

**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, April 23, 2018- 1:30 PM

COUNCIL MEMBERS IN ATTENDANCE

Hedy Ratner, Alex Bautista, Sharla Roberts, Michael Hoffman, Beth Doria, Larry Ivory, Derrick Champion, Emilia DiMenco, Denise Barreto, Edward McKinnie, Jesse Martinez, Karen Eng, Tim McDevitt, Shelia Hill Morgan

COUNCIL MEMBERS NOT IN ATTENDANCE

Khari Hunt

COUNCIL CHAIR

Tim McDevitt, Chairman

COUNCIL SECRETARY

Amiel Harper

CMS STAFF IN ATTENDANCE

Cate Costa, Elias Ricks Ngwayah II, Harry Reinhard, Carlos Gutierrez, Ryan Green, Ben Jones, Irma Lopez

OTHERS IN ATTENDANCE

Nassir Faulkner, Gustavo Giraldo, Cherise Livingston, Sarah Myercough-Meyer, Herb Stokes, Travis Latham, Charles Harrell II, Joy Jones, Dale Morrison, Artheitha Monroe May, Michelle Flagg, Ben Bagby

**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 662706

AGENDA

April 23, 2018
1:30 p.m. – 3:30 p.m.

- I. Welcome
- II. Call to Order
- III. Roll Call
- IV. Approval of Minutes of Council Meeting held on February 26, 2018 & Subcommittees Minutes (March 26, 2018, March 27, 2018 & March 28, 2018)
- V. Chair's Report
- VI. Subcommittees Reports
 - Certification Subcommittee Report – Chair Sharla Roberts
 - Outreach Subcommittee Report – Chair Emilia DiMenco
 - Compliance Subcommittee Report – Chair Sharla Roberts
- VII. Posted Business
 - Introduction of new CMS Director and new BEP Deputy Director Search
 - Procurement Fair and Vendor Learning Event
 - Agencies' Exemption
 - JCAR Rules Update
 - BEP Secretary Vote
 - DC Excavation Appeal
- VIII. Public/Vendor's Testimony
- IX. Adjournment
 - Next Subcommittee Meetings
 - Certification Subcommittee Meeting – May 29, 2018
 - Outreach Subcommittee Meeting – May 30, 2018
 - Compliance Subcommittee Meeting – May 31, 2018
 - Next Council Mtg. – June 25, 2018

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

Acting Director McDevitt welcomes all and introduced himself as the new Acting Director of CMS. He explained that former Director Hoffman had taken another position with the State dealing with Veteran issues.

II. Call to Order

Acting Director McDevitt called the meeting to order and requested a roll call.

III. Roll Call

Roll call conducted by acting Assistant Director Harper and quorum was established.

IV. Approval of Minutes

Approval of Minutes was established.

V. Chair's Report

Chair McDevitt informed the Council of the publication of the BEP Annual Report and that it can be found on CMS website. He informed the Council that in FY17, BEP vendors achieved \$495 million dollars of BEP qualified contracts. He further said in March, the Outreach Manager, Irma Lopez, participated in 9 events. These include 3 workshops, 2 panel discussions, a certification presentation, and three exhibits events. He said at these events, she had 545 attendees. He later informed the Council that on May 17, 2018, CMS will be hosting a Procurement Fair and Vendors Learning Event. Lastly, he talked about some positive feedbacks from some vendors about BEP staff and the customer service they received.

VI. Subcommittees' Reports

Certification Subcommittee: Chair Roberts said the Certification Subcommittee had a meeting on March 26, 2018 on Meyer Roofing's appeal. She said the subcommittee upheld the denial.

Outreach Subcommittee: Chair DiMenco said the Subcommittee met on March 26, 2018 and covered 3 topics: Strategic Plan; Bill 2906 addressing funding for BEP resources; and topics for future meetings for this committee. She told the subcommittee that BEP is resource-constrained and had hired a temporary worker. She also spoke about the \$15 dollars in the certified vendors contracts fees that go to the comptroller's office. According to Chair DiMenco, the \$15 would stay in the Comptroller's office but a \$50 charge would be added on, which would then go to BEP from contracts that are over a thousand dollars. Regarding future meetings, the Subcommittee thought it

would be help if the Comptroller's office attends and gave a presentation to the Subcommittee. She said they also talked about the CPO and other state purchasing officers coming before the subcommittee.

