

ADDENDUM No. 1

TO THE DRAWINGS AND PROJECT MANUAL FOR THE

DRC-23L009 LoCI AUTO SCHOOL

State of Ohio, Department of Rehabilitation and Correction

October 08, 2025

**RECEIPT OF THIS ADDENDUM MUST BE ACKNOWLEDGED ON
DOCUMENT 00 41 13 – BID FORM**

TO ALL BIDDERS:

This Addendum supplements and amends the Original Drawings and Project Manual dated August 25, 2025 and shall be taken into account in preparing proposals and hereby become part of the Contract Documents. Questions that came in after 10/6, or have not been resolved, may be included in a follow-up addendum.

General Project Clarifications include the following:

1. Pre-Bid Meeting Minutes are included
2. Pre-Bid agenda is included
3. Pre-Bid sign-in sheet is included
4. HB96 Guidance Doc from OFCC.
5. The Bid period has been clarified as follows:

a. Substitution Requests	10/10/2025
b. Last Day for Questions (RFI's)	10/13/2025, 1:00 PM
c. Last Addendum (For RFI's received after the original last day for questions not in this Addendum #1)	10/15/2025, 1:00 PM
d. Bid Opening	10/20/2025, 1:00 PM
6. Section 10 51 13 Metal Lockers- omit section 2.2.B. regarding locker doors.
7. Section 00 10 00 Solicitation – Under GPD Group Contact section, omit the Fax number

RFI Questions and Responses are as follows:

1. I am seeking a list of General Contractors bidding on this project bidding 10/16. Would you be able to help me with that or direct me to the correct person? We have received a bid invite from a GC so I would like to be able to offer my quote to others as well.
Response: This is included in this addendum #1.
2. Is this Project Tax exempt? Do any of our subcontractors need to furnish the owner a Payment and Performance bond? Or only the Prime bidders?
Response: Yes for all material staying on the property per contract.
3. I wanted to confirm that the alternate to delete the masonry wainscot is to delete the brick and block and extend the metal panels to grade. The elevation said the alternate was to delete the brick but I am assuming the block would go to, can you please confirm?
Response: See A-501 for clarification.
4. Are we to send RFI's to you for the LOCI Auto School project? If so would you be able to answer the following questions?
Response: Yes, send to GPD Rick DeMarco, C/C Kevin Cummings.
5. When are final RFIs due by?
Response: 10/13/2025, at 1 pm
6. When are we to receive the final addendum?
Response: 10/15
7. When will the first addendum be issued?
Response: 10/8.
8. Who is responsible for the cost of background checks and drug screenings?
Response: ODRC.
9. What is included in the background process? Is there a form? What is required from each individual?
Response: Each individual will need to fill out and submit the DRC background form. Some documents are required depending on circumstance.
10. Has the local utility company been contacted about the new power to the building? Have they provided lead times on their equipment?
Response: The primary electric pole and the existing transformer on-site is owned and maintained by LOCI. The scope of replacing the existing transformer has been shown in the drawings. The lead times on the equipment has not been provided since the contractor will be providing the new transformer to replace existing.
11. Is the GC installing the site gas line or will the utility company do so? Note #4 on C-130 indicates contractor is to locate the existing line (215' or so away), but is unclear who is responsible to run the line.
Response: The contractor will install the line per the utility requirements.
12. Please confirm the GC is to carry the design cost for the following: metal stairs, handrails & guardrails, light gauge framing, façade panels & components, ladders, and structural steel connections.
Response: If the question is for delegated design responsibilities, then, yes, the GC will need to cover that scope for metal stairs and handrail/guardrails. If the other items are suggested to be part of the PEMB design, that is also part of the delegated design responsibility. There are no ladders in the project.
13. Please confirm all slab on grade construction joints are to be caulked, but control joints are not.
Response: Review in drawings.

14. Please confirm the GC is expected to carry the cost of unloading and installing all seven (7) of the 4-post car lifts?

Response: Correct, the GC covers this in their scope.

16. Can the bid date for this project be pushed back a couple of days? With the bid date being on a Monday, this makes it very difficult for subs and suppliers to get their number coming off a weekend.

