

153:1-8-01

**Electronic Bidding.**

- (A) When bids are required for a public improvement project and the state and state institutions of higher education as defined in section 3345.011 of the Revised Code (collectively referred to as the state) elect to accept bids through an electronic bidding system, the state shall comply with this rule and require all bids to be submitted exclusively through the state's enterprise electronic bidding module for construction.
- (B) At the time it first advertises for the solicitation of bids, the state may require interested bidders to register to use the state's enterprise electronic bidding system or to subscribe to a web-based subscription service as part of the state's electronic bidding module for construction. The state shall notify all interested bidders of any registration requirements, including but not limited to any terms of use, and the estimated timeframe to complete the process. Any electronic bidding system used by the state shall be capable of issuing a unique vendor identification number.
- (C) The state may require interested bidders to pay a registration fee and maintenance fees to use the state's enterprise electronic bidding system or may require interested bidders to subscribe to a web-based subscription service as part of the state's electronic bidding module for construction at their own cost. The state may waive any registration or maintenance fees for members of diversity and inclusion programs required by the public authority or by applicable law, or other good cause shown.
- (D) The state may provide assistance or training to interested bidders on the proper use of the electronic bidding software or web-based subscription service. The state may establish a process by which bidders can receive technical assistance if needed prior to the submission of any bid. The training or technical assistance may be in the form of paper or online job aides, webinars, classroom training, or helpdesk assistance. The state's technical assistance or lack of technical assistance during the bidding process shall not relieve the interested bidder of the obligation to properly submit a bid.
- (E) The state shall include notice of the availability of electronic bidding in any legal notice or advertisement of the public improvement project and shall include any registration deadlines. All electronic bids considered by the state shall be received prior to the published bid deadline.
- (F) All modifications of the applicable electronic bid form by the state for a specific project shall be announced in an addendum published through the electronic bidding system.
- (G) The state may require interested bidders to include supplemental information with their electronic bid. All unsolicited supplemental bid information submitted by a bidder shall be ignored by the state when reviewing the bid and awarding the contract.

- (H) For all bids filed electronically, an electronic copy of the bid guaranty shall be included with all bid submissions in accordance with section 153.08 of the Revised Code. The original, unaltered bid guaranty shall be delivered to the public authority within three business days after the public bid opening.
- (I) The state may establish a method for interested bidders to gain access to a computer for general public use in order to submit an electronic bid.
- (J) The state's electronic bidding process shall allow interested bidders to submit, resubmit and withdraw a bid prior to the bid deadline. All electronic information submitted by interested bidders within the electronic bidding software or a web-based subscription service shall be protected from view by any other bidder or the state prior to the bid deadline.
- (K) The state shall establish a process for interested bidders to electronically certify their identity and the validity of their submitted bid.
- (L) After the bid deadline, the state shall publicly issue the bid tabulation by electronic means.
- (M) The state shall establish a process to verify when bid information and other relevant data are received in order to address any bid protests due to technical issues encountered in submitting electronic bids. The state shall not be held liable if an interested bidder is unable to submit a complete bid prior to the published deadline due to technical issues or obstructions and the inability or failure of an interested bidder to submit a complete bid shall not constitute sufficient grounds for a bid protest by a disappointed bidder seeking the award of the contract. The state may communicate to interested bidders to submit bids well in advance of the published deadline to ensure the bid is received on time.
- (N) Any tampering with the electronic bidding system, the electronic bidding process or bid documents by an interested bidder shall result in the bid of such bidder being rejected by the state.