




CHIEF PROCUREMENT OFFICE

Ellen H. Daley, General Services

Notice 2021.05 General Services

To: Agency Procurement Staff
Central Management Services Bureau of Strategic Sourcing
State Purchasing Officers

From: Ellen H. Daley 

Date: March 23, 2021

Subject: Public Act 101-0657

CC: Procurement Compliance Monitors
Procurement Policy Board

A BEP contract commitment is a material term of the contract. A vendor's failure to meet the BEP contract commitment is a breach of 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.

Public Act 101-0657 adds Section 20-60(f) to the Illinois Procurement Code requiring that 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. The form and content of the waiver shall be prescribed by the chief procurement officer (CPO) who shall maintain on the CPO's official website a database of waivers granted under this Section with respect to contracts under the CPO's jurisdiction.

In addition to ensuring that a contractor continues to satisfy all procurement eligibility requirements for renewal of a contract, the Chief Procurement Officer for General Services (CPO-GS) shall evaluate whether the vendor seeking renewal is responsible regarding full performance of their BEP contract commitment. This evaluation shall inform whether the vendor has the integrity and reliability to perform in good faith to meet the BEP contract commitments in the renewal.

The head of the State agency shall complete the form "Good Faith Effort Contract Renewal Waiver Request" to document and approve a contractor's good faith effort when intending to renew a contract subject to this notice. The form shall be signed by the head of the State agency and may not be signed by a designee. The State Purchasing Officer will not approve a contract renewal where the vendor failed to meet the original contract's BEP utilization commitment without a completed and signed waiver form.

The SPO may request documentation from the agency related to the agency's good faith effort determination. In consultation with the CPO-GS, the SPO may deny the renewal if the SPO determines that the contractor did not make a good faith effort and therefore the contractor is not a responsible vendor with the integrity and reliability to satisfy the BEP utilization commitment on the contract renewal.



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The Chief Procurement Office for General Services will conduct training for agencies in how to complete the waiver. Each agency under the CPO-GS' jurisdiction shall participate in the training. More than one staff per agency may participate.

Completing the GFE Contract Renewal Waiver Request form – Tuesday, March 30, 2021 9:00 AM

Training Tuesday

Meeting number (access code): 801 430 920

Meeting password: 5BKVyrEi

WebEx Link:

<https://illinois.webex.com/webappng/sites/illinois/meeting/download/49c7e6752a86457db2935df2cf6e79f8?siteurl=illinois&MTID=m238583d16284a94de96c7124e04d824a>

Join by phone

+1-415-655-0002 US Toll

Join from a video system or application

Dial [801430920@illinois.webex.com](tel:801430920)

You can also dial 173.243.2.68 and enter your meeting number

If there are questions regarding this notice, please contact your State Purchasing Officer or the Chief Procurement Office at (217) 970-0175.

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