e. For each proposal/quote received, provide (or attach a list):
 - Name
 - Proposed Amount
 - Complete address of the principal place of business
 - f. Explain why this supplier was selected.
 - g. Indicate who rated the responses and was involved in the selection of the supplier.
4. Contract Procurement Compliance:
- a. Is this supplier in compliance with Buy America? Explain:
 - b. Is this supplier in compliance with Buy Ohio? Explain:

Attachments

Purchase of Supplies or Equipment—Assemble in this order following the responses to the Required Information Questions.

- Copy of approved release and permit from DAS. If purchasing from a blanket release and permit, provide a copy of the release and permit that exempts this purchase.
- Sole source justification letter, if applicable
- Request for Proposal (RFP)/Request for Quote (RFQ)
- Response to RFQ from selected supplier on supplier’s stationery

NON-REAL ESTATE LEASES:

Summary Paragraph

The first paragraph of the request should be a summary paragraph in the following format:

“The {agency or institution name} respectfully requests Controlling Board approval for {a waiver of competitive selection or an agency released competitive opportunity} in the amount of \$_____, from fund ____, ALI _____ (ALI name _____), in FY__(s), to lease {description of leased item} with {supplier name}, {supplier city, state of its principal place of business} for the {describe program/project}.”

Subsequent Paragraphs

Provide a detailed written explanation of the nature of the request, including background information relative to the project or program for which the waiver of competitive selection for the leased item is being sought. These paragraphs should include an explanation of the cost benefit to the agency that will be leasing the item(s) as compared to purchasing the item(s).

Required Information Questions

Non-Real Estate Lease:

1. Describe item(s) being leased.
2. Cite the account category(s) of expense:
3. Selection Process: Was this purchase subject to selection by a Request for Proposal (RFP) process? Provide the responses to the requested information for either Y or N.
 - If no, explain why this purchase was not subject to an RFP process (proceed to question 4)
 - If yes, answer the following requests for information.
 - a. If a Request for Proposal (RFP) for this service was issued, how was the RFP publicized or advertised? Explain.
 - b. Number of proposals distributed.
 - c. Number of days in which interested parties had to respond to the RFP.
 - d. Number of proposals received.
 - e. For each proposal received, provide (or attach a list):
 - Name
 - Proposal Amount
 - Complete address of the principal place of business
 - f. Explain why this supplier was selected.
 - g. Indicate who rated the responses and was involved in the selection of the supplier.
4. Identify all state contracts/agreements that the selected supplier has had approved by the Controlling Board for this supplier since the beginning of the last fiscal year through this fiscal year to date. Also include contracts/agreements approved for this agency.
 - a. Total number of contract/agreements:
 - b. For each contract/agreement, list the state agency and the contract/agreement amount.
5. Contract Procurement Compliance:
 - a. Is this supplier in compliance with Buy America? Explain:
 - b. Is this supplier in compliance with Buy Ohio? Explain:
6. Provide the following employee information:

	Nationwide	Ohio
Total No. of Employees		
% Women	%	%
% Minorities	%	%

7. Cost to lease the item over the term of the lease:
 - a. Net unit cost
 - b. Number of items
 - c. Total item cost (net unit cost x number of items)
 - d. Any trade-in allowance
 - e. Adjusted total item cost (c - d)
 - f. Stated or implied interest rate
 - g. Periodic payment amount (principal + interest)
 - h. Number of payments
 - i. Amount of total payments (g x h)
 - j. Installation or other costs payable to the lessor
 - k. Total lease cost (i + j)
 - l. Sum of one-time costs related to putting the leased item into service and payable to parties other than the lessor
 - m. Total cost (k + l)

8. Duration of lease agreement (beginning and ending dates) within the fiscal biennium.

9. Is the agency already leasing the item covered by the lease agreement?
 - If yes, answer the following requests for information
 - a. On what date did the agency begin to lease the item?
 - b. Are you requesting retroactive approval of the lease?
 - c. If yes, give the requested retroactive effective date.

10. If applicable, provide all subsequent renewal schedules (beginning and ending dates) and the amounts associated with this lease agreement.

NOTE: All amounts must be shown in amounts per fiscal year.

11. If applicable, provide the renewal cost associated with this lease agreement: (Renewal Cost = Renewal Rate x Number of Payments).
 - a. If renewal option, state renewal rate
 - b. Total renewal cost

12. If the lease contains a purchase option, state the purchase price

13. Disclosures: If applicable, complete:
 - a. Penalty for failure to renew

- b. Contingent penalties or obligations, escalator clauses providing for rate or cost increases, etc.

Attachments

Non- Real-Estate Leases—Assemble in this order following the responses to the Required Information Questions.

- Copy of approved release and permit from DAS. If purchasing from a blanket release and permit, provide a copy of the release and permit that exempts this purchase.
- Sole source justification letter, if applicable.
- Request for Proposal (RFP)/Request for Quote (RFQ)
- Response to RFP/RFQ from selected supplier on supplier’s stationery. The duration of the lease and the amount per fiscal year must be specified in the response from the selected supplier.
- Lease, as applicable, signed by lessor only.

NEW REAL ESTATE LEASES:

Summary Paragraph

The first paragraph of the request should be a summary paragraph in the following format:

“The {agency or institution name} respectfully requests Controlling Board approval for {a waiver of competitive selection or an agency released competitive opportunity} in the amount of \$ _____, from fund ____, ALI _____ (ALI name _____), in FY__ (s), to lease {type of real estate} space from {lessor name}, {lessor city, state of its principal place of business} for the {agency, institution and/or division}.”

Subsequent Paragraphs

Provide a detailed written explanation of the nature of the request. Provide background information relative to the project or program for which the waiver of competitive selection or agency released competitive opportunity to affect a new real estate lease is being sought.

Required Information Questions

New Real Estate Lease:

1. Tenant agency and division
2. Type of real estate. (Office, Warehouse, Storage, Laboratory, Parking, or Other).
3. Location of property (street address, city, county, state, zip code).
4. Owner/lessor of the property and provide the complete address of its principal place of business.
5. Explain why the agency is relocating. Or, if the agency is not relocating, explain why a new lease has been negotiated.
6. Identify the number of other sites considered for this agency’s real estate lease. Include the completed address of each of the sites.

7. Is the agency already occupying the space that is covered by the lease agreement? If yes, answer a, and b.
 - a. On what date did the agency begin occupancy?
 - b. Are you requesting retroactive approval of the lease agreement?
8. Duration (beginning and ending dates) of this lease agreement within the fiscal biennium.
9. Identify all state lease agreements or contracts in which the selected lessor has been approved by the Controlling Board anytime since the beginning of the last fiscal year through this fiscal year to date. Also include all lease agreements or contracts approved for this agency.
10. Lease Cost: Identify the cost to lease the property over the term of the lease:
 - a. Rate per square foot
 - b. Number of square feet
 - c. Tenant improvements (lump sum or total cost per square foot)
 - d. Contingency Amount
 - e. Other amounts payable to lessor (either lump-sum or over the course of the lease), such as parking, utilities, maintenance and repairs, janitorial, trash removal, security, insurance, taxes, etc. (Total of other amounts).
11. Total lease cost (calculation of the following from #10 above “Total ease cost” = $([a \times b] + [c + d + e])$) payable to lessor over the lease term:
12. Sum of *one-time costs* related to putting the property into service for the intended use by the agency and payable to parties other than the lessor (amounts payable to lessor should be included in [e] above): total of costs for moving, new furniture and equipment, telephone and computer installation, etc...
13. Total Cost (sum of 11+ 12) above.
14. If a renewal option is applicable, provide all renewal schedules for this lease agreement (starting and ending dates), the number of square feet, the rate per square foot and total amount of the lease per fiscal year.