Compliance Subcommittee: Chair Roberts said the subcommittee met but did not have a quorum and did not vote on anything. She said they discussed exemptions and the House State Government Committee meeting that was held. She said some Council Members, such as Hedy Ratner and Beth Doria, were among those who testified.

VII. Posted Business

New BEP Deputy Director

Chair McDevitt introduced Cate Costa as the new BEP Deputy Director. BEP Deputy Director spoke to the Council and said had served on the Council before and that her background is in small business and consulting. She said she worked in Washington, DC and Chicago with non-for-profits. She said she is excited to be rejoining BEP in a different role.

Counsel Jones informed the Council that member Witherspoon had resigned from the Council because her husband took a job in another state.

Procurement Fair and Vendor Learning Event

Assistant Director Harper spoke about the vendor fair and how it will help our vendors engage in the procurement process. He said the goal of the event is two-fold: 1) To clarify questions that vendors have about how to engage with the state; and 2) How the programs with the state work together.

Agencies Exemptions

Assistant Director Harper said he will be working with Legal regarding the JCAR rules and working through the JCAR process to change the codes to either allowable, non-allowable, or partially exempt.

JCAR Rules Update

Counsel Jones said he had been going over the JCAR rules and found nothing that contradicts the new legislations. He also informed the Council that every state agency was tasked with reducing the restrictions in the administrative rules by 20%. He also said that for every rule you add, there must be two removed.

Member Ivory thanked Counsel Jones for representing CMS at The Illinois Black Chamber Lobby Day.

BEP Secretary Vote

BEP Director Costa leaves the meeting room. Members Roberts and Hill-Morgan spoke highly of Ms. Costa and said they enjoyed the time working with her on the Council. Member Roberts moved to approve the new BEP Secretary. It was seconded by member Hill-Morgan. Vote taken and motion to approve Ms. Costa as the BEP Council Secretary passes unanimously.

Member Doria commented on her testimony related to the State Government Committee. She said one of the questions that was asked a few times during the meeting was about the fee that the Comptroller office is getting for outreach. She said the legislators were interested to know if any of the Council members knew of any outreach that the Comptroller office had conducted because they had expressed to the state investigative committee that they had used the money in outreach to BEP vendors. Member Doria said she told the committee that according to her knowledge the extent of their participation has been hosting general types of things for businesses and nothing specific to BEP vendors. Member Roberts said she has not heard of any events they hosted with BEP. She said she had seen them at events but not specifically for BEP. She also informed the Council that the University of Illinois is hosting an outreach event on May 18, 2018.

DC Excavation

Member Roberts gave a brief synopsis of the decision that was reached to uphold the denial that was submitted to them by BEP. She said overall the decision was based on the lack of expertise.

Ms. Nathania Woosley, owner of DC Excavation introduced herself and said she started the business in 2016 to provide for her family. She said every time a denial is brought up, it claims she is an educator. She said she has been an educator for 3 years but has been working and living in an Excavation family for over a decade. She said because the business is in its early years, she must keep working at her previous job to have insurance for herself and her family. She said she had provided signed affidavits from every trade she had worked with and from her insurance company and banks. She said she is not claiming to be able to build bridges and highways. Instead, she said the type of work she does is small residentials and few commercial basic excavations such as going in and restoring driveways. She said she does not want her husband traveling eighteen hours to work especially when they have small children. She said he has no idea how to run the business. She said whenever she has time during the day she is making calls for the company. She said even during her breaks. She said she knows each piece of the equipment used by the company. She said she hired her husband to work for her. She said the reason she is applying for certification is that she had missed out on a lot of small contracts. She said had she not put a lot of time into the business, it would

have failed a long time ago. She said working for a small company brought in \$30,000 a month and taking that away from her would be devastating to her company.

