

The Construction Conversation

Ohio's Legislative, Administrative, and Judicial Two-Way Newsletter

August, 2021

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Administrative: OFCC Indoor Air Quality Assistance Program

The Ohio Facilities Construction Commission provided financial assistance to hundreds of schools for COVID-19 renovations to HVAC systems, through its Indoor Air Quality Assistance Program. (Cont'd page 2.)

Administrative: ODOT Priority Projects

The Transportation Review Advisory Council (TRAC) approved its annual priority funding list for funding design and construction of Ohio highways over the next 4 years, budgeting in excess of \$292 million in new spending. (Cont'd p. 2.)

Administrative: OCILB Enforcement

In August, the separate trades sections of the Ohio Construction Industry Licensing Board approved contractors to test, approved reciprocity applications with other states, and cited unlicensed contracting activity in its continuing effort to enforce the law. (Cont'd p. 2.)

Administrative: OFCC Design Professional Selection

The Ohio Facilities Construction Commission is seeking statements of qualifications for Design Professionals, due in September, leading to significant construction projects for contractors to bid after design at Ohio colleges and universities. (Cont'd p. 2.)

Administrative: Ohio Controlling Board

Approves Unbid Construction Work

Every two weeks, the Ohio Controlling Board approves release of public capital funds for state agencies, colleges, and universities, for unbid design professional contracts and unbid construction projects. (Cont'd p. 3.)

Administrative: Meet OBBS

The Ohio Board of Building Standards is responsible for promulgating and enforcing Ohio's Commercial and Residential Building Codes, subject to appeal to the Board of Building Appeals. (Cont'd p. 3.)

Legislative: Bills Await General Assembly Return

The House and Senate are scheduled to resume committee hearings and one-day-a-week floor sessions beginning in September through year-end. While we might see activity, traditionally legislators remain home for local campaigning and private work until the first of the year. (Cont'd p. 4.)

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Administrative: OFCC Indoor Air Quality Assistance Program (Cont'd)

Energy project managers reported to OFCC on Thursday, August 19, 2021 that ventilation and filtration strategies help reduce transmission of the virus, issuing a whitepaper with guidelines prepared for the Ohio Department of Education.

IAQ Assistance Program funding is available through October 15, 2021.

Separately, the OFCC Executive Director reported general contract activity of \$151 million for 90 schools, with Fiscal Year 2021 through June totaling \$2.2 billion for 69 designs and 179 construction projects.

The ten-page whitepaper is titled, "Ohio Schools and SARS-CoV-2: A Summary of HVAC and Plumbing Guidelines", and can be found at "Other Resources-Covid-19 Guidance:

<https://ofcc.ohio.gov/Resources/Other-Resources>

Administrative: ODOT Priority Projects

The final TRAC vote is scheduled for September 22, 2021 after considering public comments.

Supplementing highway funding sources will be \$206 million in federal COVID-19 Response and Relief Supplemental Appropriations.

Funding primarily will go to Ohio's major metropolitan areas for large projects.

The TRAC members are appointed by the Governor by Ohio geographical region, with two members appointed by the

House Speaker and Senate President. For further information, see:

trac@dot.ohio.gov

Administrative: OCILB Enforcement (Cont'd)

On August 4, the Electrical Section met and approved 37 contractors to take the licensure test; approved 11 licenses from 4 different states based on reciprocity; and denied testing to 3 applicants.

On August 11, the Plumbing-Hydronics Section met and approved 23 contractors to take the licensure test; approved 2 licenses from West Virginia based on reciprocity; and fined a licensed plumbing contractor \$1,000.00 for using its license for an unlicensed contractor.

On August 18, the HVAC-Refrigeration Section met and approved 17 contractors to take the licensure test; approved 2 licenses from 2 different states based on reciprocity; and fined a non-licensed contractor \$1,000.00 for refrigeration work without a license.

On August 25, the Administrative Section met and approved issuance of 1,733 various trades licenses in June and July. The Board Secretary reported collecting \$3,000.00 in fines since April.

