

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

**MONTHLY COUNCIL MEETING MINUTES**

100 W. Randolph  
Room 9-040  
Chicago, IL 60602

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

**Thursday, December 12, 2013 – 2:00 P.M.**

**COUNCIL MEMBERS IN ATTENDANCE**

Florence Cox   Beth Doria   Fred Coleman   Charisse Witherspoon   Hedy Ratner  
Richard Boykin   Jesse Martinez   Alesia Hawkins   Samantha Hufnagel   Marva Boyd  
Lynne Marie Turner   Larry Ivory

**COUNCIL MEMBERS NOT IN ATTENDANCE**

Alfred Ramirez   Rodney Lewis   Corinne Pierog   Perry Nakachi   Joan Archie  
Omar Duque   Nelida Smyser DeLeon

**COUNCIL CHAIR**

Simone McNeil, Chairman

**COUNCIL SECRETARY**

Paul Cerpa, BEP Deputy Director

**CMS STAFF IN ATTENDANCE**

Carlos Gutierrez   Elias Ngwayah   Michelle Jackson   Langstan Smith  
Harry Reinhard   Vincent Bass   Roger Nondorf   Austin Baidas   Sue Hartman  
Ngozi Okorafor

**OTHERS IN ATTENDANCE**

Emmanuel Jackson   Linda Clarke   Kacy Bassett   Anthony Jackson  
Veronica Reyes   Matthew Grady   Micaela Vidana   Dreena Jones

## **AGENDA**

December 12, 2013

2:00 p.m. – 4:00 p.m.

- I. Welcome
- II. Call to Order
- III. Roll Call
- IV. Approval of Minutes of Council Meeting held on October 28, 2013.
- V. Chair's Report
- VI. Posted Business
- VII. Committee Updates
  - Procurement Committee
  - Business Development Committee
  - Capital Access and Banking Committee
  - Certification Committee
  - Policy, Rules and Enforcement Committee
- VIII. New Business
  - Sheltered Market Report
- IX. Public/Vendor's Testimony
- X. Adjournment
  - Next Council Mtg. – January 27, 2013

## **Welcome**

Council Secretary Cerpa welcomes all.

## **Call to Order**

Council Secretary Cerpa called the meeting to order and then conducted attendance.

## **Roll Call**

Joan Archie – Absent  
Richard Boykin – Present  
Fred Coleman - Present  
Florence Cox – Present  
Nelida Smyser-Deleon – Absent  
Beth Doria, Springfield – Present via Video Conference  
Omar Duque – Absent  
Alicia Hawkins - Present  
Samantha Hufnagel - Present  
Larry Ivory – Present  
Rodney Lewis – Absent  
Corrine Pierog – Present  
Jesse Martinez – Present  
Perry Nakachi - Absent  
Marva Boyd – Present  
Hedy Ratner – Present  
Lynne Marie Turner – Present via Teleconference  
Charisse Witherspoon – Present  
Alfred Ramirez – Absent

## **Approval of Minutes**

Minutes from October 28, 2013 – moved, seconded and approved) upon arrival of full quorum.

## **Chair's Report**

No Chair's Report

## **Posted Business**

No Report

## **Committee Updates**

### **Procurement Committee**

The Procurement Committee reported having attended a meeting/workshop on how to navigate the Department of Procurement Services website for the City of Chicago. This was done due to commentary from several people that were still having problems navigating the state's website. A handout was given to give an overview of how the City's Procurement website operates.

### **Business Development Committee**

No report

### **Capitol Access and Banking Committee**

No report.

### **Certification Committee**

The Certification Committee reported having met earlier that morning and the decision was made to forego the decision making until they had received additional information.

### **Policy, Rules and Enforcement**

The Policy, Rules and Enforcement Committee reported that they would be having a meeting immediately following this one to review an emergency good faith effort.

### **Committee Commentary**

Council Secretary Cerpa addressed committee participation in respect to the possibility of revising some committees moving forward in 2014.

Council Member Charisse Witherspoon spoke on the topic of some who may be too stretched or extended over several committees, resulting in lack of consistent attendance.

Council Secretary Cerpa suggested the idea of facilitating meeting rooms for the committee meetings if it would better help in managing a quorum due to legal ramifications that could affect the council.

