



BEP Goal Waiver Request Form Training

John Donato - Chief Procurement Officer for
Public Institutions of Higher Education

BEP Act

- ▶ Promote, encourage and provide continuing economic development and opportunities for businesses owned and operated by minorities, women, and persons with disabilities to participate in the State's procurement process as both prime and subcontractors. [30 ILCS 575]
- ▶ Not less than 20% of the total dollar amount of State contracts, as defined by the Secretary of the Council and approved by the Council, shall be established as an aspirational goal to be awarded to businesses owned by minorities, women, and persons with disabilities. [30 ILCS 575/4]
- ▶ A vendor shall be in breach of the contract and may be subject to penalties for failure to meet contract goals established under this Act, unless the vendor can show that it made good faith efforts to meet the contract goals. [30 ILCS 575/8]

30 ILCS 575/8i - Renewals

- ▶ Sec. 8i. Renewals. State agencies and public institutions of higher education shall:
 - (a) review all existing contracts prior to the time of renewal to determine if the contract goal is being met by the prime vendor;
 - (b) review all existing contracts prior to the time of renewal to determine if the contract goal should be increased based upon market conditions and availability of firms certified pursuant to this Act;
 - (c) review existing contracts with no contract goal to determine if a goal can be established; if it is determined that a contract goal can be established, the State agency or public institution of higher education shall encourage the prime vendor to amend the contract to include the contract goal; a prime contractor shall be required to complete a utilization plan to demonstrate how it intends to meet the contract goal; and

30 ILCS 575/8i - Renewals (cont'd)

(d) review renewals at least 6 months prior to renewal to allow adequate time to rebid if it is determined that the prime contractor has not demonstrated good faith efforts towards meeting the contract goal.

Illinois Procurement Code

P.A. 101-0657

- ▶ No vendor shall be eligible for renewal of a contract when that vendor has failed to meet the goals agreed to in the vendor's utilization plan unless the public institution of higher education has determined that the vendor made good faith efforts toward meeting the contract goals and has issued a waiver or that vendor is otherwise excused from compliance by the chief procurement officer in consultation with the public institution of higher education. The form and content of the waiver shall be prescribed by each chief procurement officer who shall maintain on his or her official website a database of waivers granted under this Section with respect to contracts under his or her jurisdiction (30 ILCS 500/20-60(f)).

CPO-HE Website



CPO for Institutions of Higher Education

CPO Notices

FY 2021

- [CPO_Notice_2021.01.pdf](#)
- [BEP Goal Waiver Request Form](#)

FY 2015

- [Notice 2015-02 FY16 CPI Adjustments](#)

BEP Goal Waiver Request Form



BEP Goal Waiver Request Form

Chief Procurement Officer (CPO): John Donato

Section I: General Information

University

Project Title:		Bulletin Reference Number:	
University Name:		University Point of Contact (POC):	
University POC Email:		University POC Phone Number:	

Vendor

Vendor Name:		Vendor Point of Contact (POC):	
Vendor City:		Vendor State:	

Section II: Waiver Information

☐ Initial Award ☐ Renewal

Brief description of goods/services to be provided:

Justification for waiver of BEP goal:

- ☐ Vendor has failed to meet its BEP goal commitment, in its entirety, but has made a Good Faith Effort towards meeting the goal and requested a waiver.
- ☐ Vendor has failed to fully meet its BEP goal commitment, but has made a Good Faith Effort towards meeting the goal and requested a waiver or reduction of the goal to % based on its Good Faith Effort.

Section III: Approval

University

I attest that I have reviewed the contents of this BEP Waiver Form and know and understand its contents. I further attest that the statements contained in this Form are true and correct.

