



**Business Enterprise Council
COMPLIANCE SUBCOMMITTEE MEETING
Wednesday, September 30, 2020
1:30 pm – 3:30 pm
Location: Webex Videoconferencing**

COUNCIL SUBCOMMITTEE MEMBERS IN ATTENDANCE

Sharla Roberts; Larry Ivory; Jesse Martinez; Sharron Matthews;

COUNCIL SUBCOMMITTEE MEMBERS NOT IN ATTENDANCE

Denise Barreto; Edward McKinnie;

COUNCIL SECRETARY

Radhika Lakhani

CMS MEMBERS IN ATTENDANCE

Kori Acosta; Terrence Glavin; Nicole Mandeville; Mike Merchant; Patricia Pérez;

OTHERS IN ATTENDANCE

N/A



**Business Enterprise Council
COMPLIANCE SUBCOMMITTEE MEETING**

Wednesday, September 30, 2020

1:30 pm – 3:30 pm

Location: Webex Videoconferencing

Webex Meeting Number (access code): 133-268-1856

Password: 5p3rSmYKYx6

Dial from a video system or app 1332681856@illinois.webex.com

Join by phone - +1-312-535-8110 United States Toll (Chicago)

AGENDA

- I. Welcome
- II. Call to Order
- III. Roll Call
- IV. Posted Business
 - a. Approval of July 29, 2020 Compliance Subcommittee Meeting Minutes
 - b. Approval of August 21, 2020 Compliance Subcommittee Meeting Minutes
 - c. Goal Setting
 - d. Compliance Plans
 - e. SBSA vs. sheltered market incentive
 - f. Small Business Set-Aside IT Procurement Goals
 - g. Update on mandatory pre-bid conferences
 - h. Update on a process and working group for discontinuation of allowing exemptions
 - i. Update on COVID spent and how spent on BEP
 - j. Annual Reports
- V. Define Action Items
- VI. Upcoming Business Enterprise Council & Subcommittee meeting dates:

**In accordance with the Illinois Open Meetings Act (5 ILCS 120) and the
Freedom of Information Act (5 ILCS 140) the above meeting is open to the public
BEP Council Compliance Subcommittee**



- Next Council Meeting – Monday, October 26, 2020
- Next Certification Subcommittee Meeting – Monday, November 23, 2020
- Next Outreach Subcommittee Meeting – Tuesday, November 24, 2020
- Next Compliance Subcommittee Meeting – Wednesday, November 25, 2020

VII. Public / Vendor Testimony

VIII. Adjournment



MINUTES

I. Welcome

Chair Roberts welcomed everyone.

II. Call to Order

Chair Roberts called the meeting to order at 1:36 pm. Kori Acosta proceeded with roll call.

III. Roll Call

Roll call was conducted. Quorum was established.

IV. Posted Business

a. Approval of July 29, 2020 Compliance Subcommittee Meeting Minutes

Member Martinez moved to approve the minutes. Member Matthews seconded. The minutes were approved.

b. Approval of August 21, 2020 Compliance Subcommittee Meeting Minutes

Member Matthews moved to approve the minutes. Member Martinez seconded. The minutes were approved.

c. Goal Setting

Chair Roberts commented that an item will be kept on the agenda until it has been implemented. She stated that in January CMS informed them they were doing a pilot program in goal setting and using a different pool for the universe of all certified firms. She said it has been going on for quite some time, they informed CMS that they wanted it implemented and they voted on it for all agencies, universities, and entities who adhere to the BEP Act to achieve their goals. She said Mr. Merchant reported that BOSS was implementing this process and yielding higher BEP goals on their procurements. Chair Roberts requested an update. She noted this is something she had introduced to the council that Colette Holt in her teachings as part of the



American Contract Compliance Association recommends goal setting utilizing the universe more representative of bidders who would bid on contracts. Chair Roberts asked Member Matthews if the meeting with their APOs where this was to take effect was achieved. Member Matthews reported that they at the Illinois Department of Human Services (DHS) have been using the new denominator with an unexpected consequence which she will describe after Mr. Glavin speaks.

