

Question: What emergency authority do counties have to do purchasing? Can a county extend blanket purchasing orders during an emergency?

Although the governor has issued an executive order to waive certain purchasing procedures for state agencies due to the coronavirus, counties must continue to follow existing laws regarding purchasing. Generally, any product or service with a cost in excess of \$50,000 is subject to competitive bidding unless it falls under a specific exception listed in statute (See ORC 307.86). The law allows for a limited exception to competitive bidding if the board of county commissioners makes a unanimous determination that a real and present emergency exists, and that the determination and the reasons for it are entered in the minutes of the proceedings of the board. In order to use this procedure, the board must find that either one of the following conditions exists:

- (1) The estimated cost is less than one hundred thousand dollars.
- (2) There is actual physical disaster to structures, radio communications equipment, or computers.

For purposes of this law, "unanimous vote" means all three members of a board of county commissioners when all three members are present, or two members of the board if only two members, constituting a quorum, are present. When this emergency provision is used and the cost is more than \$50,000 and less than \$100,000, the county must solicit informal estimates from at least three vendors and maintain the records of the estimates for at least one year.

Ohio law also allows a county legislative authority to approve the use of a "blanket" purchase order that lasts through the fiscal year or for a shorter, specified period of time. A blanket purchase order is intended to allow recurring and predictable purchases of a standard operating expense. A blanket purchase order may specify the use of a certain vendor or may allow the purchase of a specific product or service through listed vendors. It is important to remember that a blanket purchase order remains subject to the competitive bidding threshold noted above.

In the interest of time or efficiency, a county may wish to make a large dollar purchase without resorting to competitive bidding. One of the ways that a county may do this is through the utilization of state term contracts. These contracts have been previously bid by the Ohio Department of Administrative Services. The county receives the product or service under the same terms available to the state. Additional information on state term contracts are available on the Ohio DAS [website](#).

For more information about purchasing laws, please see [Chapter 24](#) of the CCAO Handbook.