



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 (\$)

Current Term
Contract Actual
Spend (\$)

Proposed Renewal
Notice of Award
Amount (\$)

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 (%)

BEP Goal (%) Actually
Achieved Current Term

Proposed Renewal BEP
Goal (%)

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 (\$)
Zuber Lawler	21	9	\$20,825.00

Add Row

Delete Row

Section III - Contract Description

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



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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 vendor generally provides employment legal advising services, generally on a case-by-case basis as matters arise, as well as certain general inquiries. The vendor utilized its BEP subcontractor to meet the BEP goal whenever the nature of matters permitted. Under the current contract term, a significant portion of the work performed related to an unforeseen and one-time need for counsel related to a social security referendum vote and coordination with State and federal monitoring agencies. This work was critical to all employees at IHDA and required specialized expertise and a unified approach between the vendor, IHDA, and IHDA's General Counsel. Subcontracting work related to the referendum was not appropriate. As evidenced above, Ice Miller did utilize their BEP subcontractor, Zuber Lawler, for assignments unrelated to the social security referendum vote when appropriate.

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

IHDA does not have the employment and labor law expertise in house. If this renewal is not approved, IHDA will not have the necessary legal expertise for various employment and labor matters that arise which will cause increased risk to IHDA.

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.

When the original BEP goal was calculated in 2022, there were 44 BEP firms registered under NIGP 96149 and 210 BidBuy vendors under NIGP 96149. This resulted in a goal calculation of 21%. At that time and in order to remain aligned with IHDA's dedication to increase DEI and BEP participation on all agreements (both procurement and non-procurement related), IHDA made the decision to leave the goal at 21%. As of 2026 when the renewal BEP goal was calculated, there were only 25 BEP firms registered under NIGP 96149 and 250 BidBuy vendors under NIGP 96149. This discrepancy resulted in a decrease of the BEP goal by almost 50% regardless of IHDA identifying that 6 BEP registered firms registered under NIGP Code 91649 needed to be removed due to the fact they are either not law firms or provide legal services to higher education only. Looking at historical information of BEP usage under the current contract, IHDA feels that the 10% BEP goal for the renewal term is more achievable than the unintentionally inflated goal during the initial term. Assignments under this contract are not predictable and arise only when specific and unique employment and labor legal issues arise at IHDA. As a result of this, each assignment that arises must be looked at individually by IHDA so that IHDA's General Counsel can determine on a case by case basis if subcontracting is appropriate for each individual assignment. In addition, in 2025, IHDA implemented its DEI and Procurement Policy which enhanced and solidified the role of IHDA's Special Advisor on Equity and Inclusion to have a more active role in monitoring the progress of spend with BEP subcontractors on a more regular basis throughout the term of contracts.



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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