

Minority Business Enterprise (MBE); Encouraging Diversity, Growth, and Equity (EDGE); and Women-owned Business Enterprise (WBE) Programs | Ohio Administrative Code 123:2-14

| Proposed Ohio Administrative Code Section | Proposed Code Title | Current Ohio Administrative Code and Title (if applicable) | Summary (Proposed Change) **Note: Changes apply to all programs unless specific program identified.** |
|---|-------------------------------|---|---|
| 123:2-14-01 | Definitions | 123:2-15-01: Application for Certification as a Minority Business Enterprise 123:2-16-01: Definitions | <ul style="list-style-type: none"> • Combined similar definitions from MBE, EDGE, and WBE programs to create new OAC chapter. Some definitions modified to provide clarification. • Provides for clearer definitions for rule terms, such as the following: in business; owned and controlled; economically disadvantaged business and economically disadvantaged individual size limits for participation (EDGE only); adopted SBA size standards for individual and business size limitations (EDGE only); changed term economically disadvantaged owner to socially disadvantaged owner (MBE only); clarified Ohio resident to mean full-time Ohio resident; and other minor terms. • Added definitions of material change and receipts. |
| 123:2-14-02 | Certification criteria | 123:2-15-01: Application for Certification as a Minority Business Enterprise 123:2-16-02: Certification Criteria | <ul style="list-style-type: none"> • Combined similar processes and eligibility requirements from MBE, EDGE, and WBE programs to create new OAC chapter. Some requirements modified to provide clarification. • Provides clarification for rules such as the following: principle owner of the business hold any required license or credentials; and other minor terms. • Provides requirement clarification for new rules such as the following: requirement of notification to DAS within 30 days of structure changes; material change requires new application, documentation, and interview; certified business cannot be awarded set-aside procurement without corresponding classification code (MBE only); new one-year waiting period requirement for business and business owner upon issuance of adjudication order after denial; ability to surrender or withdraw an application; debarment restrictions; guidelines for loans and conducting business between owners; and other minor terms. |
| 123:2-14-03 | Recertification | 123:2-15-01: Application for Certification as a Minority Business Enterprise 123:2-16-05: Recertification | <ul style="list-style-type: none"> • Combined similar certification processes from MBE, EDGE, and WBE programs to create new OAC chapter. Some requirements modified to provide clarification. • Provides requirement clarification for new processes such as the following: new documentation requirements for recertification; provides for grace period and process for applying for companies who request recertification after expiration date (maximum 90 days); new application, supporting documents, and onsite review required each six cumulative years within programs; and other minor changes. |

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| 123:2-14-04 | <i>Expedited Certification</i> | 123:2-16-04: Expedited Certification | <ul style="list-style-type: none"> • Combined similar certification processes from MBE, EDGE, and WBE programs to create new OAC chapter. Some requirements modified to provide clarification. • Provides requirements for the State to enter into agreements with other entities (private and public (including other states with similar programs, WBE only) to reduce documentation requirements and expedite certifications within the State's programs). |
| 123:2-14-05 | <i>Joint Venture</i> | 123:2-15-01: Application for Certification as a Minority Business Enterprise 123:2-16-14: Recertification | <ul style="list-style-type: none"> • Combined similar certification processes for joint ventures from MBE, EDGE, and WBE programs to create new OAC chapter. |
| 123:2-14-06 | <i>Commercially Useful Function</i> | 123:2-16-15: Commercially Useful Function | <ul style="list-style-type: none"> • Applies requirements currently in EDGE to MBE and WBE programs. Some requirements modified to provide clarification. <p>Provides requirements for both MBE and WBE businesses to provide commercially useful function on transactions; clarifies definition of commercially useful function; provides examples of when a business does or does not provide a commercially useful function.</p> |
| 123:2-14-07 | <i>Revocation</i> | 123:2-16-06: Decertification and Revocation | <ul style="list-style-type: none"> • Applies requirements currently in EDGE to MBE and WBE programs. Some requirements modified to provide clarification. |
| 123:2-14-08 | <i>Adjudication Hearings</i> | 123:2-16-06: Decertification and Revocation | <ul style="list-style-type: none"> • Applies requirements currently in EDGE to MBE and WBE programs. Some requirements modified to provide clarification. <p>Provides clarification of requirements to adhere to current ORC 119 requirements.</p> <ul style="list-style-type: none"> • Provides Director of DAS ability to issue an adjudication order when a business fails to request a hearing. • This rule specific to EDGE. Some language modified to provide clarification. • Provides Director of DAS ability to base the goal on availability of eligible program participants by region or geographic area and by standard industry code(s). |
| 123:2-14-09 | <i>EDGE Participation Goals Demonstration of Good Faith Effort to Include EDGE Business Participation</i> | 123:2-16-15: Program Goals | |
| 123:2-14-10 | <i>Annual Expenditure Projection Report</i> | 123:2-16-09: Demonstration of Good Faith Effort to Include EDGE Business Participation | <ul style="list-style-type: none"> • This rule specific to EDGE. Some language modified to provide clarification. |
| 123:2-14-11 | | 123:2-16-10: Annual Expenditure Projected Report | <ul style="list-style-type: none"> • Some language modified to provide clarification and to include current practices for MBE projections into the rule. |

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| 123:2-14-12 | <i>Quarterly Expenditure Report</i> | 123:2-16-11: Quarterly Expenditure Report | <ul style="list-style-type: none"> • Applies requirements currently in EDGE to the MBE program. Some requirements modified to provide clarification. |
| 123:2-14-13 | <i>EDGE Goals in Solicitations and Contracts</i> | 123:2-16-12: Proposals | <ul style="list-style-type: none"> • This rule specific to EDGE. Some language modified to provide clarification. • Provides requirement clarification for new processes such as the following: requires agencies to determine whether an EDGE goal is feasible for procurement based on EDGE availability prior to solicitation; allows agencies to establish a point system to encourage EDGE participation in contracting; allows agencies to require embedded EDGE goal in contracts. |
| 123:2-14-14 | <i>EDGE Data Collection</i> | 123:2-16-13: EDGE Data Collection | <ul style="list-style-type: none"> • This rule specific to EDGE. Some language modified to provide clarification. |
| 123:2-14-15 | <i>Monitoring Waiver Compliance</i> | 123:2-16-16: Monitoring Waiver Compliance | <ul style="list-style-type: none"> • This rule specific to EDGE. Some language modified to provide clarification. |