



Good Faith Effort Contract Renewal Waiver and Concurrence

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, as defined in Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, unless the State agency has determined that the vendor made good faith efforts toward meeting the contract goals. If the State agency determines that the vendor made good faith efforts, the agency may issue a waiver after concurrence by the chief procurement officer. 30 ILCS 500/20-60(f).

Requesting Agency

Original Contract BidBuy PO Number Renewal Contract BidBuy REQ Number

Section I - General Information

Project Title

Vendor

Section II - BEP Contract Goal Attainment

Provide the current term notice of award dollar amount, the current term contract actual spend, and the proposed renewal notice of award dollar amount.

Current Term Notice of Award Amount (\$)	<input type="text" value="\$1,500,000.00"/>	Current Term Contract Actual Spend (\$)	<input type="text" value="\$1,144,739.38"/>	Proposed Renewal Notice of Award Amount (\$)	<input type="text" value="\$1,800,000.00"/>
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Provide current term BEP goal percentage, the BEP goal percentage actually achieved in the current term, and the proposed renewal BEP goal percentage. The actual achieved current term BEP goal percentage is based on the current term contract actual spend.

Current Term BEP Goal (%)	<input type="text" value="33"/>	BEP Goal (%) Actually Achieved Current Term	<input type="text" value="13.78"/>	Proposed Renewal BEP Goal (%)	<input type="text" value="33"/>
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List the names of **all** BEP subcontractors identified on the Utilization Plan. For the current term, list each BEP subcontractor's goal percentage, the actual achieved goal percentage, and the actual achieved goal dollar value.

BEP Subcontractor Name	Goal Percentage	Achieved Goal Percentage	Achieved Goal Value (\$)
Reyes Kurson	33	13.78	\$157,770.00



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Section III - Contract Description

Provide a brief description of the current term contract supplies or services:

1) Advising on the monitoring, interpretation and enforcement of the private management agreement with Camelot Illinois, 2) drafting and negotiating any amendments to the private management agreement and/or any subcontract related thereto as requested by the State, 3) advising on the proper structure of the private management relationship for sports betting, 4) advising and assisting in preparing the Request for Proposal for sports betting, including selection and evaluation criteria and tools and 5) drafting and negotiating the contract for sports betting

Section IV - Good Faith Effort

List **actions** that the vendor took which constitute a good faith effort to meet the contract's current term BEP goal percentage. Responses must describe the vendor's actual actions (actions that occurred). **Intended** actions should **not** be listed here.

The Prime has utilized the subcontractor during the ongoing term to provide legal service on various assignments. The BEP spend is lower than the goal, however, the use of the subcontractor is dependent on the type of legal services required during the term. The Prime is used in the areas of contract management and dispute resolution which were of major focus during this term as it is critical to utilize a vendor who specializes in these areas and to continue to utilize them for continuity as an ongoing legal concern progresses. Moreover, in contract mediation, it is important that the lawyer utilized have historical reference to previous arguments made as objections and new arguments are made. The subcontractor was primarily used on legal services outside these particular areas. The BEP goal for this project is the highest BEP goal on a contract by the Lottery and exceeds the Agency CEI BEP goal that took effect in January of 2022 of 30%.

Describe in detail the impact to the State if this renewal is not approved.

If this renewal is not approved, then, the Lottery will have not have continuity with regard to legal services related to contract management and dispute resolution; With regard to dispute resolution, more specifically, the Lottery will not have adequate expertise in the area of contract mediation as it relates to present and, any future potential litigation. Moreover, the Lottery would lose a firm and associated lawyers who have assisted the Lottery in navigating disputes as well as historical reference to earlier arguments as they have been made. Finally, the Lottery will not have adequate resources to handle all important legal matters related to the Lottery.

Section V - Additional Information

If the vendor's actions alone do not fully explain the vendor's good faith effort, provide additional information explaining why the contract's current term BEP goal percentage was not achieved.

The Prime Vendor is working with the new BEP Compliance Monitor to provide supporting documentation. The use of the subcontractor is dependent on the legal area being reviewed and the Prime and Subcontractor's area of legal expertise and experience. The Prime Vendor is primarily used in the areas of contract management and dispute resolution which were of major focus during this term as it is critical to use lawyers experienced in resolving conflict who are able to communicate effectively with the versatility and adaptivity to respond to different scenarios and challenges. Moreover, in contract mediation is important that the lawyer utilized have historical reference to previous arguments made as objections and new arguments are made. These areas were within the wheelhouse and area of expertise of the Prime. The subcontractor was used on other projects outside these areas of focus but within their particular



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Section VI - State Agency Head Determination

The State Agency Head's signature cannot be delegated or signed by a designee.

"As the Agency Head, I have determined that the vendor's actions constitute a good faith effort to meet the contract's current term BEP goal percentage."

State Agency Head Signature

Printed Name Title Date

Section VII - Chief Procurement Officer Concurrence

- I concur with the State Agency Head's determination that the vendor made a good faith effort to satisfy the contract's current term BEP goal percentage.
- I **do not** concur with the State Agency Head's determination that the vendor made a good faith effort to satisfy the contract's current term BEP goal percentage.

CPO's Signature

Date