Administrative: OFCC Design Professional Selection (Cont'd)

As with federal construction, Ohio Revised Code 153.65 et seq. requires public agencies to rank Design Professionals by qualifications, excluding any request for a price proposal. The public authority enjoys broad discretion to define criteria to determine who is most qualified.

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Proposals due in September include:

9-30-21 Sinclair CC Electric Continuity Test
Estimate: \$140,000.00

9-13-21 Ohio State U Lab Renovation
Estimate: \$3.6 million

9-10-21 Ohio State U Chilled Water Meter
Estimate: \$1.5 million

9-9-21 Sinclair CC Concrete Repair
Estimate: \$989,000.00

9-9-21 Cleveland State U Dining Facilities
Estimate: \$8.6 million

For more information, see
“Opportunities” “Qualifications Based
RFQ’s”, <https://ofcc.ohio.gov/>

Administrative: Ohio Controlling Board Approves Unbid Construction Work (Cont’d)

On August 30, 2021, the Controlling Board will consider award of \$4.3 million to design professionals, and \$16.8 million to construction contractors including Construction Managers at Risk.

Because these projects are not competitively bid, construction contractors may not be aware of such awards every two weeks throughout the year, and covering all agencies, colleges, and universities.

Awards for design foreshadow construction work to come, and awards for CM’s at Risk present opportunities for Specialty Trades Contractors for subcontracting.

In theory, Controlling Board members are considering whether the legislative intent of the fiscal appropriation

is being met, and not diverting capital funds to an unintended project.

The Controlling Board is chaired by a President appointed by the Director of the Office of Budget and Management, which hosts the internet site. The House and Senate Chairs of each Finance Committee also serve as members, along with two members from each chamber of different parties.

To read the bi-weekly agendas of contracts to be funded, see <https://ecb.ohio.gov/Public/MeetingsAndAgendas.aspx>

Administrative: Meet OBBS (Cont’d)

The Executive Secretary of OBBS is Regina Hanshaw, an attorney licensed in 2004. Prior to appointment in 2009, Secretary Hanshaw served as legal counsel to the Ohio Department of Commerce, Division of Industrial Compliance. She received her BA from Ohio University, and her Juris Doctorate from the Akron School of Law.

Ms. Henshaw may be reached at:

614-728-1841, rhanshaw@com.state.oh.us

Members of the Board are designated by statutory category, and include:

Timothy Galvin, Chair, General Contractor
John Pavlis, Vice Chair, Homebuilder
Greg Warner, Fire Service
Joseph Denk, Jr., Mechanical Contractor
Christopher Miller, Renewable Energy
John Johnson, Construction Materials
Julie Cromwell, Structural Engineer
Donald Leach, Jr., Attorney
Paul Yankie, Energy Conservation

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Terry McCafferty, Public Member
Jeffrey Samuelson, Architect
Jeff Tyler, Architect
Greg Barney, Industrialized Units
Bailey Stanbery, Homebuilder
Donald McIlroy, Mayor, Circleville

The Board typically meets monthly, pursuant to agendas available to the public at:

<https://www.com.ohio.gov/dico/bbs/>

Legislative: Bills Await General Assembly Return (Cont'd)

Construction Industry legislation of interest are summarized as follows.

HB 68 Private Contractor Payment (Cross J, Sweeney B)

To require owners of private construction projects to timely pay a contractor.

5/26/2021 - Referred to Committee Senate Workforce and Higher Education

5/19/2021 - Passed By House; Vote 86-11

HB 88 Require License For Commercial Roofing Contractors (Patton T)

To require commercial roofing contractors to have a license.

5/5/2021 - House Commerce and Labor, (First Hearing)

HB 146 Option to Apply Prevailing Wage To Public Projects (Riedel C, Manchester S)

To allow political subdivisions, special districts, and state institutions of higher education to elect to apply the Prevailing Wage Law to public improvement projects.

6/23/2021 - House Commerce and Labor, (Second Hearing)

HB 181 Issue Occupational License For Apprenticeship Program (Powell J)

To require a licensing authority to issue an occupational license to an applicant who completes a registered apprenticeship program and meets other requirements.