Example:

Beginning Date	Ending Date	Number of Square Feet	Rate Per Square Foot per FY	Total Amount	FY
7/1/16	6/30/17	4,000	\$15.00	\$60,000.00	FY17
7/1/17	6/30/18	4,000	\$15.00	\$60,000.00	FY18

15. If the lease contains a purchase option, state the purchase price.
16. Disclosures: Complete, if applicable.
 - a. Penalty for failure to renew.
 - b. Contingent penalties or obligations, escalator clauses providing for rate or cost increases, etc.
 - c. Explain nature of the costs identified in b.

Attachments

New Real-Estate Lease—Assemble in this order following the responses to the Required Information Questions.

- New real estate lease signed by the lessor (only).

REAL ESTATE LEASE ADDENDUM:

Summary Paragraph

The first paragraph of the request should be a summary paragraph in the following format:

“The {agency or institution name} respectfully requests Controlling Board approval for {a waiver of competitive selection or an agency released competitive opportunity} in the amount of \$_____, from fund ____, ALI _____ (ALI name _____), in FY__(s), to effect an addendum to a real estate lease for {type of real estate} with {lessor name}, {lessor city, state of its principal place of business} for the {agency, institution and/or division}.”

Subsequent Paragraphs

Provide a detailed written explanation of the nature of the request. Provide background information relative to the project or program for which the waiver of competitive selection or agency released competitive opportunity for a real estate lease addendum is being sought.

Required Information Questions

Real Estate Lease Addendum –

1. Tenant Agency and Division.
2. Identify the type of real estate (Office, Warehouse, Storage, Laboratory, Parking, Other).
3. Identify the location of property (street address, city, county (Ohio only), state and zip code).
4. Identify the owner/lessor and provide the complete address of its principal place of business.
5. Why is an addendum required? Any of the following, or combination of the following would require a lease addendum. Explain.
 - Increase in square footage
 - New or additional tenant improvements
 - Change in rate or amount
 - Substantive change in terms of the lease (i.e., additional services to be provided by lessor)
 - Miscellaneous substantive error in current lease agreement
6. What is the effect of the proposed lease addendum on the agency.
7. Using the following example, provide the dates of previous Controlling Board approvals for this lease within the current biennium. Indicate whether the approvals were for the original lease, addenda to this lease, or previous renewals for this lease.

Approval Date	Type of Lease	Total # of Sq. Ft.	Amount per Sq. Ft.	Amount per FY
7/1/16	Original	10,000	\$10.00	\$100,000.00
9/30/16	Addendum	11,000	\$10.00	\$110,000.00
7/1/17	Addendum	11,000	\$11.00	\$121,000.00

8. Provide the following information regarding this lease agreement:

	Current Lease		Addended Lease	
	\$	FY	\$	FY
Rate per square foot	\$	FY	\$	FY
Number of square feet				
Tenant Improvements—Lump Sum or Per Sq. Ft.? Specify.	\$	FY	\$	FY
Other Amounts. Specify.	\$	FY	\$	FY
Total Lease Cost (Sum)	\$	FY	\$	FY

9. Duration of lease (beginning and ending dates) within the fiscal biennium, including addendum.

10. Provide all renewal schedules, starting and ending dates, and the total lease cost per each fiscal year.

Example:

Beginning Date	Ending Date	Number of Square Feet	Rate Per Square Foot per FY	Total Amount	FY
7/1/14-6/30/15	\$12.00	11,000	\$12.00	\$132,000.00	FY15
7/1/15-6/30/16	\$12.00	11,000	\$12.00	\$132,000.00	FY16

Attachments

Real-Estate Lease Addendum—Assemble in this order following the responses to the Required Information Questions.

- Real estate lease amendment signed by the lessor (only).
- Original fully executed lease and any applicable addendums/amendments or prior renewals of that agreement.

REAL ESTATE LEASE RENEWAL OR HOLDOVER:

Summary Paragraph

The first paragraph of the request should be a summary paragraph in the following format:

“The {agency or institution name} respectfully requests Controlling Board approval for {a waiver of competitive selection or an agency released competitive opportunity} in the amount of \$_____, from fund ____, ALI ____ (ALI name ____), in FY__(s), to renew/holdover

a real estate lease for {type of real estate} space with {lessor name}, {lessor city, state of its principal place of business} for the {agency, institution and/or division}.”

Subsequent Paragraphs

Provide a detailed written explanation of the nature of the request. Provide background information relative to the project or program for which the waiver of competitive selection or agency released competitive opportunity for the renewal/holdover of the real estate lease is being sought.

Required Information Questions

Real Estate Lease Renewal or Real Estate Lease Holdover -

1. Tenant agency and division.
2. Identify the type of real estate (Office, Warehouse, Storage, Laboratory, Parking, Other).
3. Identify the type of lease agreement—Real Estate Lease Renewal or Real Estate Lease Holdover.
4. Identify location of property (street address, city, county, state, and zip code).
5. Identify the owner/lessor and provide the complete address of their principal place of business.
6. Using the following example, provide dates of previous Controlling Board approvals for this lease agreement within the current biennium. Indicate whether the approvals were for the original lease agreement, addenda to this lease agreement, previous renewals or previous holdovers for this lease agreement.

Approval Date	Type of Lease	Total # of Sq. Ft.	Amount per Sq. Ft.	Amount per FY
7/1/16	Original	10,000	\$10.00	\$100,000.00
9/30/16	Addendum	11,000	\$10.00	\$110,000.00
7/1/17	Renewal	11,000	\$11.00	\$121,000.00

7. Provide the following information regarding this lease agreement.

	Current Lease		Lease Renewal or Holdover	
Rate per square foot	\$	FY	\$	FY
	\$	FY	\$	FY
Number of square feet				
Tenant Improvements—Lump Sum or Per Sq. Ft.? Specify.	\$	FY	\$	FY
	\$	FY	\$	FY
Other Amounts. Specify.	\$	FY	\$	FY
	\$	FY	\$	FY
Total Lease Cost (Sum)	\$	FY	\$	FY
	\$	FY	\$	FY

8. Duration of lease (beginning and ending dates) including expiration date of renewal (holdover).

9. Provide all renewal schedules, beginning and ending dates, and the total lease cost per each fiscal year.

Example:

Beginning Date	Ending Date	Number of Square Feet	Rate Per Square Foot per FY	Total Amount	FY
7/1/18-6/30/19	\$12.00	11,000	\$12.00	\$132,000.00	FY19
7/1/19-6/30/20	\$12.00	11,000	\$12.00	\$132,000.00	FY20

10. For **holdover agreements only**, provide the anticipated date of approved new lease agreement.

Attachments

Real-Estate Lease Renewal or Real-Estate Lease Holdover—Assemble in this order following the responses to the Required Information Questions.

- Copy of DAS letter to the lessors notifying them of the agency’s intent to renew (holdover), with renewal (holdover) terms, pending approval by Controlling Board.
- Copy of original executed lease agreement and any addendums/amendments, or prior renewals of that agreement.

4. Transfer of Operating Request – Detailed Instructions

The Transfer of Operating Request form may be submitted to seek Controlling Board approval for the various actions authorized under R.C. 127.14 to adjust an agency’s operating budget as follows:

- Transfer of operating appropriation.
- Transfer of cash.
- Transfer of operating appropriation and cash.
- Transfers of appropriation and/or cash from the Emergency Purposes/Contingencies Fund.
- Transfers of cash or appropriation otherwise authorized in the Revised Code or uncodified law of an act of the General Assembly.