Mr. Glavin asked Mr. Reinhard and Ms. Mandeville to cover the operational side of this. Mr. Reinhard announced they will be initiating the new goal setting methodology on January 1st. He reported that the BEP Compliance Division will be identifying several pilot agencies to continue the study through December 31st. He said they will be using the BidBuy denominator. Mr. Reinhard reported that the new methodology and there are a few other items involving goal setting that the CMS administration is currently reviewing to potentially implement with the new denominator. He stated they will be conducting an APO training in October about this and other compliance items.

Chair Roberts asked that they also include BEP liaisons because for example Member Matthews being the DHS BEP liaison indicated she had not received all the information. Member Matthews stated DHS is one of the agencies involved with the pilot program. She reported it is a much improved approach in terms of the denominator. She said they found that a significant amount of BEP certified vendors are not registered in BidBuy and they had vendors requesting to be placed on the list after it had already been generated from BidBuy, so they need BEP vendors to register. Chair Roberts asked Mr. Reinhard and the CMS team to address that before it is rolled out. Mr. Reinhard stated it could be an error. He said that BidBuy will only be used as the denominator and the B2GNow system will still be used as the numerator. He said they found the APOs have been pulling from Bid Buy rather than B2Gnow. Mr. Reinhard stated it is just a matter of informing the new users which is the appropriate list to pull from.

d. Compliance Plans

Mr. Reinhard stated the FY20 and FY21 compliance plans are out and the Chicago State University still needs to comply for FY21. He reported that FY20, FY21, and future compliance plans include additional columns for identifying exemptions identified by the Council but not transferred to JCAR for memorialization. He said for



unallowable exemptions in the detail object code expenditures lines they gave the opportunity to identify exemptions granted by the Council. Mr. Reinhard stated he is not clear if the Council has removed all requested exemptions for FY20 exemptions used for reporting.

Chair Roberts responded that is something Member Matthews has been repeatedly stating that they voted on several times to remove additional requested exemptions. Member Matthews confirmed this and said they need guidance on how to employ this because it has not gotten down to them at an operational level that there is a difference in procedure. She noted that DHS management pointed this out when they were putting their report together. Member Matthews stated that something needs to be communicated if there is a process for that.

Mr. Reinhard replied that the compliance plan still contains accountability for requested exemptions for historical perspectives that was left in the plan. He added that when the time comes for annual reporting it's just a matter of excluding the exemptions from all the reports and nothing has to be done by the agencies. Mr. Reinhard stated that if they receive direction to exclude all requested exemptions that is easily done and the BEP goal for FY20 will be over \$11.5 billion, if the decision was not reached and formalized by the Council to accept requested exemptions the BEP goal will be about \$939 million.

Member Matthews pointed out that the FY20 compliance plans have already been submitted by the agencies and offered that if there is going to be a significant change, it cannot happen in the middle of a fiscal year and the process needs to be agreed upon and communicated for the next fiscal year so that people know and training with the APOs and BEP liaisons can be done.

Chair Roberts asked if they are in the midst of completing FY21 compliance plans. Mr. Reinhard confirmed this. Chair Roberts stated that Mr. Reinhard stated that nothing was changed, however even though they voted to discontinue usage of exemptions, when those compliance plans come in they will vote on them again. She said there should be a process going forward that has to be implemented. Member Matthews requested the due date for FY20 compliance plans. Mr. Reinhard replied the FY20 plans were due August 28th. Member Matthews adduced that they are behind. Mr. Reinhard responded that it isn't necessary because any requested exemptions, the decision to not count them is performed internally and not calculated in the formula.



Chair Roberts pointed out that they have time now to work on the process for completing the 2021 compliance plans to give the APOs and BEP liaisons. Member Matthews explained that the difference between almost \$1 billion to \$1 million is a difference in the budgeting for each of the agencies and if they have already projected their BEP budget this will be a significant difference for them so they need to work on how that is going to happen. She expressed doubt that folks will be prepared to make any changes this late in the game. Chair Roberts reminded her that the compliance plans once submitted still require approval by the council. Mr. Reinhard stated that the agencies' budget is established using the detail object codes from the Comptroller's SAM system and if an agency specifies a certain amount of money on a certain line that will not change it. He said that once the council states they are not going to count any requested exemptions out of that line it doesn't change the budget, it only changes the liability towards the goal for the agency.

