Vendor Handbook

“Doing Business with the State of Ohio”

www.ohio.gov/procure

Department of Administrative Services
General Services Division
4200 Surface Road
Columbus, Ohio 43228-1395
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Each Fiscal Year (July 1 to June 30), State agencies purchase a wide variety of supplies and services required for the daily operation of their facilities. Exactly what types of supplies and services the State buys will vary, but they spend more than $1.5 billion dollars every year.

Institutional agencies, for example, will purchase large amounts of food, medicine, clothing and medical services. Other agencies may concentrate their purchases on technology, office supplies and consulting services such as architects, designers, engineers or trade services, for construction or remodeling of buildings. Still others, like law enforcement agencies, will purchase vehicles, uniform clothing and related equipment.

This presents a significant business opportunity for any vendor, large or small, to sell their respective supplies and services to State of Ohio agencies. How does one go about selling to the State of Ohio? Who are these agencies and how does one contact them? What processes are vendors and the agencies required to follow in making their purchases?

Most importantly, “When do I get paid?”

This manual has been created by the Department of Administrative Services to assist vendors who have an interest in doing business with the agencies by answering these and many other questions about doing business with the State of Ohio. This manual will provide you with a step-by-step process to help navigate the maze of processes and procedures vendors and agencies must follow when making a purchase.
Before we begin our review of the State's procurement processes, it is important to know that the State is comprised of over 190 boards, commissions, departments, agencies and institutions. These agencies are located throughout the State of Ohio and the contacts are vast spanning across the four corners of the State and into all 88 counties.

The Department of Administrative Services (DAS) coordinates several statewide programs for these boards, commissions, departments, agencies and institutions.

The State’s procurement opportunities are coordinated by:

1. The Ohio Facilities Construction Commission oversees the design and construction of facilities for State agencies, boards, commissions and institutions of higher education and the
2. State Printing Office offers a full range of commercial procurement services with contract printers throughout the State, records and forms management, mail services, mainframe printing, fulfillment services and a network of copy centers, and finally the,
3. Office of Procurement Services oversees the implementation of the State’s purchasing laws and policies, and coordinates a number of procurement related functions and transactions.

An estimated one third of the State’s expenditures are made from contracts issued by these three offices.

procure.ohio.gov
Printing Services

In addition to procurements of supplies, services and technology, the Department of Administrative Services also purchases printed goods and services. Construction and architectural engineering services can be found at the Ohio Facilities Construction Commission formerly the State Architect’s Office. Information on bids and contracts issued by these offices may be obtained through their website.

http://das.ohio.gov/Divisions/GeneralServices/StatePrintingandMailServices.aspx

DAS – General Services Division
Office of State Printing and Mail Services

4200 Surface Road
Columbus, Ohio 43228-1395
Phone: (614) 995-1740

http://ofcc.ohio.gov/

The Ohio Facilities Construction Commission
William Green Building

30 West Spring Street
4th Floor
Columbus, Ohio 43215
Ethics & the State of Ohio

As vendors become involved with selling to the State, questions, such as the following, may arise:

- Why can’t the buyer just give the order to me?
- Why can’t the buyer accept this little token of appreciation?
- Why can’t the buyer go play golf?
- Why can’t the buyer go to lunch?

The answer as to “Why the Buyer Can’t” can be found in Chapter 102 of the Ohio Revised Code – Ohio Ethics Laws.

As employees of the State we are custodians of the public trust and we are bound by these laws to conduct our daily activities in a professional and responsible manner with complete impartiality and preferential treatment toward none. Likewise, these laws also apply to companies who are interested in or are doing business with the State. Employees or vendors who violate Ohio’s Ethics Laws, Executive Orders or departmental policies and procedures will be subject to all penalties as set forth in Law.

The following guidelines have been established for employees of the Office of Procurement Services when conducting business with any vendor who currently is or is seeking to do business with the State:

- No employee shall solicit anything of value for personal use.
- No employee shall use his/her position to secure or promise anything of value.
- All employees shall avoid business lunches or activities where the intent is to discuss a related procurement or bid evaluation.
- Acceptance of door prizes or gifts is discouraged.
- Employees shall avoid any activity that could result in “perception of impropriety”.

Additional information on Ohio’s Ethics Laws may be obtained from:

Ohio Ethics Commission
30 West Spring Street, L3
Columbus, OH 43215-2256
Telephone: (614) 466-7090
Fax: (614) 466-8368
Website: http://ethics.ohio.gov/
Who Buys for the State of Ohio?

