

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

MONTHLY COUNCIL MEETING MINUTES

100 W. Randolph
Room 2-025
Chicago, IL 60602

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

Monday, January 28, 2013 - 1:30 P.M

COUNCIL MEMBERS IN ATTENDANCE

Richard R Boykin	Florence Cox	Perry Nakachi	Marva Boyd
Fred Coleman	Alesia Hawkins	Larry D Ivory	Omar Duque
Jesse Martinez	Joan Archie	Charisse Witherspoon	
Nelida Smyser-DeLeon	Hedy Ratner	Lynne Marie Turner	

COUNCIL MEMBERS NOT IN ATTENDANCE

Rodney Lewis	Samantha Hufnagel	Beth Doria
Alfred Ramirez		

COUNCIL CHAIR

Malcolm Weems, Chairman, CMS Director

COUNCIL SECRETARY

Paul Cerpa, BEP Deputy Director

CMS STAFF IN ATTENDANCE

Roger Nondorf	Harry Reinhard	Jeanetta Cardine
Philina King	Nelly Trevino	Ellen Daley
Susan Hartman	Sharla Roberts	Carlos Gutierrez
Ellen Daley	Agueda Corona	

OTHERS IN ATTENDANCE

Ben Bagby	Matt Brown	Art Moore	Sharron Matthews
Sharon Ferguson	Carlos Charneco	Kevin Krass	Constance Umbles-Sailers
Tim Fishburn	Gustavo Giraldo	Tom Mikrut	

AGENDA

January 28, 2013 - 1:30 p.m.

- I. Welcome
- II. Call to Order
- III. Roll Call
- IV. Approval of the Minutes of the Council Meeting held on December 18, 2012
- V. Chair's Report
- VI. Posted Business
 - Commissary Procurement
- VII. Unfinished Business
 - Open Meetings Act Training
- VIII. Committee Updates
 - Procurement Committee
 - Business Development Committee
 - Capital Access and Banking Committee
 - Certification Committee
 - Policy, Rules and Enforcement Committee
- IX. New Business
 - BEP Certification Update
- X. Vendors' Testimony
- XI. Adjournment
 - Next Council Mtg. – February 25, 2013
- XII. Executive Session – Certification Appeal Hearing

Welcome

Chairman Malcolm Weems called the January Business Enterprise Program (BEP) Council meeting to order at 1:35pm on January 28, 2013.

Roll Call

Council Secretary Paul Cerpa took the roll and announced that a quorum has not been obtained.

Correction to the Minutes: Council member Charisse Witherspoon noted that she had seen something prior to the meeting that needed to be corrected on the January Minutes but could not find it at the start of the meeting. Council member Witherspoon acknowledged that it was minor and that when found she would forward to the Secretary for correction.

Vote and approval of the Minutes of the Council Meeting held on January 28, 2013 was established.

Chair's Report

- Chairman Weems informed the Council that he had held meetings with several Legislators that are looking at minor changes to the BEP Act that include the inclusion of different kinds of businesses that doesn't fit the standard format. It has to do with the creation of jobs by certain entities that might generate more revenue above our threshold but not necessarily profitable businesses. Chairman Weems also noted that he would like to get those Legislators before the Council sometime in the near future.
- Council member Hedy Ratner asked who those Legislators were that Chairman Weems had been having discussions with. Chairman Weems said he had had discussions with Representatives Will Davis, Ken Duncan. However, the Chairman noted that Rep. Chapavia and others were interested in these changes.
- Council member Larry Ivory mentioned that he feels it is a good idea.

Posted Business

- **Commissary Procurement**
 - Chairman Weems acknowledged the presence of representatives of the Procurement Policy Board. He further said that the reason this topic was being discussed is that there have been a lot of questions being asked by Legislators and others about the

procurement practices being carried out by the Central Management Services and also how we deal with other agencies procurement practices. According to Chairmen Weems Commissary Procurement is one that has not been discussed in the past. Currently there is no statewide contract for commissary procurement. Therefore he invited Aaron Carter from the Procurement Policy Board to explain to the Council issues regarding this procurement.

