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# CHAPTER 1

## LAWS AND REGULATIONS

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### In this chapter look for:

- T Relevant sections of the Ohio Revised Code (ORC)
  - T Federal Highway Administration (FHWA) and Other Federal Documents
  - T ODOT Documents and Procedures
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This Chapter provides a listing and brief explanation of Federal laws, State laws, Federal Highway Administration requirements and ODOT documents that govern consultant selection and contract administration. The Department's policies and procedures are based on these external requirements and ensure compliance when followed.

These "foundation" documents provide insight into the development of the Department's policies and procedures and also serve as a reference in situations not clearly addressed in the Department's policies.

### Ohio Revised Code (ORC)

#### **Section 5501.17**

Empowers the Director to employ "such assistants as are necessary to prepare plans and surveys."

This section of the ORC is used in the hiring for nearly all consultant agreements for traditional engineering and/or environmental services.

#### **Section 5501.18**

Empowers the Director to procure services involving real estate acquisition.

#### **Sections 153.65 through 153.71**

Documents procedures that must be utilized in procurement of professional design services. The Department's selection procedures as documented in the Specifications for Consulting Services are based on this section of the ORC.

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**Sections 127.12 through 127.16**

These sections enumerate the duties and powers of the State Controlling Board.

**Section 126.07**

This section requires encumbrance of funds prior to authorization of an agreement.

**Federal Highway Administration (FHWA) and Other Federal Documents**

**23 CFR 172** - Administration of Engineering and Design Related Service Contracts

FHWA policies that govern ODOT's consultant procurement policies are included in this document. ODOT operates under the alternate procedures permitted by Section 172.15. Copies of relevant correspondence with FHWA concerning the alternate procedures are attached.

**48 CFR, Part 31** - Federal Acquisition Regulations

Chapter 31 of the Federal Acquisition Regulations is invoked by 23CFR172.9 (FHWA requirements) and is further adopted by ODOT in chapter 3 of Specifications for Consulting Services. Chapter 31 addresses contract cost principles and procedures.

Additionally, Chapter 15 of the FARS, although compliance is not required of ODOT, includes useful guidance on a number of topics, including estimating and negotiation procedures.

**49 CFR, Part 18.42- Records Retention Requirements**

This document is invoked by 23 CFR 172.7 and addresses records retention requirements and procedures.

**United States Code, Title 23, Section 112** -

Section 112(b) requires ODOT to follow Title IX of the Federal Property and Administrative Services Act of 1949 (the "Brooks" law) or an equivalent State qualifications based requirement.

ORC Sections 153.65 through 153.70 and ODOT's Specifications for Consulting Services are based on this Federal Requirement and ensure compliance.

Section 112(B) also was amended by Section 307 of the 1995 NHS Act to prohibit limits on indirect cost rates (overhead) and requires ODOT to accept overhead rates established by a cognizant Federal or State government agency.



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**Chapter 1**  
**Appendix**

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