

OHIO GENERAL ASSEMBLY
JOINT COMMITTEE ON AGENCY RULE REVIEW

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R.C. 121.93 Required Report

- 1) **Date: April 5, 2023**
- 2) **Agency: Ohio Public Works Commission**
- 3) **Agency Contact**
 - a) Name: Linda S. Bailiff
 - b) Email: linda.bailiff@pwc.ohio.gov
 - c) Phone: 614-644-1823
- 4) Provide the number of operations reviews that your agency completed during the governor's recently expired term.
 - One (1)
- 5) List any principles of law or policies described in [R.C. 121.93\(A\)](#) that your agency identified in your operations review(s).
 - Please refer to EXHIBIT A, as attached.
- 6) Describe your agency's considerations regarding the identified principles of law or policies under [R.C. 121.93\(B\)](#).
 - In reviewing the agency's advisories, consideration was given to the provisions of R.C. 121.93, in particular as to whether the advisory provided for a regulation or standard that was in addition to those prescribed specifically by a Revised Code or the Ohio Administrative Code provision. The advisories identified as prescribing additional requirements are set forth in Exhibit A.
- 7) List any principles of law or policies for which your agency determined rulemaking is indicated or for which your agency has commenced the rulemaking process under [R.C. 121.93\(C\)](#).

OHIO GENERAL ASSEMBLY
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- Please refer to EXHIBIT A, as attached. This is the result of a staff review but policies are being taken to the Commission for their review and consideration. As such, some policies noted for the rulemaking process may be removed depending on the Commission's actions.

EXHIBIT A
CLEAN OHIO

Access to Funds and Late Infrastructure Loan Payments

Recipients of loans under the OPWC Infrastructure Program are required to make timely payments on their loans in response to biennial billing. Failure to do so will prevent the local subdivision from submitting disbursements on active Clean Ohio projects and applying for new Clean Ohio projects in the WorksWise portal. Note that it takes time to process payments so that should be accounted for. It is highly recommended that payments are made in a timely manner to prevent disruption in service.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Appraisals

The OPWC requires an appraisal for any property included as part of a Clean Ohio project, whether fee simple or as a conservation easement. OPWC's Standards and Procedures must be followed to properly account for this requirement.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Carbon Credits

Recipients of Clean Ohio funds who comply with OPWC's Forest Management Practices policy, <https://www.pwc.ohio.gov/Advisories/Clean-Ohio#639108-forest-management-practices>, may sell carbon credits but must use the revenue generated on Clean Ohio protected properties or by Clean Ohio funds towards the management of Clean Ohio protected lands or as an endowment for future management of such properties. This revenue need not be tracked or restricted to the individual parcel on which the revenue was generated so long as the revenue is spent as stated above. Management expenses may include equipment, supplies, contracts, and staff salaries when conducting conservation work on Clean Ohio lands which helps to preserve or improve the natural features for which the site was acquired. When revenue is generated on a collection of parcels, only some of which were protected with Clean Ohio funds, the appropriate percentage of the revenue must be allocated towards the above allowable purposes.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Consulting Fees

If the Commission has determined that the scope of services and/or the associated fees are not clearly indicated, the engineer of record will be asked to clarify services with their fees.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Contingency Line Item / Change Orders

If the Commission's Project Agreement with the local subdivision contains a contingency line item, it is to be used solely for change orders incurred for unforeseen costs for any access improvements as per the scope in the Project Agreement.

This policy is being removed and therefore the rulemaking process will not be pursued.

