



## Ohio Revised Code

Section 122.921 [Former R.C. 123.151, amended and renumbered by H.B. 110, 134th General Assembly, effective 9/30/2021] Rules for certification as minority business enterprises; state agency, port authority reports.

Effective: June 1, 2022

Legislation: Senate Bill 105

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(A) As used in this section, "minority business enterprise" has the same meaning as in division (E)(1) of section 122.71 of the Revised Code.

(B)(1) The director of development shall make rules in accordance with Chapter 119. of the Revised Code establishing procedures by which minority businesses may apply to the department of development for certification as minority business enterprises.

(2) The director shall approve the application of any minority business enterprise that complies with the rules adopted under this division. Any person adversely affected by an order of the director denying certification as a minority business enterprise may appeal as provided in Chapter 119. of the Revised Code. The director shall prepare and maintain a list of certified minority business enterprises.

(C) Every state agency authorized to enter into contracts for construction or contracts for purchases of equipment, materials, supplies, insurance, or services, and every port authority shall file a report every ninety days with the department of development. The report shall be filed at a time and in a form prescribed by the director of development. The report shall include the name of each minority business enterprise that the state agency or port authority entered into a contract with during the preceding ninety-day period and the total value and type of each such contract. No later than thirty days after the end of each fiscal year, the director shall notify in writing each state agency and port authority that has not complied with the reporting requirements of this division for the prior fiscal year. A copy of this notification regarding a state agency shall be submitted to the director of budget and management. No later than thirty days after the notification, the state agency or port authority shall submit to the director the information necessary to comply with the reporting requirements of this division.



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If, after the expiration of this thirty-day period, a state agency has not complied with the reporting requirements of this division, the director of development shall certify to the director of budget and management that the state agency has not complied with the reporting requirements. A copy of this certification shall be submitted to the state agency. Thereafter, no funds of the state agency shall be expended during the fiscal year for construction or purchases of equipment, materials, supplies, contracts of insurance, or services until the director of development certifies to the director of budget and management that the state agency has complied with the reporting requirements of this division for the prior fiscal year.

If any port authority has not complied with the reporting requirement after the expiration of the thirty-day period, the director of development shall certify to the speaker of the house of representatives and the president of the senate that the port authority has not complied with the reporting requirements of this division. A copy of this certification shall be submitted to the port authority. Upon receipt of the certification, the speaker of the house of representatives and the president of the senate shall take such action or make such recommendations to the members of the general assembly as they consider necessary to correct the situation.

(D)(1) Any person who has been certified as a minority business enterprise under this section may present the person's certification to a political subdivision as evidence that that person is eligible to participate in any public initiatives or strategies that the political subdivision has established to increase minority participation, representation, or inclusion in business opportunities, and in any programs the political subdivision may have that set aside a certain amount of public contracts to award to any of the economically disadvantaged groups listed in division (E)(1) of section 122.71 of the Revised Code.

(2) When considering this evidence, a political subdivision shall defer to the department's determination that the person is both of the following:

(a) A member of the economically disadvantaged group indicated on the certification;

(b) An owner of at least fifty-one per cent of the business, including corporate stock if a corporation, and has control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to the person's percentage of



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ownership.