Response: Unfortunately, it cannot. If the project does not make the intended controlling board the whole project would have to be pushed back a month.

17. Is there a location on site where we can dispose of dirt spoils?

Response: ODRC have a spoil pile just south of the location about 500 yards.

18. Please confirm the owner will pay for all third party testing?

Response: Special Inspections is covered by the owner. Any QC inspections called out in specific specification sections is typically provided by contractor, unless noted otherwise.

19. Is the owner paying for any permit fees?

Response: These are paid for and not in the contractor's costs.

20. Is the owner paying for any tapping fees?

Response: That should be included in the bid price.

22. Is this Project Tax exempt?

Response: Yes for all material staying on the property per contract

23. Do any of our subcontractors need to furnish the owner a Payment and Performance bond? Or only the Prime bidders?

Response: See Agenda attached and Project Manual. Typically only prime bidders cover the bond for the project, if a sub submits for a bond they would need to show back up for base scope and increase it with every CO they submit reimbursement.

23. Please confirm the extent / amount of Liquidated Damages / LDs

Response: See Section 8.7 of the contract:

Contract Sum	Liquidated Damages per day
Less than \$1,000,000	\$500
From \$1,000,000.01 to \$2,000,000	\$1,000
From \$2,000,000.01 to \$5,000,000	\$2,000
From \$5,000,000.01 to \$10,000,000	\$5,000
From \$10,000,000.01 to \$20,000,000	\$7,500
From \$20,000,000.01 to \$50,000,000	\$10,000
More than \$50,000,000	\$15,000

24. This section (7-c)) also asks all bidders to provide an EEO Certificate of Compliance and enclose it in the bid, per section 9.47 ORC per State Equal Opportunity Center.

Response: yes it needed for contract completion but not for the bid.

27. The Door Schedule shows openings 119A & 119D as aluminum storefront frames with HM doors. Should these doors also be aluminum?

Response: Correct, these should be listed as 'AL'. This will be adjusted in the drawings and resubmitted in the conformed documents sent out after bid.

28. Print A201 shows an exterior building sign that is 8' x 5'. Sign is drawn in an appearance of the face being printed. Specs show this sign to be dimensional letters on a substrate. If this is correct then dimensions of the substrate means the sign needs to be manufacture in 2 pieces. Substates typically come in 8' x 4' sheets. If you are looking for value engineering, 6' x 4' is optimum. Additional value engineering could include printing the message on substrate. Please advise.



Response: DRC accepts the proposed 6'x4' option proposed. A revised detail drawing will be provided in a later addendum.

Changes to the Project Manual include the following:

1. N/A at this time

Changes to the Drawings include the following:

1. N/A at this time

Substitution Requests

1. Lockers- Elite Storage Products.

Response: This manufacturer may be used in the bid with the assumption they provide a product that meets the sidewall thicknesses spelled out in the specifications.

2. Radiant Heaters- Omega II Series

Response: Proposed product accepted for use provided they are the 2 stage model.

**DRC 23L009 – LOCI Auto School
1580 OH-56, London, OH 43140
Pre- Bid Meeting Minutes**



Meeting Date: 10/01/2025
Meeting Start: 9:30 am
Meeting Location: LOCI Tec Building and Virtual Teams Meeting
Prepared By: Rick DeMarco

I. Attendees

- a. See attached pre-bid meeting sign in sheet for all attendees.

The following is a brief review of items discussed at the meeting:

II. Introductions

- a. Introduced Teams, Roles & Responsibilities.
 - i. GPD Team – Lead A/E
 - Rick DeMarco- Project Manager
 - Kevin Cummings – Lead Architectural
 - ii. DRC CAMS Team – Owner’s Representative and Manager
 - 1. Robert McLaughlin – OSC, Facilities Planning Project Manager.
 - 2. Greg Newkirk - Building Construction Superintendent - London Correctional Institution.
 - 3. Michael Covalt- Project Manager- Ohio Facilities Construction Commission.
 - 4. Sylvia Slivo- Project Coordinator - Ohio Facilities Construction Commission.