## **New Business**

Acting Director, Simone McNeil briefly introduced the Sheltered Market Report and confirmed whether all council members had received the report via email and had the time or at least would take the time to look it over.

Council Secretary Cerpa then spoke on his and the council's participation in creating the Sheltered Market report over the past couple of years and the actions being taking toward the disparities in the IT and Telecom.

CMS Legal representative Michelle Jackson presented and summarized the Sheltered Market report:

Discussions regarding the inequities in IT/Telecom contracts began in March of 2012 when the subject was broached at one of the council meetings. This subsequently led to an ad hock committee with public hearings in ensuing thereafter in September of 2012. Many Council members had attended and participated in the meetings in Collinsville, and Franksville and in Chicago.

From those meetings there was gathering of anecdotal evidence as to whether or not there was validity to the claims that there were some inequalities or discrimination in the state's IT/Telecom contracting. The evidence confirms that there was anecdotal evidence from the people telling the committee about their experiences. From there the committee needed to have statistical evidence, so a full disparity study was commissioned and is currently in the works.

In the study, CMS requested that the disparity study consultant focus on IT/Telecom early on, to give the committee a report on whether or not there were any disparities in the IT/Telecom contracting that the state does. That report was distributed to the Board in June of 2013 and the Council reviewed that report. CMS then looked at everything, including anecdotal and statistical evidence as well as the legal basis for the Sheltered Market. The Council voted to implement a Sheltered Market pursuant to the statute that allows the Board to do so. All of this was compiled into a report and the committee is looking to move forward with the action that the Council voted upon. CMS concurred with the Council, based upon the evidence that action is necessary to remedy the discrimination that appears apparent in the state's IT/Telecom contracts.

There are a number of ways that are recommended that we remedy the discrimination or disparity. Goals should continue to be set on these contracts, which could enhance or increase things that the state is already doing that would definitely have a significant impact on BEP participation in IT/Telecom contracts. Those things would be the unbundling of contracts and also include increasing or working with CPO to add to the small business set aside and the types of contracts or industry sector that would fall under that. Additionally, the pre-bid conferences are essential to the networking between a prime and a potential sub. If they don't know each other, how can we expect them to ever reach out or work with one another? Therefore a Mentor/Protégé program is advisable. Council Secretary Cerpa has been working on the creation of that and looking at how that might work. We want to make sure our BEP certified companies are primes. We don't want them to always be relegated to the role of a sub. With the Mentor/Protégé program, they will hopefully be able to do that. We would be facilitating that relationship.

Finally there is utilizing the sheltered market as a vehicle, as a procurement method to increase BEP certified companies' participation on IT/Telecom contracts and with that, for the sub-sectors per the disparity report where we have availability in low, if no utilization, we want to work with the CPO's office to sit down and see on a solicitation by solicitation basis, what is appropriate for using the Sheltered Market as that procurement method.

Council Member Hedy Ratner mentioned her concern that after two years, the Council is still in the same place because the CPO's office has not agreed to the Sheltered Market in a way that will have a major impact.

Council Secretary Cerpa expressed that he did not necessarily agree that the CPO's office hadn't agreed to the Sheltered Market. He stated that there had been some discussion and that it warranted further discussion based on the Sheltered Market report.

Chima Eniya stated that over the past two years, there had been a few milestones in areas we have never been before in the state in regard to BEP. As the milestones have been met, he said that there additional conversations that need to be had in good faith, in the open with all stakeholders at the table. He felt that this forum has proven to get the Council to that point. Moving forward, he felt that the Council has moved to establish a Sheltered Market and CMS has moved to commission the disparity study to find the statistical analysis to go with all the anecdotal, etc. Now the Council is at the point where in good faith, all parties that have a vested in seeing this happen in the best interest of the state...we're saying we need to come to the table and devise a plan to see where we can use the Sheltered Market approach as the procurement method to alleviate the disparity that we all can agree

exist in the state. Going forward the impetus will be on the entire Council to negotiate this and to talk through what the implications would be and how to best receive what the Council did and the milestone we reached earlier this year. (2012)

Council Member Richard Boykin wanted to publicly commend Council Member Larry Ivory on leading the effort on the establishment of the Sheltered Market and the great work that he thought that Mr. Ivory did. He agreed with Chima that the Council had made some milestone progress, but could not rest on it.

