

**Business Enterprise Program Council for Minorities,
Females and Persons with Disabilities Meeting Notes**

MONTHLY COUNCIL MEETING MINUTES

100 W. Randolph
Room 2-025
Chicago, IL 60601

401 S. Spring St.
Room 500 ½
Springfield, IL 62706

Monday, October 24, 2016- 1:30 PM

COUNCIL MEMBERS IN ATTENDANCE

Larry Ivory, Kim White, Jesse Martinez, Hedy Ratner (PH), Emilia DiMenco, Sharla Roberts, Cate Costa, Charisse Witherspoon, Karen Eng, Michael Hoffman, Khari Hunt

COUNCIL MEMBERS NOT IN ATTENDANCE

Samantha Hufnagel, Susan Shaw, Edward McKinnie , Beth Doria, Sheila Morgan Hill, Denise Barreto, Erin Aleman

COUNCIL CHAIR

Michael Hoffman, Chairman

COUNCIL SECRETARY

J. Marcos Peterson

CMS STAFF IN ATTENDANCE

Elias Ricks Ngwayah II, Carlos Gutierrez, Ben Jones, Harry Reinhard

OTHERS IN ATTENDANCE

Shirley Webb, Mark Hardy, Jean Sandstrom, Rodney Hodge, Angela Davis, Ben Bagby, Margaret Van Dijk

**PUBLIC NOTICE
STATE OF ILLINOIS**

Business Enterprise Council for Minorities, Females, and Persons with Disabilities

100 W. Randolph
Room 2-025
Chicago, IL 60601

401 S. Spring St.
Room 500 1/2
Springfield, IL 62706

AGENDA

October 24, 2016
1:30 p.m. – 3:30 p.m.

- I. Welcome
- II. Call to Order
- III. Roll Call
- IV. Approval of Minutes of Council Meetings held on August 22, 2016
- V. Chair's Report
 - Open discussion regarding Council's Statutory responsibilities
 - New structure on subcommittees
- VI. Posted Business
 - BEP Council 2017 calendar
 - Time sensitive votes
- VII. Committee Updates
 - Certification Committee
 - Marketing and Community Engagement
 - Policy and Compliance
 - Business Strategy and Growth
 - Advocacy and Public Policy
- VIII. Old Business
- IX. New Business
 - Staff assistance
- X. Public/Vendor's Testimony
- XI. Adjournment
 - Next Council Mtg. – December 12, 2016

Please note: In case you need to connect to the meeting via teleconference, please use the following number and access code:

Teleconference Number **888-494-4032**
Access Number **2587213722**

BEP Outreach Events: <http://www.illinois.gov/cms/events/SitePages/List.aspx>

I. Welcome

Secretary Peterson welcomes all.

II. Call to Order

Secretary Peterson called the meeting to order at 1:35pm and proceeded with roll call.

III. Roll Call

Roll call conducted. Quorum was not established.

IV. Approval of Minutes

Approval of Minutes was postponed due to lack of quorum.

V. Chair's Report

Chair Hoffman informed the council that Jimmy Odom recently left DCEO to join the new Intersect Illinois Private Economic Cooperation for the State of Illinois. His replacement will be sought. The Chair also lauded the BEP team for doing a lot of work to better serve the council through professional development trainings. He mentioned CMS and BEP in collaboration with the Department of Innovation and Technology hosting an IT networking event in Chicago which was attended by the Governor.

Member Roberts said the Council was not invited to that event and urged the BEP management to have the council invited to these activities. Director Hoffman promised to have the council members invited to these events moving forward.

Director Hoffman informed the Council that the RFP for Sheltered Market was published as an act of procurement. He said this limits what he can say about it. Member Ivory congratulated this administration for doing the Sheltered Market.

Secretary Peterson informed the council about the restructuring plan for BEP with regarding to streamlining the subcommittees into 3 groups. These groups will be related to the 3 divisions within BEP: Compliance, Certification, and Outreach.

Member Witherspoon wants to know whether BEP did a review of all previous subcommittees before these present ones in order to make sure all responsibilities that need to be captured are indeed captured. Member Roberts concurred with member Witherspoon. Member Roberts also talked about the certification committee being empowered by the council to hear appeals and make decisions. These decisions will be honored by the council. Member Martinez also reminded the council about the waiver review committee that was approved by the council and given the power to hear waiver requests.

Member Ivory commended the CMS/BEP leadership for conducting a review of what is working and what is not working. He said he is looking forward to participating in such exercise.