III. Scope Review and Coordination:

- Project Overview: Single story auto garage with a storage mezzanine with PEMB structure.
 - Site: Located next to an existing cold storage building; this will be demolished at a later date – however is not included in this project. There will be a detention pond located on the north side of the site.
 - New Auto Garage Sanitary sewer to tie into existing manhole adjacent to the cold storage building.
 - 60’ of existing sanitary lines will be replaced.
- The majority of the project scope will remain outside the security fence. There will be a connection to the main building’s fiber that will be located inside the fence.
- Contractor to receive notice to proceed end of December – as stated in the specs, there will need to be a quick turnaround to receive PEMB submittal from the contractor to get it approved.
- There are 5 total alternates for the project (listed in spec section 01 23 00)
 - Alternate No. 1: Canopy
 - Alternate No. 2: Masonry Wainscot
 - Drawings in bid set are shown with the wainscot – base bid details are provided in the set
 - Lower panel is shown as attached by Z- Channel to be replaced if damaged.
 - Alternate No. 3: Building Color
 - Alternate No. 4: Clerestory Windows
 - Alternate No. 5: Office Casework & Plumbing
- There is a lump-sum allowance in place for soil remediation on the site.
 - There is also a unit price included to this item – the price is not included in the document; however, it should be included in the pricing.
- Any questions should be direct to Rick Demarco – information is in document 00 10 00 – Solicitation.
 - There is not an RFI form in the documents, all questions can be emailed. Subject of email must include job number and project name “DRC 23L009 LOCI Auto School”
- Bids are due October 20th by 1pm, all RFI’s are due by October 13th by 1pm.
- Bids must be electronically submitted through BidExpress
 - Bid form is in specification section 00 41 13 – Bid Form
 - Bid Express takes a week to register

- Contractors must have professional liability insurance, general liability insurance, and builder risk.
- Contractors can pre-apply for Certificate of Compliance prior to bidding as it will be required for execution of contract.
- Substitution requests must be submitted prior to bidding and be an approved equal. If substitution is proposed less than 10 days to bidding, it will not be considered.
- Weather days amount is taken from ODOT – additional time recovery as needed is available.
- Pre- Bid Meeting minutes will be issued as a part of the addendum.
- Once the notice to proceed is received contractor shall begin the submittal process for PEMB delegated design to ensure it is approved and ordered prior to spring of 2026.
- Fire suppression, Fire Alarm and Pre- engineered metal building (PEMB) all are delegated designs that will need a certified designer and must be certified and sent to industrial compliance for approval.
- Post bid interviews will occur one day after bid deadline (10/20) over teams.
 - Contractors should have a cost breakdown of each division to discuss during the meeting as well as any questions regarding the project.
- OFCC has released new guidelines as of October 1st. This does not affect the bidding process of the project and further information will be provided via addendum.
- Greg Newkirk is the institution's internal contact.
- Technology sheet TSP-101 shows the run and location of the fiber connection to the main building.
- Owner Items:
 - Background checks are required for all individuals on site in addition to training.
 - Background checks will flag concerns – however not all background checks are denied.
 - Trainings typically take place on Wednesday's, however additional days will be available once subcontractor begin work.
 - Work hours are dictated by the contractor when outside the fence. However, any work that is inside the fence will need to be coordinated with the institution.
 - There will be two escorts for any work associated with work inside the security fence.
 - Sally port area is the designated staging and laydown area that has been used for previous projects. It is approximately 400yds from the side.
 - There are existing storage containers located in this area – 2 are being removed this month so there may be space for contractors' storage boxes.
 - If contractors require any storage containers closer to the site, contractor is responsible for providing any site preparation.
 - Site access and parking is located across the street at the old green- house which is within walking distance of the site.
 - For any daytime deliveries, the institution does not need to be notified.
 - The 2-week look ahead will allow the institution to know when deliveries are being made.
- Site Walk
 - IT rooms in main building and IHS / Chappel building.
 - Site Location.

