

Hundreds of Ohio EDGE Certifications called into question after investigation by Ohio Inspector General



Ryan Neumeyer | Monday, February 18, 2019

Following [an investigative report](#) by Ohio's inspector general on Feb. 12, hundreds of companies certified by Ohio's Encouraging Diversity, Growth and Equity program, also known as EDGE, have had their certifications called into question. According to the Inspector General, 357 EDGE-certified businesses are currently beyond the 10-year eligibility restriction for the program, and therefore should not be EDGE-certified. Based upon the Inspector General's findings, it appears there will be significant changes to the status of hundreds of EDGE-certified businesses that could impact your business. If you are an EDGE-certified business or if you subcontract to EDGE-certified businesses to meet EDGE goals on public construction projects, you could potentially be impacted by the forthcoming actions that the Ohio Department of Administrative Services takes in response to the Inspector General's recent findings.

What does this mean?

If you own and operate an EDGE-certified business, you should confirm you have all necessary paperwork in order to support your certification. These documents vary depending on your business' structure, but the list of required documents can be found [here](#). If the ODAS contacts you during their review process and inappropriately decertifies your business, you must understand your rights. You have the right to appeal the ODAS' decision if you believe it was made in error. The first appeal is an administrative appeal directly to the ODAS. However, if the ODAS denies the appeal, the second appeal is in the Court of Common Pleas in the county in which your business is located.

If you are a contractor utilizing EDGE-certified subcontractors to meet EDGE goals on public projects and one of your subcontractors loses its certification, you could face potential impact on your public projects. If, as a result, you are unable to meet the EDGE goal for your public project, you may need to justify why you were unable to meet the EDGE goal for your project. The EDGE program contains a waiver provision allowing contractors to obtain a waiver of the EDGE goal if it is unable to comply with that goal despite making a "good faith effort" to do so. It is likely that a contractor will be found to have made a good faith effort when selecting what it believed to be an EDGE-certified contractor so long as the contractor was relying on information supplied by the ODAS at the time of its bid.

If you are experiencing issues related to your EDGE certification or the EDGE certification of any of your subcontractors, please reach out to one of our attorneys below.

Please follow [this link](#) for more information on the Inspector' General's report.

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