



Business Enterprise Program Council
SPECIAL COMPLIANCE SUBCOMMITTEE MEETING

Wednesday, October 10, 2018

2:00 pm – 3:30 pm

James R. Thompson Center
100 W. Randolph Street, Suite 4-404
Chicago, IL 60601

SUBCOMMITTEE COUNCIL MEMBERS IN ATTENDANCE

Sharla Roberts, Jesse Martinez, Edward McKinnie, Sheila Hill-Morgan, Larry Ivory, Beth Doria,
Harry Reinhard

SUBCOMMITTEE COUNCIL MEMBERS NOT IN ATTENDANCE

Denise Barreto

Staff Assistant

COUNCIL SECRETARY

Cate Costa

CMS MEMBERS IN ATTENDANCE

Ben Jones

OTHERS IN ATTENDANCE

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Freedom of Information Act (5 ILCS 140) the above meetings are open to the public
BEP Council Compliance Subcommittee



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Room 4-404 JRTC

Via Teleconference Number - 888-494-4032

Access Number - 2587213722

MINUTES

I. Welcome

Chair Roberts welcomed members

II. Call to Order

Chair Roberts call meeting to order at 2:01pm

III. Roll Call

- Chair Roberts recognized Secretary Costa to perform roll call
 - Secretary Costa conducted roll call; Quorum was established.

IV. Posted Business

- Approval of Minutes for the July 25, 2018 Subcommittee Meeting
 - Chair Roberts made a motion to approve the minutes from the July 25th Subcommittee meeting; Seconded by members; minutes passed unanimously.
- Review of Agency Requested Exemptions
 - Chair Roberts statement was with regards to the council approval of the requested exemptions outside of the allowable exemptions in the J-Car Rules (handouts to members). She suggested as a committee, they review them to ensure they approve the appropriate exemptions. Chair Roberts reported during the Senate Hearings, some concerns were raised about people who were exempt in 90% of their budgets and some agencies went over 1000%. She wants to review the exemptions more

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closely to ensure that the committee is acting in the best interest of the Minority and Women owned vendors that are certified in the program. Chair Roberts recognized Secretary Costa to confirm once the exemptions are approved, does agencies receive a letter of approval? Secretary Costa suggested member Harry Reinhold can answer this question best due to it being a Compliance item.

- Harry Reinhold confirmed the agencies will get a letter letting the agencies know that a certain number of dollars were not approved by council and that amount reverts back to the dollar subject to goal.
- Beth Doria asked if this specific to the items and does the letter indicate if the council reviewed this line item exemption? Harry confirmed that the letter does indicate this, and reminded members that this process hasn't been done in six years since an agency received correspondence.
- Chair Roberts stated that she would like to move forward with whatever is requested, stating what has or has not been approved by the council. She suggested to Secretary Costa to start a process to follow when it comes to these requested exemptions, this will be the process that will be followed by the council.
 - Secretary Costa agreed to start this process to follow with regards to exemption request.
- Chair Roberts addressed members regarding the list of exemptions that Beth Doria and her team provided in terms of what's exemptible and not exemptible.
- Chair Roberts recognized member Sheila Morgan.
 - Sheila Hill-Morgan posed a question to Chair Roberts regarding a disparity issue and is the council being redundant to an issue regarding what has already had expert testimony in reference of this disparity. She asked Chair Roberts to address this issue.



- Chair Roberts invited Acting Assistant Director, Ben Jones to assist her with answering member Morgan's question with regards to disparity exemptions. Chair Roberts proceeded, stating there was information about exemptions that should not be any further exemption outside of what's allowed when setting appropriate goals when serving Minority and Women owned business throughout the year. She spoke about the information that was provided to her by Collette Hope.
 - Acting Assistant Director Ben Jones, added to the Chair's report. He reported that the information provided was more of a recommendation. He also mentioned that Collette's report touched on instead of having broad exemptions, agencies can come on a procurement by procurement basis; This will change the administrative rules. Ben informed Chair Roberts the exemptions that were voted on in the subcommittee meeting those were changes to the J-CAR exemptions and they still have not been approved yet.
 - Beth Doria asked Ben Jones if these exemptions are a part of what's on the spreadsheet that was provided. Acting Assistant Director Ben Jones confirmed that the exemptions on the spreadsheet does not apply to the J-CAR exemptions.
 - Secretary Costa gave an overview to members of what is allowable exemptions and requested exemptions according to what's in the columns on the spreadsheet.
 - Sheila Hill-Morgan stated concerns on what is outside of what is allowable and wonders why this item is being discussed again. She reported that as we continue to exempt, this limits the opportunity for BEP participants to have access to what they need. She shared her thoughts about how important is that this council should focus on rescinding exemptions as opposed to increasing exemptions.



- Chair Roberts recognized Edward McKinney
 - Edward McKinney stood in agreement with member Sheila Hill-Morgan’s comments on exemptions and it is a great statement. He spoke about how the Government talks about taking things off the table that should not be taken off.

- Chair Roberts Recognized member Larry Ivory who agrees with members McKinney and Hill-Morgan’s comments.

