

**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, June 24, 2013 - 1:30 P.M**

**COUNCIL MEMBERS IN ATTENDANCE**

Perry Nakachi	Beth Doria	Fred Coleman	Lynne Marie Turner
Charisse Witherspoon	Larry Ivory	Richard Boykin	Nelida Smyser DeLeon
Corinne Pierog	Jesse Martinez	Hedy Ratner	

**COUNCIL MEMBERS NOT IN ATTENDANCE**

Joan Archie    Marva Boyd    Alfred Ramirez    Rodney Lewis    Samantha Hufnagel  
Omar Duque

**COUNCIL CHAIR**

Malcolm Weems, Chairman

**COUNCIL SECRETARY**

Paul Cerpa, BEP Deputy Director

**CMS STAFF IN ATTENDANCE**

Harry Reinhard	Kevin Connor	Susan Hartman	Sharla Roberts
Ellen Daley	Michelle Jackson	Leslie Taylor	Elias Ricks Ngwayah II

**OTHERS IN ATTENDANCE**

Ben Bagby	Michelle Casey	Art Moore	Roger Nondorf
Matthew Grady	Ronald Banks	Ngozi Okorafor	Gustavo Giraldo
Tom Mikrut	Margaret van Dijk	Kevin Chin	Mandy Chan
Matt Brown	Amanda Baylor	Mitzi Loftus	Sandy Robinson
Sharon Ferguson	Deanna Rosetto	Joe Kim	

## **AGENDA**

June 24, 2013 - 1:30 p.m.

- I. Welcome
- II. Call to Order
- III. Roll Call
- IV. Approval of Minutes of Council Meeting held on May 28, 2013.
- V. Chair's Report
- VI. Posted Business
- VII. Unfinished Business
  - Waivers / Good Faith Effort Process
- VIII. Committee Updates
  - Procurement Committee
  - Business Development Committee
  - Capital Access and Banking Committee
  - Certification Committee
  - Policy, Rules and Enforcement Committee
- IX. New Business
- X. Public/Vendor's Testimony
  - Adjournment
  - Next Council Mtg. – July 22, 2013

## **Welcome**

Chairman Malcolm Weems called the March meeting of the Business Enterprise Program (BEP) Council to order at 1:45PM on July 24, 2013.

## **Roll Call**

Council Secretary Paul Cerpa took the roll and announced that a quorum has not been obtained. It was noted that for a voting quorum to be established, Council Members must be physically present, or call/dial in from a public facility. Voting on the minutes will be deferred to the next Council meeting.

## **Chair's Report**

Chairman Weems recapped the issues of the special Council meeting that was held on Friday, June 21. This meeting focused on the Disparity Study sub report on Information Technology and Telecommunications. The meeting was to gather an understanding of the data and methodology contained within the report. Collette Holt, consultant in charge of the Disparity Study, was available to answer questions surrounding the report. Council Member Fred Coleman offered some non material changes and clarifications to the wording of the report. As this report impacts a potential Sheltered Market vote, Chairman Malcolm Weems stated that once the Council reached a quorum, then some decisions will be made regarding Sheltered Markets. Council member Perry Nakachi noted that not all of the classification codes utilized in the survey were relevant, and felt that only three were. Chairman Weems directed Sharla Roberts to obtain clarification on the codes in question and also stated the Collette Holt will be called upon to clear up any further questions or issues that the Council may have regarding the report

## **Posted Business**

No posted business.

## **Unfinished Business**

### **Shelter Market**

Disparity Study consultant, Collette Holt, noted that she would be able to provide to the BEP Council the Disparity Study in its entirety, rather than segmented into different aspects within sub reports, such as the report on Information Technology and Telecommunications. Council Member Larry Ivory asked for

confirmation of the voting date for the Shelter Market. Chairman Weems stated that as soon as there was a quorum, the vote could be taken, seeming most likely to be the next Council meeting.

