



## Ohio Administrative Code Rule 123:2-3-01 Definitions.

Effective: September 9, 1995

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The following definitions shall apply:

(A) "Contractor" means any person, partnership, corporation or association that has been awarded a public works contract.

(B) "Subcontractor" means any person who undertakes to construct, alter, erect, improve, repair, demolish, remove, dig or drill any part of any public improvement under a contract with any person other than the public authority.

(C) "Contract" means, unless otherwise indicated, any contract awarded by a contract authority for the construction, engineering, alteration or repair of any public building, public highway or other public work.

(D) "Employees" means any persons on the contractor's or subcontractor's payroll for any payroll period.

(E) "Underutilization" means employment of fewer minorities and/or women in a particular trade than reasonably expected given the availability of minorities and women.

(F) "Bid response" means all documents, whether attached or incorporated by reference, supplied by the bidder in response to an invitation to bid.

(G) "Affirmative action program" means a set of specific and result oriented procedures to which a contractor and/or subcontractor shall apply every good faith effort. It should include efforts required to remedy all effects of present and past discriminatory patterns and practices. The objective of these procedures and efforts is to assure equal employment opportunity for all people.

(H) "Minority" means the following economically disadvantaged groups: Negroes, Spanish sur-



named Americans, Orientals, and American Indians.

(I) "Utilization work hours" means the percentage of work hours performed by minorities or women in proportion to the contractor's total work hours for the contractor's total workforce.

(J) "Responsive contractor" means a contractor whose proposal responds to the bid specifications in all material respects and contains no irregularities or deviations from the specifications which would affect the amount of the bid or otherwise provide the contractor with a competitive advantage.

(K) "Responsible contractor" means a contractor whose financial condition, experience, conduct and performance on previous contracts, facilities and management skills support the contractor's ability to execute the contract properly.

(L) "Invitation to bid" means all documents, whether attached or incorporated by reference, utilized for soliciting bids.

(M) "Good faith effort" means affirmative action measures designed to implement the established objectives of an affirmative action program. Determination of "good faith effort" may be based in part upon the contractor's or subcontractor's practices regarding hiring, promotion, demotion or transfer, recruitment, layoff or termination, and rates of compensation.