



Business Enterprise Program Council
CERTIFICATION SUBCOMMITTEE MEETING MINUTES

Monday, July 24, 2017

1:00 pm – 2:30 pm

James R. Thompson Center

100 W. Randolph Street, Suite 4-404

Chicago, IL 60601

COUNCIL MEMBERS IN ATTENDANCE

Larry Ivory, Sharla Roberts, Marcus Yancey, Charisse Witherspoon, Beth Doria

COUNCIL MEMBERS NOT IN ATTENDANCE

Edward McKinnie, Denise Barreto, Karen Eng, Sheila Hill-Morgan,

COUNCIL SECRETARY

J. Marcos Peterson

CMS STAFF IN ATTENDANCE

Carlos Gutierrez



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CERTIFICATION SUBCOMMITTEE MEETING**

Monday, June 24, 2017

1:00 pm – 2:30 pm

JRTC -Room 4-404

AGENDA

- I. Welcome
- II. Call to Order
- III. Roll Call
- IV. Posted Business
 - Review of National and local agreements
 - a. Proposed JCAR changes on the Denial Process
- V. Define Action Items
- VI. Suggestions for full BEP Council meeting agenda
 - Next BEP Full Council Meeting – August 28, 2017
- VII. Adjournment

I. Welcome

Secretary Peterson welcomes all.

II. Call to Order

Member Doria called the meeting to order at 1:30pm and proceeded with roll call.

III. Roll Call

Roll call conducted. Quorum was established.

IV. Posted Business

- **Review of National and local agreements**

Mr. Gutierrez said this was one of the items on the agenda from the last discussion that member Hill-Morgan wanted to discuss in terms of how we address that at the national level. It was tabled. He also said this was one of the issues that were raised in the general BEP Council meeting by WBDC and CMSDC. He said we were hoping that member Hill-Morgan would be here to address it in terms of how to move forward with the national agreement between both agencies (WBDC and CMSDC) and how we can improve the processes.

Member Roberts said that in one of the meetings Chair Hoffman promised to sign the proposed agreement. Secretary Peterson said the proposed agreement had already been signed. He said this agreement is about accepting local versus national chapters.

Chair Roberts announced to the members the arrival of member Doria and said quorum had been obtained.

Member Doria recalled going back sometime when this issue came up years ago. According to member Doria, one of the things was the issue on the private certifier WBENC and CMSDC. She said their rules regarding certification can be significantly different from what the public entities do. She said they do not have revenue caps and they do not have PMW caps. According to her, that was the issue when we were thinking of allowing an expansion.

According to Chair Roberts, the issue is the university and some other agencies were having issues because we were doing business with entities that were outside of the State and we found it difficult to try to get those people certified. She said one of the things from the university of Illinois is that we were trying to count our spend with minority and women owned vendors and trying to be more inclusive than exclusive. She said the issue was they do things nationally across the 50 states and meet these vendors that can meet our need but are not

local. She said currently they certified across the 50 states. She further said she talked to member DiMenco who said they will get this resolved. She said member Hill-Morgan might have another concern. She explained that the national certification is the same. When you certify with the local entity, you certify with them. The local entity usually says if someone wants to be certified thru recognition, they would have to come to Chicago and pay an additional fee even though they are certified with the national organization. It is like double dipping, Chair Roberts said.

Member Doria said she wants to be sensitive to this issue because it has gone on far too long and urged other members to set a deadline to make a decision by the next full council meeting.

Secretary Peterson recommended a conference call with nothing being voted on. He said BEP staff will set up a meeting before the 28th of August and will also have a recommendation made and presented by this cohesive subcommittee. Member Doria said she would like to see us first look at the locals before going national. Member Roberts concurred.

- **Proposed JCAR changes on the Denial Process**

Secretary Peterson said they do not have this at the moment but did say it would be discussed. He said this is a rule change initiative from the Governor's office that is about two rules out and one rule in. He said it is taking out the red tape. He cited as an example the appeal process for Ride Right that took 4 months which adversely affect contracts. He describes the current process as going to the certification manager from which they appeal to the Secretary and then to the subcommittee and lastly they appeal to the full council. He said CMS would like to work with the council to switch that. It would be the Secretary to the Subcommittee and then to the Full council. He said this would take out one or more of the steps out. He explained that he and Mr. Gutierrez would become on stop. He said the question for the council is whether it goes thru the subcommittee or straight to the full council.