4/21/2021 - House Commerce and Labor, (First Hearing)

HB 203 Require Occupational License If Experienced In Other State (Powell J)

To require an occupational licensing authority to issue a license to an applicant who holds a license or has satisfactory work experience in another state.

6/9/2021 - BILL AMENDED, House State and Local Government, (Third Hearing)

HB 247 Revise Plumbing Inspection Law (West T, Kelly B)

To amend the law related to plumbing inspections.

5/26/2021 - Referred to Committee Senate Health

5/19/2021 - PASSED BY HOUSE; Vote 97-0

HB 264 Modify Tax Rule For Employees Of Temporary Worksite (Smith M, Sobecki L)

To amend Section 29 of H.B. 197 of the 133rd General Assembly to modify the municipal income tax withholding rule for employees working at a temporary worksite.

4/22/2021 - Referred to Committee House Ways and Means

SB 9 Reduce Regulations (McColley R, Roegner K)

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To require certain agencies to reduce the number of regulatory restrictions in their administrative rules.

5/20/2021 - House Government Oversight, (First Hearing)
3/10/2021 - PASSED BY SENATE;
Vote 25-8

SB 56 Indemnity-Design Contracts (Blessing III L)

To regulate the use of indemnity provisions in professional design contracts related to public improvements.

6/22/2021 - House Civil Justice, (First Hearing)
5/19/2021 - PASSED BY SENATE;
Vote 31-0

SB 64 Regulate Roofing Contractors (Hottinger J, Lang G)

To regulate and require the registration of roofing contractors.

6/9/2021 - SUBSTITUTE BILL ACCEPTED, Senate Government Oversight and Reform, (Second Hearing)

SB 83 Brownfields (Williams S, Rulli M)

To require the Ohio Environmental Protection Agency to conduct a study to determine where brownfield sites are located in this state and to make an appropriation.

6/23/2021 - House Agriculture and Conservation, (Second Hearing)
5/19/2021 - PASSED BY SENATE;
Vote 32-0

SB 120 County Utility Supply Contracts (Hackett R)

To exempt county utility supply contracts entered into under a joint purchasing program from the 10-year

maximum period for such contracts and to declare an emergency.

3/24/2021 - Referred to Committee House State and Local Government
3/17/2021 - PASSED BY SENATE;
Vote 33-0, Emergency Clause 32-1

SB 131 Licensure Reciprocity (Roegner K, McColley R)

To require an occupational licensing authority to issue a license to an applicant who holds a license or has satisfactory work experience in another state.

5/26/2021 - Senate Workforce and Higher Education, (Second Hearing)

SB 142 Construction Contractor Licensing (Schaffer T)

To license residential only construction contractors and to make changes to the law regulating specialty construction contractors.

5/12/2021 - Senate Small Business and Economic Opportunity, (Second Hearing)

SB 175 Labor Agreements-Public Improvement Contracts (Lang G)

To enact the Fair and Open Competition Act regarding project labor agreements in public improvement contracts.

5/5/2021 - Introduced

SB 196 Building Inspections (Roegner K)

To make changes to the law relating to building inspections.

6/16/2021 - Referred to Committee Senate Small Business and Economic Opportunity

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Join us in

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Call-In

on

Wednesday, September 15, 2021

3:30 p.m.

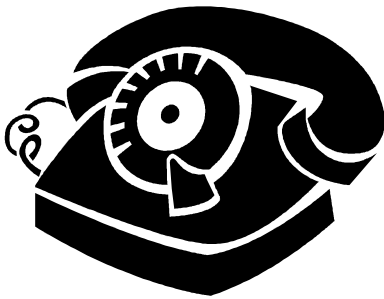
Join Zoom Meeting

<https://us02web.zoom.us/j/88207294592?pwd=SkVhWks3Y0tzVGU2dVBncWdEMEV4dz09>

Meeting ID: 882 0729 4592

Passcode: 275706

929-205-6099



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