

**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 25, 2012 - 1:30 P.M

COUNCIL MEMBERS IN ATTENDANCE

Joan Archie (Phone)	Charisse Witherspoon	Perry Nakachi
Lynne Marie Turner (Phone)	Beth Doria	Larry Ivory
Alesia Hawkins	Jesse Martinez	Florence Cox
Nelida Smyser-DeLeon (Phone)	Samantha Hufnagel (Phone)	

COUNCIL MEMBERS NOT IN ATTENDANCE

Hedy Ratner	Richard Boykin	Fred Coleman
Omar Duque	Rodney Lewis	Marva Boyd
Alfred Ramirez		

COUNCIL CHAIR

Malcolm Weems, Chairman, CMS Director

COUNCIL SECRETARY

Paul Cerpa, BEP Deputy Director

CMS STAFF IN ATTENDANCE

Tasha Cruzat	Harry Reinhard	Elias Ricks Ngwayah II
Philina King	Chimaobi Enyia	Gladys Rodriguez
Susan Hartman	Daymon Rittenberg	Kevin Lanson
Sharla Roberts	Carlos Gutierrez	Jim Shadid
Ellen Daley	Agueda Corona	

OTHERS IN ATTENDANCE

Carlos Charneco
Kevin Krass
Vir Doshi
Dr. Ewa Ewa
Mary Craig
Ken Martin

Karen Ward
Leonard McGee
John Donato
Darryl Harris
Margaret van Dijk

Dan Johnson
Omar Brown
Sharon Ferguson
Matt Brown
Rick Rogers

AGENDA

- I. Welcome
- II. Call to Order
- III. Roll Call
- IV. Approval of Council Meeting Minutes – May 14, 2012
- V. Chair’s Report
- VI. Posted Business
 - Joint Committee on Administrative Rules (JCAR)
 - Rick Rogers, Agency Procurement Officer, DCEO
- VII. Unfinished Business
 - IT Hearing
- VIII. Committee Updates
 - Procurement Committee
 - Business Development Committee
 - Capital Access and Banking Committee
 - Certification Committee
 - Policy, Rules and Enforcement Committee
- IX. New Business
 - BEP Goal Setting Training
- X. Adjournment
 - Next Council Meeting – Confirmation discussion

Call to Order

Chairman Weems called the May Business Enterprise Program (BEP) Council meeting to order at 1:42 on June 25, 2012.

Roll Call

Council Secretary Paul Cerpa took the roll and announced that a quorum has been obtained.

Approval of the Minutes of the Council Meeting held on May 14, 2012

Council approved the minutes of the May 14, 2012 Council meeting.

Chair's Report

Chairman Weems opened the meeting by stating that CMS is currently working on a process for IT contracting that will be presented to the Council for review and will entertain whatever changes the Council recommends. Chairman Weems also emphasized the need for the Council to understand the process of adopting rules and what JCAR does. Also Secretary Cerpa talked about questions relative to Sheltered Markets process to be put in place and the Administrative Rules to be adopted.

Posted Business

Chairman Weems recognized Mary Craig, Deputy Director for JCAR.

Deputy Director Craig started by saying that whenever the General Assembly passes a statute, that gives a guideline of what needs to get done. Rules are what they use to flush those out.

Deputy Director Craig also stated that when agencies develop rules, they come to JCAR for pre-drafting assistance. JCAR will then properly structure the rules so that it can be formally presented to the Secretary of State office for publication in the register. She noted that any policy and procedures developed that need to be enforced have to be in rules. Once it gets published in the register, you have the 45-day grace to notice comment period, which starts on the day of publication. This period is used to take comments from the public for at least 45 days. The public can submit oral or written comments. If you are an organization that represents at least a hundred, or there are twenty interested people, or you are a unit of local government, you can request a public hearing. All rule making expires after one year if they are not brought to the second notice. All changes should be submitted through first notice changes to JCAR when submitting the Rulemaking. The Secretary of State is 45 days and can be extended only if the agency and JCAR agree to the extension. JCAR members review the rules and make analysis and recommend actions. In most cases, a certificate of no objection is recommended. According to Deputy Director Craig, an objection could be made if they believe there is inadequate statutory authority. Lastly, JCAR can file probation. This stops the rulemaking abruptly and is usually filed with an objection so an amendment can be made. Emergency rulemaking can be adopted whenever you find there is an emergency situation. It is not agency created.

Council members Larry Ivory asked Director Craig to give an example of how an emergency rulemaking would happen. Director responded by saying it has to with a statute that had been passed within three months or less and you are developing rules for adoption to the permanent statute.

Chairman Weems inquired from Director Craig whether an emergency rule is in effect until it is heard by JCAR. Director Craig responded that an emergency rule is in effect the day you adopt it. Chairman Weems thanked Director Craig for coming and educating the Council on process of JCAR.

