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Policy Statement

Rock Valley College Business Enterprise Program (B.E.P. Planning)

Rock Valley College adopted RVC Board Policy 5:10.140, Diverse Vendor Enterprise Use, on September 27, 2016 with Board Report #7333. The College recognizes the importance of increasing the participation of businesses owned by minorities, females, and persons with disabilities in public contracts in an effort to overcome the discrimination and victimization such firms have historically encountered. The policy affirms the College's commitment to promote the economic development of businesses owned by minorities, females and persons with disabilities by setting aspirational goals to award contracts to businesses owned by minorities, females, and persons with disabilities for certain services as provided by the Business Enterprise for Minorities, Females and Persons with Disabilities Act, 30 ILCS 575 (the Act) and the Business Enterprise Council for Minorities, Females, and Persons with Disabilities.

In support of the State of Illinois' policy and the Act, Rock Valley College Leadership established that the office of Business Services would oversee and maintain administrative procedures to encourage the use of businesses owned by minorities, women, and persons with disabilities in accordance with the Act. By placing the administrative procedures into the purview of Business Services, Leadership ensured that any changes in the legal requirements of the Act could be incorporated into action quickly.

The RVC Administrative Procedure called Diverse Vendor Enterprise Program directly links to the Board Policy 5:10.140 and documents how the commitment in the Board Policy will be enacted. The procedure includes but is not limited to aspirational goals as set forth in the Act, commitment to identifying vendor records as B.E.P. certified for future use, responsibilities for annual reporting, the inclusion of B.E.P. vendors in the bidding process, and the use of a B.E.P. Utilization Form.

Leadership reviews and approves the administrative procedures, and Business Services reviews them annually for any changes that need to be made for compliance or improvement. If there are any changes, Leadership reviews them. Through this check and balance, Leadership ensures the commitment is integrated into the College's procurement activities.

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RVC Administrative Procedure (5:10.140)

The Purchasing Manager shall be the liaison between Rock Valley College and the Business Enterprise Program for Minorities, Females and Persons with Disabilities. Business Services will oversee the planning and reporting required under state statue 30 ILCS 575.

1. Aspirational Goals. The College shall have the following aspirational goals for awarding contracts to businesses owned by minorities, females, and persons with disabilities:

    a. Construction Contracts. The College shall have an aspirational goal to award twenty percent (20%) of the total dollar amount of contracts for the repair, remodeling, renovation or construction of a building or structure ("Construction Contracts") to qualified businesses owned by minorities and females. The College shall also have an aspirational goal that of the total dollar amount of all Construction Contracts awarded to qualified businesses owned by minorities, females, and persons with disabilities, at least eleven percent (11%) shall be awarded to businesses owned by minorities, at least seven percent (7%) shall be awarded to female owned businesses, and at least two percent (2%) shall be awarded to businesses owned by persons with disabilities.

    b. Professional Services Contracts. The College shall have an aspirational goal to award twenty percent (20%) of the total, collective dollar amount of contracts for insurance services, investment services, information technology services, accounting services, architectural and engineering services, and legal services ("Professional Services Contracts") to qualified businesses owned by minorities, females and persons with disabilities. The College shall also have an aspirational goal that of the total dollar amount of all Professional Services Contracts awarded to qualified businesses owned by minorities, females, and persons with disabilities, at least eleven percent (11%) shall be awarded to businesses owned by minorities, at least seven percent (7%) shall be awarded to female owned businesses, and at least two percent (2%) shall be awarded to businesses owned by persons with disabilities. The definitions of these professional services shall be in accordance with 30 ILCS 575/4f(1)(d).

    c. College Contracts. The College shall have an inspirational goal to award twenty percent (20%) of the total dollar amount of all contracts entered into by the College "College Contracts"), except those contracts identified above, to qualified businesses owned by minorities, females, and persons with disabilities. The College shall also have an aspirational goal that of the total dollar amount of all College Contracts awarded to qualified businesses owned by minorities, females, and persons with disabilities, at least eleven percent (11%) shall be awarded to businesses owned by minorities, at least seven percent (7%) shall be awarded to female owned businesses, and at least two percent (2%) shall be awarded to businesses owned by persons with disabilities.

Purchasing Manager shall also have the authority to set separate contract goals for specific individual contracts and purchase orders based on the type of work or services, subcontractor availability, and the College's success in meeting its overall aspirational goals. In determining said goals, Business Services shall have the authority to delineate separate contract goals for businesses owned by minorities, women, and persons with disabilities.

2. Certified Business Enterprise Contractors. In determining whether a business is owned by a minority, female, or person with disabilities, the College shall require the business to provide proof of certification by the Business Enterprise Council, an entity delegated the authority to make certifications by the Business Enterprise Council, or by a state or other agency with statutory authority to make such a certification, or other organizations recognized by RVC that the business entity is owned by a minority, female, or person with a disability. Examples of (but not limited to) agencies: Chicago Minority Supplier Development Council (CMSDC), Women's Business Enterprise National Council (WBENC), National Veteran Owned Business Association (NaVOBA), Illinois Department of Transportation (IDOT), etc.

3. Maintenance of Records and Vendor Identification for Business Enterprise Program (BEP). The Purchasing Manager shall be responsible for the following to facilitate the College's policy:

    a. Maintain a database about BEP certified vendors which includes:

        i. Vendor Name

        ii. Vendor Address

        iii. Vendor telephone / email / contact information

        iv. BEP category

    b. Flag vendors in the Colleague Ellucian ERP.

    c. Utilize the State of Illinois Central Management Services (CMS) database to determine additional BEP Vendors for bid solicitation.

    d. Maintain a database about the following records:
        i. the total amount of dollars that apply to the College's aspirational goals for Construction Contracts, Professional Services Contracts, and College Contracts;

        ii. the amount of dollars for College Construction Contracts, Professional Services Contracts, and College Contracts that were awarded to businesses owned by minorities, females, and persons with disabilities; and

iii. the total number of contracts entered into for College Construction Contracts, Professional Services Contracts, and College Contracts, and the total number that were awarded to businesses owned by minorities, females, and persons with disabilities.

