



Ohio Administrative Code Rule 123:5-3-03 Certification of agents.

Effective: July 17, 2014

- (A) An entity seeking certification as an approved agent pursuant to section 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 the entity as an approved agent 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 applications 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 or experience in contracting with political subdivisions.
 - (c) Knowledge 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 Chapter 1702. 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) Certifications may be issued for a period of three years. An entity may renew its certification by submitting a renewal application up to ninety days prior to expiration of its current certification on a form and in a manner prescribed by the office. Failure to apply for recertification in a timely manner may result in the denial of recertification and the entity must submit a new application.

(D) The administrator shall inform each entity of the decision of certification or recertification, in writing. If the administrator determines that an entity did not adequately demonstrate that the certification requirements were fulfilled as set forth in this rule, then the basis for that determination will be stated in writing to the entity.

(E) Once certified, 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.

(2) Provide other assistance as determined to be advantageous.

(3) 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) The administrator may suspend or revoke a certification, or deny recertification of an agent certification 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;

(2) The administrator determines that the agent is not adequately performing its responsibilities pursuant to applicable contract terms;



- (3) The agent fails to timely provide the office with any reports required pursuant to rules 123:5-3-04 and 123:5-3-05 of the Administrative Code;
 - (4) The agency fails to promptly pay the qualifying nonprofit agency its portion of the contract revenue within ten days of receipt of the revenue from the government ordering office;
 - (5) The administrator determines that suspension, revocation or denial is in the best interest of the state. Such reasons include, but are not limited to, findings of business fraud and business debarment by the federal government, or debarment by Ohio or any other state;
 - (6) The agency fails to satisfactorily respond to or cure all complaints to vendor filed by a government ordering office; or
 - (7) The agency intentionally misrepresented material facts in the application or recertification process.
- (G) The administrator may recommend to the director of administrative services the immediate termination of any or all contracts or agreements to purchase products or services from the agent if the certification of the agent is suspended, revoked or denied renewal.