Deed Restrictions / Long-Term Ownership or Control

The OPWC requires that its deed restrictions be placed upon and recorded for all acquired property, easements, and property upon which improvements are made. Deed restrictions are enforced. Properties or rights in properties obtained with Clean Ohio funds are required to remain in the long-term ownership, or long-term control through lease or purchase of an easement of the grant recipient. A request to transfer ownership and control must be made in writing to the OPWC Director.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Eligible / Ineligible Items

The Clean Ohio Greenspace Conservation Program is focused on environmental conservation. This means that projects and project components are for the preservation, protection, or restoration of the natural environment, natural ecosystems, vegetation, and wildlife. Therefore, items that do not lend themselves to conservation are generally not allowable under this program. Improvements are meant to provide access with minimal impact to conservation values. Administrative costs including those incurred for grant management such as application and disbursement preparation are not eligible. See list of eligible and ineligible items here.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

ESA / Suspected Environmental Contamination

Any application providing for the acquisition of property in which there are potential or existing environmental contamination liabilities must include an Environmental Site Assessment report clearing the property of suspected contamination. Should an application for property with suspected contamination not include the required ESA report, it must be considered incomplete by the NRAC and not be scored. Applicants should be redirected to the OEPA.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Farmland Preservation

The OPWC is without authority to approve grant projects for the primary and express purpose of protecting land for continuing agricultural purposes. From a practical standpoint a project may contain agricultural land that would: 1) be allowed to revert to its natural state; 2) serve as a buffer for a riparian corridor; or 3) that could be used for the demonstration of historical farming. Applications containing active farmland in production or for grazing of livestock must include a timely exit strategy. Clean Ohio funds may be used to buy out a farm lease as a right in land.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Local Match

The local match is all non-OPWC funds. It can consist of other agency funds (federal, state, or local) or local “pre-pays” for engineering or in-kind work (labor, equipment, materials). Pre-pays, costs paid by the recipient prior to the Project Agreement, may either be reimbursed (up to one year prior to the date of the Agreement) or credited toward the local match. See OPWC In-kind Instructions for more information.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Long Term Ownership and Control

Properties or rights in properties obtained with Clean Ohio funds are required to remain in the long-term ownership, or long-term control through lease or purchase of an easement of the grant recipient. A request to transfer ownership and control must be made in writing to the OPWC Director.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Mark-Ups

A markup cost is ineligible and must be subtracted from any contractor, consultant, subcontractor and/or subconsultant invoice prior to submission with a disbursement request. Any such markup is the responsibility of the applicant.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Mineral Rights / Oil & Gas

Oil and gas leases in place at the time the Natural Resources Assistance Council approves the project will be treated as pre-existing easements which the applicant has little or no control. Requests to engage in new oil and gas leasing on Clean Ohio properties will be denied.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Minority Business Enterprise (MBE)

On OPWC-funded projects a percentage, as specified in ORC 125.081, of local subdivision direct contracts for procurement of equipment, materials, and supplies must be made from state certified MBE vendors.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

NRAC Administration Costs

NRACs may choose to bill against their program fund allocation for costs incurred in administering the Clean Ohio Conservation program. Each NRAC may receive up to \$15,000 per program year. Reimbursement is permitted for those costs directly incurred because of the need for labor, materials, supplies, equipment, travel, and support services to perform the committee's statutory requirements. The NRAC must approve participation in this program. Each NRAC making this election

must prepare an annual work plan and budget outlining the administrative costs to be provided and designate the entity providing these services. Approval by the NRAC must be documented in its meeting minutes and supplied with this material.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

NRAC Methodologies

NRACs are required to allow a minimum of 60 days from the Commission's approval of their respective project selection methodologies to accept applications. Methodologies must include at least one objective tiebreaker. If methodologies remain unchanged, the Commission must be notified accordingly. Information should be submitted with the annual program schedule.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

OPWC Project Signs

Signage is not required on an OPWC-funded Clean Ohio project. However, if a grant recipient elects to erect signage, then the sign must, at a minimum, contain the Green Space Conservation logo. See Clean Ohio Project Sign information here.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Park Districts / Park Authorities Project Support Documentation

