



Ohio Administrative Code

Rule 123:5-3-02 Certification of a community rehabilitation program.

Effective: April 26, 2024

(A) Any community rehabilitation program seeking certification as a qualified nonprofit agency will apply to the department of administrative services ("the department") on a form provided by and in a manner prescribed by the department.

(B) To qualify for certification the community rehabilitation program will provide the department with the following:

- (1) A completed application with the duly notarized signature of its chief executive officer;
- (2) A copy of its mission statement and by-laws that document its purpose as providing employment and training opportunities for persons with work-limiting disabilities;
- (3) A legible copy of certification by the Ohio secretary of state indicating that the community rehabilitation program is a nonprofit corporation according to Chapter 1702. of the Revised Code;
- (4) A legible copy of a letter of determination issued by the United States internal revenue service indicating the community rehabilitation program's status as a tax exempt entity;
- (5) A legible copy of a current, valid certificate issued to the community rehabilitation program by the United States department of labor's wage and hour division permitting the payment of wages that are commensurate to the productivity of a person with a work-limiting disability if applicable;
- (6) A statement of assurance, with the duly notarized signature of its chief executive officer, of current and ongoing compliance with all applicable occupational health and safety laws, rules, standards, and codes promulgated by the federal government and this state;
- (7) A statement of assurance, with the duly notarized signature of its chief executive officer, of the following:



(a) That the annual total of all direct labor furnished by the community rehabilitation program in the manufacture of goods and provisions of services whether or not related to the federal or state government set aside programs, is at a quota of not less than seventy-five per cent provided by persons with work-limiting disabilities.

(b) Direct labor provided at any work site that is separate from the community rehabilitation program's primary address, and is performed between the hours of seven a.m. and eleven p.m. is at a cumulative annual quota of not less than sixty percent provided by persons with work-limiting disabilities.

(c) Direct labor provided at any work site that is separate from the community rehabilitation program's address, and is performed between the hours of one minute after eleven p.m. and six fifty-nine a.m. is exempt from consideration when computing compliance to the specific work site quota, or the cumulative annual quota regarding the provision of labor by persons with work-limiting disabilities.

(d) Direct labor provided at any work site that is separate from the community rehabilitation program's primary address, and is performed during the first sixty days of a newly awarded contract is exempt from consideration when computing the compliance to individual site quota regarding the provision of labor by persons with work-limiting disabilities .

(C) Upon receipt, review and approval of the application and other required documentation, the department will certify a community rehabilitation program as a qualified nonprofit agency. A certification may be issued for a period of three years.

(D) A community rehabilitation program 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 department. Failure to apply for recertification in a timely manner may result in the denial of recertification and the need to submit a new application.

(E) The department will inform each community rehabilitation program of a decision of certification or recertification, in writing. If the department determines that a community rehabilitation program



does not adequately demonstrate that it meets the certification provisions set forth in this section, the department will state the basis for the decision in writing to the affected community rehabilitation program.

(F) The department may suspend or revoke a current certification, or deny renewal of a community rehabilitation program's certification as a qualified nonprofit agency, if any of the following circumstances occur:

(1) The community rehabilitation program no longer meets the criteria set forth in this section, and in sections 125.60 to 125.6012 of the Revised Code;

(2) The department determines that the community rehabilitation program is not adequately performing its responsibilities pursuant to all applicable contract terms;

(3) The community rehabilitation program fails to timely provide the department with any reports set forth in rules 123:5-3-04 and 123:5-3-05 of the Administrative Code;

(4) The department determines that suspension, revocation or denial is in the best interest of the state;

(5) The community rehabilitation program fails to satisfactorily respond to or cure all complaints to vendor filed by a government ordering office; or

(6) The community rehabilitation program intentionally misrepresented material facts in the application or recertification process.

(G) Suspension or revocation of certification as a qualified nonprofit agency may cause the immediate cancellation of all contracts or agreements to purchase goods or services from the community rehabilitation program.

(H) The department's determinations concerning certification are final.