



Illinois Commission on Equity and Inclusion

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Notice 2026.2
Commission on Equity and Inclusion

Date: December 11, 2025

To: BEP Liaisons

Cc: Commission on Equity and Inclusion Staff and Commissioners
Purchasing Entity Procurement Staff
Procurement Policy Board
Chief Procurement Office for General Services
Chief Procurement Office for Higher Education
Chief Procurement Office for Capital Development Board
Chief Procurement Office for the Department of Transportation
Business Enterprise Council for Minorities, Women, and Persons with Disabilities

From: Alexandria Wilson, Executive Director

Re: BEP Utilization Plan Cures and Goal Waiver Guidance

This notice applies to all future procurements subject to the BEP Act, as well as those procurements subject to the BEP Act that have not yet been awarded.

The purpose of this notice is to provide purchasing entities and prime vendors with clear, practical direction on the Business Enterprise Program (BEP) Utilization Plan (U-Plan) process, including both the completion and submission of U-Plans, as well as the procedures for requesting and evaluating BEP goal waiver requests. Because these responsibilities are critical to ensuring consistency, accuracy, and compliance with the Business Enterprise for Minorities, Women, and Persons with Disabilities Act (BEP Act), this document explains the standards for reviewing U-Plans, identifies which deficiencies may be cured, outlines the steps for submitting goal waiver requests, and explains the goal waiver review and determination process. By consolidating this information, the Commission on Equity and Inclusion (CEI) aims to support purchasing entities and vendors in meeting their statutory obligations and to promote greater transparency and accountability in the BEP process.

BEP U-Plan Curable Deficiencies (30 ILCS 575/4(e))

Per 30 ILCS 575/4(e), failure to complete and include a BEP U-Plan, including documentation demonstrating good faith efforts when requesting a waiver, renders the bid or offer non-responsive. The purchasing entity must allow the prime vendor 10 calendar days to cure certain deficiencies listed below in the U-Plan.

Section 4(e) of the BEP Act lists the following curable U-Plan deficiencies:

1. A bidder or offeror whose bid or offer is accepted and who includes a completed U-Plan with that bid but fails to meet the goals outlined in the plan.¹
2. Scrivener's errors, such as transposed numbers.
3. Information submitted in an incorrect form or format.
4. Mistakes resulting from failure to follow instructions or to identify and adequately document good faith efforts taken to comply with the U-Plan.
5. A proposal to use a firm whose BEP certification has lapsed or is not yet recognized.

The BEP Act states that a cure is not authorized if the bidder or offeror submits:

1. A blank U-Plan.
2. A U-Plan that shows a lack of reasonable effort to complete the form on time.
3. A U-Plan that states the contract will be self-performed by a non-certified vendor without showing good faith efforts or a request for a waiver.

The following standards outline the requirements and limitations purchasing entities must follow when administering the U-Plan curing process for vendors with curable deficiencies:

- Purchasing entities are required to offer a 10-day cure period to vendors with curable U-Plan deficiencies.
- All cure activity shall address the deficiencies identified by the purchasing entity and shall require clear documentation. The purchasing entity shall establish only one 10-day curing period, allowing bidders to correct deficiencies in their originally submitted U-Plan. The bidder has multiple opportunities within this cure period to submit a revised U-Plan to cure the deficiencies.
- It is not acceptable for a purchasing entity to adjust curing periods or hold U-Plan reviews awaiting a potential BEP vendor's certification approval.
- Any increase in cost to a contract resulting from the addition of a subcontractor to cure a bid deficiency shall not affect the bid price.
- In no case shall an identified subcontractor with a BEP certification made under the BEP Act be terminated from a contract without the written consent of the purchasing entity entering into the contract.
- The purchasing entity shall determine whether the U-Plan deficiency cure is adequate. **Purchasing entities are not permitted to make waiver determinations. BEP has the exclusive authority to make the final determination for all goal waiver requests. Goal waiver determinations are final, and waiver deficiencies cannot be cured with corrected subsequent waiver request submissions.**
- A BEP-certified vendor that does not submit a U-Plan or has U-Plan deficiencies shall have 10 business days to submit a U-Plan or correct the deficiencies.

BEP Goal Waivers (30 ILCS 575/7(3))

If the prime vendor cannot wholly or partly achieve the BEP participation goal, it must follow the waiver process. A prime vendor providing good faith effort documentation and a goal waiver request must review the U-Plan, complete a BEP waiver request, and, if requesting a reduction, submit a participation agreement for each BEP-certified subcontractor, all of which must be submitted with their bid or offer.

¹ A bidder or offeror whose bid or offer is accepted and who included in that bid a completed U-Plan but who fails to meet the goals outlined in the plan shall be notified of the deficiency by the contracting purchasing entity and shall be given a period of 10 calendar days to cure the deficiency by contracting with additional subcontractors who are certified by the BEP or by increasing the work to be performed by previously identified vendors certified by the BEP.

The Business Enterprise Council for Women, Minorities, and Persons with Disabilities (BEP Council) passed the Goal Waiver Determination Resolution on February 26, 2024. Effective July 1, 2024, this resolution rescinds the BEP Council's August 2013 resolution delegating the authority to approve or deny prime vendors' waiver requests to the Capital Development Board and universities and grants the Business Enterprise Program (BEP) the authority to approve or deny prime vendors' waiver requests on CDB, public university, and community college procurements. This resolution also creates a process whereby CDB and public institutions of higher education, including community colleges, will continue to evaluate vendors' good faith efforts, but instead of making the final determination on waiver requests, these entities will submit an overall recommendation on every waiver request to BEP staff, who will make the final determination. The resolution ensures all purchasing entities subject to the BEP Act consistently use the required waiver methodology by giving BEP the authority to review and determine all waiver requests.

The following guidelines establish CEI's requirements for submitting, evaluating, and responding to BEP goal waiver requests throughout the procurement process:

- Vendors may not submit multiple goal waiver requests after bid opening; the final deadline to submit a goal waiver request is the bid or offer due date and time.
- All purchasing entities must submit BEP goal waivers to their designated BEP Compliance Officer, copying Jacob Perez, CEI's BEP Compliance Deputy Director at Jacob.Perez@illinois.gov. Please indicate "BEP Goal Waiver Request" in the subject line.
- Purchasing entities are responsible for notifying vendors when BEP denies a goal waiver request.
- BEP's denial of a full waiver request shall render the bid non-responsive.
- A vendor that requests a partial goal waiver and receives a denial from BEP may be offered a 10-day cure period to meet the whole goal by contracting with additional BEP-certified firms or increasing participation by BEP-certified firms already listed in the initial U-Plan. If that vendor fails to meet the whole goal within the cure period, the U-Plan should be deemed non-responsive.
- A vendor whose goal waiver request is denied cannot submit another waiver request. Unlike curable U-Plan deficiencies, waiver denials do not trigger a cure period and cannot be corrected or resubmitted.

A companion document, "BEP U-Plan and Goal Waiver FAQs and Scenarios," is also available on the CEI website, providing practical examples and answers to common questions to help purchasing entities apply this guidance consistently.

If you have any questions or require assistance, please contact CEI's BEP Compliance Unit at CEI.BEP.Compliance@illinois.gov.

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