Chair Hoffman said the team will document the proposed changes and the responsibilities associated with these changes so that the council can have a clear understanding of these changes. He said his intent is to keep it open and transparent.

Counsel Jones announced that with the arrival of member Eng, the council now has a quorum.

Member White asked that members that are interested in the upcoming committees should please make a commitment to attend meetings. She cited her experience with not having anyone attend two subcommittee meetings that were planned.

Member DiMenco talked about the problem of having members on various committees. She said this affects their attendance for meeting because they are over extended.

Motion to approve Minutes

Member Ivory motions to approved minutes. Member Witherspoon seconded. Vote taken and motion approved unanimously.

Member Martinez said there is an issue of interpretation with the new law of the 10-day cure period and he wants the council to weigh in on this issue. He wants to know the time the clock starts ticking on the 10-day cure period. Is it when the bids are opened or when the bidder is notified? He said at CDB if you are deficient at the bid opening, the clock starts ticking. However, the CPO office believes that the clock starts ticking after the bidder is notified. He said the vendor is usually notified that same day when the deficiency is noted or in some cases the next day. They have 10 days to cure the deficiency or they submit a "Good Faith Effort".

Margaret Van Dijk, CPO from the Capital Development Board, acknowledged that they have been trying to resolve this issue. She said the change that was made by Public Act 99462 which allows the cure period. She said the new section is section 4E under the BEP Act. She said it provides that "Bidders shall be notified of the deficiency and shall be afforded a period not to exceed 10 days to cure that deficiency in the bid or proposal". She said the question is do bidder know they are deficient at the time they submit at the time of bid opening. She said in many cases they do but not in all cases. According to CPO Van Dijk her interpretation of that Act is that the cure period starts once the applicant is notified of the deficiency.

Counsel Jones said yes that was the assumption for the General Services bids that were deficient once they were notified would start the clock. But he said the consensus was that for General Services instead of the concrete 10-day period that you have for construction, we would allow the agencies and BEP would decide what is appropriate for the cure period. It could be shorter or longer.

Member Roberts said the universities also do construction and they start the cure period from the day of the bid opening. She said the applicant is notified of deficiency the day of the bid opening.

Member Hunt said he does not fully understand the deficiency aspect of these cases so he does not feel comfortable voting on it right now. But as a principle, he thinks giving applicants 10 days to cure their deficiency after they have been notified seems fair, however, he wants to know more about how it allows people to game the system.

Chair Hoffman said before he feels comfortable calling a vote on this issue, he wants to have more details on the analysis of the statute. He said he would be happy to have it on the next meeting agenda.

Member Ivory said when faced with this decision, people need some time to digest the information so that they can make an informed decision.

CPO Van Dijk made a proposal to member Martinez for them to create outlining what the issue is and it can be part of the council's packet for the next meeting.

Member Martinez agreed with CPO Van Dijk for the both of them to write the memo outlining the issues of the start of the cure period.

CPO Ben Bagby said he would like to work with member Martinez and CPO Van Dijk on the memo because they have a similar kind of interest and for the need of consistency.

Member Roberts reminded Secretary Peterson that she had sent him a white paper on curing in order to be distributed to the Council at December's meeting.

VI. Posted Business

Secretary Peterson informed the Council of the 2017 BEP meeting calendar and asked for concerns anyone might have about it. There were no issues. He told them that there will be no meeting in November due to the Thanksgiving but that the next meeting will be on December 12, 2017

Committees Update

Certification Subcommittee

No Report

Marketing and Community Engagement Subcommittee

Member Roberts said the subcommittee met but due to the proposed changes in the subcommittee structure, the report is not relevant.

Policy and Compliance Subcommittee

No Report

Business Strategy and Growth Subcommittee

No Report

Advocacy and Public Policy Subcommittee

Chair DiMenco said they met and requested some information but due to the proposed subcommittees changes they will wait and see what transpires.

VII. Old Business

None

VIII. New Business

Secretary Peterson informed the Council about a need for a student worker for BEP. He said there will be no pay but they could receive some school credits for work being done with BEP. He also announced that the Open Meeting Act training for new council member has to be completed within the first 90 days as a council member.

Member Roberts informed the council that member Sheila Hill-Morgan could not be here today due to CMSDC national conference being held today at the McCormick Place.

IX. Public/Vendor's Testimony

None

X. Adjournment

Member Witherspoon motioned for adjournment. Member Roberts seconded. Vote taken and motion to adjourn passed. Meeting adjourned at 2:350pm.