University President or Director of Purchasing (or equivalent position) Signature	University President or Director of Purchasing (or equivalent position) Printed Name	Date

Section I: General Information

Section I: General Information

University

Project Title:

Bulletin Reference Number:

University Name:

University Point of Contact (POC):

University POC Email:

University POC Phone Number:

Vendor

Vendor Name:

Vendor Point of Contact (POC):

Vendor City:

Vendor State:

Section II: Waiver Information (“Initial Award”)

Section II: Waiver Information

☒ Initial Award ☐ Renewal

Initial Term Start Date: Initial Term End Date: Initial Term Amount:

BEP Goal % on Original Solicitation: BEP Goal % on Initial Award: \$ Amount of BEP Goal on Initial Award:

Brief description of goods/services to be provided:

Justification for waiver of BEP goal:

- ☐ Vendor has failed to meet its BEP goal commitment, in its entirety, but has made a Good Faith Effort towards meeting the goal and requested a waiver.
- ☐ Vendor has failed to fully meet its BEP goal commitment, but has made a Good Faith Effort towards meeting the goal and requested a waiver or reduction of the goal to % based on its Good Faith Effort.

Section III: Approval (“Initial Award”)

Section III: Approval

University

I attest that I have reviewed the contents of this BEP Waiver Form and know and understand its contents. I further attest that the statements contained in this Form are true and correct.



University President or Director of Purchasing (or
equivalent position) Signature

University President or Director of Purchasing (or
equivalent position) Printed Name

Date

Section II: Waiver Information ("Renewal")

Section II: Waiver Information

☐ Initial Award ☒ Renewal

No vendor shall be eligible for renewal of a contract when that vendor has failed to meet the goals agreed to in the vendor's utilization plan unless the public institution of higher education has determined that the vendor made good faith efforts toward meeting the contract goals and has issued a waiver or that vendor is otherwise excused from compliance by the chief procurement officer in consultation with the public institution of higher education. The form and content of the waiver shall be prescribed by each chief procurement officer who shall maintain on his or her official website a database of waivers granted under this Section with respect to contracts under his or her jurisdiction (30 ILCS 500/20-60(f)).

Provide the following information for the initial term for this procurement as well as the information for the renewal for which this BEP Waiver is being requested:

Initial

Initial Term Start Date: Initial Term End Date: Initial Term Amount:
BEP Goal % on Original Solicitation: BEP Goal % on Initial Award: \$ Amount of BEP Goal on Initial Award:

Renewal

Renewal # of Renewal Term Start Date: Renewal Term End Date:
Prior BEP Waivers Granted for this Procurement? ☐ Yes ☐ No
If this waiver is granted, the revised BEP Goal will be: Total Renewal Amount:

Brief description of goods/services to be provided:

Justification for waiver of BEP goal:

- ☐ Vendor has failed to meet its BEP goal commitment, in its entirety, but has made a Good Faith Effort towards meeting the goal and requested a waiver.
- ☐ Vendor has failed to fully meet its BEP goal commitment, but has made a Good Faith Effort towards meeting the goal and requested a waiver or reduction of the goal to % based on its Good Faith Effort.

What Justification is Required to Meet a Good Faith Effort?

- ▶ Detailed explanation of Good Faith Efforts to meet the goal.
 - ▶ Was there a change in the market?
 - ▶ Was there a change in the BEP vendor status?
 - ▶ Was there a change in scope of work?

Section III: Approval (“Renewal”)

Section III: Approval

University

I attest that I have reviewed the contents of this BEP Waiver Form and know and understand its contents. I further attest that the statements contained in this Form are true and correct.



University President or Director of Purchasing (or equivalent position) Signature

University President or Director of Purchasing (or equivalent position) Printed Name

Date

Chief Procurement Officer

☐ I concur.

☐ I do not concur.

Comments:



Chief Procurement Officer Signature

Chief Procurement Officer Printed Name

Date

When Does This Form Apply?

- ▶ All renewals where the vendor failed to meet their BEP goal commitment = breach of contract
 - ▶ Except:
 - ▶ Federally funded procurements

Review Process

Complete form *at least* 6 months prior to renewal
[CPO Notice 2021.1 suggests 1 year]



Submit form to SPO



SPO submits form to CPO



CPO concur/not concur



Form placed in procurement file

Questions?

Contact Information:

John Donato, John.Donato@Illinois.gov

Sharon Ferguson, Sharon.Ferguson2@Illinois.gov

Keely Burton, Keely.Burton@Illinois.gov

Presentation created by: Sharon Ferguson & Keely Burton

Thank You!

Presented by John Donato - April 2021