



Ohio Public Works Commission  
Columbus, Ohio

May 7, 2024

To: District Chairs & Liaisons  
Cc: OPWC Program Representatives

Re: FY 26 (Round 39) Guidance

### **Allocations**

The allocations for the next round are transmitted with this Guidance. Allocations have been requested in the state capital budget, and the importance of timely passage of both the capital and reappropriations bills has been communicated. This round is the last under the current 10-year authorization of the State Capital Improvement Program. Discussions have been held about reauthorization but it remains to be seen as to when the issue will be on the statewide ballot.

### **Slate Information Reminders**

*Entry* - All projects must be entered into WorksWise, not just those funded, as this is what helps to communicate the statewide need, especially important when we approach renewal of SCIP.

*Eligibility* - Be certain recommended projects are capital improvements, versus maintenance, to ensure eligibility for payment by state bond proceeds. The matter was recently reviewed with bond counsel concerning a proposed project that provided for the removal of fallen trees, debris, and sediment from a stormwater ditch. If you have a question, this may help. A real property capital improvement:

- fixes a defect or design flaw;
- creates an addition, enlargement or expansion;
- creates an increase in capacity, productivity or efficiency;
- rebuilds property after the end of its useful life; or
- replaces a major or structural component.

*Project Selection* - Funds are allocated to districts on a per capita basis per Law, but the Law also provides for factors that must be considered to determine what projects to select for submission to the director, and prohibits the use of the following:

- (1) A pre-project application determination that certain subdivisions are entitled, because of their relative population sizes or for any other reason, to awards of financial assistance up to a fixed dollar value;
- (2) Formal or informal decisions to select projects for formal submission contingent upon an applicant's financial or other support for the operating expenses of the committees, staff, or agents of the district;
- (3) A district-wide formula, whether formalized or not, allocating funding entitlement amongst subdivisions on a per capita basis or otherwise, except to the extent expressly authorized under division (G) of section 164.05 of the Revised Code.

It's critical your district committees are informed of these legal requirements and adhere to these prohibitions.

*Submission Deadline* – Although the deadline is February 28<sup>th</sup>, we encourage you to submit slates when complete to help us manage workflow.

### **Rules**

Revised and additional infrastructure rules, [164-1](#), became effective on February 15, 2024, and remaining advisories were revised and posted. During the rule-making process questions were asked about the differences between the Ohio Revised Code (ORC), Ohio Administrative Code (OAC), and OPWC advisories. The ORC are the laws passed by the General Assembly, the OAC are the rules promulgated by the OPWC which cannot conflict with the ORC and which have the same force and effect as law, and advisories are our policies that are now strictly informational.

When providing your methodologies for the next round please be mindful of Rule [164-1-35](#) which requires a two-tier tiebreaker using the methodology's criteria and the minimum 60-day solicitation period between methodology approval and the application due date.

### **Roles & Responsibilities**

The Roles & Responsibilities document has been revised for clarification and is posted on our website, <https://publicworks.ohio.gov/districts/district-liaison/district-liaison>. Every liaison is encouraged to review the document to be certain as to their understanding.

### **Administrative Costs**

This is a reminder that the Law permits for reimbursement of those costs directly incurred because of the need for labor, materials, supplies, equipment, travel, and support services to perform the committees' statutory requirements. This program cannot be used to supplement any other costs or expenses not directly related to the administration of the OPWC's programs.