

123:2-16-01      **Definitions.**

For the purposes of this chapter:

(A) "Bidder" means any business, corporate or personal, that intends to submit or does submit a bid or a proposal to the state for the purpose of entering into an agreement or contract with the state.

(B) "Contract" means any state contract, or subcontract for professional services, goods and services, information technology services, construction, architecture and engineering services.

(C) "Contractor" means any business, corporate or personal, that intends to submit or does submit a bid to the state and any such enterprise that enters into an agreement or contract for the delivery of goods, services, or labor to or for the state.

(D) "Economically Disadvantaged Business" means a business at least fifty-one per cent owned and controlled by an economically disadvantaged person or persons and the business net worth does not exceed the average net worth of comparable businesses.

(E) "Economically Disadvantaged Person" means a person whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar businesses that are not socially disadvantaged. Economic disadvantage shall be based on:

(1) The personal financial profile of the persons claiming disadvantaged status, including personal net worth of the person and other factors considered pursuant to paragraph (E) of rule 123:2-16-02 of the Administrative Code. The personnel net worth of the person at the time of initial application for certification as an EDGE business enterprise must be less than two hundred fifty thousand dollars, and must not exceed seven hundred fifty thousand dollars during any time of certification as an EDGE business enterprise. For purposes of this section, the personal net worth of a person does not include the value of the person's primary residence and the person's interest in the economically disadvantaged business. Personal net worth does include all asset transfers within a two-year period to all members of the person's immediate family.

(2) Business financial profile of the business seeking disadvantaged status, including a comparison of the business to businesses in the same primary industry classification according to the "North American Industry Classification System" established by the U.S. small business administration.

(F) "EDGE" means the "Encouraging Diversity, Growth, and Equity" business development program created pursuant to section 123.152 of the Revised Code.

(G) "EDGE Business Enterprise" means a sole proprietorship, association, partnership,

corporation, limited liability corporation, or joint venture that is certified by the department of administrative services as meeting the criteria established by the equal opportunity division of the department of administrative services, pursuant to section 123.152 of the Revised Code and is:

(1) Owned and controlled by a citizen or citizens of the United States of America, residing in Ohio, and are socially and economically disadvantaged; or,

(2) An economically disadvantaged business whose primary business location is in a qualified census tract and the business is owned and controlled by a citizen or citizens of the United States of America, residing in Ohio.

(H) "Owner" means a person or persons who own a business certified in the EDGE business development program, or the person or persons of a business that have applied for certification in the EDGE business development program.

(I) "Qualified Census Tract" means a recognizable geographic region within the state of Ohio such as a historically underutilized business zone or an enterprise zone that meets one of the following:

(1) The average minimum household income in the geographic region is less than eighty percent of the average non-metropolitan income of the state as prescribed by Title 26 of the United States Code Section 42(D).

(2) The unemployment rate of the geographic region exceeds the annual unemployment rate of the state by more than one hundred forty per cent.

(J) "Socially Disadvantaged Person" means a person subjected to ethnic prejudices or cultural bias because of their identification with a particular group without regard to their individual qualities.

(1) A rebuttable presumption of social disadvantage shall be based on at least one of the following objective distinguishing factors that has contributed to social disadvantage.

(a) A business owner's race, color or ethnic origin.

(b) A business owner's gender.

(c) A business owner's chronic, physical or mental disability that has led to discriminatory practices against the person and that has restricted professional acceptance, employment, or access to capital and credit, or

(d) A business owner's long term residence in a qualified census tract.

(2) Social disadvantage shall also be based on the following.

- (a) A business owner's demonstration of personal experiences of substantial and chronic disadvantage not common to other business enterprises of similar type and location, and
- (b) Evidence of difficulty on entering or succeeding in the business world because of disadvantages such as limited access to education, unequal treatment in employment of promotional opportunities, limited access to credit or capital under commercially favorable circumstances or exclusion from business or professional organizations, or
- (c) A primary business location in a qualified census tract.

(K) "State" means the state of Ohio.

(L) "State Agency" has the same meaning as section 1.60 of the Revised Code.

(M) "Subcontractor" means any business, corporate or personal, that intends to submit or does submit a bid or a proposal to a contractor or a bidder for the purpose of entering into an agreement or contract with the contractor or bidder: Furthermore, "subcontractor" also means such business that has entered into an agreement or contract with a bidder, contractor, or another subcontractor.

Effective:

R.C. 119.032 review dates:

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Certification

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Date

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