- Aaron Carter, member of the Procurement Policy Board, said when he last held discussions with the Department of Corrections, he was told that they were going to run a pilot out of Robertson Correctional with goals on it and was also working with the Union to make sure everything was okay with them but he has not heard anything from them since that time. He also said he is eager to learn what they have done.
- Council member Hedy Ratner said she doesn't understand the situation and it does not make any sense to her.
- Chairman Weems said the time for pilot has passed and that he was going to reach out to the Department of Corrections and inform them that we are going for a statewide contract.
- Chairman Weems also talked about locally held funds that the Department of Corrections said were not being held in the state treasury. Chairman Weems said we believe this money should be subject to the procurement code. Aaron Carter said this was the first time he had heard about this fund.
- Council member Larry Ivory stressed the need to have goals on the commissary procurement.
- Chairman Weems promised to reach out to the Department of Corrections and report back to the Council regarding goals on the Commissary procurement.

Unfinished Business

- **Open Meetings Act Training**

Secretary Paul Cerpa asked council members to provide him with the certificate of completion of the "Open Meeting Act" training. He also urged members to also complete the "Ethics Training" if they had not completed it.

- Council member Nelida Smyser-Deleon asked that the Secretary kindly resend the link with the "Open Meeting Act" training.

Committee Updates

- Procurement Committee – Chairlady Charisse Witherspoon told the Council that the subcommittee had a very productive meeting. Those

present were Charisse Witherspoon, Larry Ivory, Alesia Hawkins, Omar Duque, Harry Reinhard, Jeanetta Cardine, Leslie Taylor, and Carlos Gutierrez. Chairlady Witherspoon is one question that was asked was "What was the outcome of the Commodity Fair?" Secretary Cerpa said it was held sometime in November 2012 and would get back to her regarding additional information. Also Chairlady Witherspoon raised the issue of inadequate staffing in BEP and the effect on the Outreach Division. Secretary Cerpa assured Chairlady Witherspoon that the Outreach Division has not been abandoned and that the department has identified all the training needs with respect to certification and have been working with the Outreach Coordinator of the Central Management Services (CMS), Ms. Evonne Valasquez, in developing two major Outreach events for CMS and other agencies. Secretary Cerpa further said that BEP has been working with the Illinois Department of Transportation and Tollway. Secretary Cerpa said he understands the Chairlady concern but emphasized that he and other staff have been filling in the gap. Chairman Weems also emphasized the importance that CMS attaches to Outreach.

- Council member Hedy Ratner recommended that CMS utilizes other organizations and piggyback off their events. She also informed the Council that the Womens Business Development Council has established a new initiative called the Women Vet Entrepreneurialship Program in partnership with the Illinois Department of Veteran Affairs. She said they are trying to help give opportunities to Women Veterans which has 37% unemployment. She also said one in six homeless women is a veteran. She concluded that they are looking at Business Development Opportunities and Micro-enterprise opportunities.
- Council member Omar Duque acknowledged that he had missed a couple of meetings but wanted to know the outcome of the Sheltered Market and whether it has moved to JCAR. Chairman Weems responded by saying we received the findings from the Sheltered Workshop Forum and submitted it thru the normal process, not emergency. He also said that the Disparity Study, which is our real evidence, is ongoing. Secretary Cerpa said from the standpoint of CMS, we have done everything required of us. We are waiting to hear from them. He further said it could take up to 3 months.
- Chairlady Witherspoon said they also talked about down state goals being lowered, and performances being lowered, and also universities and junior colleges. The subcommittee has scheduled a time of 11:45am on the day of each council meeting as its meeting time. Chairlady Witherspoon also sought guidance on the Open Meetings Act. Secretary Cerpa advised the Chairlady on the publishing of agenda and avoiding private conversations as it relates to the Open Meetings Act.

- Council member Marva Boyd informed the council that on Monday, March 4th, 2013, they are having a multi-agencies outreach entitled "How to do Business with a State". She further said this event would involve the Illinois Department of Transportation; Toll Way; Department of Commerce and Economic Opportunities and the Central Management Services. This event will take place at the Illinois Institute of Technology and registration will be from 8:30am to 9am. It will be a full day event with breakout sessions. Council member Ivory asked what this meeting will be about so he could communicate that to his group members around the State. Council member Boyd responded by saying that this is a unique event that is bringing together four state agencies. It will give people multiple avenues to do business with the State all at the same time.
- Secretary Cerpa asked Council member Boyd about the conference held by the Illinois Department of Transportation called "Today's Challenge, Tomorrow's Reward". Council member Boyd acknowledged the conference and said it was an annual conference which allows DBEs and Prime contractors to come together and network, and establish teams. It will be held in Springfield on February 19th and 20th.
- Business Development Committee—No Report
- Capital Access and Banking Committee – Chairman Fred Coleman told the Council that the subcommittee has not met since late November. He said they still have pending conference calls with the three Surety Bonding agencies and Advocacy agencies. It will focus on Surety Bonding education. Chairman Weems asked council member Coleman when he will be able to have the teleconference done? Coleman said he will have at least one done by February 25, 2013.
- Certification Committee – Chairlady Florence Cox informed the Council that they had an appeal meeting and upheld the denial based upon being over the threshold.
- Policy, Rules, and Enforcement Committee – No Report

