

# Buy Ohio – Buy America

## **PREFERENCE TO UNITED STATES AND OHIO PRODUCTS:**

State of Ohio AM. H.B. 271 requires that preference be given to products produced or mined in the United States and in Ohio.

### **A. BUY AMERICA:**

Bids will be evaluated to determine that a bidder's offering is for a "Domestic Source End Product", as defined in the Federal Buy America Act, 41 U.S.C.A. Section 10a-10d. Any bidder's offering that does not meet this requirement shall be rejected, except in those circumstances where a determination has been made that certain articles, materials and supplies are not mined, produced or manufactured in the U.S. in sufficient and reasonably available commercial quantities and of a satisfactory quality.

### **B. BUY OHIO:**

1. Following the above determination, all remaining bids and proposals shall be evaluated so as to give preference to Ohio bids or bidders who are located in a border state, provided that the border state imposes no greater restrictions than contained in Sections 125.09 and 125.11 of the Ohio revised code.
2. Ohio products are defined as products mined, excavated, produced, manufactured, raised, or grown in the state by a person where the input of Ohio products, labor, skill, or other services constitutes no less than 25% of the manufactured cost.
3. Bidders having a significant Ohio economic presence in terms of the numbers of employees or capital investment a bidder has in the state, shall qualify for award of contract on the same basis as if their products were produced in Ohio.
4. Where it has been determined that selection of the lowest Ohio bid, if any, will not result in an excessive price or a disproportionately inferior product or service, the contract shall be awarded to the low Ohio bid at the bid price quoted. Where it is advantageous to award the contract to other than an Ohio bid or bid from a border state, then the contract shall be awarded accordingly. ("Excessive Price" shall be construed to mean a price that exceeds by more than five per cent the lowest price submitted on a non-Ohio bid).

### **C. HOW TO QUALIFY UNDER THESE PROGRAMS:**

To qualify for the domestic Ohio preference (Buy Ohio), or to qualify as having significant Ohio economic presence, pursuant to sections 125.09 and 125.11 of the Ohio revised code and section 123:5-1-26, of the Ohio Administrative Code, bidders must complete the information on the following page and return it with their bid.

# REQUIRED CERTIFICATION FOR BIDDING

Those bidders claiming preference for Domestic Source End Products and/or the Ohio preference, pursuant to Revised Code Sections 125.09 and 125.11 and Administrative Code Section 123:5-1-06 must complete the following information. Bidders who qualify as an "Ohio" bidder (offer an Ohio product or who have significant Ohio economic presence) or who qualify as a Border State bidder are eligible to receive a five percent (5%) preference over non-Ohio/Border state bidders. The state reserves the right to clarify any information during the evaluation process. **BIDDERS MUST COMPLETE THIS CERTIFICATION TO RECEIVE THE PREFERENCE.**

## A. DOMESTIC PREFERENCE (BUY AMERICA): [Not applicable to "Excepted Products"]

- Where is each product/services being offered mined, raised, grown, produced or manufactured?  
 United States: \_\_\_\_\_(State)     Canada     Mexico    (Go to B-1)  
 Other: (Specify Country)\_\_\_\_\_ (Go to A-2)
- End product is manufactured outside the United States and at least 50% of the cost of its components are produced, mined, raised, grown or manufactured within the United States. The cost of components may include transportation costs to the place of manufacture and, in the case of components of foreign origin, duty whether or not a duty free entry certificate is issued.  
 Yes (Go to Section B-1)     No (Go to Section A-3)
- The Bidder hereby certifies that each end product, except the products listed below, is a domestic source end product as defined in the Buy America Act and that components of unknown origin have been considered to have been mined, produced, grown or manufactured outside the United States.  
\_\_\_\_\_(Item) \_\_\_\_\_(Country of Origin)  
\_\_\_\_\_(Item) \_\_\_\_\_(Country of Origin)

A domestic end source product is deemed to be excessively priced if it exceeds the cost of the foreign product by more than 6%. Pursuant to FAR, Part 25, the state of Ohio does not acquire supplies or services that cannot be imported lawfully into the United States. The contractor, their subcontractor(s) and any agent of the contractor or subcontractor must not acquire any supplies or services originating from sources within, or that were located in or transported from or through Cuba, Iran, Iraq, Libya, North Korea, Sudan Territory of Afghanistan controlled by the Taliban, or Serbia (excluding the territory of Kosovo).

## B. OHIO PREFERENCE (BUY OHIO):



- The products/services being offered are raised, grown, produced, mined or manufactured in Ohio.  
 Yes (Go to C)     No (Go to B-2)
- Bidder has significant economic presence within the state of Ohio.     Yes (Answer a, b, c, d below)     No (Go to B-3)
  - Bidder has paid the required taxes due the state of Ohio     Yes     No
  - Bidder is registered with the Ohio Secretary of State  
 Yes (Charter/Registration No.: \_\_\_\_\_)     No  
Questions regarding registration should be directed to (614) 466-3910 or visit their web site at:  
<http://www.sos.state.oh.us/>
  - Bidder has ten or more employees based in Ohio or border state.     Yes     No (Go to B-2d)
  - Bidder has seventy-five percent or more employees based in Ohio or border state.     Yes     No (Go to B-3)
- Border state bidder:  
 Yes (Specify which state then go to B-2c):     KY     MI     NY     PA     IN     No (Go to B-4)
- Border state bidder: mined products mined in respective border state     Yes     No     Not Applicable

## C. E.D.G.E. DESIGNATION

Bidder is certified E.D.G.E. business     Yes     No

For information on E.D.G.E. designation, please visit the DAS Equal Opportunity Division website at:  
<http://das.ohio.gov/Eod/Edge/Index.htm>

**EXHIBIT B  
VENDOR DISCLOSURE**

I, authorized person for \_\_\_\_\_, do hereby state and affirm that neither I nor any agents of the above-named company nor any other party acting on company's behalf have paid or agreed to pay directly or indirectly any person, firm, or corporations any money or valuable consideration for assistance in securing this agreement for the following: \_\_\_\_\_ . I further agree that no such money or reward will be hereafter paid.

Do any University of Akron employees, or their family members, have a financial interest in the organization submitting the agreement?

Yes       No

**If so, please attach a statement giving details.**

Are you currently or have you been an employee of The University of Akron?

Yes       No

**If so, please attach a statement giving details.**

Does the affiant have any relative/family members employed by The University of Akron?

Yes       No

**If so, please identify the employee and relationship.**

Employee Name	Relationship
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**Independent Contractor's Signature      Date**

## VENDOR INFORMATION SHEET

(please complete any required information not previously provided on the Vendor Registration Form & W9)

COMPANY NAME		
FEDERAL TAX ID# or SS #		
STREET ADDRESS		
CITY, STATE, ZIP		
PHONE#	FAX#	
COMPANY EMAIL		
PAYMENT TERMS		
CREDIT CARD PAYMENTS ACCEPTED?	YES	NO
If yes, any fees associated with this payment option?	YES	NO
If yes, please provide details		
NAME OF PERSON SUBMITTING PROPOSAL		
TITLE OF PERSON SUBMITTING PROPOSAL		
SIGNATURE OF PERSON SUBMITTING PROPOSAL		
EMAIL OF PERSON SUBMITTING PROPOSAL		
PHONE # OF PERSON SUBMITTING PROPOSAL		
DATE		

All proposals submitted are taken by the University as offers to sell by the carrier and acceptance shall occur only by issuance of a University purchase order, or where appropriate, upon execution of a mutually agreeable signed contract.