Chairman Weems asked for an update on the JCAR rules that are being promulgated regarding the Sheltered Market. Council Secretary Paul Cerpa called Kevin Connor, CMS General Counsel, to the table for an update. Also joining Mr. Connor was Michelle Jackson the new Deputy General Counsel for BEP. Kevin Connor noted that JCAR wanted a review of the Disparity Study by the Council and CMS before the establishment of a Sheltered Market as a remedy. Also stipulated by JCAR is that the State's Chief Purchasing Officers have the authority to implement such remedy by statute, and all evidence obtained to warrant the establishment of a Sheltered Market will be turned over to JCAR. Chairman Weems noted that any material changes through JCAR will be discussed with the Council. JCAR's decision is anticipated on July 9, 2013. Council Member Larry Ivory called for confirmation that it was entirely up to the State Chief Purchasing Officer (CPO) to implement a Sheltered Market. Chairman Weems noted that it was, and also that CMS/BEP will work closely with the CPO to ensure swift implementation. Council Member Perry Nakachi asked if the CPO had the power to not implement the Sheltered Market. Kevin Connor said that it was within their authority.

CPO Matt Brown was asked to comment on Sheltered Market issues. CPO Brown stated that there were no objection to the establishment of this program, as long as due diligence was performed by all in identifying that actual need of such a program. CPO Ben Bagby also noted that there is a provision in the Civil Administration Code that calls for the cooperation of agency directors in various programs, for example the State Use Program and the BEP Program.

## **Waivers**

Secretary Cerpa opened the discussion with the statutory requirement that all waivers sought by agencies and universities must be voted upon by the BEP Council, and be posted on line. Noted was the timing issue with presenting waivers to the Council for review and a vote, and then processing these waivers on a timely basis. Three handouts were presented to the Council illustrating various waiver processes that are currently utilized by CDB, CMS and the universities. Council Secretary Cerpa expressed a procedural need that allows CMS and CDB the authority of a waiver decision making process on behalf of the Council, with the results reported to the Council's Policy and Enforcement Committee. A vote on this process cannot be taken as a quorum has not been obtained. Council Member Perry Nakachi expresses some reservation about the administrative components of the process, and potential conflict of interests that could result if the Council becomes too deeply involved in the process defined by the Council Secretary. One of the basic tenants of the newly defined process is to insure Good Faith Efforts have been exhausted. Council Member Beth Doria agrees with Council Member Perry Nakachi's points, and adds, that the Council

should become more engaged with agency directors so they may understand how committed the Council is to the Program, and at the same time, look for a commitment from the directors toward the Program. Council Member Fred Coleman questioned the process of university waiver reviews having to be submitted to CMS for additional review. Council Secretary Cerpa stated the CMS will not review university waivers; it will be up to the university to conduct their own review process, and report their decisions to CPO Ben Bagby for posting.

## **Committee Updates**

Procurement Committee – Chairlady Charisse Witherspoon detailed the Subcommittee meeting held just prior to the Council meeting. Communication challenges are an area of concern that needs to be addressed. Not enough time is spent with the vendor community, helping them understand the various procurement processes of the state. We need to make more information available to our vendors. Chairlady Charisse Witherspoon also mentioned the City's Buying Plan, which is a summation of contracts to be let by the city. This Buying Plan is located on the City's website. Within the Buying Plan and on the City's website, a wealth of information is available, such as contracts that have been awarded and the awardees, subcontractors, attendees of pre bid conferences, and more. Perhaps the state should follow suit and provide more information to the vendor community. It was noted that to hold informational webinars, Mitzi Loftus should be contacted to assist in initiating the program. Chairman Weems agreed that more information and education to the vendor community is warranted.

- Business Development Committee – No report.
- Capital Access and Banking Committee – No report. Chairman Fred Coleman welcomed a new committee member Corinne Pierog.
- Certification Committee – Councilmember Beth Doria, speaking on behalf of Chairlady Florence Cox, informed the Council that there two appeal hearings prior to the Council meeting. One denial was upheld, and the other was overturned.
- Policy, Rules, and Enforcement Committee – Councilmember Beth Doria noted the Committee met on June 10, 2013. A waiver of a contract involving Indian Head Park was approved.

## **New Business**

Council Member Beth Doria wants to develop a way to build better relations with agency directors and the General Assembly. They need to know what the Council does. It was suggested that the Council designate one of the Council's upcoming meetings for this purpose. Secondly, Council Member Beth Doria announced that the Gaming Bill did

pass and now awaits the Governor's signature. This bill mandates BEP goals on casinos and horse racing contracts.

**Public/Vendors' Testimony**

No testimony this month.

**Adjournment**

The next Council Meeting will be held on July 22, 2013. However, Chairman Weems indicated that there may be an additional Council meeting between now and the 22<sup>nd</sup> of July to vote on some specific issues that could not be voted upon today due to lack of a quorum.

Meeting adjourned at 2:57PM.