Member Barreto said Ms. Woosley had addressed the expertise aspect of her denial but there are still other aspects of her denial that have not yet been addressed such as dependency of a non-eligible person and the financial aspect.

Ms. Woosley said her dependency on a non-eligible stem from the fact that she hired him through the union hall and he does work for her company. She said he consults with her before doing anything. Ms. Barreto wants clarity on Ms. Woosley making her husband an officer of the company and regarding him being the initial contributor toward the establishment of the company.

She explained that after she had started the company, her husband gave her \$XX thousand dollars to help with the company. She said she immediately consolidated everything in her name, so he is not held liable for anything. She said she has invested far more than \$XX thousand dollars of her time, energy, and efforts in the company.

Member DiMenco wants to know how the equipment from her husband's family was transferred to her company. Ms. Woosley said the equipment had not been utilized. She said the machines were too big for the jobs, so she is leasing machines for her jobs. She said the machines from her husband's family were sold by him this past winter to pay for some bills. Member wants to know since her initial payment, what are some of the changes she has made. Ms. Woosley said initially she started off with a three -person crew: One operator and one laborer. She said going forward she will have a two-person crew: one operator and one laborer.

Member DiMenco wants to know what percentage of her revenue is dependent upon the certification. Ms. Woosley said she lost a lot of jobs because she was not certified.

Member Roberts said it was an erroneous statement to say she did not get the job because she was not certified. According to member Roberts, she still could have gotten the job if she was the lowest bidder. Member Roberts also brought to her attention what her lawyer had written about the equipment. She said the lawyer had said the equipment was not gifted but that there was an agreement between DC Excavation and Gerald Woosley and that DC Excavation was going to pay \$750 a month. Ms. Woosley said initially there was an agreement, but they did not go through with it because they had the other two pieces of equipment.

Member McKinnie asked what kind of job was the \$4,000 job that the company did not get. She said she was told by the foreman that she did not

get the job. Member McKinnie wants to know who DC Excavation was bidding the job from. Ms. Woosley said Ryan Construction.

No further questions from the Council members. Chair McDevitt recessed the hearing and went to the vendor testimony.

VIII. Public/Vendor's Testimony

Charles Harrell II, CEO IT Architect, commended CMS for their participation in the Illinois Chamber of Commerce Lobby Day.

Michelle Flagg, CEO Redacre Solutions, also said she attended the Illinois Black Chamber of Commerce Lobby Day. She said the Chief of Staff for IDOT fell ill and the meeting was cut short, therefore, their issues were not addressed. Ms. Flagg encouraged the council to reach out to IDOT with regards to having IDOT participation. Ms. Flagg also informed the council of RFP # 22040782 that is on the street but has no BEP goals. It is an Illinois Tollway RFP.

Assistant Director Harper said the slot for IDOT on the council is currently not filled and that the Secretary is working on filling it. He also talked about the Fair Practice in Contracting Task Force working toward addressing the lack of African American contracting.

Ben Bagby, CPO for Higher Education, wants to know whether any of the subcommittees discuss the Sheltered Market rules in any of their committee meetings. Member Roberts said the Compliance Subcommittee had discussed it. He said the reason he asked was because at the House State Government Committee hearing, Member Ratner said the CPO Office had resisted Sheltered Markets. He reminded the council that he had issued the first Sheltered Market after the disparity study was issued. He said they have been waiting for the rules. He urged the council to have a meeting with the CPO to get a better understanding of where they stand.

Counsel Jones said the rules are going through the second notice process and they are working with those who presented comments and questions.

Member Doria moved that the council go into closed executive session pursuant to section 2C4 of the Open Meeting Act to deliberate the testimony that was presented by DC Excavation. The motion was seconded by member Roberts. Vote taken, motion passes unanimously.

Executive Session

The Council deliberated, and the motion was made by member Doria to uphold the denial. The vote was taken, and the motion passes unanimously.

IX. Adjournment

Member Martinez motioned for adjournment. Member Hill-Morgan seconded.
Vote taken, motion passes.