The preceding is GPD's interpretation of the meeting. Any changes, additions, or clarifications should be forwarded to our office as soon as possible. Unless these changes are furnished within ten (10) working days, it will be understood that all parties agree with the preceding statements.

PRE-BID MEETING
October 1, 2025
DRC-23L009
LoCI Auto School Project

1. Introductions and general overview of the Project scope of work.
2. Summary of the work is located in Specifications and includes but is not limited to the performance of all work as indicated in the Construction Documents.
3. OFCC will receive bids for Prime Contractor.

The Project is located at:

London Correctional Facility
1580 OH-Rt. 56
London, Ohio 43140, Madison County

4. State funded project following typical in accordance with Agency **State** rules, & requirements; except where noted otherwise.
5. This Project will be utilizing the OFCC "General Contracting" Requirements (aka) "Front End" dated **Sept. 2023**. **These are the most current documents**. Please read and become familiar with them including latest special conditions as related to Milestone Dates. Documents are available at ofcc.ohio.gov.
6. Estimates of the Contract work is included in solicitation and bid form Notice to Bidders.
7. Section 00 21 13, Instruction to Bidders (electronic: Bid-express version) from January 2016:
 - a) Article 2.5: Substitution Prior to Bid Opening: No substitution will be allowed to the items specified unless the proposed item has been submitted for approval in a timely manner and has been noted in an Addendum. The bids are to reflect the use of items as specified or "approved" equals only. Proposed Substitutions received by the A/E less than 10 days prior to the bid opening shall not be considered. No write-in substitutions are allowed. See IB section 2.5.
 - b) Article 2.6, Bid Form: Each Bid shall be submitted on an electronic Bid Form using the State's electronic bidding software. The Bidder shall fill in all relevant spaces on the electronic Bid Form.
 - c) Article 2.10, Submittals with Bid Form: All Bidders that do not currently possess an EEO Certificate of Compliance should immediately pre-apply for a certificate with Affirmative Action Programs, issued pursuant to Section 9.47 ORC by the State Equal Opportunity Center. This office is in the Equal Opportunity Division of the Department of Administrative Services, 4200 surface Road; Columbus, Ohio. Their phone number is (614) 752-9292. This form is required for execution of a Construction Contract. See Article 1.1.3. It is recommended that the Contractor apply prior to bidding in order to save time.
 - d) Article 2.10.3. & 2.10.3.8, Submittals with Bid Form: Submittal of the Responsible Bidder Background Information (RBI) with bids is not required but STRONGLY encouraged. This section will require at the request of the Contracting Authority either:

- e) An annual financial statement prepared within the twelve (12) months prior to the Bid by an independent licensed accounting firm; and the name, address, contact person and phone number of the bank normally used by the Bidder for its primary banking; or,
- f) A financial report generated within 30 days prior to the Bid from Standard and Poors, Dun and Bradstreet or a similar company documenting the financial condition of the Bidder; and the name, address, contact person and phone number of the bank normally used by the Bidder for its primary banking;
- g) This above financial information is not a public record under Section 149.43, ORC; and will remain confidential, except under proper order of a court.
- h) The Bidder is encouraged to submit background information with its Bid using the Bidder's Qualification Form.
- i) Article 2.10.3.14: Out of State Contractors need to secure a certificate of Good Standing from the Ohio Secretary of State.
- j) Article 2.10.1 The Contracting Authority shall reject a Bid as non-responsive if the Bidder fails to submit a Bid Guaranty as stated in Article 5. Bid Guaranty and Bond: Paragraphs 5.1 and 5.4.: Bidders have the option to include along with the Bid Guaranty and Power of Attorney from the Surety, a Contract Bond with their Bids. The latter is required before signing the Contract Form. We strongly recommend that the Bidders use the "Bid Security Form" (combined Bid Guaranty and Bond) and "Performance and Payment Bond Form" included in our Standard Conditions, Section 00 43 13. In lieu of a Bid Guaranty and Contract Bond, the Bidder may submit a Letter of Credit or cashier's check in accordance with Article 5.1.6. Bidders need to include their full company name on this document. Failure to utilize the correct Bond form will result in the Bidders rejection as being non-responsive.
- k) Article 6.1.3, Ohio Workers' Compensation Certificate: A current Certificate must be provided as precedent for execution of a Contract.
- l) Article 6.1.9: By submitting its Bid, the Bidder warrants that it is not subject to an unresolved finding for recovery under O.R.C. Section 9.24. O.R.C. Section 9.24 prohibits the State from awarding a Contract to any Bidder against whom the Auditor of State has issued a finding for recovery if the finding for recovery is unresolved at the time of award. If the Contract is awarded to a Bidder subject to an unresolved finding for recovery under O.R.C. Section 9.24, the Contract is void on its face and the Contractor shall immediately repay to the Owner any funds paid under the Contract.
- m) Article 6.1.10: All Contractors shall make a good faith effort to participate in the "Encouraging Diversity Growth and Equity ("EDGE") Program by contracting with and using one or more businesses certified as an EDGE Business Enterprise by the Department's Equal Opportunity Division ("EOD") as proposed for each contract by the Contractor and as approved by the Department for use on each contract.
 - Conditions Precedent for Execution of Contract, all contractors shall provide evidence acceptable to the Department of the Bidder's participation in contracting with certified EDGE Business firms for the project, and provide evidence acceptable to the Department of the Bidder's good faith effort to contract with certified EDGE Business Enterprise companies for this the project" by completing a fully executed EDGE Affidavit for each such Enterprise.
 - Additional information may be reviewed on the EOD web page located at: <http://das.ohio.gov/Eod/Edge/>