NOTE: Review the scenarios in Section II, “Do I Need to Come to the Controlling Board?” before preparing a Transfer of Operating Request. The detailed instructions are divided into two sections:

- 1. Form Contents – Transfer of Operating Appropriations Request:** Describe the parts of the form itself and the information required on the form. A blank form with numbered fields accompanies the instructions.
- 2. Required Explanation of Request:** Describes the information required for the explanation of the request to be included on the form and Continuation Forms.
 - Summary Paragraph

- Subsequent Paragraph(s)

FORM CONTENTS—Transfer of Operating Appropriations Request

GENERAL INFORMATION

CB Request			New	Open	Delete	Check Status	
Meeting Date:	02/13/2012	OPERATING REQUEST		Controlling Board Request No.: OBM0100058			
Status:	New						1
GENERAL INFORMATION							
Agency Name	2	Operating Request			Fiscal Year(s)		
Budget and Management	<input type="radio"/> Waiver of Competitive Selection (Revised Code Section 127.16B) <input type="checkbox"/> No Competitive Opportunity <input type="checkbox"/> Agency Released Competitive Opportunity <input type="radio"/> Agency released competitive opportunity (Revised Code Section 127.162) <input type="radio"/> Other Statutory Authority/Bill Section: <input type="text"/> <input checked="" type="radio"/> Operating Transfer Request (Revised Code Section 127.14)						
Institution/Division Administration	<input type="checkbox"/> Appropriation <input type="checkbox"/> Cash <input type="checkbox"/> Other Statutory Authority/Bill Section: <input type="text"/>			3			
			Bill No.		5		
			Eligible for OBM Director Approval?		4		
					<input type="radio"/> Yes <input checked="" type="radio"/> No		

1. Controlling Board Request No.: A ten-character code that identifies the request. The first three characters are to be the agency's code and the remaining numbers are generated by the e-Controlling Board.
2. Agency Name: Name of the agency completing request.
3. Operating Transfer Request: The transfer action being requested.
 - Appropriation
 - Cash
 - Other Statutory Authority/Bill Section (Specify)
4. Eligible for OBM Director Approval? Not applicable for operating requests.
5. Bill No.: The Bill Number(s) referencing the source of the appropriation applying to this request.

TRANSFER INFORMATION

TRANSFER INFORMATION											Hide
Edit	From To Agency	FY	Fund Group	Fund Code	Appropriation Line Item	Appropriation Line Item Name	Transfer Amount	Previously Released Amount			
	OSU01	12			123456	TEST	\$100.00	\$500.00			
	OSU01				654321	TEST2	\$100.00	\$500.00			

6. From To Agency: This field is associated with the appropriation line item and/or fund from which the transfer is being requested.
7. FY: The fiscal year for the appropriation line item and/or fund for which the transfer “From” applies.
8. Fund Group: Not required for requests.
9. Fund Code: The code designating the fund from which the transfer is being requested.
10. Appropriation Line Item: The six-digit line item from which the transfer of appropriation is being requested -assigned by State Accounting (Example: 772723).
11. Appropriation Line Item Name: The exact appropriation line item or fund name from which the transfer of appropriation and/or cash is being requested.
12. Transfer Amount: The appropriation and/or cash amount requested to be transferred.
13. From To Agency: This field is associated with the appropriation line item or fund to which the transfer is being requested.
14. FY: The fiscal year for the appropriation line item or fund for which the transfer “To” applies.
15. Fund Group: Not required for requests.
16. Fund Code: The code designating the fund to which the transfer is being requested.
17. Appropriation Line Item: The six-digit line item to which the transfer of appropriation is being requested assigned by State Accounting Example: 772721).
18. Appropriation Line Item Name: The exact appropriation line item or fund name to which the transfer is being requested.
19. Transfer Amount: The appropriation and/or cash amount requested to be transferred.

SIGNATURES

SIGNATURES	
20	21
_____ Agency Director or Authorized Agent	_____ On The Date Of
_____ Date	_____ Controlling Board President/OBM Director

20. Agency Director or Authorized Agent: A signature of the agency director or his or her designee is populated by the e-Controlling Board system after the authorized representative submits the request.
21. On The Date Of: The date that the agency director or authorized agent's signature is populated.

AGENCY CONTACT

AGENCY CONTACT				22	Hide
First Name	MI	Last Name	Title		
Phone	Fax	E-Mail			
<input type="button" value="Update Agency Contact"/>					

22. Agency/Institution Contact: The information requested in these fields for the primary agency/institution contact regarding questions about the request.

REQUIRED EXPLANATION OF REQUEST

REQUIRED EXPLANATION OF REQUEST 23 Hide

Summary Paragraph:
The text included in the following summary paragraph text box will be the request description included in the agenda. If this request is for a waiver of competitive selection, please complete the required information questions and then return to this page to systematically create the summary paragraph. You may then edit the system-created summary paragraph.

To systematically create the summary paragraph or to replace the text with the system-created summary paragraph, click the following button:

The Budget and Management respectfully requests Controlling Board approval to {complete the summary paragraph for this request}.

[Note: Only the first 2000 characters will be saved.]

Subsequent Paragraphs:
Provide a detailed explanation of the nature of the request and any additional background information relative to this request. Click [here](#) for instructions on information required for each type of request.

[Note: Only the first 6000 characters will be saved.]

Related CBR No.:

[Note: Only the first 200 characters will be saved.]

23. Required Explanation of Request: A detailed written explanation describing why the request for transfer is being submitted. The first paragraph should include the appropriation line item names and the amount of appropriations and/or cash involved with the request. This paragraph reflects the summary that appears on the Controlling Board meeting agenda.

Use the Continuation Form if additional space is necessary.

For each type of request for a transfer of appropriation and/or cash, an example of a Summary Paragraph and suggestions for Subsequent Paragraphs are provided to assist you in preparing your explanation. In addition, certain responses to Required Information Questions are to be included as part of the explanation of the request.

Summary Paragraph

The first paragraph of the request should be a summary paragraph in the following format:

“The {agency} respectfully requests Controlling Board approval to transfer \${specify amount} of {cash, appropriation, or cash and appropriation} from {appropriation line item/fund name} to {appropriation line item/fund name} for the {specify project or program}.

NOTE: For a transfer from the Emergency Purposes/Contingencies Fund, the agency’s assigned OBM analyst will assist in providing information that should be included in the explanation of request.

Subsequent Paragraphs

Provide a written explanation describing, using as much detail as necessary, the nature of the request for the transfer of appropriation and/or cash. Provide background information relative to the project or program for which the transfer is being sought.

NOTE: For a transfer of cash or appropriation from Emergency Purposes/Contingencies fund or other specific Controlling Board funds or appropriations pursuant to an earmark or other specific authorization provided in Revised Code or uncodified law in an act of the General Assembly, the agency should explain how it has met the terms and conditions specified, as applicable, in the law of the when requesting the transfer.

Required Information Questions

1. How will the additional appropriation and/or cash be used? Provide the following information below relative to this transfer:

Account Category	Account Category Description	Current Appropriation Authority	Requested Increase in Appropriation	Total Appropriation Authority
500	Personal Services			
510	Purchased Personal Services			
520	Maintenance			
530	Equipment			
550	Subsidy			
570	Capital			
590	Transfer			

2. Provide a short description of each expense account category affected by this transfer in the table above. For example, if transferring appropriation to a subsidy line item, provide details on the added recipients or the new allocation formula for distribution of moneys.