The State is comprised of over 190 boards, commissions, departments, agencies and institutions.

Section 125.05 of the Ohio Revised Code authorizes agencies to purchase up to $25,000 for supplies or services under their direct purchase authority. They must first determine if the items are available from State resources such as Ohio Penal Industries (OPI), Community Rehabilitation Program (CRP), Office of Support Services (OSS) or existing DAS term contracts. If items are not available from these sources, agencies may procure from the vendor of their choice under their direct purchase authority.

If within a fiscal year these direct purchases exceed $50,000 the agency must seek approval from the State's Controlling Board to make the purchase.

Not all agencies are required, however, to forward their purchases to DAS. The following agencies are exempt from DAS and maintain separate authority to make purchases:

- Legislative branch;
- Judicial branch;
- Boards of elections;
- Capitol Square Review and Advisory Board;
- Emergency Management Agency under a declared emergency;
- Department of Rehabilitation and Correction Ohio Penal Industries
How the State Buys

To begin the procurement process, the end user agency must first determine what their needs are, what quantities are required, how often the items will be needed and how soon the items will be needed. Making a purchase, however, is not as simple as picking up the telephone and calling known suppliers.

Examples of what a buyer must consider include, but are not limited to the following:

- Must the item be approved by DAS (e.g. computers)?
- Can the need be met through internal resources?
- Can the need be met from State resources (e.g. OPI, CRP)?
- Is the dollar value within direct purchase limits?
- Does DAS need to make the purchase due to dollar limits?
- Is this a sole source purchase?

As you can see, making a purchase within the State’s system is somewhat complicated. The State welcomes ideas from vendors on new products and services. Vendors, however, must realize that Ohio law requires that certain procedures be followed and that all interested parties be given a fair and equal opportunity to sell their goods and services to the State. Thus, it may not be possible to place an order with a vendor who has invested time with the agency as the purchase must go through a competitive process.

When the purchase exceeds direct limits ($25,000) the request must be forwarded to DAS to make the procurement. Typically, DAS considers seven steps when making a purchase on behalf of an agency. These steps and a process flow chart are explained on the following pages.
PROCUREMENT METHOD DETERMINATION
SUPPLIES, SERVICES & TECHNOLOGY

1. **State Resources**: The agency must first determine if the product or service is available from Ohio Penal Industries, Community Rehabilitation Program (CRP). Central pharmacy/warehouse (pharmaceuticals or food) or DAS term contracts. Agencies are required by law to give first consideration to these sources.

2. **Competitive Sealed Bid (CSB)**: The preferred procurement method utilized by DAS is through issuance of an Invitation to Bid (ITB) to solicit Competitive Sealed Bids. Sealed bids are opened publicly and contracts awarded to the lowest responsive and responsible bidder. Price is the primary factor in awarding contracts for ITB’s.

3. **Reverse Auction**: When DAS determines that use of an ITB or RFP will not result in the best value for the State, DAS may solicit bids by reverse auction. This is a real time purchasing event that is conducted over the internet. Qualified bidders determined through a Reverse Auction Qualification Summary (RAQS) are invited to submit their offers electronically. Price is a determining factor for reverse auctions.

4. **Competitive Sealed Proposal**: If DAS determines that price should not be the primary consideration in awarding the contract, DAS may issue a Request for Proposal (RFP) to solicit Competitive Sealed Proposals. The RFP permits other factors such as experience, performance, etc., to be scored directly and used to determine the award. Contracts are awarded to the vendor offering the best value to the State. Technology and professional services are areas where RFP’s are frequently utilized.

5. **State Term Schedule (STS)**: When use of the ITB, RFP or Reverse Auction is not in the best interest of the State, DAS may establish a STS with the manufacturer. Pricing is either based upon a Federal GSA pricing or a manufacturer’s most favorable customer pricing. The manufacturer may name any number of authorized distributors to provide products or services on their behalf.

6. **Direct Authority**: If DAS determines that it is not possible or not advantageous to make the purchase, the agency will be given a Release and Permit to make the purchase under their direct authority.