- Chair Roberts recognized Assistant Director Jones who addressed member Hill-Morgan’s first question in relation to requested exemptions; he stated that according to the rules, there is a provision that states any agencies can requested exemptions from specific contracts/categories. Secondly, he reported to members that the Council has the authority to reject any of these requests.

- Chair Roberts informed members that after these comments, the council will not get through this report at this time. The council members proceeded with discussing items on the spreadsheet provided e.g., the 290 Contract; submitted a recommendation for a Sheltered Market for advertising; it was exempted due to limited vendor availability. Chair Roberts said that’s in contradiction to the recommendation of the Sheltered Market request for advertising.
 - Sheila Hill-Morgan shared her concerns within the report given by Chair Roberts. She stated this is an issue. She said and auditing services, there are women minority owned companies that can perform these contracts. She feels that this is a disservice to vendors who can participate. Member Hill-Morgan committed to working with members McKinney and Ivory to get these companies BEP certified because they know these companies. Member expressed her feelings with regards to BEP holding them accountable for the lack of performance with women owned and minority businesses and this should stop.

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- Chair Recognized Acting Deputy Director, Ben Jones.
 - Ben Jones agreed with member Hill-Morgan’s comments. He added the contracts require a line by line review. There are exemptions that were granted but does not make sense; and some could have legitimate reasons.
- Chair Roberts discussed issues with several other contracts on the spreadsheet; members need to decide on allowable exemptions. Particularly with regards to the 290 contracts, Chair Roberts’ suggestion is to hold off on the 290 contracts until it’s modified.
- Chair Roberts recognized member Hill-Morgan.
 - Sheila Hill-Morgan stated that this list is hefty and requires looking extensive review. She said that this committee needs to devote more time than an hour and a half to resolve these contract allowable exemptions issues. She also agreed with member Reinhold’s comment with regards to until the J-Car Rules changes, the status will stay the same.
- Chair Roberts responded to member Hill-Morgan’s comments. She agreed with her however, she feels that it will take several meetings to resolve these issues because this process has not been done in the last six years.
- Chair Roberts informed members this is the first time the Council will be voting on this agenda item. It is the council’s judiciary duty to explore them and redeem appropriate exemption where women owned, and minority vendors can participate.
 - Edward McKinney offered a suggestion on requested exemptions. He stated that whoever needs an exemption, they should request them. He added, going line by line on this spreadsheet provided, will take too much of the committee’s time. Ben Jones agrees with member McKinney and feels that the list should be cleaned up because there are allowable exemptions on the list; Chair Roberts suggested members clean up the lists; member Reinhold reported that J-Car statue is not in place and because of this, the list cannot be cleaned up he also reported that 95% of the exemptions is valid on the list in the requested mode as opposed to allowable mode.

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- Chair Roberts informed members of the renewal law that's in place and states if a contract is up for renewal, we should be looking at goals
 - Member Edward McKinney asked is it the Consensus is not going to clean the list up today. Why don't we let Ben do a deep dive into the lists or appoint someone to do it? Chair Roberts referred to the vote that they had before.
- Chair Roberts made a motion to attempt to start to clean the list up now.
 - Sheila Hill-Morgan commented that the process doesn't work. Added to Harry and Chair Roberts that if it doesn't work it doesn't work.
 - Ben Jones proposed that council can broad decision and use discretion to be biased. Chair Roberts made a motion to agree.
- Chair recognizes non-member Herbert. Mr. Herbert agrees with Ben; spoke the infractions.
- Chair Roberts asked members to make a motion to Ben's suggestion to the council 's to get rid of large exemptions.
 - Sheila Hill-Morgan made a motion on solicitation by solicitation. Chair requested that the motion be withdrawn. Sheila seconded and withdrew her motion.
 - Secretary Costa
 - Ben Jones read an excerpt from an online
 - Beth Doria spoke to Harry about the practicality before it gets to council.
 - Ben Jones is writing up a suggested motion to be made and voted on.
 - Member McKinney made a motion that BEP approves all exemptions and denies all requested exemptions; Member Hill-Morgan seconded. Chair Roberts opened the floor for discussion; No members participated in discussion and the motion was approved. Chair recognized Mr. Dale Morrison and stated that it is fundamentally impossible, and you should never incorporate your numbers at the end of the year.
- Chair Roberts suggest that Ben Jones to develop a letter, submit it to the committee to review and give them a dealing to review and get back to him

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V. Define Action Items

- Terry Glavin and Secretary Costa will generate a letter to go out to agencies.

VI. Suggestions for BEP Council meeting agenda item(s)

- Next Council Meeting – October 22, 2018
- Next Subcommittee Meeting – November 28, 2018

VII. Public / Vendor Testimony

Charles Harrell, President & Chief CEO, IT Architect

Herb L. Stokes, Chief Executive Officer, The Affluence Group, Inc.

Dale J. Morrison, Esq., Senior Supplier Diversity Coordinator, University of Illinois System

Chair Roberts recognized Larry Ivory

VIII. Adjournment

Chair Roberts made a motion to adjourn the meeting; Motion seconded by Member Doria.
All in favor; Meeting adjourned at 3:28p.