

Minority Business Enterprise (MBE) | Ohio Administrative Code 123:2-15

Ohio Administrative Code	Code Title	Type of Rule Filing (Amendment, Rescinded, New)	Summary (Proposed Change)	Cleveland Stakeholders' Questions/Comments	Cincinnati Stakeholders' Questions/Comments	Columbus Stakeholders' Questions/Comments
123:2-15-02	<i>Bid notifications and specifications concerning minority business enterprise</i>	Rescission	<ul style="list-style-type: none"> • Rule established bid notification requirements for construction contracts. • In October 1998, following the Federal Appeal Court decision striking down the construction portion of the MBE program, all language pertaining to set-aside in construction contract was invalid. 			
123:2-15-03	<i>Minority set-aside review board established</i>	Rescission	<ul style="list-style-type: none"> • Rule established the Minority Set-Aside Review Board. Under previous provisions in the Ohio Revised Code, the Set-Aside Review Board had been responsible for conducting hearings to consider waiver or modification applications submitted by contractors who could not meet MBE set-aside goals associated with construction contracts. • Based on elimination of the Set-Aside Review Board in 1998 this rule was no longer valid. 	Why is there no set aside review board to approve a MBE waiver for goods and services providers? There is MBE set asides for goods and service contracts for state agencies in the current law.	Why is there no set aside review board to approve a MBE waiver for goods and services providers? There is MBE set asides for goods and service contracts for state agencies in the current law.	Why is there no set aside review board to approve a MBE waiver for goods and services providers? There is MBE set asides for goods and service contracts for state agencies in the current law.
123:2-15-04	<i>Application to the minority set-side review board</i>	Rescission	<ul style="list-style-type: none"> • Rule established when a contractor could apply to the Set-Aside Review Board for a waiver from the set-aside requirements after having made a good faith effort. • Based on elimination of the Set-Aside Review Board in 1998 this rule was no longer valid. 			
123:2-15-05	<i>Minority set-aside review board procedures for emergency contracts</i>	Rescission	<ul style="list-style-type: none"> • Rule established that when an emergency project was unable to locate a MBE contractor timely, the Chairperson of the Set-Aside Review Board could issue a waiver with the full board consent. • Based on elimination of the Set-Aside Review Board in 1998 this rule was no longer valid. 			
123:2-15-06	<i>Minority set-aside review board notice of meetings</i>	Rescission	<ul style="list-style-type: none"> • Rule established when the Set-Aside Review Board was to meet and where notices of meetings were required to be posted. • Based on elimination of the Set-Aside Review Board in 1998 this rule was no longer valid. 			

GENERAL QUESTIONS/COMMENTS:

- State agency directors should be held accountable for not meeting the goals. It should be mandatory that the directors' personnel evaluations should include meeting the 15% goal.
- The trends show that the MBE participation has been decreasing amongst state agencies, colleges and universities.
- Why is there no penalty (monetary) for agencies, colleges and universities that don't meet the goals?
- Why is there no mandatory grade card for agencies and colleges?
- If an agency does not meet its goal can the agency request a waiver?
- How does the state ensure MBE and EDGE businesses get business with agencies, colleges and universities?