NOTE: When a requested transfer designates use of expense account category 500, responses to specific questions in number 5 below are required.

3. Will this transfer be used to maintain current service levels, expand an existing program or activity, or begin a new program? Explain.
4. Based upon the response to number 3, explain how these services or programs would have been funded if this additional funding was not available.
5. Account category 500—Personal Services:
 - a. Explain why changes are being requested in the personal services account category 500.
 - b. How many existing staff are being affected by this transfer and from what appropriation line item are they currently being paid?
 - c. How would these existing staff have been affected if these additional funds were not available?
 - d. Will new staff be hired as a result of the additional funds? If so, how many?

- e. How will these additional staff members and their associated operating expenses be paid for in subsequent fiscal years?
6. List any other transfers involving these appropriation line items and/or cash approved by the Controlling Board in the current biennium, including the date and requested amount of the adjustment(s).
-

5. Fund/Appropriation Request – Detailed Instructions

The Fund/Appropriation Request is generally used in three circumstances to make adjustments to an agency's budget during a fiscal biennium, under R.C. 131.35: to

- Increase Appropriation Authority
- Create a New Fund
- Establish Appropriation Authority

NOTE: The Controlling Board is generally not authorized to establish or increase appropriation authority pursuant to R.C. 131.35 in federal or non-federal funds listed in R.C. 127.14(D). Agencies should review the funds listed in R.C. 127.14(D) before submitting a request to the board.

NOTE: Pursuant to R.C. 131.35, the Controlling Board is limited in increasing appropriation or authorizing additional appropriation in a new fund of a state agency to an amount not to exceed one-half of one per cent of the state General Revenue Fund appropriations in the fiscal year in which the appropriation increase or new appropriation is sought. Additionally, the Controlling Board is generally prohibited from increasing appropriation authority for a licensing board from the Occupational Licensing and Regulatory Fund (4K90) in excess of 10 per cent of that board's appropriation from Fund 4K90 in that fiscal year.

The detailed instructions for preparing requests of this nature are divided into three sections:

- 1. Form Contents:** Describe the parts of the form and the information required on the form.
- 2. Required Explanation of Request:** describes the information required for the explanation of the request to be included on the form and Continuation Forms.
 - Summary Paragraph
 - Subsequent Paragraph(s)
 - Responses to Required Information Questions
- 3. Attachments:** list additional information that should be submitted with the Request, when applicable.

Form Contents—Fund/Appropriation Request

GENERAL INFORMATION & FUNDING INFORMATION

CB Request		New	Open	Delete	Check Status			
Meeting Date:	02/13/2012	FUND APPROPRIATION REQUEST			Controlling Board Request No.: OBM010005			
Status:	New							
GENERAL INFORMATION								
Agency Name	2	Authorization Requested Pursuant to Revised Code Section 131.35			Fiscal Year(s)			
Budget and Management		<input type="checkbox"/> Increase Appropriation Authority						
Institution/Division Administration		<input type="checkbox"/> Create a New Fund 3			Bill No.			
		<input type="checkbox"/> Establish Appropriation Authority			4			
FUNDING INFORMATION								
Edit Delete	Fund Group	Fund Code	Appropriation Line Item	Fund/Appropriation Line Item Name	FY	Current Appropriation Amount	Amount of Increase or New Fund	Total Appropriation Amount
Add New	5	6	7	8	9	10	11	
						0.00	0.00	0.00
						0.00	0.00	0.00

1. Controlling Board Request No.: A ten-character code that identifies the request. The first three characters are to be the agency's code and the remaining numbers are automatically generated by the e-Controlling Board.
2. Agency Name: The name of the agency completing the request.
3. Authorization Requested Pursuant to R.C. 131.35: The Fund/Appropriation action being requested (check all that apply).
 - Increase Appropriation Authority
 - Create a New Fund
 - Establish Appropriation Authority
4. Bill No.: The bill number(s) referencing the source of the appropriation.
5. Fund Group: Not required for requests.
6. Fund Code: The code designating the fund for which the adjustment is being requested.
7. Appropriation Line Item: The line item for which the adjustment is being requested assigned by State Accounting (Example: 772723).
8. Appropriation Line Item Name: The exact appropriation line item or fund name for which the adjustment is being requested.
9. FY: The current fiscal year associated with the requested authorization.
10. Current Appropriation Amount: The current appropriation amount for the current year of the fiscal biennium.
11. Amount of Increase or New Fund: The amount of appropriation authority requested for an increase or creation for the current year of the fiscal biennium.

SIGNATURES

SIGNATURES	
12	13
_____ Agency Director or Authorized Agent	_____ On The Date Of
_____ Date	_____ Controlling Board President/OBM Director

- 12. Agency Director or Authorized Agent: A signature of the agency director or his or her designee is populated by the e-Controlling Board system after the authorized representative submits the request.
- 13. On The Date Of: The date that the agency director or authorized agent’s signature is populated.

AGENCY CONTACT

AGENCY CONTACT 14 Hide			
First Name	MI	Last Name	Title
Phone	Fax	E-Mail	
<input type="button" value="Update Agency Contact"/>			

- 14. Agency Contact: The information requested in these fields for the primary agency contact regarding questions about the request.

REQUIRED EXPLANATION OF REQUEST

REQUIRED EXPLANATION OF REQUEST 15 Hide
Summary Paragraph: The text included in the following summary paragraph text box will be the request description included in the agenda. If this request is for a waiver of competitive selection, please complete the required information questions and then return to this page to systematically create the summary paragraph. You may then edit the system-created summary paragraph. To systematically create the summary paragraph or to replace the text with the system-created summary paragraph, click the following button: <input type="button" value="Create Summary"/>
The Budget and Management respectfully requests Controlling Board approval to {complete the summary paragraph for this request}.
<small>[Note: Only the first 2000 characters will be saved.]</small>
Subsequent Paragraphs: Provide a detailed explanation of the nature of the request and any additional background information relative to this request. Click here for instructions on information required for each type of request.
<small>[Note: Only the first 6000 characters will be saved.]</small>
Related CBR No.:
<small>[Note: Only the first 200 characters will be saved.]</small>
<input type="button" value="Check Spelling"/>
<input type="button" value="Save and Continue"/>

- 15. Required Explanation of Request: Provide a written explanation describing the nature of the request being submitted for an adjustment to an agency’s operating budget (Increase in Appropriation, Creation of a Fund, or the Establishment of Appropriation Authority).

Summary Paragraph

The first paragraph of the request should be a summary paragraph in the following format:

“The {agency} respectfully requests Controlling Board approval to {create/ increase} {appropriation authority/fund} in the amount of \$ _____ in {appropriation line item/fund} {specify appropriation line item name/fund name}.”

Subsequent Paragraphs

Provide a detailed written explanation describing why the request for an adjustment to the agency’s operating budget (Increase in Appropriation, Creation of a Fund, or the Establishment of Appropriation Authority) is being submitted. Provide additional background information regarding the projects or programs benefiting from the appropriation adjustment. Use the Continuation form if additional space is necessary.

