



Ohio Administrative Code Rule 123:2-7-02 Notice of proposed sanction.

Effective: September 9, 1995

(A) Where the director of administrative services seeks to find a contractor or subcontractor ineligible for future contract awards or extensions or modifications of existing contracts, or seeks to cancel, suspend, or terminate a contract in whole or in part, notice of the proposed sanction, signed by the director shall be sent to the last known address of the contractor or subcontractor. The notice shall contain a concise jurisdictional statement, a short and plain statement of the matters furnishing a basis for the imposition of sanction, an enumeration of the sanctions being requested, and a citation of the provision of law pursuant to which the requested action may be taken.

(B) The contractor or subcontractor shall be provided at least thirty days from receipt of the notice of proposed sanction to file an answer and a request for an adjudication hearing. The answer shall admit or deny specifically the matters set forth in each allegation of the notice unless the contractor or subcontractor is without knowledge, in which case the answer shall so state, and the statement shall be deemed a denial. Affirmative defenses shall be specifically stated and numbered.

(C) Where the contractor or subcontractor fails to answer the notice of proposed sanction or the contractor or subcontractor acquiesces to the charges contained in the notice, the director of administrative services may determine the contractor or subcontractor ineligible for future contract awards or extensions or modifications to existing contracts or may cancel, suspend, or terminate any one or more contracts until the contractor or subcontractor has provided satisfactory evidence that the contractor or subcontractor has established and will carry out an affirmative action program, pursuant to the rules and regulations set forth in Chapters 123:2-3 through 123:2-9 of the Administrative Code.

(D) Where the contractor or subcontractor fails to answer the notice of proposed sanction or the contractor or subcontractor acquiesces to the charges contained in the notice, the director of administrative services or the director of the contracting agency may withhold any pending or future payments on the contract for the project cited for deficiencies pursuant to a compliance review.