

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**S. B. No. 258**

**Senator Kearney**

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**A B I L L**

To enact section 125.083 of the Revised Code to 1  
generally require that state agencies set aside a 2  
certain amount of purchases for which only small 3  
business enterprises may compete. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 125.083 of the Revised Code be 5  
enacted to read as follows: 6

**Sec. 125.083.** (A) As used in this section, "small business 7  
enterprise" means any person with a principal place of business or 8  
research in the state that meets the requirements of a "business 9  
concern" as set forth in 13 C.F.R. 121.702. 10

(B) From the purchases that the department of administrative 11  
services is required by law to make through competitive selection, 12  
the director of administrative services shall select a number of 13  
such purchases, the aggregate value of which equals approximately 14  
ten per cent of the estimated total value of all such purchases to 15  
be made in the current fiscal year. The director shall set aside 16  
the purchases selected for competition only by small business 17  
enterprises. The competitive selection procedures for such 18  
purchases set aside shall be the same as for all other purchases 19  
the department is required to make through competitive selection, 20

except that only small business enterprises shall be qualified to 21  
compete. 22

(C) To the extent that any agency of the state, other than 23  
the department of administrative services, the legislative and 24  
judicial branches, boards of elections, and the adjutant general, 25  
is authorized to make purchases, the agency shall set aside a 26  
number of purchases, the aggregate value of which equals 27  
approximately ten per cent of the aggregate value of such 28  
purchases for the current fiscal year for competition by small 29  
business enterprises only. The procedures for such purchases shall 30  
be the same as for all other such purchases made by the agency, 31  
except that only small business enterprises shall be qualified to 32  
compete. 33

(D) In the case of purchases set aside under division (B) or 34  
(C) of this section, if no bid is submitted by a small business 35  
enterprise, the purchase shall be made according to usual 36  
procedures. The contracting agency shall from time to time set 37  
aside such additional purchases for which only small business 38  
enterprises may compete, as are necessary to replace those 39  
purchases previously set aside for which no small business 40  
enterprises bid and to ensure that, in any fiscal year, the 41  
aggregate amount of contracts awarded to small business 42  
enterprises will equal approximately ten per cent of the total 43  
amount of contracts awarded by the agency. 44

(E) The director may, in accordance with Chapter 119. of the 45  
Revised Code, adopt rules necessary for the implementation of this 46  
section. 47

(F) Nothing in this section precludes any small business 48  
enterprise from competing for any other state purchases that are 49  
not specifically set aside for small business enterprises. 50

(G) Any person who intentionally misrepresents self as 51

owning, controlling, operating, or participating in a small 52  
business enterprise for the purpose of obtaining contracts, 53  
subcontracts, or any other benefits under this section shall be 54  
guilty of theft by deception as provided for in section 2913.02 of 55  
the Revised Code. 56

**Section 2.** Section 125.083 of the Revised Code, as enacted by 57  
this act, shall first apply to purchases made in fiscal year 2009. 58  
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