



Ohio Revised Code

Section 9.47 Certificate of compliance with affirmative action programs.

Effective: September 30, 2021

Legislation: House Bill 110

(A) Any person desiring to bid on a contract awarded pursuant to Chapter 153. of the Revised Code by an owner referred to in section 153.01 of the Revised Code or awarded by the director of transportation pursuant to Chapter 5525. of the Revised Code may make application for a certificate of compliance with affirmative action programs. Application shall be made to the department of development. The director of development's designee shall promptly determine whether the person has complied with all federal affirmative action programs to which the person was subject and any state affirmative action program to which the person was subject pursuant to section 153.59 of the Revised Code which state or federal affirmative action program arose out of a contract the person had with the federal government, the state, or a political subdivision of the state. Where the director's designee determines the person has not committed any violation of such prior affirmative action programs during the five years immediately preceding the date of determination, the director's designee shall issue a dated certificate of compliance with affirmative action programs. The director's designee may issue an updated certificate to a person upon request but not more frequently than once every one hundred eighty days. A person who violates an affirmative action program during the five years preceding the date of determination is ineligible to bid on a contract awarded pursuant to Chapter 153. of the Revised Code by an owner referred to in section 153.01 of the Revised Code or awarded by the director of transportation pursuant to Chapter 5525. of the Revised Code for a period of three years after the date of determination.

(B) Any person denied a certificate or an updated certificate may appeal to the director of development for a review of that determination. The appeal must be filed within ten days of the date of the determination. The director shall, within five days after receipt of the appeal, either affirm or reverse the determination.

(C) Any person dissatisfied with the decision of the director on review may, within thirty days, appeal the decision of the director to the court of common pleas of Franklin county. The court may affirm or reverse the decision of the director. At the hearing before the court, evidence may be introduced for and against the decision of the director. The decision of the court may be appealed as



in other cases.

(D) The director of development, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend or rescind, rules to implement this section.