



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 LLP	21	0	\$0.00

Add Row

Delete Row



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Section III - Contract Description

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

Services under this contract include a broad range of litigation and other dispute related advice, counsel and support with respect to various housing finance matters, including but not limited to: (i) customary single family and multifamily residential mortgage lending, and grant issuance and servicing litigation matters, general business litigation, contract disputes, and/or (ii) other litigation matters that IHDA might face as a housing agency and body politic and corporate of the State of Illinois.

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.

At each instance where there was a new discrete matter where IHDA procured the services of the vendor under the contract, IHDA's general counsel considered whether the matter could be performed by the subcontractor in lieu of the vendor. Nearly all matters under the contract involved long-term, multi-year engagements where utilization of the vendor was needed. When certain one-off research issues arose where IHDA could have benefited from the use of litigation counsel, IHDA inquired into the specialization of the subcontract and discovered that it did not have the requisite in-house expertise, like in Illinois local tax law issues. As a result of those conversations, IHDA directed Saul Ewing to identify BEP subs going forward whose expertise will complement the vendor's own, such that IHDA will have a source of authority for those issues going forward. When a new assignment would arise, IHDA and Saul Ewing would analyze and determine if use of the BEP sub would be appropriate given the area in which counsel was needed. Saul Ewing reached out to IHDA when efforts to use the identified BEP firm were not successful and IHDA provided guidance on the kinds of topics for which we could use counsel that may not be areas of expertise at Saul Ewing. Also, in order to achieve BEP goals, Saul Ewing sought our input on areas of expertise we would like access to from outside litigation counsel. Saul engaged a new BEP sub based on this input.

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

IHDA does not have the litigation counsel expertise in house. If this renewal is not approved, IHDA will not have the necessary legal expertise for various litigation 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



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achievable than the unintentionally inflated goal during the initial term. Assignments under this contract are not predictable and arise only when specific and unique litigation 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.

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