7. **Controlling Board**: When a direct purchase exceeds an agency’s cumulative annual threshold ($50,000), the agency must seek approval from the Controlling Board to enter into the contract. This process may take several weeks for completion.
Preference Programs

The State of Ohio maintains the following preference programs:

- Minority Set Aside for supplies and services
- EDGE Program for small & disadvantaged businesses
- In-state Preference (Buy Ohio)
- Biobased Product Preference
- Veteran-Friendly Business Preference

**Minority Set Aside:** Section 125.081 of the Ohio Revised Code requires that State agencies select a number of purchases, the aggregate value of which equals approximately 15% of the value of all such purchases, for competition by certified minority business enterprises only. Likewise, DAS will select procurements to be awarded by competitive selection, the value of which is approximately 15% of the value of all contracts, for participation by certified minority business enterprises only.

**E.D.G.E. Program:** Section 123.152 of the Ohio Revised Code, enacted July 1, 2003 established the Encouraging Diversity Growth & Equity (EDGE) program applicable for all purchases of supplies, services, construction and Architect and Engineering services. Unlike the set aside program, EDGE is a goal based program. Agencies will attempt to make at least 5% of their purchases from EDGE certified companies.


**DAS – Equal Opportunity Division**

4200 Surface Road
Columbus, Ohio 43228
Phone: (614) 466-8380
Fax: (614) 728-5628
**In-state Preference:** Ohio Revised Code Sections 125.09 and 125.11 establish procedures for administering the in-state preference program of Buy Ohio. DAS and state agencies are required to give “Ohio” bidders a 5% preference over other bidders. To qualify as an “Ohio” bidder, the bidder must be physically located within the State of Ohio or must be offering a product that is produced in the State of Ohio. Law also provides that bidders from states bordering Ohio qualify on an equal basis as an Ohio bidder provided the border state does not levy a preference against Ohio bidders. At this time, Ohio recognizes Kentucky, Michigan, Indiana, Pennsylvania, and New York as border states. West Virginia is not considered a border state as they apply in-state preferences against Ohio bidders.

**Biobased Product Preference:** Ohio Revised Code Section 125.092 establishes procedures for administering a preference program for biobased products. DAS, state agencies, and state institutions of higher education are required to give preference to designated items in accordance with Ohio Administrative Code 123:5-1-13 and 123:5-1-14.

**Veterans Preference:** Ohio Revised Code 9.318 and Ohio Administrative Code 123:5-1-16 establishes the veteran-friendly business procurement program. To qualify as a "veteran-friendly business enterprise" the bidder must be a sole proprietorship, association, partnership, corporation, limited liability company, or joint venture that meets veteran employment standards established by the director of administrative services and the director of transportation.
How to Participate in Purchases

Step 1: Visit the State Procurement website at procure.ohio.gov and hover over “for Suppliers” then select “Selling to the State”.

Step 2: On the Selling to the State page you will find all you need to know about doing business in the State of Ohio, certifications, registrations, comments & questions, and Bid notification registration.

Step 3: Under “Registration” click the Supplies can also register to automatically receive bid opportunity notifications link to get you started in getting registered as a supplier.
Types of Contract Awards

**Direct Purchase Contracts:** These contracts are awarded by the using agency under their direct purchase authority. Generally, the agency will seek a minimum of three quotes from vendors. The purchase order serves to manage the contract authorizing the vendor to make delivery or perform the service. Once delivery is completed and the invoice submitted, the agency will make payment to the vendor. The average time required to award this type of contract is 30 - 45 days.

**DAS Contracts:** As previously discussed, DAS utilizes three competitive processes to award contracts; Invitation to Bid, Reverse Auction and Request for Proposal. One Time Bid (spot purchase) contracts are very similar to direct purchase contracts in that once delivery is made the contract is completed. DAS will issue a purchase order incorporating all elements of the bidding document. The third type of contract is the term contract. A term contract will reflect routine needs of one or more agencies over an extended period of time (i.e. one or more years). DAS maintains various types of term contracts; general distribution (GDC) that may be used by all agencies, limited distribution (LDC) that may be used by specified agencies and agency specific (ASC) that reflect the needs of a single agency. Once the contractor(s) has/have been determined, DAS will prepare a contractual agreement that incorporates the bidding document, terms and conditions and pricing schedules. The contract information is provided to the agencies and contractor(s). Agencies are then responsible to administer the contract, issue purchase orders as a need arises and make payments upon delivery and acceptance. The average time required to establish a term contract is 90-120 days.

