

Proposed Rule Changes: Chapter 123:2-15 and 123:2-16

Why are rules being reviewed?

- State of Ohio government agencies are required to review and revise administrative rules to ensure that they remain consistent with the Ohio Administrative Code. In addition, agencies are encouraged to ensure that they receive and consider public input when they amend or update rules. Towards that end, agencies encourage informal feedback provided from stakeholders. In addition, they seek input by providing formal opportunities for feedback through comment periods and public hearings. Recently, legislative leaders who serve on The Joint Committee on Agency Rule Review (JCARR), the agency that oversees the rule process have placed added emphasis on this process.

What does the Ohio Administrative Code do?

- The Ohio Administrative Code is a body of rules and regulations (a compilation of general and permanent state regulations) created by executive agencies and regulatory bodies that provide a framework for implementing and operating statutes/laws passed by the Ohio General Assembly. The Ohio Administrative Code can only amplify statutes/laws passed by the General Assembly; they cannot modify, change, or repeal any laws passed by the Ohio General Assembly.

What rules are under review?

- Minority Business Enterprise Program
 - Ohio Administrative Code 123:2-15-02 – Titled - Bid notifications and specifications concerning minority business enterprises
 - Ohio Administrative Code 123:2-15-03 – Titled - Minority set aside review board established
 - Ohio Administrative Code 123:2-15-04 – Titled - Application to the minority set aside review board
 - Ohio Administrative Code 123:2-15-05 – Titled - Minority set aside review board procedures for emergency contracts
 - Ohio Administrative Code 123:2-15-06 – Titled - Minority set aside review board notice of meetings
- Encouraging Diversity Growth and Equity Program
 - Ohio Administrative Code 123:2-16-01 – Titled - Definitions
 - Ohio Administrative Code 123:2-16-02 – Titled - Certification criteria
 - Ohio Administrative Code 123:2-16-03 – Titled - Certification of business structure
 - Ohio Administrative Code 123:2-16-04 – Titled - Expedited certification
 - Ohio Administrative Code 123:2-16-05 – Titled - Recertification
 - Ohio Administrative Code 123:2-16-06 – Titled - Decertification
 - Ohio Administrative Code 123:2-16-09 – Titled - Demonstration of good faith effort to include EDGE business participation
 - Ohio Administrative Code 123:2-16-09 – Titled - EDGE data collection
 - Ohio Administrative Code 123:2-16-09 – Titled - Joint venture
 - Ohio Administrative Code 123:2-16-09 – Titled - Commercially useful function

Effect on the MBE Program

- Proposed changes have **no impact** on any current MBE Ohio Revised Codes or any other administrative codes.
- The purpose behind recent rules filed by the Department of Administrative Services, as referenced in their December 24th public notice, was to rescind all rules pertaining to the operation of the Set Aside Review Board which has not existed since October of 1998. The intent is to ensure that administrative rules match existing state law.

What is the comment period?

- Public comment period is until Friday, January 31, 2014.

How do I comment?

- There are multiple ways to have your comments heard. The Equal Opportunity Division is providing several venues for comments to include email comments, face-to-face meetings and a Webinar.
 - Comments can be e-mailed to the Division at eod@das.ohio.gov prior to the deadline.
 - January 17, 2014 - Stakeholder Outreach Meeting (Location TBD - Cincinnati, Ohio)
 - Week of January 20th - Stakeholder Outreach Meeting (Location TBD - Cleveland, Ohio)
 - January 29, 2014 - Stakeholder Outreach Meeting (Location - ODOT Auditorium, Columbus, Ohio)
 - January 29, 2014 - Conduct Stakeholder Outreach Webinar on Proposed Rule Changes