The following Guidance defines the different contracts that may be used and provides examples. There are a hand-full of contracts that are not available Department-wide. For example, Contracts for Consultant Services are facilitated exclusively through the Central Office Consultant Services Section. Also, no-bid contracts through the Controlling Board must involve the Central Office Legislative Affairs group.

ODOT is required to purchase goods and services through contracts in a specific way an in accordance with Ohio law. ODOT shares purchasing authority with the Ohio Department of Administrative Services (DAS). The most common contract types let by DAS include: Requisite Procurement Programs (CRP, OPI, etc.), General Distribution Contracts (“mandatory”), Limited Distribution Contracts (mandatory for specifically-named agencies), Multiple Award Contracts (optional unless otherwise specified), State Term Schedules (optional), Master Maintenance Agreements (optional), One-Time Purchasing Contract (mandatory), Cooperative Purchasing Agreements (Co-op), and Set Aside (MBE) Contracts,. DAS provides definitions of these contracts on their website found at:

[http://procure.ohio.gov/proc/glossary.asp?C#Contract%20Type](http://procure.ohio.gov/proc/glossary.asp?C%23Contract%20Type).

Once you have determined that your purchasing need is not available from any state resources or from any DAS contracts and that the value of your need does not exceed $50,000 for supplies or services, you are now ready to make a purchase under authority granted directly to ODOT in the Ohio Revised Code. The most common contracts used by ODOT are below.

**Construction Contracts:**

A “Construction Contract” is the legal document executed between the Department and a single prime contractor which specifies the what-when-where-how-how much and by whom in an ODOT construction project. Construction contracts are governed by Ohio Revised Code Section 5525.01 et seq. and various Ohio Administrative Code provisions; all such contracts are procured through Central Office, Contract Sales.

Purchasers are encouraged to consider using construction contracts in lieu of quotes when building or demolishing any structure or working in an unseen condition (such as underground or behind walls) or for work in which a change order may occur.

Details regarding construction contracts and specifications can be found at:

[**http://www.dot.state.oh.us/Divisions/ContractAdmin/Contracts/Pages/default.aspx**](https://www.dot.state.oh.us/Divisions/ContractAdmin/Contracts/Pages/default.aspx)

**Invitations to Bid (ITB):**

“Invitations to Bid” (ITBs) are formal written invitations to prospective vendors to submit a sealed competitive bid on goods, materials, or services. They are advertised for at least ten days on-lin through ODOT or through the DAS OAKS system. An ITB is only a solicitation. The responding vendors are offering their goods, services, or materials for the terms and conditions proposed by the Department. Typically, an ITB includes a description of the product or service to be acquired, instructions for preparing a bid, the conditions for purchase, packaging, delivery, shipping and payment, contract clauses to be included and the deadline for submitting bids. Each sealed bid is opened in public at the Office of Contracts, Purchasing Section at the time designated in the ITB. A contract is then awarded by the agency to the low bidder who is determined to be responsive to the Department’s needs and is a responsible vendor. These contracts are governed by Ohio Revised Code 5513.01 et seq.

ITBs are used to purchase anything from weather forecasting support and services (ODOT 001-09), to janitorial services (ODOT 058-09), to family support consultant services (DAS CSP 901810) to highway patrol automobile purchase (DAS OT902610).

Often an ODOT purchasers attempts to use Personal Service Contract where an ITB would be more appropriate. Purchasers are encouraged to discuss the type of purchase and the appropriate type of contract to use with the purchasing managers and administrators so as to determine the best mechanism to obtain the needed item.

**Personal Service Contracts (PSCs):**

Personal Services Contracts should be used when the Department seeks to purchase services (usually professional), from an individual, nonprofit organization, business, or other entities if the following criteria are met:

(a) The scope of work contains measurable standards for the performance of the contract; and

(b) The Department has established a contract monitoring process to measure contract performance, costs, service delivery quality, a set of deliverables, and other contract standards.