- The Responsible Bidder and EDGE Good Faith Forms are due 72 Hours after the contractor receives notice that they are the "Apparent Low Bidder". Contractors bid WILL be deemed Non Responsive for FAILURE to comply with the 72 hours deadline.
 - The EDGE Participation Goal is 5.0%.
- n) Article 6.2, Non-compliance with Conditions Precedent: The award of the Contract and execution of the Contract Form require the Contractor to comply with all conditions precedent for execution of the Contract within 10 days of the date of the Notice of Intent to Award, and the Bidder's Qualification Form; including a fully completed EDGE Affidavit for each EDGE-certified Business Enterprise, not previously provided within 3 business days of receiving request.
- o) Article 6.3, Time Limits: The Contracting Authority's failure to award the Contract and execute the Contract Form within 60 days of the bid opening invalidates the entire bid process and all Bids submitted, unless the time is extended by written consent of the apparent lowest responsive and responsible Bidder to the Contracting Authority.
- p) Article 6.4, The Contracting Authority shall issue a Notice to Proceed to the contractor which establishes the date of commencement and calendar days allocated for Substantial Completion of all work.
- q) Article 6.5, Wage Rates: Prevailing wage rates are required for this Project.
8. Section 00 72 13 General Conditions from Sept. 2023.
- a) Article 1.6: Drug Free Safety Program Participation
- 1.) By entering into this Contract, the Contractor agrees that it will require each of its Subcontractors, or tiered subcontractors, which provide labor on the Project site to be enrolled in an OBWC approved DFSP.
 - 2.) Prior to authorizing a Subcontractor to commence work on the Project Site, the Contractor shall submit written confirmation of the Subcontractor's enrollment to the A/E and Department.
- In addition to OBWC approved DFSP Level 1 requirements, the Department requires that the Contractor and each Subcontractor that provides labor on the Project site to perform random drug testing of five (5) percent of its employees who perform labor on the Project construction site(s). The random drug testing percentage shall also include the onsite supervisors of the Contractor and applicable Subcontractors. Level 1 random drug testing shall otherwise comply with the same testing guidelines and criteria as required for OBWC approved Level 2 testing."
- b) Article 6.5, General Conditions-Construction Progress Scheduling: Refer to this section and the specification section 01 32 16 for requirements pertaining to electronic scheduling and coordination. Provide at minimum monthly up-dates and additional where recovery is needed. Include milestone dates. Use of Primavera, P-6.xml (latest version), scheduling software will be required. See other sections of this Article pertaining to required construction procedures.
- c) Prime contractors please review Article 1 your contractual responsibilities and obligations.