Member Matthews commented that what it does do for an agency is increase in one shot what the BEP bucket is and how many dollars that are now eligible and where they will get the dollars from to try to attain the goal. She expressed concern that it is a significant change internally for each agency and doubt that folks would be able to make the change without facilitation about where the council wants them to be. Chair Roberts explained what she believes Mr. Reinhard is stating is that it doesn't matter how much it is because if you are subject to the goal, you are subject to the goal and they would do the same thing on a procurement when they are analyzing it for a BEP goal. Chair Roberts requested they have a meeting when those compliance plans come in.

e. SBSA vs. sheltered market incentive

This item was discussed together with item f.

f. Small Business Set-Aside IT Procurement Goals

Chair Roberts reported that Member Matthews brought this item forward since her agent received information that through the Chief Procurement Officer of General Services that a certain dollar amount of procurements for IT should be going to the Small Business Set-Aside program (SBSA) and they wanted to discuss with BEP the impact it has on the Business Enterprise Council 2013 declared shelter market for IT procurements in similar categories. She noted they have done only 2 sheltered



markets in IT to kind of remedy the disparities, the CPO for general services put out a notice although they have had it for quite some time that there was a special disparity report done in this area.

Member Matthews stated her concern was about policies from other sources impacting others. She said this one CPO has authorized the SBSA for IT procurements going up to \$2 million and asked what does that mean for the sheltered market for IT which was approved a long time ago by the BEP Council. Member Matthews asked what are they doing to address the lack of goals in the sheltered market for IT.

Chair Roberts told that there have been goals in sheltered markets BEP goals in the past, but she doesn't know which ones. She asked Mr. Glavin if they could do a survey on what types of SBSA procurements had goals. She said that when she was in CMS, SBSA procurements were not exempt from the BEP goals and the BEP Act says that State of Illinois contracts have to have not less than 20% goals. Chair Roberts stated they shall look at SBSA types of contracts to be assessed for BEP goals because historically they have had to have goals, so if they could do a survey and provide a report to the Council for the October 26th BEP Council meeting on procurements that have been let through the SBSA on how that selection is done because there is a mixture of people in those SBSA contracts can be large procurements as well that minority women owned businesses can benefit from as well.

Mr. Glavin stated they will take the request and work with operations on it and hopefully have a deliverable for her. He asked about the IT category. Chair Roberts clarified they should look at all the categories. She said they should be accessing those contracts because they can be over \$20 million. Mr. Glavin stated he will work to coordinate those efforts with the CPOs office for mutual gain and will work to respond to her request.

g. Update on mandatory pre-bid conferences

Chair Roberts stated they had spoken with staff at CMS to put out communication to strongly encourage those whose procurements have BEP goals to hold pre-bid meetings because it used as a platform for minority and women owned vendors to network. She said it is their job to remove the barrier, because it is a barrier to not know who is prime who is bidding. Chair Roberts acknowledged that although the



council members do not like the word “mandatory”, this has been an ongoing problem and they know they have pre-bid meetings in construction so why can’t the same process be done on the general services side. She highlighted it was Colette Holts’ recommendation to hold more pre-bid meetings.

Mr. Glavin responded that discussions are being had to move this objective forward. He mentioned that pre-bid meetings are common in construction because there are discussions about the site and may include a site inspection. He added that although a pre-bid meeting may serve a networking function, it would not necessarily be needed for the success of a project. Mr. Glavin also noted that sometimes a bidder cannot make it to a pre-bid meeting and that anytime you create a hurdle there is a slight risk of eliminating competition and create adverse outcomes such as raising prices. He said they will provide an update before the next meeting. Chair Roberts pointed out and Member Martinez could corroborate that not all of their construction projects have site visits, but they want the bidder there to ensure they fully understand the expectations. She said at the University of Illinois they have pre-bid meetings and if they know they want to bid they show up.