The Ohio Revised Code does not require park districts or other similar park authorities to obtain resolutions of support from local governments; however, it does require that park districts or other similar park authorities "consult" with the legislative authority of each county, township, and municipal corporation in which the proposed project will be located. Park districts and authorities must provide evidence of consulting with the appropriate local governments and should check with the appropriate NRAC for specific requirements.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Project Agreement, Scope Changes

Once a project agreement is released by the OPWC, it must be signed and returned within 45 days. An executed project agreement is required prior to the disbursement of funds. Any changes in scope require an Amendment, approved by the NRAC. Under no circumstance shall an application be submitted to an NRAC for which there is an existing active Project Agreement for the same scope or portion of the same scope.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Requests to Proceed

The Request to Proceed is required for all land acquisition activities which must be completed within one year of the project agreement date. At least 30 days prior to closing, the applicant must include proposed deed restrictions, purchase contract, Appraisal Report, and title insurance binder or commitment for title. If using the pre-closing option, there must also be a closing protection letter and signed escrow agreement. Should title work disclose information that could compromise conservation value, at the OPWC Director's discretion, the project application will be returned to the NRAC for review.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Resolutions of Support

Ohio Statute, ORC 164.23(B) and 164.23(C), requires that certain project applications include Resolutions of Support. If the applicant is a county, township or municipality and the project is located wholly within the applicant's boundaries, then no resolutions are needed from any other local government. Park districts, regardless of the location of the property, are not required to obtain any resolutions but must consult with each county, township, and municipality in which the project is located. All other applicants must obtain a county resolution for each county in which the project is located and from the impacted township or municipality. If the project is in two to four townships or municipalities, then resolutions are needed from at least one-half. If the project is in five or more communities, then resolutions are needed from at least three-fifths.

Resolutions of Support do not apply to Improvements Only projects since the requirement was met for the property's acquisition.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Restoration Work on Clean Ohio Property

Parties may submit a request to the OPWC director to do stream and wetland restoration work on Clean Ohio protected property purchased under the Clean Ohio Conservation Program for which Clean Ohio funds were not also provided for restoration work if certain conditions are met. For such work to be considered, it must provide an additional conservation benefit to the property in the form of ecological restoration, enhancement, or improved management that is in addition to what would have occurred without the restoration project. Restoration work must demonstrate an ecological benefit and not be undertaken to offset a private requirement or resolve a singular enforcement penalty; that is, mitigation funding cannot be used as match for a Clean Ohio project and Clean Ohio funds should not be allowed to fulfill a mitigation requirement. The requesting party must provide documentation demonstrating permission for such activity from the Ohio Environmental Protection Agency and Army Corp of Engineers such that these permitting agencies have determined the activity complies with their guidelines. The site's use for such work must be allowable in accordance with the OPWC Project Agreement, Recorded Deed Restrictions or Recorded Conservation Easement. No mitigation credit can be received for previous Clean Ohio property acquisitions. Any such funds generated by restoration activities must be used for long-term support, management, and stewardship of the protected property, or to fund future restoration projects in the same HUC-8 watershed.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Revenue-Producing Activities

Any revenue-producing activity requires approval of the OPWC and may only be conducted in which proceeds are used to maintain the conservation values of the property. In addition, royalty proceeds from mineral extraction from existing oil and gas leases entered into prior to approval of Clean Ohio funding or from a forced pool must also be used for the conservation of the property. Revenue records must be maintained for a period of three years and be made available to the OPWC upon request.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Stream Restoration & Property Ownership

Stream restoration projects are permitted on public or private property provided the applicant is eligible under Clean Ohio statute. If performed on public property, the OPWC Clean Ohio deed restrictions must be recorded on the property. If performed on private property, an OPWC Clean Ohio conservation easement must be placed and recorded on the property. The CE boilerplate may need modification for a stream restoration project but the critical section providing for OPWC's covenants which are also contained in the deed restrictions must be included. Either situation requires the deed restrictions or CE to be recorded and forwarded to the appropriate program representative prior to the restoration work.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Structures