- d) Substantial Completion Time is **364 days** (consecutive calendar days) after Notice To Proceed.
 - e) There will be weekly job progress and coordination meetings. For each progress meeting the Contractor shall provide written progress reports, for work recently done, work underway, applicable logs, and 1 and 2 week look-ahead reports for expected work.
 - f) Ohio law requires the use of **DOMESTIC STEEL**.
 - g) The Owner has submitted and paid for the Plan Approvals through the A/E from the Ohio Department of Industrial Compliance. The respective Contractors shall provide all inspections as needed and provide inspection approval certificates to the A/E for Project record documentation as may be applicable, such as, related to fire protection, plumbing, mechanical, and electrical work, etc. The Contractor shall obtain all regulatory approvals and pay all other fees as may be needed to obtain Fire Marshal, Life Safety, OSHA and OEPA approvals for the work.
 - h) The Contracting Authority does plan on utilizing the Oaks CI module system for this Project.
9. Section 00 72 13 General Conditions, Article 10, Contractor's General Insurance and Builder's Risk Insurance: The Prime Contractor shall provide and maintain, during the progress of the Work and until the execution of the final Certification of Contract Completion by the Contracting Authority, a Builder's Risk insurance policy to cover all Work in the course of construction. This insurance shall be on a special cause of loss form, which provides coverage on an open perils basis insuring against the direct physical loss of, or damage to, covered property including, but not limited to, theft, vandalism, malicious mischief, earthquake, tornado, lightning, explosion, breakage of glass, flood, collapse, water damage, and hot and cold testing. This insurance shall also include debris removal, and/or demolition occasioned by enforcement of Applicable Law.
10. A Pre-bid Meeting at the Site is scheduled for 10-1-2025 at 9:30 am. Bid attendees must be submitted by email to the A/E before 9-26-2025 at 2:00 pm. Meet at the Training Education Center to the left and north of the main Entry Building. Cameras are permitted but only in designated areas and no photos are to be taken of any inmates.
11. Bids due to be submitted electronically through the State Bidding Software Program by 10-20-2025 at 1:00 pm.
- a) Bidders shall fill in all relevant spaces on the electronic Bid Form, including completion of the "Bidder Affirmation and Disclosure" section.
 - b) Bid Form shall include full legal name of the Bidder.
 - c) There are five Alternates: 1) Inclusion of entry canopies, 2) Addition of masonry wainscot, 3) Provision for additional exterior colors at Building elevations, 4) Addition of clerestory windows, and 5) Provision to include casework & associated sink.
 - d) Allowances and Unit Pricing. Any required Allowances or requested Unit Prices that are included on this Project will be indicated on the Bid Form. See IB sections 2.7 and 2.8 respectively. There is 1 Unit Price for site work, undercutting & removal of unsuitable soils and lump sum Allowance for same, as part of base bid.
 - e) Article 2.3: If a Bidder finds any perceived ambiguity, conflict, error, omission, or discrepancy within the Contract Documents and Applicable Law, the Bidder shall submit a written Request for Interpretation ("RFI") to the A/E for an interpretation or clarification. The A/E

shall respond to RFI's received more than seven (7) days before the bid opening. This allows the A/E time to prepare and issue any necessary Addendum.

- f) Any changes in the Contract Documents, prior to bidding, will be issued in an Addendum 72 hours before the scheduled bid opening (excluding weekends and legal holidays).
- g) Bid Evaluation Procedure. Contractors, subcontractors, and material suppliers will be subject to a pre-award evaluation procedure per IB 3.5.
- h) Rejection of Bid. If the lowest Bidder is not responsive or responsible the Contracting Authority shall reject the Bid and commence with evaluating the next lowest Bidder for award consideration. The "10% Rule" may also affect the ability to accept any or all Bids.