Member Martinez stated they have both mandatory and non-mandatory pre-bids and if a prime vendor doesn’t show up they are disqualified. He said he always advises BEP vendors that those pre-bid meetings have the best networking sessions because it’s a live job, everyone in the room is going to show up and if they don’t show up they are out. Member Martinez added that if they are not mandatory he suggests they call those folks who took out the plans, that’s the way they reach those prime vendors. He stated said it ensures they find a quality partner because if they are ignored it is easy to rule out good faith efforts. Member Martinez stated a pre-bid will give that BEP firm at least the opportunity to find out who is interested. He said it helps their projects when they promote a live project because they tend to show up. Member Martinez noted that for their DPI project for UIC they had about 400 firms from all over the world attend not because they wanted to understand CDB process but because it was a live job that was \$250 million. He said if they have opportunities they will show up and learn your process, so let’s take advantage of pre-bid.

Member Matthews agreed with everything said. She stated that now that they have Webex, there is no travel involved, however if they can’t make pre-bid conferences mandatory then what they can make mandatory is to have the agency post a list with contact information of the attendees so they can be contacted. Mr. Glavin stated the



members points were excellent. He stated that the value of pre-bid conferences cannot be denied. Mr. Glavin explained he raised the concerns only because they need to be contemplated and they need to ensure operational needs are also considered. He detailed that sometimes when you add a non-essential step you can create a situation where a contract is not going to be on time.

Member Ivory observed their goal is to increase minority participation across the board. He pointed out that they have not used one of their greatest tools, the sheltered market and stated the Council needs to be pushing CMS to include more areas in the sheltered market because there is no parity at any level in any state government. Member Ivory said by law they should be doing more. He noted they did not even evaluate the one they did. Member Ivory stated they should be doing more pre-bid meetings and that they are essential. Chair Roberts stated agreement with everyone's comments and that their goal is to increase the level of minority women owned participation. She commented that everyone is saying that pre-bid meetings create that access. She noted that one of the items on the Good Faith Efforts list asks vendors if they attended the pre-bid meeting and they don't even have them, that informs them that they should be having pre-bid meetings to engage minority woman owned vendors. Adding to what Member Ivory stated, Chair Roberts outlined that a way to get vendors to become primes is through sheltered markets and they really need to look at how they can remove the barriers to entry. She pointed out that the biggest discussion in any DPI and construction pre-bid meeting regards minority women owned participation and how to achieve that.

Member Martinez stated that he is beyond subcontracting and is focused on primes. He said they are a small business incubator because 70% of their jobs fall between \$100 thousand to \$3 million and he encourages subcontractors to get prequalified and bid as a prime starting off with small jobs. Member Martinez declared they are not waiting for any of this to take place, CDB is trying to do it inhouse which is his point. He said every agency controls their procurement. He explained that what they need to do is sit with those decision makers, show them the list of tools available to them to implement, and for them to show the Council what they are doing to move the needle. Member Martinez noted that \$20 million of their emergency jobs went to minority firms and they performed great so that shows they have the talent to compete in the prime arena.



Chair Roberts said she would take his recommendations under advisement and stated they were planning to bring the agencies before the Compliance Subcommittee pre-COVID. She said they will give BEP a list of agencies with the biggest spend of whom they want 3 to come before compliance subcommittee at the next meeting in November to present to them how they plan to meet their goal and what they are doing to help them remove the barriers. Member Martinez explained that he wants the agencies to know that they are there to partner with them and to know they are there to help them.

