

Business Enterprise Council Resolution

**RESOLUTION TO A) RESCIND AUGUST 2013 DELEGATION OF GOAL WAIVER DETERMINATION TO ILLINOIS CAPITAL DEVELOPMENT BOARD, ILLINOIS PUBLIC INSTITUTIONS OF HIGHER EDUCATION, AND THE BUSINESS ENTERPRISE PROGRAM, B) DELEGATE RESPONSIBILITY TO SAID ENTITIES OF RECOMMENDING ACTION ON WAIVERS TO BEP, AND C) DELEGATE GOAL WAIVER DETERMINATION TO BEP**

WHEREAS, the State of Illinois Business Enterprise Council for Minorities, Women, and Persons with Disabilities (hereinafter "Council"), created by 30 ILCS 575/5 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act (hereinafter "BEP Act"), desires that the Business Enterprise Program (hereinafter "BEP") make determinations on vendor goal waiver requests;

WHEREAS, Section 7(3) of the BEP Act provides the Council with the sole authority to determine contractor goal waiver requests made prior to the contract award (see 30 ILCS 575/7(e));

WHEREAS, on July 12, 2013, this Council passed a resolution that created the following rights and responsibilities:

1. Delegated to the Illinois Capital Development Board (hereinafter "CDB") the responsibility of reviewing and approving vendor requests to waive the requirement to meet a goal established pursuant to the BEP Act;
2. Delegated to Illinois state universities the responsibility of reviewing and approving vendor requests to waive the requirement to meet a goal established pursuant to the BEP Act;
3. Delegated to BEP the responsibility of reviewing and approving vendor requests to waive the requirement to meet a goal established pursuant to the BEP Act not otherwise delegated to CDB and Illinois state universities as stated in sections 1 and 2, above;
4. CDB, Illinois state universities, and BEP were to submit to the Policy, Rules and Enforcement Committee a report on waivers. Said committee was to present this report before the full Council at the Council's regular meetings.

WHEREAS, the Council has the authority to delegate waiver determinations to BEP.

**NOW, THEREFORE, BE IT RESOLVED** by the Council and the State of Illinois that:

- I. This Council's July 12, 2013 resolution described herein is hereby rescinded in full.
- II. BEP shall have the responsibility of determining vendor goal waiver requests.
- III. BEP shall submit an annual report to the Council of its goal waiver determinations or upon request from the Council.
- IV. CDB shall be responsible for evaluating the good faith efforts made by vendors in support of goal waiver requests. These evaluations shall be made in accordance with 30 ILCS 575/7(3) and 44 Ill.

Adm. Code 30.91. CDB shall provide BEP with determination recommendations based on its good faith effort evaluations.

- V. Illinois public institutions of higher education shall be responsible for evaluating the good faith efforts made by vendors in support of goal waiver requests. These evaluations shall be made in accordance with 30 ILCS 575/7(3) and 44 Ill. Adm. Code 30.91. Illinois public institutions of higher education shall provide BEP with determination recommendations based on their good faith effort evaluations.
- VI. This resolution is to become effective on July 1, 2024.

[this portion was left blank intentionally]

Presented, voted upon, and adopted at a regular meeting of the Council on this \_\_\_\_26th\_\_\_\_ day of \_\_\_\_\_ February \_\_\_\_\_, \_\_\_\_\_2024\_\_\_\_\_.

Council Member	Aye	Nay	Absent
Angie Alonso-Cone			x
Alan Brazil	x		
Jeanette Chavarria Torres			x
Bola Delano	x		
Raven DeVaughn	x		
Emila DiMenco	x		
Rebecca Fyffe			x
Jacqueline Gomez	x		
Khama Sharp			x
Debra Jennings-Johnson	x		
Andrew Johnson		x	
Nina Harris	x		
Jesse Martinez	x		
Caronina Grimble	x		
Dr. Terrence Duncan	x		
Edith De LaCruz	x		
Megan Nakano	x		