Once the responsive and responsible low Bidder has been determined, a "Notice of Intent to Award" a contract will be issued. Once a Contract is awarded (within 60 days) the Contractor can expect to receive a "Notice to Proceed". This sets the Project commencement date. Within 10 days of this notice, the Contractor shall submit to the A/E the following information:

- Schedule of Values
- Preliminary schedule of shop drawing submittals
- Subcontractor and Material Supplier Declaration Form
- Qualifications and resumes of proposed Project Manager & Superintendent
- Evidence that an automatic deposit authorization agreement for state warrants has been submitted to the Auditor of the State of Ohio, using the electronic funds transfer form, provided on the internet per IB section 6.4.1.5
- Schedule of dates during the Contract term when the Contractor shall pay employee wages for the Project

12. Owner Items

- a) Security-worker background information and contractor passes
- b) Training
- c) Work hours
- d) Secure work areas
- e) Staging areas: site office, and stored materials
- f) Site access and Parking
- g) Facility and Utility usage
- h) Protection-secure from damage existing property, dust and noise limitations.

13. Project Review

- a) Site Logistics
- b) Anticipated Phasing (if needed) and Coordination of the Work.
- c) Coordination with facility and notifications.

14. Permit Documents

- a) Permit documents have been submitted and paid for by the A/E.

15. Questions

Please address any specific questions in writing to:

Richard DeMarco, Project Manager

GPD Group
1228 Euclid Avenue, Suite 320
Cleveland, Ohio 44115

Phone: 216-927-8689
Cell: 440-488-0299
rdemarco@gpdgroup.com

Nothing presented in this Pre-bid Meeting is intended to conflict with the Contract Documents. Where conflicts may occur, Contract Documents take precedence. Verbal interpretations of the Contract documents, and any statements made at the Pre-Bid meeting by the A/E, the Owner, or its representatives will not be binding. Any and all changes to the Contract Documents will be made by written addendum.

Site Visit/Facility Walk-through: to be conducted on 10/1/2025 at 10:30 am after the Pre-bid Meeting, for interested bidders. Those who are interested shall notify the A/E with list of attendees and list of equipment, before 9/26/2025 at 2:00 pm. Meet at Training Education Center to left of and north of main Entry Building. **It is highly important that any and all questions to be directed to the A/E, exclusively.**



Guidance to Public Authorities on Changes to Construction Law Contained in HB96

With the passage of HB96 that will go into effect on September 30, 2025, there are several changes in Ohio law that will impact construction projects. The Ohio Facilities Construction Commission (OFCC) is providing the following guidance to public authorities to assist them in the implementation of these changes.

Revised Public Solicitations, Durations and Notices

ORC 9.331 requires a public authority to advertise its intent to employ a construction manager by electronic means and permits advertising in news media available in that particular county. Similarly, **ORC 153.07** requires a public authority to publish notice of public bids electronically in a manner as prescribed by the OFCC and permits notice in other news media in the county where the activity for which the bids are submitted is to occur.

ORC 153.09 requires electronic notice when bids are rejected and re-advertised. Previously, newspaper advertisement was required, and electronic advertisement was permitted. State agencies and institutions of higher education will now only be required to electronically post their solicitations for construction manager services on OFCC's website. Newspaper advertising is an option but no longer required. In addition, state agencies and institutions of higher education (who are otherwise required) are required to provide notice of public bids and re-bids on OFCC's website or a link to a public electronic bidding platform.

Both **ORC 9.331** and **153.07** require electronic public notice a minimum of 14 days before receiving proposals or bids. Previously, it was 30 days for construction managers and 3 weeks plus 8 days for public bids. Rebids must be posted electronically a minimum of 7 days before the submission deadline.

ORC 9.312 requires a state agency or political subdivision that determines a low bidder is not responsive or responsible to provide notice electronically. Certified mail delivery is required only if an electronic method is not available. This revises the prior language that permitted either method of notice.

ORC 1311.252 removes the requirement that a public authority file a notice of commencement in affidavit form. This eliminates the need to notarize the notice of commencement form.