Member Doria said she has been on both sides of these processes. She said she has always felt that the BEP process was fairer to the applicants because many applicants have appealed to the subcommittee and explained their involvement with the company and have had their denial overturned. Member Doria thought the process was meant to bypass the subcommittee. Chair Roberts clarified the suggestions which is meant to cut off one step within BEP but retain

the subcommittee and full council reviews. Chair Roberts and Doria agree with the suggestion.

Member Ivory motioned to accept member Witherspoon as part of the meeting even though she is on the phone. The motion was seconded by Chair Roberts. Vote taken and motion passes unanimously.

Chair Roberts recommended that every meeting especially as it relates to the certification, something should be brought to the table because there are lots of inconsistencies that came about because of the change of the law while the rules remained the same. She said we need to look at the law and the rules in order to determine where we need to make adjustments.

Member Doria makes a motion to change the current process for denials which combine the certification department decision and the Secretary decision to one and then it would go to the subcommittee and then unto the Full council. Member Yancey seconded the motion. Vote taken and the motion passes unanimously.

Chair Roberts expressed her concerns relating to the recent appeal decision taken on Ride Right. She said she believes there were more issues than just the issue of the company's revenue being over the cap. She thought they could have been denied for other issues such as control because they share the same facility and the same owner. She said at the council's review of this appeal, other issues came up that should have been included in the initial denial. Member Doria agrees with Chair Roberts assessment and said from the onset everything should have been listed.

Chair Roberts proposed that the council should remind members that the denial is based on the mentioned issues and not on other issues not mentioned.

Secretary Peterson said another issue that is not on the agenda but needs to be changed in JCAR is switching the time for the request for information response. He said currently it is 60 days and should be reduced to an appropriate time. He said if the BEP staff does not request for information from the vendor within 15 days, we are not really doing our job efficiently.

Mr. Gutierrez cited the rules as 10.62 and 10.70. He said when the file come in we have 60 days to make a decision.

Chair Roberts said when she was at the County; they had 10 days to send the applicant something and then another 10 days to send them something again. She said a certification decision should be made in

60 days but then within those 60 days you should be able to ask for more information and then do another request for additional information.

Member Doria suggested that we tighten up the language so that it says that it is 60 days from the date of all the information being received. She also said administratively BEP should have it whereby the file is looked at and determined what is missing and the applicant be contacted. She reminded the members that we have to be careful codifying anything in the rules because you will have to live by it.

Member Witherspoon said the vendor needs to understand when the clock starts or stops.

Member Doria said 10.70 is fine and should be left “as is”. Secretary Peterson agrees.

Chair Roberts cited 10.70c which says “the meeting shall be held in Chicago”. She proposed a language which says that the meeting shall be in compliance with the Opens Meeting Act.

Member Ivory said he understands we are trying to make it easier for people but if you are denied and you are appealing from a remote location, you lose the interaction. He said if the certification is that important they should be willing to make the sacrifice to get here and do a face to face meeting. Chair Roberts said she disagree because sometimes these are small businesses and they do not have the money So we should be willing to accommodate them at satellite locations. She wants us to avoid imposing any undue hardship on these small businesses especially when we have the capability to accommodate them. Member Ivory yields to the group.

Member Doris said the appeal should be held in Chicago but we can put in the letter that is being sent that if you are not able to attend the meeting in Chicago, here are video conference options.

Chair Roberts motioned to have the language “The meeting shall be held in Chicago” strike out of 10.70c. Motion seconded by member Doria. Vote taken and motion passes.

Chair Roberts stated that she does not want to be submitting changes recommendations to JCAR little by little. She wants to submit all the changes together at once. She asked Secretary to send all the sections that deal with certification to the members and then a determination will be made regarding which meeting they would be discussed at.

Chair Roberts read out section 6 which talks about suggestions for the full council meeting. Secretary Peterson said this one would have to be tabled for the local and national agreements. He said BEP staff will be setting up a conference for this subcommittee in order to discuss and develop recommendations for the full council.

V. Adjournment

Member Ivory motioned for adjournment. Member Doria seconded. Vote taken and motion to adjourn passed. Meeting adjourned at 1:50pm.