**State Term Schedules:** DAS may also establish what is called a State Term Schedule (STS) contract. These contracts are negotiated directly with a manufacturer or service provider who must agree to terms and conditions prepared by DAS. Pricing is either based upon Federal GSA pricing schedules or a manufacturer’s most favored customer pricing schedule for a similarly situated customer. The manufacturer or service provider may name any number of authorized distributors who will provide the products or services to the agencies on their behalf. All manufacturers, services providers and their named distributors must review training materials to be eligible to receive a STS. The average time required to establish a STS is 120 days.

Additional information on DAS contracts is available from the State Procurement website. Select “Selling to the State” and then on Procurement Opportunities to see bids and Request for Proposals. To review contract documents select Current Contracts and then Search by Contract Type. The drop-down box allows you to search by multiple types of contracts.
Contract Compliance

A contract is awarded with the expectation that both the contractor and the State of Ohio have entered into the agreement in good faith, and that both parties will perform their respective duties and obligations in accordance with the contract specifications, terms and conditions and at the price quoted. Occasionally, situations arise when the contractor does not perform and the agency may suffer damages as a result. Typical non-performance issues may include:

- Missing a scheduled delivery date and time
- Providing items that are not a part of the contract
- Providing inferior merchandise
- Unauthorized substitutions
- Alteration of the contract pricing
- Damaged shipments
- Unauthorized use of subcontractors
- Unauthorized assignment of the contract to another contractor
- Inadequate staffing levels
- Unqualified staff
- Late worker arrivals and/or no-shows

The State has several remedies available to resolve non-performance issues with contractors. When a default occurs, the State will make every effort to resolve the issue before initiating any formal legal process.

For direct purchases, the agency is responsible to resolve the issue with the vendor. For purchases made from DAS contracts, the agency will make every attempt to resolve the issue with the vendor. If these efforts fail, the agency will file a Complaint to Vendor (CTV) with DAS requesting assistance to resolve the default. A copy of the CTV will also be forwarded to the vendor. Once a CTV is filed, DAS will step into the shoes of the agency and take whatever action is necessary to resolve the issue which may include: cancellation of existing contracts; denial of contract awards; seeking replacement items from alternative sources; and seeking reimbursement of any additional costs for such replacement items from the contractor. When problems become so severe, DAS may debar a contractor from participating in the business of the State.

Issues of non-performance will also be used by DAS when evaluating a bidder for “responsibility” and may affect the award of a contract to the bidder. Likewise, if an agency is demanding that a vendor perform outside the provisions of the contract, DAS will step into the shoes of the vendor and correct the action of the agency.
Payment Process

Under Ohio law, agencies are required to make payment to the vendor within 30 days after receipt of a proper invoice. If the agency delays payment, the vendor is entitled to a service fee that is established by the Office of Budget & Management.

Crucial to the agency making payment within this thirty day time period is their receipt of a proper invoice. That is, an invoice that basically matches the contract and purchase order. Any difference in the product description, unit price, delivery terms, etc. as appearing on the purchase order and the vendor’s invoice will be cause to reject the invoice and delay payment to the vendor. It is important to insure that both documents match.

Another payment tool available to agencies for direct purchases is the payment card (or PCard). The PCard works like a standard credit card in that purchases will be processed by the vendor through a merchant bank. Payment is generally made to the vendor by the merchant bank within 48 hours of the transaction. A bank fee is usually associated with the transaction. The Office of Budget & Management has developed very stringent procedures that must be followed when agencies make purchases via a PCard.

Electric Funds Transfer (EFT) – EFT is a direct deposit payment system which transfers funds electronically to individual bank accounts in participating financial institutions.

Vendors are encouraged to participate in both payment methods (Pcards and EFT) as the cost savings can be significant, and payments are usually received much quicker. Vendors are encouraged to participate in both payment methods (Pcards and EFT) as the cost savings can be significant, and payments are usually received much quicker.

Office of Budget & Management
Vendor Services

http://ohiosharedservices.ohio.gov/Vendors.aspx
Bidder Registration

Quick Reference Guide

The State’s Internet based bidder registration is a free and convenient service to our vendor community providing you with a courtesy email alert announcing the advertisement of new solicitations in the commodities and services registered. Vendors may also continue to download solicitations without registering for the Bidder Database however, there will be no courtesy email notice sent.

