Ohio | Office of Budget and Management

Mike DeWine, Governor
Jon Husted, Lt. Governor

Kimberly Murnieks, Director

Ohio | Department of Administrative Services

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Kathleen C. Madden, Director

To: Agency CFO's

From: Christina Frass, Assistant Director, OBM
Kelly Sanders, Chief Procurement Officer, DAS

Date: January 14, 2022

Re: Federal Coronavirus Funding and PPE

In December 2021, the General Assembly passed, and the Governor signed HB169, which included appropriations for agencies to spend some funding from the federal American Rescue Plan Act, among other provisions. Section 234.10 of HB169 provides parameters on how the federal coronavirus relief dollars are to be used for the purchase of personal protective equipment as follows:

"(A) As used in this section, "personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.
(B) When using funds distributed under this act, or under any future appropriation of federal coronavirus relief moneys, for the purchase of personal protective equipment, a funding recipient shall purchase only products that are either of the following:
(1) Approved by the National Institute for Occupational Safety and Health;
(2) Authorized for use by the United States Food and Drug Administration, including under emergency use authorization."

The National Institute for Occupational Safety and Health has a searchable, online tool for certified equipment here: https://www.cdc.gov/niosh/npptl/topics/respirators/CEL/default.html

The U.S. Food and Drug Administration has a list of PPE that has approval for emergency use here: https://www.fda.gov/medical-devices/coronavirus-disease-2019-covid-19-emergency-use-authorizations-medical-devices/personal-protective-equipment-euas#appendixa

The Ohio Revised Code requires agencies to purchase supplies from requisite procurement programs, including Ohio Penal Industries (OPI), which is currently producing some PPE products and Community Rehabilitation Program (CRP) suppliers, which currently provide gloves. If the needed PPE items are not available from OPI or a CRP contract, agencies, boards, and commissions are to use Ohio Pharmacy Services (OPS) to purchase PPE and non-medical PPE needed for response to the COVID-19 pandemic. OPS is operated by the Ohio Department of Mental Health and Addiction Services (OhioMHAS) and serves this established role for the State.

As agencies subgrant or otherwise spend federal coronavirus funds authorized in this or any subsequent appropriation, please note this particular section for compliance. If you have questions or concerns about subgrant monitoring or the application of this provision in the context of other applicable federal procurement rules, please email grants@obm.ohio.gov.

As always, feel free to reach out to either of us directly via email or Teams if you want to discuss.