The allowance for funding acquisition and /or demolition of existing structures on Clean Ohio property is at the discretion of each NRAC. The NRAC's policy must be determined prior to a funding round and be specified in writing as part of the NRAC's project selection methodology. Existing structures may be used for nature or outdoor education centers, park offices, and/or conservation-related storage but cannot be used as a caretaker's residence.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Subdivision Codes

The Commission uses a unique code to identify applicants, determine their eligibility as it complies with the Law, and to manage and track project information. The OPWC uses the codes created by the American National Standards Institute (ANSI) which were developed to ensure uniform identification of geographic entities. Subdivision codes must be secured prior to applying for financial assistance, and are needed for access to Public WorksWise, the Commission's online portal, which is the platform used for submission of applications. The OPWC adapted the ANSI system for legally eligible applicants for OPWC funds not covered by the ANSI such as conservation nonprofit organizations and park districts. The Law, ORC 164.20, defines a nonprofit organization as "an environmental and conservation organization that is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and described in 26 U.S.C. 501(c) and formed to protect the natural environment." Subcodes are assigned by the Commission at the written request of the applicant on the entity's letterhead, signed by the subdivision's chief executive officer (CEO), and addressed to the OPWC director sent via email. Subdivisions must include documented evidence pertaining to the creation of the subdivision.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Surveys

A survey should be current. An old survey won't account for any changes to the subject property or to adjacent properties.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Timber Value

If applicable, the stumpage value of timber (the "Timber Value") may also be considered as a credit in a bargain sale and be used for match. A qualified forester or appraiser may perform a timber appraisal to determine the on-site inventory and estimate of stumpage value of timber on the property. The stumpage value of timber generally considers the volume of timber on the property, the species composition, the quality, and other related factors to determine the current Timber Value.

If using Timber Value as bargain sale match, it is the Client and/or Applicant's responsibility to provide this information to the property/land appraiser (and appraisal reviewer if applicable). The appraiser uses this information to determine the impact of the Timber Value on the overall property/land value appraisal and reconciles the Timber Value within the Appraisal Report.

The Ohio Public Works Commission recommends using an individual certified by the Association of Consulting Foresters of America, Inc. (ACF) or the Society of American Foresters (SAF).

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Title Search & Insurance

OPWC requires a clear or marketable title to release a Notice to Proceed to approve commencement with closing. Although the OPWC does not have a standard for title searches, a full search is a 60-year chain of title search on all transactions without prior title evidence. Once a title company completes its verification, it will back its guarantee with title insurance to insure ownership rights to the property.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Travel Expenses

OPWC will reimburse for travel expenses incurred by consultants or contractors while performing eligible work according to the physical scope of the project as defined by the OPWC Project Agreement. Reimbursable costs must be in accordance with the OBM Travel Rule. Reimbursement for lodging and meals & incidentals will be based on per diem rates according to the location of work activity set by the federal General Service Administration (GSA). Mileage is eligible at the state rate in effect at the time of travel. The state rate is currently \$0.58 per mile (SFY 23, 1st Quarter), an increase from the historical rate of \$0.55 per mile (SFY 22, 4th Quarter). Previously, the SFY 22 rate was \$0.52 per mile.

Ref: ORC 126.31 and OAC 126-1-02 and OBM Travel Rule

This policy is being removed and therefore the rulemaking process will not be pursued.

Utility Easements

Utility easements are permitted for property usage such as for restrooms and lighting. Costs cannot be part of the Clean Ohio funding or Match. Utility easements must be specified in the Use & Development section in the Deed Restrictions, if known at the time of application. Requests for utility easements after Clean Ohio restrictions are in place must be made in writing to the OPWC director and are at the director's discretion.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

INFRASTRUCTURE

Combination of Grant / Loan Assistance

If a Project Agreement combines grant with loan the Commission will generally pay out on the grant portion first unless the combination exceeds statutory limits for grants (i.e., 90% for repair/replacement and 50% for new/expansion). If a combination of grant/loan assistance exceeds grant statutory limits, then on each disbursement request the Commission may draw on the loan for that portion exceeding the statutory grant limit to ensure that the local share is met.