To find bid opportunities without registering …

1. Select the State Procurement Web Site (procure.ohio.gov)
2. Under Quick Links select Bid Opportunities Search on the Procurement Opportunities Search page.
3. Select Commodity Category Tier 1 dropdown list make your desired selection Commodity Tier 2 and 3 will automatically populate. To refine your search further, enter additional search criteria
4. Click the Search button then check your search results in the Current Contract Search Results table.
5. If interested in an opportunity, print the bid and submit a quote or proposal according to the information in the PDF document.

To participate in electronic bids you must register

To register as a bidder…

1. Hover over for Suppliers.
2. Hover over Registration then click Register for Bid Notifications
3. Read the information regarding eSourcing Supplier and Bidder Notice and select eSourcing Registration.
4. Select Register a New Account to complete the sign-up; or select Help & Information for additional resource information.

To update your registration…

1. Hover over for Suppliers.
2. Hover over Registration then click Register for Bid Notifications
3. Read the information regarding eSourcing Supplier and Bidder Notice and select eSourcing Supplier Login.
4. Select Update an Existing Account to complete; or select Help & Information for additional resource information.
Frequently Asked Questions

Q: Who are the major purchasers for the State?

A: Major procurement agencies of the State include:
    ✓ DAS – State Purchasing for general supplies & services
    ✓ DAS – Office of Information Technology, for technology and related professional services
    ✓ DAS – State Printing for printed goods
    ✓ Ohio Facilities Construction Commission for construction bidding opportunities
    ✓ State agencies

Q: How can I contact these purchasers?

A: Major purchasers can be located through the Procurement Contacts on the State Procurement website (procure.ohio.gov).

Q: Why is it important that I register as bidder?

A: As a registered bidder, you will receive an email notice of any Procurement Services bid or RFP opportunity for the commodity you selected representing your company’s product or service. When available, you will also be able to submit eBids electronically to the State using the same site.

Q: When I’ve helped an agency determine the product or service that fits their need, why can’t they just place the order with me?

A: Ohio laws require that specifications be generic to give any interested party an opportunity to sell to the State. Ethics laws also prohibit directing business to any supplier.

Q: Where can I get information on State Term Schedule?

A: If the Office of Procurement Services determines a State Term Schedule will be the sourcing method for specific supplies or services the contractor will be contacted by the state and directed to the appropriate forms and information.
Q: Where can I find more detailed information about the State’s procurement processes?

A: DAS has prepared a Procurement Handbook that provides very detailed information on the procurement processes. The Handbook may be accessed through the State Procurement website. Select Help & Reference Materials and then on State Procurement Reference Materials.

Q: If I elect to submit a bid, is it permissible to see offers from other bidders?

A: Law provides that all responses to Bids and RFPs be submitted to DAS in sealed containers and then publicly opened in the presence of a representative of the Auditor of State’s office. For Bid openings, law requires that all information contained in the bid is disclosed to any bidder who requests to see the document. For RFPs, however, law requires that only the names of those companies submitting offers be disclosed at the time of opening. Once a contract has been awarded, the entire RFP is made available for public view.

Q: Does the State maintain any vendor preference programs?

A: The State gives preference to in-state bidders, certified minority business enterprises, and designated biobased products. The minority business and EDGE programs are administered through DAS - Equal Opportunity Division. For further information contact the EEO Division at (614) 466-8380 or through their website at: http://das.ohio.gov/Divisions/EqualOpportunity/MBEEDGECertification.aspx

Q: How do I obtain copies of bids, RFPs and contracts?

A: All DAS bids, RFPs and term contracts may be accessed through the State Procurement website: procure.ohio.gov.

• Select Selling to the State, Procurement Opportunities; scroll to the bottom to Select All to view competitive opportunities.

• Select Current Contracts and then select the drop down arrow to Search by Contract Type, or search using a keyword to find current contracts.

Q: What should I do if I am unable to meet a delivery date?

A: At any time you are unable to meet a delivery date or perform your contract, call the agency immediately. Failure to call them may result in a formal Complaint to Vendor (CTV) letter.
### Commonly Used Acronyms

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<td>Agency – Specific Contract</td>
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<td>CFR</td>
<td>Code of Federal Regulations</td>
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<td>COB</td>
<td>Close of Business</td>
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<td>CO-OP</td>
<td>Cooperative Purchasing Program</td>
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<td>UPPCC</td>
<td>Universal Public Purchasing</td>
</tr>
<tr>
<td>WBE</td>
<td>Women-Owned Business Enterprise</td>
</tr>
</tbody>
</table>