Simple examples of personal services include expert witnesses for litigation, court reporters, accounting services, consultants, etc. These types of contracts are often under $50,000, are not competitively bid, and typically governed by the Ohio Revised Code section 5526.01 et seq. Personal Services contracts should be used rarely because of their unbid nature. All personal service contracts should be reviewed for necessity and purpose by the Deputy Director of the division or district and reviewed by the Office of Chief Legal Counsel.

**Quotes or Requests for Quotes (RFQs):**

Quotes are, by volume, the most common contracting method used by ODOT purchasers. Both district and central office personnel use quotes for small dollar purchases for items that are not otherwise on an existing contract.

A RFQ is a document used to solicit price and delivery terms meet minimum quality specifications for a specific quantity of specific goods and/or services. Legally and technically, a response to a quote by a prospective vendor is not considered an offer and does not form a binding contract. The quote provides a firm-fixed price on which the Department may rely if it submits an order. The order is an offer to buy certain supplies or services upon specified terms and conditions. A contract is established when a supplier accepts the order/offer.

Quotes are facilitated through the IonWave on-line instance. Questions regarding IonWave, including training and registration for system use, should be directed to the Office of Finance.

Purchasers are encouraged to minimize the use of quotes by looking for opportunities to place all purchases of goods or services on a formal contract.

Finally, under DAS policy, three quotes are required to be received before significant competition exists to authorize acceptance of a quote. Buyers are advised that they should diligently seek three competitors through which to quote or seek guidance from central office if that is not possible.

**Requests for Information (RFI):**

A “Request for Information” (RFI) is a formal information request or a draft proposal requested from a potential seller or a service provider to determine what products and services are potentially available in the marketplace to meet a buyer's needs and to know the capability of a seller in terms of offerings and strengths of the seller. RFIs are commonly used on major procurements, where some requirements are unknown at the time of the RFI and potentially may be met through several alternate means. A RFI, however, is not an invitation to bid, and is not binding on either the buyer or sellers. All RFIs should be issued by the Office of Contracts as any resulting contractual mechanism could be seen to favor a certain vendor or product if it is not written and issued objectively.

**Requests for Proposal (RFPs):**

A “Request for Proposal” (RFP) is a document that the Department uses to elicit bids from potential vendors for a product or service when low-price alone is not the most important factor in a procurement. The quality of an RFP is very important to successful project management because it clearly delineates the deliverables associated with the project and establishes a framework for project execution. Ideally, RFPs stipulate the Department's requirements and the conditions demanded of applicants clearly enough to minimize the possibility of misunderstandings and errors. To that end, an RFP should include:

(a) Specification of the product or service required, in as much detail as possible;

(b) Information required about the bidder, including the amount bid, information about the proposed project leader, the responsibilities agreed to, a timeframe for developmental stages, and an overview of the vendor's company and prior experience in the area;

(c) Any criteria for vendor eligibility or disqualification;

(d) Relevant dates, including the deadline for application, the deadline for submission of supplemental information, dates for any associated interviews or open meetings, the date when the decision will be made, and the desired timeframe for the project;

(e) Any requirements of confidentiality; and

(f) Stipulation of any legally binding commitments, such as adherence to dates or criteria on which the final decision will be based.

RFPs should be used when the Department knows that vendors exist who may provide the product or service, but is unsure as to the quality of the work performed by those vendors. The RFP provides for a scoring of vendors based on subjective/ qualitative criteria; not just low bid. Examples of RFPs used by the Department include major design-build projects or property management contracts. Examples of RFPs used by DAS include State Printing and Mail Service Disaster Recover (DAS CSP900309) and Statewide Child Care Consultant Network Coordination (DAS CSP901910).

**Requests for Qualifications (RFQ):**

A “Request for Qualification” (RFQ – not to be confused with a request for quotes) refers to the document issued by the Department (ODOT or DAS) in Phase I of the two-phased selection process (i.e., an RFP or a major construction design-build project). It typically describes the project in enough detail to let potential offerors determine if they wish to compete; this is often described as the scope of work. The information received from the offerors which supply the qualifications and explanations as to how the scope of the project will be met are used by the Department to determine and select the most highly qualified offerors. These few offerors are then permitted to bid on the project whether via an RFP, ITB, construction contract or some combination thereof.