Council Member Larry Ivory spoke on a couple things that he had a little bit of concern with. He thought one of the first things the Council needed to do was get Ben Bagby and Matt Brown to agree with the Sheltered Market. He felt there were any objections with this particular Sheltered Market, they should be surfaced and put on the table. The Council has done the homework, spent time and energy to get to this point. He was concerned that in some cases, the Council may have given the CPO too much authority. In looking at the statute and Senate Bill 51, it seemed to him that everything hinged on whether the CPO agrees or disagrees. He frankly didn't think that the statue spoke to that issue. Senate Bill 51 is clear in reference to the Bible that the Council uses, that the Council has the authority to establish a Sheltered Market. It in fact says the Council shall establish a Sheltered Market once they've done the homework. The Council has done the homework and now it just a matter of the CPO basically signing off and moving forward reference to the Sheltered Market. He wanted to know, if the CPO has reasons why they cannot sign off and stated that the Council would like to know what those reasons may or may not be, so that they could address those issues head on and move forward. A lot people want the Council to get to a point where they can say we've gotten something done. The Council has done some good work at the end of day and leadership is going to be judged by results.

### **Public/Vendor's Testimony**

BEP Certified Vendor, Emanuel Jackson of Evanston Technology Partners, an IT/Telecom service company spoke:

"The question is, as we are in this place in 2014 and we are at numbers that say zero and we have to ask ourselves how can that happen? You only get to zero if you're really trying to get to zero...and that there is not access there is not participation, therefore a particular reason. Clearly I think a Sheltered Market aspect would do some good things, not just by access it. I assure if you give you a significant level of business into

sheltered market, it also will allow the larger corporations to actually partner with the smaller minority...female or women owned companies. They have a reason to. Why do they have a reason to? Well that's where the business is...right? That's not rocket science.

If you put the business there that's where they would actually come, but also I think there is a part that has happened...there are some good things that you guys have done lately. I have participated in a couple of bids...CMS...static and interference on video throughout the following) ...or whatever....was responsible for. They did an addendum to whatever RFP or RFQ that was out there that basically said, "Are there any minority vendors out there... (More interference)...therefore there was an addendum added to. I participated in that and my phone started ringing. It was like magic. It started ringing and we had been successful a couple times.

A company like mine has made the efforts to get license by the SEC, we got certified. We use a channel partner process with a multi- billion-dollar corporation and the channel partner process works, everyone. There are billion dollar publicly held companies who go through the channel process and what is that mean...to really any of us? Either you're Cisco, Siemens or IBM or actually whomever that basically means that you train and get certified and you can do business, but you can also train people, you can create jobs. This process is not good for just a few individual companies. I believe that could be a serious job creator, it can drive opportunities, it can simply drive training and it can clearly drive jobs also. I think that is really important for us to move forward with this process, but I've heard here, the question is simply, when? That's the big question. Now clearly if there is a disparity...there is proven discrimination there... I know I'll be talking to Kwame Raoul, who is my state senator and other people who are from the Hyde Park area.

The fact of the matter is if there is no participation...if there is no justice now, justice is actually denied right now. This is a corrective measure, am I correct? It is a remedy. In that...how long should I wait to well? So we could simply do that. But I must say that efforts have been made. I have seen the actual compliance work. Hopefully I can see it work for other companies and other vendors. I think it is important that we look at companies who have built the partnerships they actually needed to actually do business and let's look in a very whole way about what we can do. Once again, I want to thank you for the efforts that you all have made."

Further comments were made in regards to Mr. Jackson's statements. They can be found at:



## **Adjournment**

Council Secretary Cerpa called for Adjournment

Multiple casts for a motion (moved) for Adjournment

Council Member Charisse Witherspoon seconded the motion to Adjourn.

Meeting was adjourned as of 3:21 PM

Next Council Meeting will take place on Monday, January 27, 2014-1:30 PM

NOTE: The following URL sites contain actual audio and video of the Council meeting. For specific and detailed information on any topics of the meeting, please visit one of the following listed sites.

<http://multimedia.illinois.gov/cms/bep-072213.asx>

<http://multimedia.illinois.gov/cms/bep-072213.wmv>