



Good Faith Effort Contract Renewal Waiver Request Form

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 State agency has determined that the vendor made good faith efforts toward meeting the contract goals and has issued a waiver or that vendor is not otherwise excused from compliance by the chief procurement officer in consultation with the purchasing State Agency. 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 Commitment

Contract commitment means that the contractor will make a good faith effort to use the BEP subcontractors as described in the Utilization Plan.

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 style="width: 80%; border: 1px solid black;" type="text" value="\$162,374.00"/>	Current Term Contract Actual Spend (\$) <input style="width: 80%; border: 1px solid black;" type="text" value="\$81,187.00"/>	Proposed Renewal Notice of Award Amount (\$) <input style="width: 80%; border: 1px solid black;" type="text" value="\$349,668.00"/>
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Provide current term BEP contract commitment percentage, the actual achieved current term BEP contract commitment percentage, and the proposed renewal BEP contract commitment percentage. The actual achieved current term BEP contract commitment percentage is based on the current term actual spend.

Current Term BEP Contract Commitment (%) <input style="width: 80%; border: 1px solid black;" type="text" value="20"/>	Current Term BEP Contract Commitment Actual (%) <input style="width: 80%; border: 1px solid black;" type="text" value="0"/>	Proposed Renewal BEP Contract Commitment (%) <input style="width: 80%; border: 1px solid black;" type="text" value="20"/>
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List the names of all BEP subcontractors identified on the Utilization Plan. For each BEP subcontractor listed, provide the commitment percentage, the actual achieved commitment percentage, and the actual achieved commitment dollar value.

BEP Subcontractor Name	Commitment Percentage	Commitment Percentage Actual	Commitment Value Actual (\$)
OER Associates, LLC	11.3%	0	0
Mena Tours & Travel, Inc. dba Mena Travel	1.9%	0	0
Multilingual Connections, LLC	6.8%	0	0



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Section III - Contract Description

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

Education Development Center will provide evaluation tools, perform assessment of data from the federal reporting system, administer multiple surveys, create and write mid-year and end of year reports, present at workshops regarding evaluation, and assist ISBE with providing information and technical assistance to grantees regarding evaluation and their required local evaluation report.

Section IV - Good Faith Effort

Describe the actions that the vendor took which constitute a good faith effort in performance of the current term of the contract, to meet the BEP commitment described in the Utilization Plan:

The initial term of this contract became effective on 2/24/21 and ends on 6/30/21, comporting with the original solicitation. Thus, the initial term was only four months. Historically, and prior to the calculation formula for BEP that was issued after this solicitation was offered, ISBE has placed a 20% BEP goal on solicitations where we reasonably thought vendors could meet. When the solicitation was posted, ISBE had no idea how long COVID would sideline BEP activities and it was assumed the BEP vendors would be utilized in the renewal term. This wasn't an immediate concern of ISBE's as the goal was for the life of the entire contract, not just the initial term of four months, as confirmed by CMS/BEP. This was also BEP's policy at the time of award. When ISBE proposes a BEP goal, we assume it's for the span of the entire contract, not individual terms. Depending on the deliverables, vendors may have good reason for not having met BEP in the first term, for example. EDC is signing a contract with Multilingual Connections for the transcription of work, and plans to pay the vendor \$12,000 by June 30, 2021. ISBE has not recorded the amount as actual spend due to the amount not having been spent at the time the good faith effort was due to the CPO. Additionally, EDC is also engaging OER Associates. EDC had planned to conduct site visits during the waning weeks of FY21 but COVID prevented site visits from happening at all. Site visits will not be conducted until at least the second quarter of FY21. EDC has committed to redoubling its efforts on site visits to make up for lost time, assuming the COVID has subsided. To that end, EDC will engage OER. This will move the first \$16,000 payment from FY21 Q4 to FY22 Q1. When EDC submitted their budget for the initial term with their bid the budget did not include any funding for the initial term of the agreement. This was due to the annual spring conference being held virtually instead of in person and the 21 Century Community Learning Center sites being closed due to the COVID 19 pandemic. It is worth noting that ISBE and the vendor had assumed (and CMS/BEP has concurred that this was a correct assumption) that goal placement is for the life of the contract, not just the initial term or an individual renewal term. The vendor, through no fault of their own, could not conduct field visits due to the ongoing pandemic. Regarding Mena Travel, due to COVID hampering gatherings, vendor had always planned to engage them in FY22. Vendor still expects this to happen. EDC is not considered behind on BEP with Mena. As movement begins to ease, ISBE and the vendor both fully anticipate that the vendor and contractual obligations will be back on track. To confirm its good faith engagement with BEP subcontractors, vendor has submitted a formal letter to ISBE detailing plans on what that engagement will look like. EDC absolutely anticipates setting aside work in FY22 for the BEP vendors as outlined in the u-plan.

ISBE takes its commitment to achieving BEP goals seriously in this contract and in extending opportunity to the BEP community whenever and wherever possible. To that end, it is important to note that this contract is fully funded with federal dollars. ISBE's dedication to BEP is such that, when feasible, goals are placed on federally funded contracts, even though it is not a requirement of the Program.

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

If this contract is not renewed, ISBE will not be in compliance with our federal grant requirement. ISBE does not have the capacity to perform this work internally and must contract with an outside vendor to provide.



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Section V - State Agency Head Signature

A vendor's failure to meet the BEP contract commitment in its contract is a breach of contract. A vendor's BEP contract commitment is a material term of the contract. It is the State's public policy to promote and encourage the economic development of firms certified by the Business Enterprise Program and that these firms participate in the State's procurement process as both prime and subcontractors. The vendor's actions to meet the BEP contract commitment constitute a good faith effort. Despite the failure to satisfy State policy to meet contract goals with BEP subcontractors, I believe that the agency's need for the contract renewal outweighs the State policy.

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

State Agency Head Signature

Printed Name Title Date