New Business

BEP Certification Update

- Secretary Cerpa informed the Council that the BEP has been working with our Legal Council and members of the EEC to provide some update to the template for the BEP requirement for bidding. He further

- informed the Council that the EEC has been helpful in its cooperation with BEP in this endeavor.
- Secretary informed the Council that BEP is finalizing its Annual Report and will be presenting it to the Council for its review and questions before releasing it to the General Assembly in March. He also said that this report will account for the most transparency in the history of the program. He further explained that the Sheltered Workshop was separated from the total BEP spend. Also IDOT and Tollway were separated.
 - Council member Hedy Ratner also praised the efforts of Chairman Weems and Secretary Cerpa about expressed concerns that Illinois Community Colleges were not reporting their spend to BEP. Chairman Weems said he would check on that.
 - Council member Nelida Smyser-Deleon wants to know why the decision was made to separate Sheltered Workshops from BEP total spend. Chairman Weems explained that those numbers are important but reminded everyone that Sheltered workshops are not BEP certified vendors.
 - Council member Coleman told the council about the concerns that the University of Illinois has with respect to working with CMS regarding certification. He explained that when the University of Illinois started its Capital Construction Program, they communicated to the vendors that they only wanted to use CMS certified vendors in order to report a higher tally at the end of the year. He told the Council the issue has to do with accelerating the CMS renewal process so that those selected vendors will be in good standing during the duration of the project. Chairman Weems asked whether it was vendor seeking to be renewed or new vendors that want to get in front of the line. Council member Coleman said it was vendors seeking to be renewed. Secretary Cerpa said BEP will work with the University of Illinois but stressed that it is very important that firms are certified at the time of bid. Council member wants clarification on what would happen to vendors that have their paperwork in during the process of recertification. According to Secretary Cerpa, they would continue as being certified until such time that they are denied certification.
 - Council member Perry Nakachi asked whether extension could be granted if the paper work was in on time. Secretary Cerpa said no extension would be granted because the BEP Act does not allow for it.
 - Council member Jesse Martinez said that in the case of the Capital Development Board, once all the paperwork is in on time that when the good faith effort is applied and an evaluation is done.
 - Chairman Weems said the conversation should continue. Although he said it will be based on our capability.

- Secretary Cerpa lastly informed the Council about a bill being circulated by Representative Flowers about the establishment of a separate entity to deal with a Department of Women and Minority inclusion. It will be housed in the Governor's office. It would also have some impact on the BEP Council activities as well as the program. He urged Council members to read the bill. The Bill number is HB0004. The Secretary also talked about HB0005 which seeks to include Middle Eastern into the program.
- Council member Richard Boykin asked why are there no BEP goals on the December solicitation list for Pest control, Gutter replacement, and Recreation yard installation.
- Council member Alesia Hawkins said it was decided not to further divide those procurements that were under \$250,000.
- Chairman Weems said it was decided that it does not make good business sense to further divide a small contract.
- Council member Alesia Hawkins said she personally reviewed those solicitations and some were granted waivers. Only one she said that did not have a reason. It was from DCFS. The intent was for a conversation to be had. Council member asked for a breakdown on the total spend on Ethnic groupings by the Department of Correction. Chairman Weems said absolutely.
- Council member Ivory said he would like to see if there is any way to find out if minority wants any of these smaller contracts.
- Council member Nakachi emphasized that smaller contracts are great opportunity for minority to become prime vendors.

Public/Vendors' Testimony

- None

Adjournment

- Meeting adjourned at 3:05pm for the Executive Session.
- The Next Council Mtg. – December 18, 2012

Executive Session – Certification Appeal Hearing

- The BEP Full Council upheld the denial for Donco Electric Company by unanimous vote.