Chair Roberts mentioned that DoIT indicated they would have a 20% goal on their eRate contract. She outlined the contract only had a 30% goal on the construction piece and was told by DoIT that the next eRate contract would have a 20% goal but that is not what the solicitation said. Chair Roberts cited that the BEP Act states they should be receiving a list of solicitations from CMS BEP on contracts that exceed \$20 million and have a lower than 20% goal prior to publication which was discussed. She said they need this in order to know what they need to do to help minority women owned businesses. Member Matthews stated agreement with everything said. She added that this is like legislation, that these things come out and they do not get much notice. She said they won't be meeting again for 60 days, these things happen between those meetings and suggested they have ad hoc meetings. Chair Roberts assured her they can have ad hoc meetings but that they are not even receiving the information which was brought up pre-COVID and here they are again singing the same song.

Member Matthews stated she is aware that information is prepared for them, but it goes through a process and they either see it or don't see it. Chair Roberts asked Mr. Glavin for an explanation. Chair Roberts requested clarification from Mr. Glavin. Mr. Glavin responded he will check with this specific project and that any statute requiring reporting to them would be their practice and that there is not a screening process he is aware of where information is generated then withheld when there is a statutory regulation to turn it over. Member Matthews interjected that she is aware of that process, that it is not the first time but if he is not aware of it then that's fine. She noted it is particularly around the 2020 rule. Chair Roberts asked Mr. Glavin to read section 8g of the [Business Enterprise Act](#) "...(a) The Department of Central Management Services shall provide a report to the Council identifying all State agency non-construction solicitations that exceed \$20,000,000 and that have less than a 20% established goal prior to publication." She also quoted Section 8g(b) "(b) The



Department of Central Management Services shall provide a report to the Council identifying all State agency non-construction awards that exceed \$20,000,000. The report shall contain the following: (i) the name of the awardee; (ii) the total bid amount; (iii) the established Business Enterprise Program goal; (iv) the dollar amount and percentage of participation by businesses owned by minorities, women, and persons with disabilities; and (v) the names of the certified firms identified in the utilization plan.” Chair Roberts confirmed she has not as a council member received that information. Member Matthews confirmed she is aware the information is prepared but that they do not get it.

Chair Roberts asked that they ensure they are compliant with Section 8g (a) and (b) and have a conversation with DoIT on why eRate went out with less than the 20% goal on it after they were assured a 20% goal would be on the next eRate procurement. Mr. Glavin stated his awareness of those sections. He said he would get them the information and if that information is held and he is not aware of that, he would get that to them. Member Matthews stated she appreciates that and shared that she has knowledge that information has been prepared repeatedly but has not been shared with them, and that perhaps it is not in his bailiwick, but that those dynamics are going on and they go on in all organizations. Chair Roberts confirmed the eRate procurement is due back October 27th and asked Mr. Glavin that it be rectified as this and related procurements have been discussed for over 3 years. Mr. Glavin confirmed this.

- h. Update on a process and working group for discontinuation of allowing exemptions

Chair Roberts requested they hold some working group meetings together with Mr. Reinhard for the discontinuation of allowing exemptions.

- i. Update on COVID spend and how spent on BEP

Chair Roberts stated there were various types of projects performed, monies spent, not just on PPE, but on contact tracing, IT and other procurements, through a special order from the Governor’s office. She requested a report and something in writing because they want to see the spend. Member Ivory commented that IEMA was supposed to do some minority participation but thinks the numbers were dismal. He said there were a lot of vendors qualified to do business in that



sector and he would like to see how successful or unsuccessful the participation was in PPE. Member Ivory reported the last number he got was over \$350 million. Chair Roberts reported that they did a lot of marketing for PPE, but they also want to look at all other COVID-19 expenditures. Member Ivory brought up the African American task force and stated he wanted to bring 5 ideas from that task force on what they can do for procurement.

Chair Roberts asked how soon they could get this report. Ms. Mandeville responded that she would need to get the report from Mr. Merchant. Mr. Glavin asked if they could communicate with her directly about a timeline for this report. Chair Roberts agreed.