Required Information Questions

1. Identify the source of additional revenue (e.g., increase in fee, increase in state or federal grants, etc....).
2. If applicable, explain why creating and/or increasing a new fund and/or line item is more appropriate than depositing the revenue into an existing fund and increasing the appropriation authority of an existing line item.
3. Time line: Has the revenue been received?
 - a. If so, provide the receipt date of the revenue.
 - b. If not, when is the revenue expected to become available?
4. For federal funds only, provide the following information:
 - c. Grant identification number from the Catalogue of Federal Domestic Assistance
 - d. Amount of state matching funds required
 - e. Source (appropriation line item) of that match
 - f. Statutory or executive authority for participation in the program. Include a brief summary of the text of the statute or a copy of the reference.
5. How will the additional appropriation and/or cash be used?

Provide the following information below relative to this budgetary adjustment:

NOTE: If a new fund and new appropriation authority are being requested, the “Current” and “Requested” columns are not required.

Account Category	Account Category Description	Current Appropriation Authority	Requested Increase in Appropriation	Total Appropriation Authority
500	Personal Services			
510	Purchased Personal Services			
520	Maintenance			
530	Equipment			
550	Subsidy			
570	Capital			
590	Transfer			

6. For each additional amount shown in the table, provide a short description of what the dollars will be used to accomplish by expense account category. For example, if increasing a subsidy account category, provide detail on the added recipients or the allocation formula for distribution of moneys.

NOTE: When a requested increase in or establishment of appropriation authority designates planned use of expense account category 500, respond to specific questions in number 9 below.

7. Will this transfer be used to maintain current service levels, expand an existing program or activity, or begin a new program? Explain.
8. Based upon the response to number 7, explain how these services or programs would have been funded if this additional of funding were not available.
9. Account Category 500—Personal Services:
- Explain why changes are being requested in the personal services account category 500.
 - How many existing staff are being affected by this transfer and from what appropriation line item are they currently being paid?
 - How would these existing staff have been affected if these additional funds were not available?
 - Will new staff be hired as a result of the additional funds? If so, how many?
 - How will these additional staff members and their associated operating expenses be paid for in subsequent fiscal years?
10. List any other transfers of cash or appropriation involving these appropriation line items and/or fund(s) approved by the Controlling Board in the current biennium, including the date and requested amount of the adjustment(s).

Attachments

Authorization:

- For federal funds, it is suggested that an agency attach a Catalogue of Federal Domestic Assistance (CFDA) excerpt, if applicable authorizing the additional monies
- If applicable, agencies should attach the section of Revised Code or uncodified law creating the fund that was not appropriated.

- If applicable, agencies should attach a summary of the grant award or agreement providing for the unanticipated revenue.

-
Subsidy Distribution Information: If applicable, it is suggested that an agency attach a spreadsheet outlining the distribution of subsidy monies.

6. Emergency Purposes Transfers

In the case of a transfer of cash and/or appropriation from the Emergency Purposes/Contingencies Fund(5KM0), Appropriation Line Item (911614), the Controlling Board Secretary, upon Board approval of the transfer, will provide written notice to the agency, if applicable, regarding the reporting requirements under R.C. 127.14. The respective agency is then responsible to ensure compliance with the reporting obligations under R.C. 127.14, including but not limited to submitting a subsequent transfer request when applicable pursuant to division (H) of R.C. 127.14.

7. Real Estate Acquisition Request – Detailed Instructions

The Real Estate Acquisition Request form may be submitted to seek approval by the Controlling Board of any combination of the various actions listed below:

- Acquisitions of real estate with capital appropriations (Release of Capital Appropriations – R.C. 126.14 and 127.14).
- Transfer of capital appropriations for the acquisition of real estate (R.C. 126.14, 127.14 and 127.15).
- Acquisition of real estate by a higher education institution regardless of the source of funds (R.C. 3333.071).
- Other Statutory Requirements for Controlling Board approval involving the acquisition of real estate.

The detailed instructions are divided into three sections:

- 1. Form Contents:** Describe the parts of the form and the information required on the form.
- 2. Required Information:** Describes the information required for the explanation of the request to be included on the form and Continuation Forms.
 - Summary Paragraph
 - Subsequent Paragraph(s)
- 3. Attachments:** Describe other material that must be submitted with the request.

Form Contents Real Estate Acquisition

GENERAL INFORMATION

CB Request			New Open Delete Check Status		
Meeting Date: 02/13/2012		CAPITAL REQUEST		Controlling Board Request No.: COT0100017	
Status: New			1 Reset		
GENERAL INFORMATION					
Agency Name		Real Estate Acquisition		Fiscal Year(s)	
Central Ohio Technical College		<input type="radio"/> Release of Capital Funds(R.C.Sec. 127.14G) <input type="radio"/> Transfer of Capital Funds(R.C.Sec. 127.14G and/or Sec. 127.15) <input type="radio"/> Higher Education Authorization Request(Sec. 3333.071) <input type="radio"/> Other Statutory Authority/Bill Section:		<input type="text"/>	
Institution/Division Business & Finance		<input type="radio"/> Capital Request <input type="radio"/> Release of Capital Funds(R.C.Sec. 127.14G) <input type="radio"/> Transfer of Capital Funds(R.C.Sec. 127.14G and/or Sec. 127.15) <input type="radio"/> Waiver of Competitive Selection(R.C.Sec. 127.16B) <input type="checkbox"/> No Competitive Opportunity <input type="checkbox"/> Agency Released Competitive Opportunity <input type="radio"/> Agency Released Competitive Opportunity(R.C.Sec. 127.162) <input type="radio"/> Release Percent for Arts(R.C.Sec. 3379.10) <input type="radio"/> Other Statutory Authority/Bill Section: <input type="radio"/> Other:		Bill No. <input type="text"/>	
Eligible for Local Administration?		<input type="radio"/> Yes <input checked="" type="radio"/> No		Eligible for OBM Director Approval? <input type="radio"/> Yes <input checked="" type="radio"/> No	
Save and Continue					

1. Controlling Board Request No.: The ten-character code that identifies the request. The first three characters are to be the agency's code and the remaining numbers are automatically generated by the e-Controlling Board.
2. Agency Name: The name of the agency completing request.
3. Real Estate Acquisition: all of the following that apply:
 - Release of Capital Funds (R. C. 126.14 and 127.14(G))
 - Transfer of Capital Funds (R.C. 127.14(G) and/or R.C. 127.15)
 - Higher Education Authorization Request (R.C. 3333.071)
 - Other Statutory Authority/Bill Section: Cite reference requiring Controlling Board approval.
4. Fiscal Year(s): The fiscal year for which the request applies.
5. Bill No.: The bill number(s) referencing the source of the appropriation.

REAL ESTATE DESCRIPTION—Fields 6-27 describe the real estate being acquired.