Next, Chairman Weems welcomed Mr. Rick Rogers, Agency Procurement Officer for the Department of Commerce and Economy Opportunity, who was representing Director David Vaught.

Mr. Roger acknowledged that he was asked to represent Director Vaught here but was not told to present statement but was willing to take questions about DCEO views and goal with BEP. Chairman Weems asked Mr. Rogers to explain to the Council the process for SB 3249. Council member Martinez from Capital Development Board (CDB) assisted Mr. Rogers by responding the Saying that DCEO and CDB have an arrangement by which CDB evaluate their Scope of Work, dollars, set their goals, send a letter to DCEO on the grantee's requirement, review their utilization plan once the grantee submits it to DCEO and approve it through a letter. Lastly, Council member Martinez said CDB committed to DCEO to perform site visits on projects (at least one site visit per project per grantee). Chairman Weems stressed the importance of this process as it deals with grants having goals attached to them.

Chairman Weems asked Mr. Rogers to tell the Council what percentage is grants versus procurement in terms of the dollars that goes through DCEO. Mr. Rogers responded by saying that he was unable to tell the Council right now but will get that answer for the council later. Mr. Weems further asked Mr. Roger to explain what DCEO does. Mr. Rogers explained that they have a tourism office (domestic/international), a marketing office (domestic/international), and an energy office. They also do community development for block grants, grants to businesses, tax services, and have a small business component.

Council member Beth Doria asked Mr. Rogers for clarification on the inter-governmental agencies agreement that stated that DCEO would be responsible for setting the goals on the grant's processing. Council member Samantha Hufnagel from DCEO responded by stating that CDB sets the goals.

Council member Larry Ivory asked what would be a course of action that the Council could take if a company promised 30% minority participation and only does 15%. Council member Martinez responded by saying that CDB would refer the prime contractor to their legal department for redress. Some actions taken by CDB are suspension, taken to court, and ban from doing business with CDB. Council member Ivory stressed the importance of informing their vendors that are being awarded these grants that they will be monitored to ensure compliance and there could be some consequences to failure to complying with the terms of the grant.

Unfinished Business

IT Hearing:

Secretary Cerpa informed the council that the IT Hearing has been in discussion the last few months and the Hearing have been attempting to establish a road map for our procedures. The IDOT Target Market Program is being used as a road map. A committee (working group) is also being established. Chairman Ivory commended CMS for the good conversation being held in trying to resolve this issue. Secretary Cerpa informed the Council that the Council will be receiving updates form the Hearing.

Council member Florence Cox asked the Council for the status of the Disparity Study. Chairman Weems responded by informing the Council that we do not have a finished product and that the data that was used not complete in all areas. However, the Chairman told the Council that CMS intention is to start a new study. Council member asked whether anything is being done to reach out to companies that do that kind of service. Chairman Weems said that they had symposiums and had discussions with some businesses. Council member Charisse Witherspoon asked if we will be conducting the new study with the same old vendor or will we be getting a new vendor. Chairman Weems said we will be going out to bid. Council member Perry asked if the bid would be awarded based on competency or low bid. Chairman Weems said obviously we look for the best person to do the job but there are other factors that go into the selection. in the quorum was reached at this point so the Council approved the minutes from the last meeting, with one exception; Council Member Cox noted an error regarding the Certification Committee voting to uphold the original denial in the last meeting's minutes.

There was no Council appeal hearing held this month as the vendor was not available. The appeal will have to be held at the June 25th Council meeting.

Committee Updates

Procurement Committee – No report

Business Development Committee – No report

Capital Access and Banking Committee – Council member Larry Ivory talked about the group working very hard and are doing some exciting things. However, he said he would leave it up to Chairman Fred Coleman to brief the council.

Certification Committee – Chairlady Florence Cox said they did meet but did not come to any conclusion but is seeking additional information.

Professional Services – No report

Policy, Rules and Enforcement Committee – Chairlady Beth Doria did say that they have not met but will be meeting shortly because they now have a submittal that will need to go through the new process.

New Business

BEP Goal Setting Training:

Secretary Cerpa informed the Council that BEP had planned a Goal setting Training for the end of the month but due to numerous requests about the end of the fiscal year activities, we had to reschedule it for the end of August. To be specific the 28th and 29th of August are the dates the training will be held. On August 28, 2012 the training will be held at the Bilandic Building in Chicago. There will be two sessions: 8:30am and 1:30pm. On August 29, 2012, the meeting will held in Springfield at the Agricultural Department auditorium. There will be two sessions in Springfield: 8:30am and 1:30pm.

Adjournment

Meeting adjourned at 2:57 PM