Member Matthews reported that some of the PPE procurements were coming through an alternate path that was set up and were under emergencies. She pointed out that as far as she knows emergencies do not have BEP goals. She stated having heard before that the BEP process slows the procurement process. Member Matthews advised that they create a BEP culture that can fit into expediting procurements and contracts or it will always be an issue. She said this should include the SBSA procurements. Chair Roberts thanked her and stated she will take her comments into consideration.

j. Annual Reports

Chair Roberts asked when they will see the 2020 reports and whether they will or will not have the exemption numbers. Mr. Reinhard responded it is due March 1st of every year to the Governor. He reported they are currently in the last lapse period of fiscal year 2020 and once that is closed they will send templates out to the agencies and universities for reporting. Mr. Reinhard said he is still waiting on direction on whether or not that includes the exemptions. Chair Roberts stated she knows this is the year they voted to get rid of them as they have been voting every year. She requested this item be kept on next meeting agenda.

V. Define Action Items

- a. Update on goal setting pilot with BOSS from Mr. Merchant
- b. Get BEP vendors registered on BidBuy



- c. Report on the survey on what types of SBSA procurements had goals
 - i. Look at SBSA types of contracts to be assessed for BEP goals
- d. Meeting on Compliance Plans
- e. Update on mandatory pre-bid conferences
- f. 3 agencies with the biggest spend to come before compliance subcommittee in November to present plans to meet their goal and what they are doing to help remove barriers
- g. Ensure compliance with Section 8g (a) and (b) of the BEP Act
- h. Working group meetings with Mr. Reinhard for the discontinuation of allowing exemptions.
- i. Update on COVID spend and how spent on BEP
- j. Annual Reports

VI. Upcoming Business Enterprise Council & Subcommittee meeting dates:

- Next Council Meeting – Monday, October 26, 2020
- Next Certification Subcommittee Meeting – Monday, November 23, 2020
- Next Outreach Subcommittee Meeting – Tuesday, November 24, 2020
- Next Compliance Subcommittee Meeting – Wednesday, November 25, 2020

VII. Public / Vendor Testimony

Chair Roberts asked if there was public/vendor testimony.

Mr. Malcolm Weems

Mr. Weems stated he represents a number of minority owned business and wanted to ask a couple of questions on what the council was doing in certain areas. He pointed out that one of the biggest things they hear is that primes say they cannot find a BEP partner. He stated that if BEP had mandatory pre-bid meetings they would eliminate that argument. He said his other question is about the managed care contracts, MCOs. Mr. Weems pointed out that the CMS group insurance bid he read has no BEP goals on it at all. He said there are a lot of administrative costs, so for them not to have any BEP goals he wanted to understand how does that happen, also what work has been done with HFS to ensure they meet goals relating to the MCOs because that legislation is very specific regarding which groups of minorities they should use. He stated it seems the laws were making sure these goals are met and they are not being met. Mr. Weems asked how they going to handle this going forward when there are no goals and there should be? He asked what can vendors do to aid



them? Mr. Weems noted it seems to happen a lot and it is odd that these very, very large contracts would slip past them. He said he would like to let his partners understand their response to these issues.

Chair Roberts thanked Mr. Weems for his comments. She stated to Mr. Glavin that there is a procurement out for CMS for group insurance with no BEP goal which is one of those contracts that should have come before the council prior to publication. She said if they get the information by statute it helps them better address the question from Mr. Weems today and these questions they receive all the time. Chair Roberts reiterated that if by statute they had received information on solicitations that exceed \$20,000,000 and that have less than a 20% established goal they could answer Mr. Weems question. Mr. Glavin thanked Mr. Weems for raising the question and for his past service with CMS. He said there is a process for deciding on goals and he and his staff would need to look at those particular projects to see how those decisions were made. Mr. Glavin said the projects he raised questions on today are noted so they can be responsive to him.

Mr. Weems asked if he is correct that this particular contract falls into a group of contracts that are considered ineligible for goals. Chair Roberts responded that the council voted that exemption out, even though it shows up in the rules and that is because they have not changed the rules. Mr. Weems outlined that they have \$9 billion that CMS spends according to the 2019 report but there is only \$200 million spend on BEP firms, so he said he is assuming group insurance is the largest spend. He stated he wanted to wait for Mr. Glavin's response though. Mr. Weems explained that with the organizations he works with to explain the reasoning he can do so with the smaller contracts but very large contracts such as this one it is hard for him to explain. He noted that with COVID they will have more questions around that because more will be looking to the government for help. Chair Roberts requested an official response.