REAL ESTATE DESCRIPTION										Hide
Owner		No. of Acres		Acres Previously Purchased in Area		Balance of Acres to be Purchased		Purchase is Addition to Real Estate Area of		
6		7		8		9		10		
Option Price				Name of 1st Appraiser		Name of 2nd Appraiser				
Total		Per Acre		15		18				
11 \$0.00		12 \$0.00								
Taxation Value (100%)				Value of 1st Appraiser		Value of 2nd Appraiser				
Total		Per Acre		Total		Per Acre		Total		Per Acre
13 \$0.00		14 \$0.00		16 \$0.00		17 \$0.00		19 \$0.00		20 \$0.00
County		Township/Municipality		If Local Funds are to be used, state the source of the funds						
21		22		23						
Most Recent Sale of Real Estate				Second Most Recent Sale of Real Estate						
Date		Price		Date		Price				
24		25 \$0.00		26		27 \$0.00				

6. Owner: The full name of the current owner of the property.
 7. No. of Acres: The number of acres being acquired.
 8. Acres Previously Purchased In Area: The number of acres previously acquired in area.
 9. Balanced of Acres to be Purchased: If this acquisition is part of a master plan (universities, state parks or forests, etc.) or other strategy involving additional contemplated land acquisitions, this is the remaining number of acres anticipated to be acquired in this area.
 10. Purchase is Addition to Area of: The proper name of the area (project or program site) being affected by this real estate acquisition.
 11. Option Price—Total: The total amount of the price of the real estate.
 12. Option Price—Per Acre: Enter the option price—Total for the real estate divided by number of acres.
 13. Taxation Value (100%)—Total: The taxable valuation of the property as determined on the records of the county auditor. If applicable, this amount should be split between land and buildings.
 14. Taxation Value (100%)—Per Acre: The amount calculated by dividing the total taxable value by the number of acres. Appraised Value-Fields 15-20.
- NOTE About Appraisals:** One independent appraisal is required for all real estate acquisitions whose total option price is *less than* \$100,000.00. For real estate acquisitions whose total option price is *greater than or equal to* \$100,000.00, two independent appraisals are required.
15. Name of 1st Appraiser: The full name of appraiser #1.
 16. Value of 1st Appraiser—Total: The total amount of the appraised value as documented by appraiser #1.

17. Value of 1st Appraiser—Per Acre: The total amount of the appraised value as documented by appraiser #1 divided by the total number of acres.

For requests for real estate acquisitions whose total option price is greater than or equal to \$100,000.00, complete Fields 18-20.

18. Name of 2nd Appraiser: (for acquisitions greater than \$100,000 only) The full name of appraiser #2.

19. Value of 2nd Appraiser—Total: (for acquisitions greater than \$100,000 only) The total amount of the appraised value as documented by appraiser #2.

20. Value of 2nd Appraiser—Per Acre: (acquisitions greater than \$100,000 only) The total amount of the appraised value as documented by appraiser #2 divided by the total number of acres.

21. County: The county where the property is located.

22. Township/Municipality: The township/municipality where the property is located.

NOTE: For Institutions of Higher Education only, please complete field 23.

23. If Local Funds are to be used, state the source of the Funds:
Source of the local funds; if local funds are not to be used for the acquisition of the property, enter "N/A."

24. Most Recent Sale of Real Estate—Date: The date of the most recent sale of this property.

25. Most Recent Sale of Real Estate—Price: The total price of the most recent sale of this property.

NOTE: Complete fields 26-27 only if the second-most-recent sale of this property was less than twenty years ago.

26. Second-Most-Recent-Sale of Real Estate—Date: The date of the second-most-recent sale of this property.

27. Second-Most-Recent-Sale of Real Estate—Price: The total price of the second-most-recent sale of this property.

TRANSFER INFORMATION

If a Transfer of Capital Appropriations for the acquisition of this property is being requested, complete fields 28-39.

TRANSFER INFORMATION										Hide
Edit	From To Agency	FY	Fund Group	Fund Code	Appropriation Line Item	Appropriation Line Item Name	Transfer Amount	Previously Released Amount		
	<input type="radio"/> OSU01	12	29	30	123456 31	TEST 32	33 \$100.00	34 \$500.00		
35	<input checked="" type="radio"/> OSU01	12	36	37	654321 38	TEST2 39	40 \$100.00	41		
Add New	<input type="radio"/> OSUC									

28. From To Agency: This field is associated with the appropriation line item from which the transfer is being requested for the acquisition of this property.
29. Fund Group: Not required for requests.
30. Fund Code: The code designating the fund from which the transfer is being requested for the acquisition of this property.
31. Appropriation Line Item: The line item from which the transfer is being requested for the acquisition of this property assigned by State Accounting (Example: 220145).
32. Appropriation Line Item Name: The exact appropriation line item name from which the transfer is being requested for the acquisition of this property.
33. Transfer Amount: The appropriation amount requested to be transferred for the acquisition of this property.

NOTE: This is the amount that has not been released previously by the Controlling Board.

34. Previously Released Amount: If appropriation previously released by the Controlling Board is involved in the transfer, this is the appropriation amount requested to be transferred for the acquisition of this property.

NOTE: This is the amount that has been previously released by the Controlling Board but has not been encumbered. It should not be the entire amount previously released from this appropriation line item, just the dollar amount requested to be transferred or used for the acquisition of this property.

35. From To Agency: This field is associated with the appropriation line item to which the transfer is being requested for the acquisition of this property.
36. Fund Group: Not required for requests.
37. Fund Code: The code designating the fund to which the transfer is being requested for the acquisition of this property.
38. Appropriation Line Item: The line item to which the transfer is being requested for the acquisition of this property assigned by State Accounting (Example: 120695).
39. Appropriation Line Item Name: The exact appropriation line item name to which the transfer is being requested for the acquisition of this property.
40. Transfer Amount: The appropriation amount requested to be transferred for the acquisition of this property.

NOTE: This is the amount that has not been previously released by the Controlling Board.

41. Previously Released Amount: This field should be blank.

FUNDING INFORMATION

Complete fields 42-46 to provide for the release of capital appropriations or approval to use local funds for the acquisition of land.

FUNDING INFORMATION							Hide
Edit	Fund Group	Fund Code	Appropriation Line Item		Appropriation Line Item Name	Type	Total Amount
Add New	42	43	44	45			46 \$0.00

- 42. Fund Group: Not required for requests after July 1, 2007.
- 43. Fund Code: The code designating the fund from which the release of capital funds is being requested for the acquisition of this property.
- 44. Appropriation Line Item: The line item from which the release of capital funds is being requested for the acquisition of this property assigned by State Accounting (Example: 300565).
- 45. Appropriation Line Item Name: The exact appropriation line item name from which the release of capital appropriations is being requested for the acquisition of this property.

NOTE: For *Institutions of Higher Education* only, if local funds are to be used for the acquisition of this property, LOCAL FUNDS should be in field #45.

- 46. Total Amount: The exact appropriation amount of capital appropriations being requested for release (or local funds for institutions of higher education) for the acquisition of this property.

NOTE: For *Institutions of Higher Education*, if local funds are being used for the acquisition of this property, the exact amount should be in field #46.

SIGNATURES

SIGNATURES	
<div style="border: 1px solid black; display: inline-block; padding: 2px;">47</div> _____ Agency Director or Authorized Agent	<div style="border: 1px solid black; display: inline-block; padding: 2px;">48</div> _____ On The Date Of
_____ Date	_____ Controlling Board President/OBM Director

- 47. Agency Director or Authorized Agent: A signature of the agency director or his or her designee is populated by the e-Controlling Board system after the authorized representative submits the request.
- 48. Date: The date that the agency director or authorized agent’s signature is populated.

AGENCY/INSTITUTION CONTACT

AGENCY CONTACT 49				Hide
First Name	MI	Last Name	Title	
Phone	Fax	E-Mail		
<input type="button" value="Update Agency Contact"/>				

49. Agency Contact: Enter the information requested in these fields for the primary agency/institution contact regarding questions about the request.