Ref: ORC 164.05(D)

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Construction Activities

Construction activities and tasks include but are not limited to material handling (including off-site prefabrication), excavation, brush cutting, demolition, utility relocation, grading, footings, form work, backfill, pipe installation, as well as carpentry for water and wastewater treatment facilities. The work performed may include new work, additions, alterations, and repairs.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Consulting Fees

If the Commission has determined that the scope of services and/or the associated fees are not clearly indicated, the engineer of record will be asked to clarify services with their fees. Administrative costs incurred for grant and loan management are ineligible. Costs include but are not limited to application and disbursement preparation.

This policy is being removed and therefore the rulemaking process will not be pursued.

Contingency Line Item / Change Orders

If the Commission's Project Agreement with the local subdivision contains a contingency line item, it is to be used solely for change orders.

For a change order to be eligible for payment or reimbursement it must be necessary and integral to a project to complete the contractual physical scope as intended and as described in Appendix A of the OPWC Project Agreement. Change orders may be for the reconciliation of estimated quantities to those quantities of work performed, adjustments for contract specified payments or deductions, changes in the contract documents or specifications, changes in materials requirements, and revision of a contract completion date. Changes in materials requirements are those which allow a substitute material due to unavailability of the specified material, acceptance of a superior material at no additional cost, and acceptance of undocumented material or a cost savings non-specification material incorporated into the work that is performing satisfactorily.

Scope changes, meaning extra work not necessary for the physical contractual scope or new items of work, are the responsibility of the Recipient unless the District Integrating Committee has approved such work and the OPWC has amended the Project Agreement accordingly.

Change order documentation must be submitted with the disbursement request that includes the invoice containing the change order. Documentation must provide a description and explanation for the change. Documentation will be reviewed by the OPWC and approved for payment or reimbursement at the OPWC's discretion.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

District Methodologies

Districts are required to allow a minimum of 60 days from the Commission's approval of their respective project selection methodologies to accept applications. Methodologies must include at least one objective tiebreaker. If methodologies remain unchanged, the Commission must be notified accordingly. Information should be submitted with the annual program schedule.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Emergency Projects

The OPWC reserves funds for emergency infrastructure projects that arise directly out of catastrophic situations that involve an immediate threat to public health and safety, and for which there is no alternative way of addressing the project through local funding or other resources. Emergency funds are reserved on a first-come, first-served basis. Funding requests are accepted year-round by the OPWC.

Ref: ORC 164.08(B)(2), OAC 164-1-19

More Information: OPWC Emergency page

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Engineering Costs

Engineering costs (preliminary design, final design, inspection) as a percentage of construction costs are closely reviewed and maintained within a reasonable margin. The OPWC works with the industry to ensure OPWC's expectations reflect averages. The Ohio ACEC reports that engineering costs are "typically less than 15% of a project's construction costs" and that construction inspection is somewhere between 5 to 10%. Understandably, many factors can impact these averages, but the OPWC has a long history of maximizing its financial contribution toward construction. A subdivision is not capped at what they choose to pay for these costs but the OPWC project budget, what we will pay for and leverage, must be held across the board. Therefore, costs that exceed these parameters should not be included in the OPWC project budget. If a district approves a budget exceeding these parameters, the OPWC reserves the right to adjust accordingly. Actual engineering costs incurred above the budget line item contained in the project agreement are the sole responsibility of the subdivision and will not be credited to the local contribution.