Herb Stokes, Chicago Minority Supplier Development Council Advocacy Chair

Mr. Stokes stated that the vote for certification and specifically from this subcommittee in particular is encouraging to bring back to his MBE community. He said that as result of that advocacy from BEP and this subcommittee they have grown the BEP certification, even during this pandemic. Mr. Stokes commented that a lot of companies are reinventing themselves and encouraged to certify because of the law. When they have a law that represents 20% of which 11% are minorities, they want to be in that game to encourage their MBEs to participate in State government contracting.



Mr. Stokes stated that as an experienced entrepreneur he does not understand why they keep (discussing) goal setting. He said they in the State should be more experienced with goal setting. He asked who is the sheriff or police when it comes to goal setting because they keep going around and around with it and nothing is going to get done. Mr. Stokes stated that when he sees vacancies on contracts with no goals that maybe they are still in school in the pilot program. He said as the leader of his company he has to be accountable to the goals they've all agreed to. Mr. Stokes proclaimed that the next thing he has heard at this meeting which disturbs him is that he was in this subcommittee's meeting when they voted for no exemptions. He emphasized that it is 2020, they are still in a pandemic and they are going around with that again. He declared that the vote was unanimous, he witnessed it and yet it is not yet implemented. Mr. Stokes stated he is listening again on having a pilot program to teach people exemptions when they already voted they didn't want any exemptions. He said he is frustrated and wants them to understand that as loyal as he is to the BEP Council and specifically with this subcommittee who he is very proud of which he said during the during the DoIT visit and that now he is hearing that DoIT is going to (disenfranchise) him too. Mr. Stokes stated he is not sure about BEP as a Council but the loyalty in this subcommittee specifically, but he definitely has confidence in the leadership of this subcommittee. He spoke to Mr. Glavin stating he has to understand how that looks in the eyes of the individuals he is fostering and encouraging to certify because of the L-A-W. Mr. Stokes said those are his comments for today and that he hopes he has expressed it passionately enough to get their attention.

Chair Roberts thanked Mr. Stokes and said she hears his voice, is probably sometimes just as frustrated, and Member Matthews and Member Ivory have stressed it especially with exemptions. She said that for Mr. Reinhard who is over Compliance is still unsure of what the council desires is baffling to her. She pointed out that as Mr. Stokes mentioned there is a desire to increase certification meanwhile they have a recognition agreement with CMDSC, and he has to ask himself why does he want to get these people certified to increase the pool while they are not eliminating extra exemptions as voted on? Chair Roberts asked Mr. Glavin to ensure the staff is clear that they have voted 3 times to eliminate exemptions and where they stand. She pointed out that Member Matthews read out their vote from the meeting minutes at their last subcommittee meeting.

Mr. Stokes quoted that Thomas Jefferson said, "We hold these truths to be self-evident." He emphasized to Chair Roberts that that is what should be up on the board. Chair Roberts



thanked Mr. Stokes. She said to Mr. Glavin that they have been very clear on the vote and that Mr. Reinhard should be clear on what his implementation should be.

Member Matthews commented that having been with BEP before it was called BEP, what this boils down to is historically there is a systemic problem. She stated you can pass all the good laws you want but you have to understand the apparatus on an operational level which has not been done enough. Member Matthews added how do you make it happen within the apparatus that you're dealing with, the bureaucracy? She explained that the core of the program and its function of the law has not been worked out. She said they have goal issues which are very germane to the program and compliance issues. Member Matthews emphasized that without helping the agencies, institutions of higher education, boards and commissions that are participating understand what to do under an operational level, then enforcing and monitoring them is where they are challenged. Chair Roberts thanked her and said they would take her comments into consideration.

VIII. Adjournment

Member Matthews moved to adjourn. Member Ivory seconded. Meeting adjourned at 3:36 pm.