Add Electronic Surety as Accepted Form of Bid Guaranty

ORC 153.54 allows bidders for most contracts with the state or a political subdivision to file a bid guaranty in the form of an electronic verification through an electronic verification and security system, if the state or political subdivision accepts bids electronically. The state's current electronic bidding platform, Bid Express, already has integration with the two electronic surety exchanges that verifies receipt of a valid bond verification number. A PDF copy of the bid guaranty may also be requested as part of the bid to aid in the review of a bid's responsiveness.

Streamlined Best Value Selection Process for Projects Under \$4M

ORC 9.334 authorizes a public authority, for contracts under \$4 million, to require a construction manager at risk or design-builder to submit an initial qualification statement, along with a pricing proposal, instead of sending them in separate rounds.

Public authorities must also hold a pre-proposal meeting with interested proposers to discuss project scope, nature of the proposed services, as well as potential technical approaches. Qualifications are evaluated first to short list firms; then price proposals for short-listed firms only are considered. Interviews are optional.

The public authority now has the option of choosing between the new 1-step or existing 2-step best value selection processes for projects under \$4 million. Ohio administrative rules are required to be approved prior to using this new procurement method. The OFCC anticipates finalizing these rules in early 2026.

ORC 153.501 exempts construction manager at risk and design build firms from the requirement to submit a sealed bid to self-perform a portion of work before accepting and opening any bids for the same work from subcontractors when the public authority requests a guaranteed maximum price due at the time of selection.

Add Building Information Modeling (BIM)

ORC 153.01 allows owners to require architects or engineers preparing public works contracts worth \$200,000 or more to use building information modeling systems, as long as the requirements follow a nationally recognized standard for Building Information Modeling (BIM). Currently the OFCC is developing State of Ohio BIM Standards which will be published and available for use in July 2026. Any necessary language in our contracts or new exhibits will be incorporated after the BIM standards have been published.

Remove Affirmative Action Requirements

ORC 9.47; 125.11; 153.59 eliminates the requirement that contractors from whom the state or a political subdivision makes purchases to have a written affirmative action program for the employment and utilization of economically disadvantaged persons. In addition, **ORC 153.502** prohibits disqualification of bidders for not complying with an affirmative action program, or a diversity, equity, and inclusion program. It also allows an exception to the above prohibition for county policies to assist minority business enterprises in competitively bid contracts. It does not affect any set aside programs for minority business enterprises or EDGE business enterprises. This will eliminate the collection of Affirmative Action Certificates in the contracting process, and monthly reporting on I-29 Work Hour Utilization forms during the project. Demographic information may still be required for submission to the Controlling Board.

Retainage Reform

ORC 153.12-153.14; 153.63 revise retainage requirements:

- Retainage is capped at four percent or less of labor for the entire duration of the work, rather than eight percent of labor on the first 50 percent of the work and zero percent on the remaining portion.
- Prohibits contractors from paying subcontractors at a retainage rate lower than the rate being paid to the contractor by the public authority.
- The public authority is no longer required to deposit the retained amount in an escrow account.
- The retained funds are required to be paid to the primary contractor within 30 days of substantial completion of the project, with the public authority withholding only that amount reasonably necessary to assure final completion of the project. Any withheld retained funds and interest accrued is to be paid by the contractor no later than 30 days after the date of final completion of the project.

For construction contracts or guaranteed maximum price amendments executed prior to the effective date of HB96, the current retainage method will continue through the entire duration of all remaining work. For all forms of new construction contracts executed after September 30, 2025, the revised retainage method described above will be followed.

Public Records

ORC 9.28 was revised to clarify that all solicitation-related materials through competitive selection, and not just the vendor-submitted materials, are not considered public records until after the contract is executed. If a contract is not awarded after the first solicitation, and the project rebid, materials related to the first solicitation are not considered public records until the contract is awarded.

Updated Contract Documents

The OFCC will be publishing updated contract documents that incorporate these legislative changes as well as other updates in mid-October. These documents will cover General Contracting, Construction Manager at Risk and Design Build delivery methods. Multiple Prime delivery documents will be updated and published in December 2025. Supplemental conditions that incorporate only the legislative changes will also be provided on OFCC's website for any new contracts that are needed between September 30, 2025, and the date of publication of the full contract document updates in mid-October.