REQUIRED EXPLANATION OF REQUEST

REQUIRED EXPLANATION OF REQUEST 50		Hide
Summary Paragraph:		
The text included in the following summary paragraph text box will be the request description included in the agenda. If this request is for a waiver of competitive selection, please complete the required information questions and then return to this page to systematically create the summary paragraph. You may then edit the system-created summary paragraph.		
To systematically create the summary paragraph or to replace the text with the system-created summary paragraph, click the following button:		
<input type="button" value="Create Summary"/>		
<p>The Budget and Management respectfully requests Controlling Board approval to {complete the summary paragraph for this request}.</p>		
[Note: Only the first 2000 characters will be saved.]		
Subsequent Paragraphs:		
Provide a detailed explanation of the nature of the request and any additional background information relative to this request. Click here for instructions on information required for each type of request.		
<p>[Note: Only the first 6000 characters will be saved.]</p>		
Related CBR No.:		
<p>[Note: Only the first 200 characters will be saved.]</p>		
<input type="button" value="Check Spelling"/>		
<input type="button" value="Save and Continue"/>		

50. Required Explanation of Request: Provide a detailed written explanation of the nature of the project requiring the acquisition of this property. The first paragraph should be a brief summary, including the amount involved with the request. In subsequent paragraphs, provide additional background information regarding the history of the project and the intended use of the property.

Summary Paragraph

The first paragraph of the request should be a summary paragraph in either of the following formats:

Approval to use non-capital funds for the Acquisition of Real Estate

“The {agency or institution name} respectfully requests Controlling Board approval to purchase {#} of acre(s) of real estate in {specify county} in the amount of \$_____ from {name of owner(s)} for an addition to the {name of project or master plan requiring the acquisition of this real estate}.”

Approval to Release and/or Transfer Capital Appropriations for the Acquisition of Real Estate

“The {agency or institution name} respectfully requests Controlling Board approval release \$ _____ for the purchase of { # } of acres of real estate in {specify county} from {name of owner(s)} for an addition to the {name of project or master plan requiring the acquisition of this real estate}.”

Subsequent Paragraph(s)

Provide additional background information regarding the intended use of the property whether it is to serve as the site for a new building, continued use of existing structures on the piece of property, for parking, for future expansion of a campus or nature preserve. In addition, please explain if eminent domain or some other legal action is involved in the acquisition of the property.

Attachments

- **Appraisals**—Controlling Board Procedures require one appraisal for any land acquisitions whose total option price is *less than* \$100,000.00. For land acquisitions whose total option price is *greater than or equal to* \$100,000.00, Controlling Board procedures require two appraisals.
- Any contracts or documents prepared by the seller, agency, or institution setting out the terms of the real estate transaction.



**Section IV:
Controlling Board Request
Processing, Information, and Timelines**



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Section IV—Controlling Board Request Processing Information and Timelines

This section provides general processing information regarding interaction with the Controlling Board. By following these procedures regarding submitting requests and taking prompt action after requests are approved by the Board, an agency gives itself the greatest chance of having a successful Controlling Board experience.

This section is divided into the following topic areas:

- Controlling Board Online Resources
- Preparing to Submit a Controlling Board Request Package
- Controlling Board Request Review
- Emergency Purchasing Approvals
- Planning Ahead: Preparing Encumbering Documents
- After the Meeting

Controlling Board Online Resources

The Controlling Board calendar, meeting agendas, and this manual are available online at: <https://www.ecb.ohio.gov>.

For technical support please contact OBM ITO Support Help Desk by either calling (614)-466-4444 or email to [ECBSupport@obm.ohio.govs](mailto:ECBSupport@obm.ohio.gov).

Preparing to Submit a Controlling Board Request Package

This section discusses the various steps involved in the submission of a Controlling Board Request and the deadlines associated with each step. The main steps in the process are as follows:

- Early Communication
- Request Submission
 - Controlling Board
 - Director of OBM
- Late Submission

Early Communication

For agencies that need assistance in preparing Controlling Board requests, or for requests that are particularly complex or sensitive, it is helpful to communicate with your OBM Budget Analyst and the Controlling Board Staff prior to submitting the request.

Request Submission-Controlling Board

Agencies wishing for a request to be heard at a particular meeting must submit their complete request with all required attachments and questions to the e-Controlling Board portal **by 9:00 a.m. twenty-one (21) days** prior to the meeting. Agencies are encouraged to submit requests earlier than this date if possible.

The schedule of meeting dates is available from the Controlling Board office and is posted at: <https://www.ecb.ohio.gov>. Most meetings are two weeks apart but at times they are three weeks apart.

NOTE: *Meeting the request submission deadlines is no guarantee of being placed on the agenda.* Setting the agenda is the discretion of the Controlling Board President pursuant to R.C. 127.13.

Request Submission-Director of OBM

Requests for approval by the Director of OBM may be submitted at any time through e-Controlling Board.

Late Submissions

If an agency misses the deadline for submitting a request, the request will be automatically scheduled for review and consideration for the next meeting. However, the realities of operating state government create circumstances where flexibility is necessary. In situations where a request submission deadline will be missed, it is imperative that the agency contact the Controlling Board President and the agency's OBM Budget Analyst as soon as it is known that the submission deadline will be missed.

In making a late submission, the agency must be prepared to explain the nature of the emergency and the consequences to the State if the request is delayed until the next regularly scheduled meeting. The agency must also explain why the request was not, or could not be, submitted in a timely manner. Poor planning on the part of the agency is not a legitimate reason for missing the deadline. The Controlling Board Office will not accept late submissions without prior approval by the President. Agencies should not abuse the ability to make late submissions. Late submissions will only be considered in exceptional circumstances.

Controlling Board Request Review

- OBM Review
- Request Revisions (if necessary)
- Agenda Publication & Public Inspection
- LSC and Legislative Staff Review
- Request Review Timeline

OBM Review

Once the request package is received, OBM review begins. The schedule allows for technical, substantive, and policy review of the request by OBM. OBM staff will notify the agency if any changes are needed to a submitted request, or if the request requires further explanation.

Request Revisions (if necessary)

During the review of an agency's request, the President, the Secretary, or the OBM Budget Analyst may determine that a revision should be made to the request prior to publishing the agenda. The agency/institution contact, as listed in the box in the lower left-hand corner of each Controlling Board request form, will be notified by either the Secretary or Budget Analyst, who will describe the revision that needs to be made. The agency is responsible for coordinating the revisions with Controlling Board Staff. This may involve an agency representative submitting an entirely new request and/or corresponding attachments.

If an agency determines on its own that a request must be revised, it should contact the Controlling Board office at (614) 466-5721 for instructions on how to proceed.

Agenda Publication and Public Inspection

Pursuant to R.C. 127.13, the Controlling Board President is required to distribute the proposed meeting agenda and copies of agenda items and supplemental documentation to the members of the Controlling Board and the Legislative Service Commission at least seven days prior to the Controlling Board meeting. At that time, the agenda items and corresponding attachments generally are open to public inspection. Copies of meeting agendas are available online at <https://www.ecb.ohio.gov>.

LSC and Legislative Staff Review

In the seven days before the meeting, the legislative members of the Controlling Board, their staff, and the Legislative Service Commission review the requests. They may contact the agency for questions or clarifications.

Request Review Timeline

The following chart summarizes the review process of a Controlling Board request from the time it is submitted until the date of the meeting.