If the Commission has determined that the scope of services and/or the associated fees are not clearly indicated, the engineer of record will be asked to clarify services with their fees.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Engineering Services for Townships

Ohio law permits a board of township trustees to enter into a contract with their county engineer for engineering services in exchange for full or partial payment for the costs of those services. (ORC 164.15) If a township has adopted a limited home rule government, a township may order the county engineer to hire an independent professional engineer for engineering services. If a professional engineer is hired, the county engineer is required to review, comment on, and monitor the professional engineer's plans. (ORC 5573.01) In order for the OPWC to participate in the payment of such services either a Memorandum of Understanding between the township and county, or letter from the county engineer, must be provided.

Townships are directed to the referenced Ohio Revised Code sections above and to the respective county engineer's office for any questions.

This policy is being removed and therefore the rulemaking process will not be pursued.

Farmland Preservation Review

Applicants must include a Farmland Preservation statement for projects that have an impact on productive agricultural and grazing land which describes both direct and indirect impacts and mitigation measures that could be implemented when alternative sites or locations are not feasible.

This policy is being removed and therefore the rulemaking process will not be pursued.

Home Rule Townships – Funding Eligibility

Townships with a population in the unincorporated territory of at least 5,000 may, by procedures provided for in law, adopt limited home rule status. In addition to other powers provided for in law these townships may:

- Construct, maintain, and finance sewer systems under certain circumstances
- Contract with county sewer districts and regional water and sewer districts, as well as municipal corporations and private operators, to supply water and sewer services
- Issue general obligation bonds for the costs of water supply facilities and sewer improvements
- Hire an independent professional engineer in lieu of using the county engineer for specific road projects. (Also see Engineering Services for Townships)

Ref: ORC Chapter 504

This policy is being removed and therefore the rulemaking process will not be pursued.

Late Loan Payments and Access to Funds

Loan recipients are required to make timely payments on their loans in response to biennial billing. Failure to do will prevent the local subdivision from submitting disbursements on active projects and applying for new projects in the WorksWise portal. Note that it takes time to process payments so that should be accounted for. It is highly recommended that payments are made in a timely manner to prevent disruption in service.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Loan Assistance / Credit Enhancements

The OPWC provides two financial tools to assist with affordability. Loan Assistance is a grant that pays for the interest on a public or private loan during the construction period. Construction must have commenced within three years prior to the date of the project agreement. Credit Enhancement is a one-time infusion of funds to enhance an applicant's ability to secure affordable debt. The OPWC may pay the premium for a bond insurance policy which would improve the applicant's credit or bond rating. These two funding tools may be applied for as part of a project which is also for a grant, loan or grant/loan combination but needs to be a separate application for administrative purposes.

More Information: OPWC Loan Assistance page

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Local Match (Prepays and In-Kind)

The local match is the participation percentage rate that is made up of non-OPWC funds. It may consist of other agency funds (federal, state, or local) or local "pre-pays" for engineering or right-of-way, or in-kind work (labor, equipment, materials). Pre-pays may either be reimbursed (up to one year prior to the date of the Agreement) or credited toward the local match.

Ref: ORC 164.05 (D)

More Information: OPWC In-kind Instructions

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Mark-Ups

A markup cost is ineligible and must be subtracted from any contractor, consultant, subcontractor and/or subconsultant invoice prior to submission with a disbursement request. Any such markup is the responsibility of the local government.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

OPWC Project Signs

Construction signs are not required on OPWC-funded projects. However, if a local subdivision elects to erect signage, then it may want to elect to follow OPWC's recommended standard layout to increase public awareness through signage repetition. OPWC will participate in the cost of the signage and reimburse the local subdivision on the project's applicable disbursement ratio based on a photo of the

sign and invoice. OPWC projects jointly funded with other state or federal funding agencies which have other signage requirements are exempt from the standardized layout.

More Information: OPWC Sign specifications page

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Project Phases

A project may only be funded once during its design life. However, projects may be divided into construction phases to make them more affordable over multiple funding rounds.

This policy is being removed and therefore the rulemaking process will not be pursued.

