



CHIEF PROCUREMENT OFFICE
Fred Hahn, Capital Development Board

MEMORANDUM

To: Capital Development Board

From: Fred Hahn, CPO

Date: July 3, 2013

Subject: CPO Notice 13-3

Effective Immediately.

This Notice establishes the required documentation for agency evaluation of bids that do not meet MBE/FBE goals. The Business Enterprise for Minorities, Females, and Persons with Disabilities Act, (30 ILCS 575/7(5)) Exemptions and Waivers, states in relevant part:

“Each chief procurement officer, as defined in the Illinois Procurement Code, shall maintain on his or her official Internet website a database of waivers granted under this Section with respect to contracts under his or her jurisdiction.”

The Illinois Procurement Code (30 ILCS 500/20-155) states in relevant part:

Sec. 20-155. Solicitation and contract documents.

(b) A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids and proposals, all evaluation materials, score sheets and all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process. The procurement file shall contain a written determination, signed by the chief procurement officer or State purchasing officer, setting forth the reasoning for the contract award decision.

For each bid evaluation conducted by CDB where a bidder does not meet the MBE/FBE goals established by CDB, CDB shall complete the attached document and provide to the CPO office. The information provided in this document is required by the Chief Procurement Office for bidder responsiveness determinations and to meet the requirements of the Business Enterprise for Minorities, Females and Persons with Disabilities Act to maintain a database of waivers granted under the Act.

All Bid Evaluation Good Faith Effort/Waiver Determination forms shall be maintained in the procurement file.

Bid Evaluation
Good Faith Effort/Waiver Determination

Name of Vendor:

Project Number

Date of GFE Review

Agency or University Initiating the Procurement Activity:

Section 7 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act states: "Where a particular contract requires a contractor to meet a goal established pursuant to the Act, the contractor shall have the right to request a waiver from such requirements. The Council shall grant the waiver where the contractor demonstrates that there has been made a good faith effort to comply with the goals for participation by business owned by minorities, females and persons with disabilities." 30 ILCS 575/7(3).

CDB has determined:

Good Faith Effort was established and a waiver of goals is granted as follows:

Original Goals	% MBE Participation	% FBE Participation
Submitted Participation	% MBE Participation	% FBE Participation
Accepted Participation	% MBE Participation	% FBE Participation

Good Faith Effort was not established and a waiver of goals is not granted. The bidder is determined to be non-responsive.

No documentation of Good Faith Effort provided. The bidder is determined to be non-responsive.

In support of the request for a waiver, CDB reviewed all information indicating why the specified goal cannot be met as follows:

- The bidder ensured that MBE/FBE firms were made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities.
- The bidder made construction plans, specifications and requirements available for review by prospective MBE/FBE businesses directly or through trade associations, or providing these documents to such firms at least 10 days before the bids or proposals are due.
- The bidder consulted with and used the services and assistance of the CDB Fair Employment Practices Division.
- The bidder participated in good faith with interested MBE/FBE businesses and did not reject them as unqualified without sound reasons based upon their capabilities, which were submitted to CDB in writing.

In addition, CDB reviewed all additional evidence submitted by the bidder attempting to demonstrate that it made a good faith effort to meet MBE/FBE goals, which includes, but is not limited to, the following:

- The bidder provided a list of all MBE/FBE that were contacted, including documentation from those enterprises.
- The bidder provided copies of all solicitation letters to MBE/FBE firms as well as responses received. Letters should contain, as a minimum:
 1. Project title and location;
 2. Classification of work items for which consultants are sought;
 3. Date, time and place responses are due; and
 4. Returnable acknowledgement of the solicitation
- The bidder provided evidence, such as a log of telephone contacts including time and date of call, telephone number, and name of the person spoken to.
- The bidder provided copies of any notices of interest published in a daily or weekly newspaper located in the area of the project.
- The bidder provided evidence that the bidder broke down or combined the elements of work into economically feasible units to facilitate MBE/FBE participation.
- The bidder provided evidence that the bidder worked with minority trade organizations, State agencies (including CDB FEP), or contractor organizations that provide assistance in the recruitment of MBE/FBE businesses.
- The bidder provided evidence that the bidder attended project pre-bid meetings scheduled by the CDB and/or MBE/FBE workshops conducted by CDB within 6 months of the bid or proposal date.
- The bidder provided evidence that the bidder provided assistance to MBE/FBE businesses in getting bonded or insured or provided alternatives to bonding or insurance for MBE/FBE businesses.
- The bidder provided evidence that the bidder participated in good faith with interested MBE/FBE businesses, including the documentation of the reasons for rejecting interested MBE/FBE businesses.
- The bidder provided evidence that the bidder gave assistance to otherwise qualified MBE/FBE businesses in need of equipment, loan capital, line of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required.
- The bidder provided evidence that the bidder assisted MBE/FBE businesses in obtaining the same unit pricing or terms of sale with suppliers in order to help the MBE/FBE business in establishing credit.

Other relevant information considered by CDB in support of the request for a waiver:

Description of supporting information relied upon to make this determination:

Description of determination:

Date of Determination:

Name of State Purchasing Officer:

Printed Name of authorized individuals making determination:

Signature of authorized individuals making determination: _____

State Purchasing Officer:

Date: