

OHIO ADMINISTRATIVE CODE

DECLARATION

ABOLISHING

THE STATE COMMITTEE FOR THE PURCHASE OF PRODUCTS AND SERVICES PROVIDED BY PERSONS WITH SEVERE DISABILITIES

On this _____ day of _____, _____, pursuant to the responsibility assigned to the Director of Administrative Services by Section 125.601(B) of the Revised Code; I hereby abolish the State Committee for the Purchase of Products and Services Provided by Persons with Severe Disabilities.

Carol Nolan Drake
Director,
Ohio Department of Administrative Services

123:5-3-02 **CERTIFICATION OF A COMMUNITY REHABILITATION PROGRAM**

- (A) ANY COMMUNITY REHABILITATION PROGRAM SEEKING CERTIFICATION AS A QUALIFIED NONPROFIT AGENCY PURSUANT TO SECTION 125.604 OF THE REVISED CODE, SHALL APPLY TO THE ADMINISTRATOR OF THE OFFICE. THE COMMUNITY REHABILITATION PROGRAM SHALL MAKE THE APPLICATION ON A FORM PROVIDED BY AND IN A MANNER PRESCRIBED BY THE OFFICE.
- (B) TO DEMONSTRATE THAT A COMMUNITY REHABILITATION PROGRAM APPLYING FOR CERTIFICATION MEETS THE CRITERIA SET FORTH IN SECTION 125.60(A) OF THE REVISED CODE; THE COMMUNITY REHABILITATION PROGRAM MUST PROVIDE THE ADMINISTRATOR WITH THE FOLLOWING INFORMATION:
- (1) A COMPLETED APPLICATION WITH THE DULY NOTARIZED SIGNATURE OF ITS CHIEF EXECUTIVE OFFICER, AND
 - (2) A LEGIBLE COPY OF CERTIFICATION BY THE OHIO SECRETARY OF STATE INDICATING THAT THE COMMUNITY REHABILITATION PROGRAM IS A NONPROFIT CORPORATION ACCORDING TO SECTIONS 1702.01 TO 1702.58 OF THE REVISED CODE, AND
 - (3) A LEGIBLE COPY OF A LETTER OF DETERMINATION ISSUED BY THE UNITED STATES INTERNAL REVENUE SERVICE INDICATING THE COMMUNITY REHABILITATION PROGRAM'S STATUS AS A TAX EXEMPT ENTITY, AND
 - (4) A LEGIBLE COPY OF A CURRENT, VALID CERTIFICATE ISSUED TO THE COMMUNITY REHABILITATION PROGRAM BY THE UNITED STATES GOVERNMENT, DEPARTMENT OF LABOR, WAGE AND HOUR DIVISION, PERMITTING THE PAYMENT OF WAGES THAT ARE COMMENSURATE TO THE PRODUCTIVITY OF AN INDIVIDUAL WITH A WORK LIMITING DISABILITY IF APPLICABLE, AND
 - (5) A STATEMENT OF ASSURANCE, WITH THE DULY NOTARIZED SIGNATURE OF ITS CHIEF EXECUTIVE OFFICER, OF CURRENT AND ONGOING COMPLIANCE WITH ALL APPLICABLE OCCUPATIONAL HEALTH AND SAFETY LAWS, RULES, STANDARDS, AND CODES PROMULGATED BY THE FEDERAL GOVERNMENT AND THIS STATE, AND
 - (6) A STATEMENT OF ASSURANCE, WITH THE DULY NOTARIZED SIGNATURE OF ITS CHIEF EXECUTIVE OFFICER, THAT THE ANNUAL TOTAL OF ALL DIRECT LABOR FURNISHED BY THE COMMUNITY REHABILITATION PROGRAM IN THE MANUFACTURE OF GOODS AND PROVISION OF SERVICES, WHETHER OR NOT RELATED TO THE FEDERAL OR STATE GOVERNMENT SET ASIDE PROGRAMS, IS AT A QUOTA OF NOT LESS THAN SEVENTY-FIVE PERCENT PROVIDED BY PERSONS WITH WORK LIMITING DISABILITIES AS DEFINED BY SECTION 125.60 OF THE OHIO REVISED CODE.
 - a.) DIRECT LABOR PROVIDED AT ANY WORK SITE THAT IS SEPARATE FROM THE COMMUNITY REHABILITATION PROGRAM'S PRIMARY ADDRESS, AND IS PERFORMED BETWEEN THE HOURS OF 7:00A.M. AND 11:00P.M.; BE AT A CUMULATIVE ANNUAL QUOTA OF NOT LESS THAN 60% PROVIDED BY PERSONS WITH WORK LIMITING DISABILITIES AS DEFINED BY SECTION 125.60 OF THE OHIO REVISED CODE.
 - b.) DIRECT LABOR PROVIDED AT ANY WORK SITE THAT IS SEPARATE FROM THE COMMUNITY REHABILITATION PROGRAM'S PRIMARY ADDRESS, AND IS PERFORMED BETWEEN THE HOURS OF 11:01P.M.

AND 6:59A.M. IS EXEMPT FROM CONSIDERATION WHEN COMPUTING COMPLIANCE TO THE SPECIFIC WORK SITE QUOTA, OR THE CUMULATIVE ANNUAL QUOTA REQUIREMENTS REGARDING THE PROVISION OF LABOR BY PERSONS WITH WORK LIMITING DISABILITIES AS DEFINED BY SECTION 125.60 OF THE OHIO REVISED CODE .

c.) DIRECT LABOR PROVIDED AT ANY WORK SITE THAT IS SEPARATE FROM THE COMMUNITY REHABILITATION PROGRAM'S PRIMARY ADDRESS, AND IS PERFORMED DURING THE FIRST SIXTY (60) DAYS OF A NEWLY AWARDED CONTRACT IS EXEMPT FROM CONSIDERATION WHEN COMPUTING THE COMPLIANCE TO INDIVIDUAL SITE QUOTA REQUIREMENTS OF PROVISION OF LABOR BY PERSONS WITH WORK LIMITING DISABILITIES AS DEFINED BY SECTION 125.60 OF THE OHIO REVISED CODE . THIS EXEMPTION DOES NOT APPLY OR MODIFY THE REQUIREMENT OF DIVISION C(6)(a) REGARDING COMPLIANCE WITH THE ANNUAL QUOTA OF DIRECT LABOR PROVIDED BY PERSONS WITH WORK LIMITING DISABILITIES AS DEFINED BY SECTION 125.60 OF THE OHIO REVISED CODE.

(C) UPON RECEIPT, REVIEW AND APPROVAL OF THE INFORMATION REQUIRED, THE ADMINISTRATOR SHALL CERTIFY A COMMUNITY REHABILITATION PROGRAM THAT DEMONSTRATED TO THE SATISFACTION OF THE ADMINISTRATOR, THAT THE COMMUNITY REHABILITATION PROGRAM MET THE CERTIFICATION CRITERIA FOR A QUALIFIED NONPROFIT AGENCY. THE ADMINISTRATOR SHALL INFORM EACH COMMUNITY REHABILITATION PROGRAM OF A DECISION, IN WRITING. IF THE ADMINISTRATOR DETERMINES THAT A COMMUNITY REHABILITATION PROGRAM DID NOT ADEQUATELY DEMONSTRATE THAT THE PROGRAM MET THE CERTIFICATION REQUIREMENTS AS SET FORTH IN THIS SECTION, THE ADMINISTRATOR SHALL STATE THE BASIS FOR THAT DECISION IN WRITING TO THE AFFECTED COMMUNITY REHABILITATION PROGRAM.

(D) A QUALIFIED NONPROFIT AGENCY'S CERTIFICATION, WHICH WAS ISSUED PURSUANT TO THIS SECTION, MAY BE SUSPENDED OR REVOKED BY THE ADMINISTRATOR IF ANY OF THE FOLLOWING CIRCUMSTANCES OCCUR:

1. THE COMMUNITY REHABILITATION PROGRAM NO LONGER MEETS THE CRITERIA SET FORTH IN THIS SECTION, AND IN SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE, OR
2. THE ADMINISTRATOR DETERMINES THAT THE COMMUNITY REHABILITATION PROGRAM IS NOT ADEQUATELY PERFORMING ITS RESPONSIBILITIES PURSUANT TO ALL APPLICABLE CONTRACT TERMS OR STATE STANDARDS, OR
3. THE COMMUNITY REHABILITATION PROGRAM FAILS TO TIMELY PROVIDE THE OFFICE WITH ANY REPORTS REQUIRED PURSUANT TO RULE 123:5-3-04 TO 123:5-3-05 OF THE ADMINISTRATIVE CODE.

(E) SUSPENSION OR REVOCATION OF CERTIFICATION AS A QUALIFIED NONPROFIT AGENCY PURSUANT TO SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE, MAY CAUSE THE IMMEDIATE CANCELLATION OF ALL CONTRACTS OR AGREEMENTS TO PURCHASE PRODUCTS OR SERVICES FROM THE COMMUNITY REHABILITATION PROGRAM.

(F) A QUALIFIED NONPROFIT AGENCY SEEKING RENEWAL OF CERTIFICATION MAY MAKE APPLICATION UP TO NINETY DAYS PRIOR TO EXPIRATION OF THE THREE-YEAR CERTIFICATION PERIOD ON A FORM AND IN A MANNER PRESCRIBED BY THE OFFICE.

(G) THE ADMINISTRATOR'S DECISIONS CONCERNING CERTIFICATION ARE FINAL.

Effective date:

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123:5-3-03 **CERTIFICATION OF AGENTS**

- A)** AN ENTITY SEEKING CERTIFICATION AS AN APPROVED AGENT PURSUANT TO SECTIONS 125.605 OF THE REVISED CODE SHALL APPLY TO THE OFFICE OF PROCUREMENT FROM COMMUNITY REHABILITATION PROGRAMS. THE ENTITY SHALL MAKE THE APPLICATION ON A FORM PROVIDED AND IN A MANNER PRESCRIBED BY THE OFFICE.
- (B)** THE ADMINISTRATOR SHALL CERTIFY AN ENTITY AS AN APPROVED AGENT FOR A PERIOD OF THREE YEARS FOR PURPOSES DESCRIBED IN SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE, PROVIDED THE ENTITY DEMONSTRATES ALL OF THE FOLLOWING:
1. A COMPLETED APPLICATION WITH THE DULY NOTARIZED SIGNATURE OF ITS CHIEF EXECUTIVE OFFICER, AND
 2. THE ENTITY HAS PRACTICAL KNOWLEDGE OF THE PROCUREMENT PROGRAM DESCRIBED IN SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE, INCLUDING BUT NOT LIMITED TO:
 - a. OPERATION OF QUALIFIED NONPROFIT AGENCIES.
 - b. KNOWLEDGE OF OR EXPERIENCE IN CONTRACTING WITH POLITICAL SUBDIVISIONS.
 - c. KNOWLEDGE OF OR EXPERIENCE IN CONTRACTING WITH GOVERNMENT ORDERING OFFICES.
 3. A LEGIBLE COPY OF CERTIFICATION BY THE OHIO SECRETARY OF STATE INDICATING THAT THE ENTITY IS REGISTERED AS A NONPROFIT CORPORATION ACCORDING TO SECTIONS 1702.01 TO 1702.58 OF THE REVISED CODE, AND
 4. KNOWLEDGE OF AND ABILITY TO PERFORM ACCOUNTING AND RECORD KEEPING FUNCTIONS SUFFICIENT TO MEET THE BUSINESS REQUIREMENTS OF THE PROCUREMENT PROGRAM DESCRIBED IN SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE, AND
 5. KNOWLEDGE OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION REQUIREMENTS, AND
 6. KNOWLEDGE OF THE STATE BID PROCESS AND BID DOCUMENTS, AND
 7. KNOWLEDGE OF COMPETITIVE SOURCING OF SUPPLIES AND EQUIPMENT.
- (C)** UPON RECEIPT, REVIEW, AND APPROVAL OF THE INFORMATION REQUIRED, THE ADMINISTRATOR SHALL CERTIFY AN ENTITY AS AN AGENT AND THAT THE ENTITY HAS DEMONSTRATED TO THE SATISFACTION OF THE ADMINISTRATOR THAT THE CERTIFICATION CRITERIA HAVE BEEN FULFILLED.
- (D)** THE ADMINISTRATOR SHALL INFORM EACH ENTITY OF A DECISION OF CERTIFICATION, IN WRITING. IF THE ADMINISTRATOR DETERMINES THAT AN ENTITY DID NOT ADEQUATELY DEMONSTRATE THAT THE CERTIFICATION REQUIREMENTS WERE FULFILLED AS SET FORTH IN THIS SECTION, THEN THE BASIS FOR THAT DETERMINATION WILL BE STATED IN WRITING TO THE ENTITY.
- (E)** UPON CERTIFICATION, AN AGENT MAY DO ANY OF THE FOLLOWING:
1. ENTER INTO A CONTRACT WITH THE OFFICE TO PROVIDE CENTRALIZED BUSINESS FACILITATION SERVICES AND TO ACT AS A DISTRIBUTOR OF

PRODUCTS AND SERVICES FOR WILLING QUALIFIED NONPROFIT AGENCIES. PROVIDE OTHER ASSISTANCE AS DETERMINED TO BE ADVANTAGEOUS.

2. ENTER INTO A CONTRACT WITH ANY INTERESTED AND WILLING QUALIFIED NONPROFIT AGENCY TO PROVIDE INDIVIDUALIZED SALES, MARKETING, ACCOUNTING, PLANNING, FORECASTING, ADMINISTRATIVE OR OTHER SERVICES RELATED TO EFFICIENT BUSINESS MANAGEMENT.
- (F) AN AGENT CERTIFICATION WHICH WAS ISSUED PURSUANT TO THIS SECTION MAY BE SUSPENDED OR REVOKED BY THE ADMINISTRATOR IF ANY OF THE FOLLOWING CIRCUMSTANCES OCCUR:
1. THE AGENT NO LONGER MEETS THE CRITERIA SET FORTH IN THIS SECTION AND IN SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE, OR
 2. THE ADMINISTRATOR DETERMINES THAT THE AGENT IS NOT ADEQUATELY PERFORMING ITS RESPONSIBILITIES PURSUANT TO APPLICABLE CONTRACT TERMS OR STATE STANDARDS, OR
 3. THE AGENT FAILS TO TIMELY PROVIDE THE OFFICE WITH ANY REPORTS REQUIRED PURSUANT TO RULE 123:5-3-04 TO 123:5-3-05 OF THE ADMINISTRATIVE CODE.
- (G) SUSPENSION OR REVOCATION OF CERTIFICATION AS AN AGENT PURSUANT TO SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE, MAY CAUSE THE IMMEDIATE CANCELLATION OF ALL CONTRACTS OR AGREEMENTS TO PURCHASE PRODUCTS OR SERVICES FROM THE ENTITY IN WHICH THEY ARE NAMED AS THE CONTRACTOR OF RECORD.
- (H) AN AGENT MAY APPLY FOR A RENEWAL OF CERTIFICATION UP TO NINETY DAYS PRIOR TO THE EXPIRATION OF THE THREE-YEAR CERTIFICATION ON A FORM PROVIDED AND IN A MANNER PRESCRIBED BY THE OFFICE.

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123:5-3-04 **QUARTERLY REPORT**

(A) EACH QUALIFIED NONPROFIT AGENCY AND EACH CERTIFIED AGENT SHALL FILE A QUARTERLY REPORT WITH THE OFFICE BY OCTOBER 15, JANUARY 15, APRIL 15, AND JULY 15 OF EACH YEAR, SUMMARIZING THE PROCUREMENT ACTIVITY OF EACH GOVERNMENT ORDERING OFFICE WITH THAT ENTITY FOR THE PREVIOUS QUARTER PURSUANT TO THE REQUIREMENTS SET FORTH IN SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE.

EACH CERTIFIED ENTITY SHALL PROVIDE THE QUARTERLY SUMMARY REPORT ON A FORM PROVIDED BY AND IN A MANNER PRESCRIBED BY THE OFFICE, WHICH SHALL INCLUDE THE FOLLOWING AS IS APPROPRIATE TO EACH ENTITY:

1. AS TO QUALIFIED NONPROFIT AGENCIES:
 - a) THE TOTAL DOLLAR VALUE OF PURCHASES MADE BY A GOVERNMENT ORDERING OFFICE DURING THE PRECEDING QUARTER FOR PRODUCTS AND SERVICES WHERE THE QUALIFIED NONPROFIT AGENCY WAS THE CONTRACTOR OF RECORD.
 - b) ANY OTHER INFORMATION THE OFFICE DEEMS NECESSARY
2. AS TO CERTIFIED AGENTS:
 - a) A LIST OF ALL QUALIFIED NONPROFIT AGENCIES THAT THE AGENT HAS CONTRACTED WITH TO PROVIDE AGENT SERVICES.
 - b) THE TOTAL DOLLAR VALUE OF PURCHASES MADE BY A GOVERNMENT ORDERING OFFICE DURING THE PRECEDING QUARTER FOR PRODUCTS AND SERVICES WHERE THE AGENT OF A QUALIFIED NONPROFIT AGENCY WAS THE CONTRACTOR OF RECORD.
 - c) ANY OTHER INFORMATION THE OFFICE DEEMS NECESSARY.

(B) THE ADMINISTRATOR SHALL NOTIFY EACH QUALIFIED NONPROFIT AGENCY AND EACH CERTIFIED AGENT THAT HAS NOT SUBMITTED A QUARTERLY REPORT AS REQUIRED BY PARAGRAPH (A) OF THIS RULE THAT THE ENTITY HAS THIRTY DAYS TO SUBMIT THE REPORT. THE ADMINISTRATOR SHALL PROVIDE SUCH NOTIFICATION IN WRITING. THE ADMINISTRATOR MAY SUSPEND OR REVOKE THE CERTIFICATION OF ANY ENTITY THAT FAILS TO COMPLY WITH THE REPORTING REQUIREMENTS SET FORTH IN THIS SECTION.

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- (A) THE ADMINISTRATOR OF THE OFFICE MAY REQUEST ANNUAL INFORMATION FROM A GOVERNMENT ORDERING OFFICE INCLUDING:
1. AN OVERVIEW OF THE GOVERNMENT ORDERING OFFICE'S PURCHASING PROCESS RELATED TO THE PROCUREMENT OF PRODUCTS AND SERVICES AND ANY SAFEGUARDS WHICH ASSURE COMPLIANCE TO THE REQUIREMENTS CONTAINED IN SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE.
 2. THE TOTAL DOLLARS EXPENDED DURING THE PRECEDING FISCAL YEAR FOR PURCHASE OF PRODUCTS AND SERVICES WHICH APPEAR ON THE PROCUREMENT LIST, FROM A QUALIFIED NONPROFIT AGENCY OR AN AGENT OF A QUALIFIED NONPROFIT AGENCY.
 3. ANY OTHER INFORMATION THE OFFICE OF PROCUREMENT FROM COMMUNITY REHABILITATION PROGRAMS MAY DETERMINE ADVANTAGEOUS.
- (B) EACH CERTIFIED AGENT, NAMED AS THE CONTRACTOR OF RECORD, SHALL FILE AN ANNUAL REPORT WITH THE OFFICE BY AUGUST 15 OF EACH YEAR SUMMARIZING THAT AGENT'S ACTIVITY FOR THE PRECEDING FISCAL YEAR PURSUANT TO THE REQUIREMENTS SET FORTH IN SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE.

EACH AGENT SHALL PROVIDE THE ANNUAL REPORT ON A FORM PROVIDED BY AND IN A MANNER PRESCRIBED BY THE OFFICE, AND SHALL INCLUDE THE FOLLOWING:

1. A LIST OF ALL QUALIFIED NONPROFIT AGENCIES THAT THE AGENT CONTRACTED WITH DURING THE PRECEDING FISCAL YEAR TO PRODUCE PRODUCTS OR PROVIDE SERVICES, AND
 2. THE TOTAL DOLLAR VALUE OF PURCHASES MADE BY A GOVERNMENT ORDERING OFFICE DURING THE PRECEDING FISCAL YEAR FOR PRODUCTS AND SERVICES WHERE THE AGENT OF A QUALIFIED NONPROFIT AGENCY WAS THE CONTRACTOR OF RECORD, AND
 3. ANY OTHER INFORMATION THE OFFICE DETERMINES NECESSARY.
- (C) EACH QUALIFIED NONPROFIT AGENCY, CERTIFIED PURSUANT TO SECTIONS 125.604 OF THE REVISED CODE, SHALL FILE AN ANNUAL REPORT WITH THE OFFICE OF PROCUREMENT FROM COMMUNITY REHABILITATION PROGRAMS BY AUGUST 15 OF EACH YEAR SUMMARIZING THAT QUALIFIED NONPROFIT AGENCY'S ACTIVITY FOR THE PRECEDING FISCAL YEAR AS RELATED TO THE REQUIREMENTS SET FORTH IN SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE.

EACH QUALIFIED NONPROFIT AGENCY SHALL PROVIDE THE ANNUAL REPORT ON A FORM PROVIDED AND IN A MANNER PRESCRIBED BY THE OFFICE, AND SHALL INCLUDE THE FOLLOWING INFORMATION:

1. THE TOTAL NUMBER OF ALL INDIVIDUALS WHO WORKED TO MANUFACTURE PRODUCTS OR PROVIDE SERVICES WHETHER FURNISHED DIRECTLY TO, OR FURNISHED ON BEHALF OF AN AGENT OF THE QUALIFIED NONPROFIT AGENCY TO GOVERNMENT ORDERING OFFICES PURSUANT TO SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE.

2. THE TOTAL NUMBER OF INDIVIDUALS WITH WORK-LIMITING DISABILITIES WHO WORKED TO MANUFACTURE PRODUCTS OR PROVIDE SERVICES WHETHER FURNISHED DIRECTLY TO, OR FURNISHED ON BEHALF OF AN AGENT OF THE QUALIFIED NONPROFIT AGENCY TO GOVERNMENT ORDERING OFFICES PURSUANT TO SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE.
3. THE TOTAL NUMBER OF ALL DIRECT LABOR HOURS WORKED TO MANUFACTURE PRODUCTS OR PROVIDE SERVICES WHETHER FURNISHED DIRECTLY TO, OR FURNISHED ON BEHALF OF AN AGENT OF THE QUALIFIED NONPROFIT AGENCY, TO A GOVERNMENT ORDERING OFFICE PURSUANT TO SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE.
4. THE TOTAL NUMBER OF DIRECT LABOR HOURS WORKED BY INDIVIDUALS WITH WORK-LIMITING DISABILITIES IN THE MANUFACTURE OF PRODUCTS OR PROVISION OF SERVICES TO A GOVERNMENT ORDERING OFFICE PURSUANT TO SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE, WHETHER FURNISHED DIRECTLY, OR FURNISHED ON BEHALF OF, AN AGENT OF THE QUALIFIED NONPROFIT AGENCY
5. THE TOTAL DOLLAR VALUE OF PURCHASES MADE BY A GOVERNMENT ORDERING OFFICE DURING THE PRECEDING FISCAL YEAR FOR PRODUCTS AND SERVICES WHERE THE QUALIFIED NONPROFIT AGENCY WAS THE CONTRACTOR OF RECORD,
6. ANY OTHER INFORMATION THE OFFICE DETERMINES NECESSARY.

(D) THE ADMINISTRATOR SHALL NOTIFY EACH CERTIFIED AGENT AND EACH QUALIFIED NONPROFIT AGENCY THAT HAS NOT SUBMITTED AN ANNUAL REPORT AS REQUIRED BY PARAGRAPHS (B) AND (C) OF THIS RULE THAT THE AGENT OR QUALIFIED NONPROFIT AGENCY HAS FIFTEEN DAYS TO SUBMIT THE REPORT. THE ADMINISTRATOR SHALL PROVIDE SUCH NOTIFICATION IN WRITING. THE ADMINISTRATOR MAY SUSPEND OR REVOKE THE CERTIFICATION OF ANY AGENT OR QUALIFIED NONPROFIT AGENCY THAT FAILS TO COMPLY WITH THE REPORTING REQUIREMENTS SET FORTH IN THIS SECTION.

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123:5-3-06 **ANNUAL MEETING**

(A) THE ADMINISTRATOR MAY SCHEDULE AND CONDUCT AN ANNUAL MEETING BETWEEN THE OFFICE AND THE DESIGNATED REPRESENTATIVES OF THE DIRECTORS, EXECUTIVE DIRECTORS OR ADMINISTRATORS OF THE FOLLOWING STATE ENTITIES

1. THE OHIO DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES.
2. THE OHIO DEPARTMENT OF MENTAL HEALTH.
3. THE OHIO DEPARTMENT OF JOB AND FAMILY SERVICES.
4. THE OHIO REHABILITATION SERVICES COMMISSION.

THE ADMINISTRATOR OF THE OFFICE SHALL ALSO INVITE ATTENDANCE BY THE OFFICERS, BOARD MEMBERS OR AUTHORIZED REPRESENTATIVES OF INTERESTED QUALIFIED NONPROFIT AGENCIES AND CERTIFIED AGENTS.

(B) THE AGENDA OF THE ANNUAL MEETING, SCHEDULED PURSUANT TO THIS SECTION, MAY INCLUDE THE FOLLOWING:

1. A REVIEW OF THE ACHIEVEMENTS OF THE OFFICE DURING THE PRECEDING FISCAL YEAR IN REGARD TO GOVERNMENT PROCUREMENT REQUIREMENTS SET FORTH IN SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE.
2. A DISCUSSION OF THE CHALLENGES THAT THE OFFICE ENCOUNTERED DURING THE PRECEDING FISCAL YEAR.
3. A DISCUSSION OF POTENTIAL COLLABORATIVE EFFORTS BETWEEN THE OFFICE, THE DEPARTMENTS AND THE ALLIANCE OF OHIO WORKCENTERS TO BETTER IMPLEMENT THE PROCUREMENT REQUIREMENTS SET FORTH IN SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE.
4. ANY RECOMMENDATIONS FOR DRAFTING AND IMPLEMENTING NEW RULES OR PROCEDURES IN REGARD TO THE PROCUREMENT REQUIREMENTS SET FORTH IN SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE.
5. ANY OTHER ITEMS THE ADMINISTRATOR DEEMS IMPORTANT FOR DISCUSSION.

(C) THE ADMINISTRATOR SHALL ISSUE A WRITTEN REPORT OF THE ACTIVITIES OF THE ANNUAL MEETING, SCHEDULED PURSUANT TO THIS SECTION, AND PROVIDE THE PARTICIPANTS OF THE ANNUAL MEETING A COPY OF THE REPORT.

(D) THE ADMINISTRATOR MAY INCLUDE SOME OR ALL OF THE RESULTS OF THE ANNUAL MEETING IN THE REPORT OF THE OFFICE'S ACTIVITIES, WHICH IS REQUIRED BY SECTION 125.603(A)(4) OF THE REVISED CODE.

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123:5-3-07 **RELEASE OF A GOVERNMENT ORDERING OFFICE FROM PURCHASING REQUIREMENTS**

(A) THE ADMINISTRATOR MAY GRANT A GOVERNMENT ORDERING OFFICE A WAIVER FROM THE REQUIREMENT TO PROCURE A PARTICULAR PRODUCT OR SERVICE OR A CATEGORY OF PRODUCTS OR SERVICES PURSUANT TO THE REQUIREMENTS SET FORTH IN SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE, IF THE OFFICE DETERMINES:

1. THERE IS NO QUALIFIED NONPROFIT AGENCY OR A QUALIFIED NONPROFIT AGENCY REPRESENTED BY AN AGENT AVAILABLE OR WILLING TO PROVIDE THE REQUESTED PRODUCT OR SERVICE, OR
2. THE OFFICE DETERMINES THAT A QUALIFIED NONPROFIT AGENCY OR QUALIFIED NONPROFIT AGENCY REPRESENTED BY AN AGENT, THAT IS WILLING TO PROVIDE THE REQUESTED PRODUCT OR SERVICE, BUT IS NOT QUALIFIED OR CAPABLE TO PROVIDE THAT PRODUCT OR SERVICE, OR
3. THE OFFICE POSSESSES SPECIFIC INFORMATION INDICATING THAT THE GOVERNMENT ORDERING OFFICE WAS DISSATISFIED WITH SUBSTANTIALLY SIMILAR OR SAME PRODUCTS OR SERVICES PROVIDED BY THE WILLING QUALIFIED NONPROFIT AGENCY OR THE QUALIFIED NONPROFIT AGENCY REPRESENTED BY AN AGENT, OR
4. THE OFFICE DETERMINES THAT THE GOVERNMENT ORDERING OFFICE MADE A GOOD-FAITH EFFORT TO REACH AGREEMENT WITH THE WILLING QUALIFIED NONPROFIT AGENCY OR AN AGENT REPRESENTING A QUALIFIED NONPROFIT AGENCY REGARDING PRICE, TERMS, AND SPECIFICATIONS BUT COULD NOT REACH SUCH AGREEMENT.

(B) A GOVERNMENT ORDERING OFFICE INTERESTED IN OBTAINING A WAIVER FROM THE REQUIREMENT TO PROCURE PRODUCTS OR SERVICES PURSUANT TO THE REQUIREMENTS SET FORTH IN SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE, SHALL REQUEST OR ALLOW THEIR DULY APPOINTED DESIGNEE TO REQUEST SUCH A RELEASE FROM THE OFFICE OF PROCUREMENT FROM COMMUNITY REHABILITATION PROGRAMS ON A FORM PROVIDED, AND IN A MANNER PRESCRIBED BY THE OFFICE.

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- (A) THE ADMINISTRATOR MAY RELEASE A GOVERNMENT ORDERING OFFICE FROM THE REQUIREMENT OF CONTINUING TO PURCHASE A PRODUCT OR SERVICE PURSUANT TO SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE, WHEN THE GOVERNMENT ORDERING OFFICE OR THEIR DULY APPOINTED DESIGNEE DEMONSTRATES THAT ALL OF THE FOLLOWING CONDITIONS EXIST:
1. THE GOVERNMENT ORDERING OFFICE, OR THEIR DULY APPOINTED DESIGNEE, DETERMINES THAT THE SERVICE PROVIDER/PRODUCT PRODUCER IS FAILING TO ADEQUATELY OR PROPERLY PERFORM ITS CONTRACTUAL OBLIGATIONS.
 2. THE GOVERNMENT ORDERING OFFICE, OR THEIR DULY APPOINTED DESIGNEE, PROVIDES THE OFFICE AND THE SERVICE PROVIDER/PRODUCT PRODUCER WITH A DETAILED NOTICE OF THE DEFICIENCIES OR FAILURE TO PROPERLY PERFORM BY THE CONTRACTOR OF RECORD.
 3. THE GOVERNMENT ORDERING OFFICE, OR THEIR DULY APPOINTED DESIGNEE, AND THE OFFICE AGREE TO AN APPROPRIATE PERIOD OF TIME TO ALLOW THE SERVICE PROVIDER/PRODUCT PRODUCER AN OPPORTUNITY TO CURE THE DEFICIENCIES OR FAILURES.
 4. AFTER THE PERIOD TO CURE, AS DESCRIBED ABOVE, HAS ENDED, THE GOVERNMENT ORDERING OFFICE, OR THEIR DULY APPOINTED DESIGNEE, PROVIDES THE OFFICE WITH A DETAILED REPORT OUTLINING THE RESULTS OF THE SERVICE PROVIDER/PRODUCT PRODUCER ATTEMPT TO CURE THE DEFICIENCIES OR FAILURES.
 5. THE GOVERNMENT ORDERING OFFICE, OR THEIR DULY APPOINTED DESIGNEE, REQUESTS THAT THE OFFICE GRANT A RELEASE TO THE GOVERNMENT ORDERING OFFICE FROM THE REQUIREMENT TO CONTINUE TO PURCHASE THE PRODUCT OR SERVICE PURSUANT TO THE REQUIREMENTS IN SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE.
- (B) THE ADMINISTRATOR OF THE OFFICE OF PROCUREMENT FROM COMMUNITY REHABILITATION PROGRAMS SHALL REVIEW ALL INFORMATION PROVIDED PURSUANT TO PARTS (A)1 TO (A) 5 OF THIS SECTION AND DETERMINE WHETHER THE SERVICE PROVIDER/PRODUCT PRODUCER CURED THE PERFORMANCE ISSUES WITHIN THE DESIGNATED TIME FRAME. IF THE ADMINISTRATOR DETERMINES THAT THE SERVICE PROVIDER/PRODUCT PRODUCER PROPERLY CURED THE DEFICIENCIES OR FAILURES, THEN THE ADMINISTRATOR SHALL NOT RELEASE THE GOVERNMENT ORDERING OFFICE FROM THE PURCHASING REQUIREMENTS SET FORTH IN SECTIONS 125.60 TO 125.612 OF THE REVISED CODE, UNLESS THE ADMINISTRATOR DETERMINES THAT IT IS NOT ADVANTAGEOUS TO THE STATE FOR THE GOVERNMENT ORDERING OFFICE TO CONTINUE TO PURCHASE THE PRODUCT OR SERVICE FROM THE QUALIFIED NONPROFIT AGENCY OR AGENT.
- (C) IF UPON REVIEW OF THE INFORMATION PROVIDED PURSUANT TO PARTS (A)1 TO (A)5 OF THIS SECTION, THE ADMINISTRATOR DETERMINES THAT THE SERVICE PROVIDER/PRODUCT PRODUCER DID NOT ADEQUATELY CURE THE DEFICIENCIES IN PERFORMANCE OR FAILURES, THE ADMINISTRATOR MAY RELEASE THE

GOVERNMENT ORDERING OFFICE FROM COMPLIANCE WITH THE PURCHASING
REQUIREMENTS OF SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE.

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123:5-3-09 **UPDATING PROCUREMENT LIST: ADDING AN ITEM TO THE PROCUREMENT LIST**

(A) THE OFFICE WILL NOT CONSIDER NOR ADD A PRODUCT OR SERVICE TO THE PROCUREMENT LIST AVAILABLE FOR GOVERNMENT ORDERING OFFICES PURSUANT TO SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE UNLESS AND UNTIL THE FOLLOWING CONDITIONS ARE MET:

1. THE REQUESTING GOVERNMENT ORDERING OFFICE, OR THEIR DULY APPOINTED DESIGNEE, PROVIDES THE OFFICE WITH A DETAILED DESCRIPTION OF THE PRODUCTS OR SERVICES REQUIRED.
2. A QUALIFIED NONPROFIT AGENCY OR AN AGENT REPRESENTING A QUALIFIED NONPROFIT AGENCY WILLING TO PROVIDE THE REQUESTED PRODUCT OR SERVICE, SHALL FURNISH TO THE OFFICE, DETAILED INFORMATION DESCRIBING OTHER SIMILAR OR SAME PRODUCTS OR SERVICES CURRENTLY BEING PROVIDED, OR ANY OTHER INFORMATION WHICH SERVES TO DEMONSTRATE THEIR CURRENT CAPABILITY. ADDITIONALLY, THE QUALIFIED NONPROFIT AGENCY OR QUALIFIED NONPROFIT AGENCY REPRESENTED BY AN AGENT SHALL FURNISH INFORMATION ON HOW IT PROPOSES TO PROVIDE THE SPECIFIC PRODUCTS OR SERVICES BEING CONSIDERED.
3. THE GOVERNMENT ORDERING OFFICE, OR THEIR DULY APPOINTED DESIGNEE AND THE QUALIFIED NONPROFIT AGENCY OR THE AGENT REPRESENTING A QUALIFIED NONPROFIT AGENCY PROVIDES THE OFFICE WITH A NEGOTIATED AND AGREED UPON COST TO PROVIDE THE REQUESTED PRODUCTS OR SERVICES.

(B) IF THE GOVERNMENT ORDERING OFFICE, OR THEIR DULY APPOINTED DESIGNEE, AND THE QUALIFIED NONPROFIT AGENCY OR THE AGENT REPRESENTING A QUALIFIED NONPROFIT AGENCY ARE UNABLE TO REACH AN AGREED UPON PRICE BY MUTUAL NEGOTIATION, THEN UPON THE REQUEST OF ONE OF THE ENTITIES, THE OFFICE MAY ATTEMPT TO ESTABLISH A FAIR MARKET PRICE FOR THE SERVICE OR PRODUCT.

Effective date:
RC 119.032 review dates:

Certification: _____

Date: _____

Promulgated under: 119.03
Authorized by: 125.603
Amplifies: 125.603, 125.606,

SELECTION OF QUALIFIED NONPROFIT AGENCIES

(A) WHEN MORE THAN ONE QUALIFIED NONPROFIT AGENCY DESIRES TO PROVIDE A REQUESTED PRODUCT OR SERVICE TO A GOVERNMENT ORDERING OFFICE, THE ADMINISTRATOR SHALL SELECT A QUALIFIED NONPROFIT AGENCY TO PROVIDE THE REQUESTED PRODUCT OR SERVICE. THE ADMINISTRATOR CAN CONSIDER ANY OF THE FOLLOWING:

1. THE STATED PREFERENCE FOR THE SELECTION OF A PARTICULAR QUALIFIED NONPROFIT AGENCY BY THE GOVERNMENT ORDERING OFFICE.
2. GEOGRAPHIC PROXIMITY OF THE QUALIFIED NONPROFIT AGENCIES TO THE SPECIFIED WORK SITE FOR A REQUESTED SERVICE.
3. THE DOLLAR VALUE OF ANY OTHER CONTRACTS HELD BY THE INTERESTED QUALIFIED NONPROFIT AGENCIES IMMEDIATELY PRIOR TO THE SELECTION OF A QUALIFIED NONPROFIT AGENCY TO PROVIDE A REQUESTED PRODUCT OR SERVICE PURSUANT TO THE PROCUREMENT REQUIREMENTS SET FORTH IN SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE.
4. THE LOWEST AND BEST COST TO PROVIDE THE REQUESTED PRODUCT OR SERVICE AS SUBMITTED BY EACH OF THE INTERESTED QUALIFIED NONPROFIT AGENCIES.
5. PAST PERFORMANCE OF THE QUALIFIED NONPROFIT AGENCY ON ANY OTHER CONTRACT WITH A GOVERNMENT ORDERING OFFICE PURSUANT TO SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE.
6. THE PROJECTED NUMBER OF EMPLOYEES OF THE INDIVIDUAL QUALIFIED NONPROFIT AGENCIES WHO ARE PERSONS WITH WORK-LIMITING DISABILITIES, AS DEFINED IN SECTIONS 125.60(C) OF THE REVISED CODE, AND RULES 123:5-3-01(B) AND 123:5-3-01(C) OF THE ADMINISTRATIVE CODE.
7. ANY OTHER CRITERIA THE ADMINISTRATOR DEEMS NECESSARY AND APPROPRIATE TO ASSURE THE SELECTION OF A SPECIFIC QUALIFIED NONPROFIT AGENCY WHICH IS IN THE BEST INTEREST OF THE STATE.

(B) AFTER THE ADMINISTRATOR SELECTS A QUALIFIED NONPROFIT AGENCY PURSUANT TO THE CRITERIA SET FORTH IN PART (A) OF THIS SECTION, THE ADMINISTRATOR SHALL INFORM THE GOVERNMENT ORDERING OFFICE AND EACH OF THE INTERESTED QUALIFIED NONPROFIT AGENCIES OF THE SELECTION DECISION.

(C) THE ADMINISTRATOR'S DECISIONS CONCERNING THE SELECTION OF A QUALIFIED NONPROFIT AGENCY TO PROVIDE A PRODUCT OR SERVICE ARE FINAL.

Effective date:
RC 119.032 review dates:

Certification: _____

Date: _____

Promulgated under: 119.03
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Amplifies: 125.607,

AUTHORITY TO AUDIT

THE ADMINISTRATOR SHALL HAVE FULL AUTHORITY TO AUDIT OR CAUSE TO BE AUDITED, ANY CONTRACT OR AGREEMENT, AND ALL RECORDS ASSOCIATED WITH OR RELATED TO THOSE CONTRACTS OR AGREEMENTS, BETWEEN A QUALIFIED NONPROFIT AGENCY OR THE AGENT OF A QUALIFIED NONPROFIT AGENCY AND A GOVERNMENT ORDERING OFFICE OR THEIR DULY APPOINTED DESIGNEE PURSUANT TO ANY ACTIVITY AUTHORIZED BY SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE. FAILURE TO PERMIT THE REQUESTED AUDIT OR FAILURE TO PROVIDE ACCESS TO ALL RECORDS, DOCUMENTS OR FILES MAY BE GROUNDS FOR SUSPENSION OR REVOCATION OF THE CERTIFICATION OF THE QUALIFIED NONPROFIT AGENCY OR CERTIFIED AGENT PURSUANT TO SECTION 123:5-3-02 AND 123:5-3-03 OF THE ADMINISTRATIVE RULES.

Effective date:

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Certification: _____

Date: _____

Promulgated under: 119.03

Authorized by: 125.6012

Amplifies: 125.6012

123:5-3-12 **MONITORING THE PURCHASING ACTIVITIES OF A GOVERNMENT ORDERING OFFICE**

THE OFFICE OF PROCUREMENT FROM COMMUNITY REHABILITATION PROGRAMS MAY PERIODICALLY AND ROUTINELY REVIEW AND MONITOR THE PURCHASING PRACTICES AND ACTIVITIES OF GOVERNMENT ORDERING OFFICES AND THEIR DULY APPOINTED DESIGNEES TO COMPLY WITH THE REQUIREMENTS PROMULGATED IN SECTIONS 125.60 TO 125.6012 OF THE REVISED CODE.

Effective date:
RC 119.032 review dates:

Certification: _____

Date: _____

Promulgated under: 119.03
Authorized by: 125.603, 125.607, 125.6012
Amplifies: 125.603, 125.607, 125.6012