

NOTICE OF PUBLIC HEARING

NOTE ON ELECTRONIC HEARING: To reduce the spread of the novel coronavirus (the virus that causes COVID-19) and pursuant to section 12 of Am. Sub. H.B. No. 197, the Department of Administrative Services is conducting this hearing virtually through electronic means. During the hearing, any person affected by the proposed rule actions who wishes to appear and be heard **must participate electronically**. Information on how to participate in the hearing is provided below.

THE DEPARTMENT OF ADMINISTRATIVE SERVICES (DAS), pursuant to Chapter 119 of the Ohio Revised Code, hereby gives notice that a public hearing will be conducted for the purpose of considering the adoption and rescission of the following rules contained in the Ohio Administrative Code.

The public hearing will be conducted online on **August 26, 2020** beginning at **10:00 a.m.**, via the following link: [Join Microsoft Teams Meeting](#) If unable to use the link, you may call [+1 614-721-2972](tel:+16147212972), and enter conference id: 699 763 578#. All interested persons affected by the proposed actions may be heard by oral or written testimony.

The following rules are being adopted:

- 123:2-14-01 **Definitions.**
- 123:2-14-02 **Certification criteria.**
- 123:2-14-03 **Recertification.**
- 123:2-14-04 **Expedited certification.**
- 123:2-14-05 **Joint venture.**
- 123:2-14-06 **Commercially useful function.**
- 123:2-14-07 **Revocation.**
- 123:2-14-08 **Adjudication hearings.**
- 123:2-14-09 **EDGE procurement goals.**
- 123:2-14-10 **Demonstration of good faith effort to include EDGE business participation.**
- 123:2-14-11 **Annual expenditure projection report.**
- 123:2-14-12 **Quarterly expenditure report.**
- 123:2-14-13 **EDGE participation goals in solicitations and contracts.**
- 123:2-14-14 **EDGE data collection.**
- 123:2-14-15 **Monitoring waiver compliance.**

The following rules are being rescinded:

- 123:2-15-01 **Application for certification as a minority business enterprise.**
- 123:2-16-01 **Definitions.**
- 123:2-16-02 **Certification criteria.**
- 123:2-16-03 **Certification of business structure.**
- 123:2-16-04 **Expedited certification.**
- 123:2-16-05 **Recertification.**
- 123:2-16-06 **Decertification and revocation.**
- 123:2-16-07 **Adjudication hearings.**
- 123:2-16-08 **EDGE participation goals.**
- 123:2-16-09 **Demonstration of good faith effort to include EDGE business participation.**
- 123:2-16-10 **Annual expenditure projection report.**
- 123:2-16-11 **Quarterly expenditure report.**
- 123:2-16-12 **Proposals.**
- 123:2-16-13 **EDGE data collection.**
- 123:2-16-14 **Joint venture.**
- 123:2-16-15 **Commercially useful function.**
- 123:2-16-16 **Monitoring waiver compliance.**

These rule actions are occurring as the result of the five-year review of the existing rules governing the Minority-owned Business Enterprise (“MBE”) and the Encouraging Diversity, Growth and Equity (“EDGE”) business development programs, and the need to enact rules governing the newly created Women-owned Business Enterprise program (“WBE”).

The new rules are a single set of rules that govern all three programs. The existing EDGE and MBE rules are being rescinded and replaced by this new chapter, even though many current provisions are being carried forward. The goal in revising the existing rules as well as in creating the rules for the WBE program has been to have consistency in the regulation of all three programs. Another goal was to strengthen the agency's ability to ensure that certified businesses perform a commercially useful function and are not simply pass-thru entities that allow non-eligible individuals or businesses to receive the economic benefits of the certification. The Agency also seeks to improve its ability to conduct business compliance reviews during the entire certification period to ensure that certified businesses remain in compliance with all rules throughout the entire certification time period.

Copies of the proposed rules are available from:

- Dept. of Administrative Services, Office of Legal Services, 30 E. Broad St., Suite 4023, Columbus, Ohio 43215, 614-644-1773;
- Register of Ohio website: <http://www.registerofohio.state.oh.us>

All interested persons will be given an opportunity to be heard at the public hearing. Those persons who wish to provide oral testimony are encouraged to contact the Department of Administrative Services through sharon.jennings@das.ohio.gov, no later than August 25, 2020, at 5 p.m. and may be given preference in the order of their testimony.

All interested persons providing written comments in lieu of oral testimony are encouraged to send their comments, no later than August 26, 2020 at 5 p.m., to:

The Department of Administrative Services
Office of Legal Services
Attn: Sharon Jennings / Paul A. Russell
30 East Broad Street, Suite 4023
Columbus, Ohio 43215
sharon.jennings@das.ohio.gov
paul.russell@das.ohio.gov