Project Schedule

Project applications with delayed schedules for engineering, bidding and construction will be questioned and possibly returned for resubmission in a future program year if they will not proceed during the current program year. Generally, projects must be scheduled to be under construction by the end of the state fiscal year (June 30th) for the program year in which the agreement is released and must be completed within two years of the agreement release. "Off-site" construction for prefabricated materials may be accounted for in the construction schedule.

Projects that are being sold by the Ohio Department of Transportation ("ODOT-let") must use the ODOT sale date. Such project schedules are confirmed with ODOT and will be rejected by the Commission if scheduled into a future program year.

Project schedules are monitored by the OPWC. Failure to meet the project schedule may result in termination of the agreement for approved projects. Projects delayed for reasons which are beyond the control of the subdivision or could not be foreseen or anticipated may, at the discretion of the Commission, receive a schedule extension. Extension requests with the reason for the delay must be made in writing. Projects with delayed schedules that lend themselves to a future funding year may be terminated.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Small Government

District Integrating Committees may select from their unfunded projects, applications to submit to the Small Government Commission for consideration for funding. The Small Government Program provides grants and loans to villages and townships with populations in the unincorporated areas of less than 5,000 in population. Districts may submit up to seven applications for consideration. All seven must be ranked, however, only the top five will be scored. The remaining two will be held should an application be withdrawn, or if needed to retain program competitiveness. If the program is not competitive, all sixth- ranked projects will be scored. If the program remains uncompetitive, all seventh- ranked projects will be scored. Policies of the Small Government Commission are retained under separate cover on OPWC's web site as part of the Small Government Methodology.

Ref: ORC 164.02(C)(1), ORC 164.051, ORC 164.06(D), ORC 164.08(B)(1)

More Information: OPWC Small Government page

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Standalone Eligibility

Projects that are eligible as 'standalone' or rather independent of any other project components include ADA curb ramps, signalization, audible crossing signals, railroad crossing grade, fire hydrants, signage, guardrail, and security for drinking water facilities. Water and sewer laterals are also eligible as either standalone or as a component of a larger project; however, such an improvement must involve an easement between the homeowner and the local subdivision.

Projects that are ineligible as 'standalone' are those not specific to the roadway including sidewalks, curbs, berms, shoulders, bike paths and street lighting.

This policy is being removed and therefore the rulemaking process will not be pursued.

Subdivision Codes

The Commission uses a unique code to identify applicants, determine their eligibility as it complies with the Law, and to manage and track project information. The OPWC uses the codes created by the American National Standards Institute (ANSI) which were developed to ensure uniform identification of geographic entities. Subdivision codes must be secured prior to applying for financial assistance, and are needed for access to Public WorksWise, the Commission's online portal, which is the platform used for submission of applications.

The OPWC adapted the ANSI system for legally eligible applicants for OPWC funds not covered by the ANSI such as 6119 water districts. Subcodes are assigned by the Commission at the written request of the applicant on the entity's letterhead, signed by the subdivision's chief executive officer (CEO), and forwarded to the OPWC director via email. Subdivisions must include documentation or information pertaining to the creation of the subdivision.

The agency has commenced the rulemaking process pursuant to R.C. 121.93 (C).

Travel Expenses

OPWC will reimburse for travel expenses incurred by consultants or contractors while performing eligible work according to the physical scope of the project as defined by the OPWC Project Agreement. Reimbursable costs must be in accordance with the OBM Travel Rule. Reimbursement for lodging, meals, and incidentals will be based on per diem rates according to the location of work activity set by the federal General Service Administration (GSA). Mileage is eligible at the state rate in effect at the time of travel. The state rate is currently \$0.58 per mile (SFY 23, 1st Quarter), an increase from the historical rate of \$0.55 per mile (SFY 22, 4th Quarter). Previously, the SFY 22 rate was \$0.52 per mile. *Ref: ORC 126.31 and OAC 126-1-02 and OBM Travel Rule*

This policy is being removed and therefore the rulemaking process will not be pursued.