CONTROLLING BOARD REQUEST REVIEW

Days Prior to the CB Meeting	Day of the Week	Comments
21	TUESDAY	E-Controlling Board requests due at 9:00 a.m.; OBM review begins.
20	WEDNESDAY	
19	THURSDAY	
18	FRIDAY	
17	SATURDAY	
16	SUNDAY	
15	MONDAY	
14	TUESDAY	
13	WEDNESDAY	Revision Deadline to OBM at 12:00 p.m.
12	THURSDAY	
11	FRIDAY	
10	SATURDAY	
9	SUNDAY	
8	MONDAY	Meeting agenda is published and legislative and LSC review begins.
7	TUESDAY	
6	WEDNESDAY	
5	THURSDAY	
4	FRIDAY	
3	SATURDAY	
2	SUNDAY	
1	MONDAY	Post holds for Higher Education, Veterans Services, and Lottery by 9:00 a.m. Day of Controlling Board Meeting

Emergency Approvals

R.C. 125.061 outlines two conditions that affect agency purchasing when there is an emergency condition affecting a state agency: an “emergency” as defined in R.C. 5502.21 and a “state procurement emergency”. When one of these conditions exists, DAS can suspend the purchasing requirements, which includes the release and permit requirements, of R.C. Chapter 125 (for an emergency – DAS can also suspend requirements of R.C. Chapter 153). All purchases made by an agency when DAS has exercised the authority in R.C. 125.061 are required to be reported to the Controlling Board. For guidance and advice on the application of this provision, agencies are encouraged to reach out to DAS OPS.

Similar to authority in R.C. 125.061, the Executive Director of the FCC is authorized to declare a “public exigency” when there is an injury or obstruction or an immediate danger of an injury or obstruction in “the public works of the state” under circumstances affecting the use of the facility, or adjacent property and may enter into contracts in response to the exigency that are not subject to the competitive bidding or selection requirements of R.C. Chapter 153. NOTE: although specific requirements of R.C. Chapter 153 will not be required, an agency or institution of higher education may still need to seek Controlling Board approval for release of capital funds if necessary to respond to the exigency. For guidance and advice on the application of this provisions, agencies are encouraged to contact FCC.

Planning Ahead: Preparing the Encumbering Documents

For most requests, both State Accounting and the agency will follow procedures after the meeting to update the Ohio Administrative Knowledge System (OAKS) financial system in order to accommodate the various types of approved requests. OAKS will reflect the approved requests within the same week after the meeting. Priority may be given to processing requests if the agency makes such a request prior to the meeting, and if the justification for special handling is substantiated.

Supplier Identification Information

For all approved requests involving specific suppliers—Correct federal tax identification information in OAKS is critical to processing any encumbering documents in an efficient manner. To correct any of the supplier’s tax information, submit a non-substantive change request.

**Section V:
At the Meeting**



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Section V—At the Meeting

The Controlling Board meeting is the focal point of the Board's work. Although a great amount of effort is expended before a meeting to facilitate the work of the Board, it is the meeting itself in which the Board grants (or denies) its approval of those items presented to it.

This section discusses:

- Meeting Overview
- The Agenda
- Order of Business
- Open Meeting Policy/Executive Session
- Protocol
- Meeting Minutes

Meeting Overview

Typically, in attendance at a Controlling Board meeting are the Board members, members' staff, LSC liaisons for the four caucuses, agency representatives, and in some cases, representatives of the media and members of the public. Meetings are typically held in the same hearing room: the North Hearing Room in the Senate Annex building. In most cases, the Controlling Board meets approximately every two weeks, with exceptions for holidays, elections, and other special events. Generally, the Controlling Board President publishes the meeting schedule in October for the upcoming calendar year.

The Agenda

The agenda guides the actions of the Board at the meeting. The President has sole authority to set the agenda. After agencies submit requests, the President approves a list of requests to be considered at the next meeting making up the agenda which is published seven days prior to the meeting. Each item on the agenda is identified by a Controlling Board number and items are generally considered in their order on the agenda.

Order of Business

The following represents the typical order of business at a meeting:

Call to order

The President typically calls the meeting to order when all members are present.

Roll call of attendance

The Secretary calls the roll of the members present.

Approval of minutes of previous meeting

The President calls for a motion and a second to the motion to approve the minutes of the previous meeting. Corrections to the previous meeting's minutes are addressed.

Agenda deferrals and withdrawals

The president announces any deferrals or withdrawals from the agenda, which are typically made at the request of the agency in the time period between when the agenda was published and the start of the meeting.

Agenda items held for questions

Most requests are approved with a “blanket” approval (i.e. in a block). However, those items that members want to hold for further questioning and a separate vote are “held” at the request of any member. The President asks each member for “holds.” A “hold” is a member’s privilege to exclude an item from the blanket approval. It does not imply that the member will vote against the item.

Blanket approval of agenda items not held for questions

Once all holds are registered, a motion to approve all items not held is in order. Once moved and seconded, the motion is generally agreed to without objection. The Secretary then reads through the agenda indicating which items are approved and which have been withdrawn, deferred, or held. After this reading, there is usually a short break in the proceedings to allow those who no longer have business before the Board to leave the meeting.

Disposition of items held for questions

After the blanket approval, the meeting focuses on the held agenda items. These are typically taken in agenda order. The President, however, may choose to take certain items out of order. Reasons for taking items out of order may include the presence of a member of the General Assembly or a statewide elected official interested in speaking to a request, or the desire to accommodate those who may have traveled long distances to speak to a request. The Controlling Board number for each held item is read and the agency representative is asked to step forward to respond to questions. Board members are given the opportunity to ask questions. The item may be approved without objection, or the objections of members may be noted. The affirmative vote of four members is required for approval of an item. In certain circumstances, a roll-call vote on an item may be requested by one or more members.

Amendments to requests

Some items are held for the purpose of making amendments to the request. Additionally, from time to time, members desire to offer amendments to items based on information revealed during the course of questioning.

Voting sheets

For any item receiving at least one objection, a voting sheet is circulated. This sheet requires the affirmative signature of the members voting for the item and an indication of the objection by the member(s) making the objection.

Agenda item add-ons

After the disposition of items on the regular agenda, the Controlling Board may agree to consider additional items. Members may ask questions as to the nature of the request. The item(s) is then approved (or disapproved) as other regular items.

Adjournment

The President adjourns the meeting at the close of all regular business before the Board.

Open Meeting Policy/Closed Sessions/Executive Sessions

In accordance with **Section 121.22 of the Ohio Revised Code**, all meetings of the Controlling Board are open meetings. This means that they are open to the public unless action described below is taken to close the meeting or to meet in executive session. The Controlling Board's rules regarding notification of meetings are governed by O.A.C. 126:1-1.

Closed Meetings

R.C. 121.22 (E) provides very specific circumstances under which the Controlling Board may close a meeting. Such closing pursuant to this section relates only to requests that involve the provision of assistance pursuant to Chapter 122 or Chapter 166, which involve assistance provided typically through the Development Services Agency.

Executive Session

R.C. 121.22 (G) speaks to the limited circumstances under which a public body may hold an executive session. An executive session may be held only after a proper motion and the affirmative roll call vote of a majority of a quorum for the sole purpose of considering any of the matters specified in division (G) of R.C. 121.22.

Protocol

A Controlling Board meeting is conducted in the same manner as most legislative committee meetings. The President presides over the business of the Board. In respect of this responsibility, those speaking before the Board typically begin their address with, "Madam or Mister President, members of the Board, I am (name, title/position) of the (name of department, institution or agency)".

Questions are answered in a similar fashion, referencing first the President and then the member asking the question (e.g. "Madam President, Senator Smith, the answer to your question is"). It is imperative that the presenter speaks clearly into the microphone on the podium.

Meeting Minutes

The official record of the proceedings of the meeting is contained in the meeting minutes. The minutes are prepared by the Secretary after the meeting. The draft minutes are typically distributed to members and staff the Friday before the meeting dates along with the updates to the agenda. Minutes are considered at the next meeting.



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