

The Construction Conversation

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

December, 2023

A Service of Luther L. Liggett, Attorney at Law
LLiggett@columbus.rr.com

Legislative: 2024 State Elections

The New Year ushers in campaigning for all State Representatives, all members of Congress, half of State Senators, one U.S. Senator, three of seven Ohio Supreme Court Justices, and President of the United States. (Cont'd p. 2.)

Administrative: OCILB Test Eligibility

The Ohio Construction Industry Licensing Board proposes to amend an Administrative Code Rule to broaden the documentation which might demonstrate an applicant's eligibility to test for a contractor's specialty trades license. (Cont'd p. 2.)

Legislative: Biennial Capital Budget

As required by the Ohio Constitution, the legislature will focus this Spring on appropriating funds for capital construction projects for the two years beginning June 30, 2024. (Cont'd p. 2.)

Administrative: Ohio Road Construction

The Ohio Department of Transportation began the construction biennium beginning July, 2024 by awarding \$166.3 million to 70 design professional firms, for 88 separate agreements to build in Fiscal Years 2024-2025. (Cont'd p. 3.)

Administrative: Lead Safe Ohio Program

The Ohio Departments of Development and Health announced grants of \$84.3 million to fund renovations for lead mitigation and prevention in residential

properties, in its first round of awards. (Cont'd p. 3.)

Administrative: Brownfield Remediation Funding

The Ohio Department of Development is accepting applications for \$175 million in Brownfield Remediation grants, with at least \$1 million designated to each of Ohio's 88 counties. Each county must designate a "lead entity" as the applicant and award entity, such as a Land Reutilization Corporation formed locally. (Cont'd p. 3.)

Administrative: OFCC Pre-Qualified Consultants

The Ohio Facilities Construction Commission maintains a list of Consultants who are available to provide design and other services to any of its customers for small projects or specialized tasks, including Owner Agents, Specialty Consultants, and Criteria Architects and Engineers. (Cont'd p. 3.)

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Legislative: 2024 State Elections (Cont'd)

Ohio's Primary is scheduled for Tuesday, March 19th, earlier than the typical May Primary so that Ohio is relevant to the Presidential nominations.

The feature race is the Republican nomination of a candidate to oppose incumbent Sherrod Brown, who has served three, six-year terms, going for a fourth.

State Senator Matt Dolan (R, Chagrin Falls) will oppose Secretary of State Frank LaRose (Youngstown), along with Trump-endorsed Bernie Moreno. Born in Colombia and naturalized at age 18, Moreno is a wealthy automobile dealer living in Westlake, Ohio, a first-time candidate. He holds a Bachelor's Degree from the University of Michigan.

In the Ohio House, 9 Democrats run unopposed, while only 4 Republicans run unopposed. In the Ohio Senate, five incumbents are term-limited, ten Republican incumbents are running for re-election, and no Democratic incumbents are running.

Senate President Matt Huffman (R, Lima) is running for an open House seat in Lima, and is expected to challenge Speaker Jason Stephens for the Speakership in January, 2025.

The General Election is scheduled for Tuesday, November 5th. In addition to candidates, the Election will feature a Ballot Initiative to enact a non-partisan redistricting commission to redraw state legislative districts.

Administrative: OCILB Test Eligibility (Cont'd)

Current Revised Code 4740.06 requires that the applicant, "Either have been a tradesperson in the type of licensed trade for which the application is filed for not less than five years immediately prior *** or have other experience acceptable to the appropriate specialty section of the board;...".

Historically, the Board required W-2's or building permits for projects on which the applicant worked, before taking the test.

The proposed, amended OAC 4101:16-2-01 will allow alternatives, including a journeyman card, an apprenticeship certificate, or completion of 40 hours' continuing education in code for the trade.

The Ohio Department of Commerce sought interested-party input, after which the Department will file the Rule with the Joint Committee on Agency Rule Review, hold hearings, after which the Rule will take effect.

Legislative: Biennial Capital Budget (Cont'd)

The administration began working on proposed budget items in late 2023, with the Governor hoping to pass the bill early.

The House Finance Committee set a deadline of January 10, 2024 to add community projects. The Senate Finance Committee will allow until April 8th.

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The Operating Budget passed earlier in 2023 included \$700 million for a “One Time Strategic Community Investments Fund” which will be included in the upcoming Capital Budget. Legislators are looking to fund local projects with significant economic impact.

The majority of construction financing will go to state institutional projects, such as for colleges, universities, prisons, and state facilities.

The legislature last appropriated \$3.51 billion for the biennial appropriation beginning June 30, 2022.

Administrative: Ohio Road Construction (Cont’d)

Funding is expected both from state and federal highway funding. Not all funds go to paving; ODOT sought release of \$40 million to contract with Setterlin Building Company and Mosser Construction to renovate rest areas in Marion, Pickaway, Union, Van Wert and Wyandot Counties.

Separately, the Ohio Turnpike Commission approved a capital budget of \$254 million, with an expected increase in operating expenses due to increased toll revenue.

Finally, the Ohio Department of Natural Resources will spend \$2.78 million on telecommunications service providers for installation of data circuits at state parks.

Administrative: Lead Safe Ohio Program (Cont’d)

Eligible projects were designated in 72 Counties, based on high-risk zip codes, homes built pre-1978 and percentage of Ohio’s low-to-moderate income population.

Over \$8 million went to Cuyahoga County alone. Reallocation funding will be considered beginning next June, 2024.

Administrative: Brownfield Remediation Funding (Cont’d)

Revised Code 122.6511(A)(3) provides that, "Cleanup or remediation includes the acquisition of a brownfield, demolition performed at a brownfield, and the installation or upgrade of the minimum amount of infrastructure that is necessary to make a brownfield operational for economic development activity."

Revised Code 3746.12 requires that, “the director of environmental protection shall issue to a person on behalf of whom a certified professional has submitted to the director an original no further action letter and accompanying verification...”, known as a “covenant not to sue”.

The Ohio Environmental Protection Agency determines whether a person qualifies as a certified professional, such as a licensed professional engineer, under Ohio Administrative Code 3745-300-05.

Administrative: OFCC Pre-Qualified Consultants (Cont’d)

Ohio Revised Code 153.68 allows for pre-qualification of design professionals to serve on public projects, thereby expediting the Qualifications - Based Selection process.

OFCC maintains a list of Pre-Qualified Consultants in several categories:

- Owner Agent Services (12 consultants)
- Storm Shelter Peer Review Consultants

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- Facilities Assessment, Master Planning Consultants (5 consultants)
- Educational Planning Consultants
- Regional Program Consultants
- Project Auditing Services

In other news, the OFCC will accept CM at Risk proposals due January 12, 2024 for a \$51 million new Middle School for the North Canton City School District. Professional services are expected to begin in March, 2024.

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Join us in

The Construction Conversation Call-In

on

Thursday, January 11, 2024

3:30 p.m.

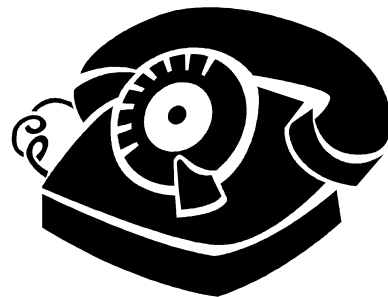
Join Zoom Meeting

<https://us02web.zoom.us/j/82158068564?pwd=UUplOEcvdkhubzQwdTBGWWQydWITQT09>

Meeting ID: 821 5806 8564

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