

As Introduced

**130th General Assembly
Regular Session
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S. B. No. 308

Senator Kearney

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

through competitive selection, except that only small business enterprises shall be qualified to compete. 21
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(2) To the extent that any agency of the state, other than the department of administrative services, the legislative and judicial branches, boards of elections, and the adjutant general, is authorized to make purchases, the agency shall set aside a number of purchases, the aggregate value of which equals approximately twenty per cent of the aggregate value of such purchases for the current fiscal year for competition only by small business enterprises. The procedures for such purchases shall be the same as for all other such purchases made by the agency, except that only small business enterprises shall be qualified to compete. 23
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(3) In the case of purchases set aside under division (B)(1) or (2) of this section, if no bid is submitted by a small business enterprise, the purchase shall be made according to usual procedures. The contracting agency shall from time to time set aside such additional purchases for which only small business enterprises may compete, as are necessary to replace those purchases previously set aside for which no small business enterprises bid and to ensure that, in any fiscal year, the aggregate amount of contracts awarded to small business enterprises will equal approximately twenty per cent of the total amount of contracts awarded by the agency. 34
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(C) The director may, under Chapter 119. of the Revised Code, adopt rules necessary for the implementation of this section. 45
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(D) Nothing in this section precludes any small business enterprise from competing for any other state purchases that are not specifically set aside for small business enterprises. 47
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(E) Any person who intentionally misrepresents self as owning, controlling, operating, or participating in a small 50
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business enterprise for the purpose of obtaining contracts, 52
subcontracts, or any other benefits under this section is guilty 53
of theft by deception as provided for in section 2913.02 of the 54
Revised Code. 55

Section 2. Section 125.083 of the Revised Code, as enacted by 56
this act, shall first apply to purchases made in fiscal year 2013. 57
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