4. Subcontractors and Suppliers. The College's aspirational goals, as set forth above, are based on the total dollars awarded to businesses owned by minorities, females, and persons with disabilities. All funds awarded to any certified subcontractors and/or suppliers shall be included for the College's aspirational goals, so long as the expenditures are direct, necessary, and proximately related to the work or service of the contract.

5. Evaluation of Contracts to Facilitate Aspirational Goals.

    a. The procedures shall not eliminate, alter, reduce, alleviate, or modify in any way the College's procedures for purchasing. However, in addition to the College's purchasing procedures, the College shall evaluate all contracts, except those subject to federal reimbursement, to determine whether any bidder or contracting party assists the College in meeting its aspirational goals as set forth above, and increase the participation of businesses owned by minorities, females, and persons with disabilities in contracts with the College.

    b. Purchasing Manager shall review bid instructions to determine whether the specifications and instructions need to reference the College's Diverse Vendor Enterprise Use.

    c. Purchasing Manager shall identify the scope of work requested for such bids and determine whether a list of BEP certified businesses should be included with bid specifications to increase the use of BEP certified subcontractors and/or material suppliers. If not included in the bid specifications, Business Services shall distribute the lists of certified businesses to potential bidders upon request or otherwise in Business Services' discretion.

6. Notice of Professional and Artistic Services Contracts. Except in cases of emergency, Purchasing Manager shall notify the Business Enterprise Council of proposed contracts for professional and artistic services. Notification may be made through either:

    a. Direct written communication to the Secretary of the Business Enterprise Council at least fourteen (14) days before execution of the contract or solicitation response date, if applicable; or

    b. By advertising in the official state newspaper for at least three (3) days, the last of which must be at least ten (10) days after the first publication.

The College may consider any vendor referred to it by the Business Enterprise Council prior to the execution of the contract at issue.

7. Bidding Requirements.

    a. Bid Documents. When the College procedures and/or state law require the College to bid a contract competitively, the College shall state in its bid documents the College's aspirational goal for the contract. The College's bid documents shall also require each bid submitted for a contract to include: (i) the bidder's name, (ii) the bid amount, and (iii) a utilization plan indicating the percentage of disadvantaged businesses that will be awarded by the bid. (See appendix A for sample of form).

    b. Lowest, Responsive and Responsible Bidder. As required by state law and the College's purchasing procedures, the College shall award contracts subject to state public bidding requirements to the lowest, responsive and responsible bidder. A bidder's failure to complete a utilization plan or submit necessary certifications shall be an issue of "responsiveness" which may make the bidder ineligible to receive the contract. In awarding contracts, the College shall also consider that the definition of "lowest responsible bidder" is broader than "lowest bidder" or "financially responsible", and that in proper circumstances, certain public interests can be considered as "responsible" in the College's discretion as allowed by applicable state laws, rules or regulations.

    c. Good Faith Effort Procedures. If the bidder cannot meet the contract's aspirational goal, the bidder must document in the utilization plan (See Appendix A for example) its good faith efforts that could reasonably have been expected to meet the goal. The College shall consider the quality, quantity, and intensity of the bidder's efforts, and may evaluate the bidder's:

        i. Solicitation through all reasonable and available means of certified subcontractors, suppliers, and/or vendors that have the capability to perform the work required by the contract. The bidder must solicit this interest to give certified businesses sufficient time to respond to the solicitation, must provide adequate information about the plans, specifications, and contract requirements in a timely manner, and must take appropriate steps to follow up initial solicitations.

        ii. Use of resources from the College, the Business Enterprise Council, and any other business or community groups that provide assistance in the recruitment and placement of certified businesses.

        iii. Selection of portions of the contract work to be performed by certified vendors to increase the likelihood that the goal will be

achieved. This includes, where appropriate, breaking out contract work items or services into economically feasible units to facilitate participation by certified businesses, even when they bidder might otherwise prefer to perform the work or services with its own employees.

iv. Negotiation in good faith with interested certified businesses. In order to show good faith efforts, the bidder's utilization plan shall include the names, addresses, and telephone numbers of certified businesses that were considered, and an explanation for why an agreement could not be reached.

v. Thorough investigation of the capabilities of certified businesses and not rejecting them as unqualified without sound reasons.

vi. Efforts to assist interested certified businesses in obtaining contract required lines of credit, insurance, equipment, supplies, materials, or other related assistance or services.

8. Award of the Contract. If the College determines that the bidder is the lowest, responsive and responsible bidder and has either met the contract's aspirational goals or has made a good faith effort to meet the goal, the College may award the contract to the bidder. The College shall have the right to reject all bids and re-bid the contract in its sole discretion.

9. Incorporation into Contract. The successful bidder's utilization plan shall become part of the awarded contract and shall not be modified or amended without the College's written consent.

10. Exemptions and Waivers.

    a. Individual Contract Exemptions. In the event that the College determines that there is an insufficient number of businesses owned by minorities, females and persons with disabilities to ensure adequate competition and an expectation of reasonable prices on bids or proposals solicited for a specific contract, the College may make a written request to the Business Enterprise Council, based on the best information available at the time, requesting an exemption for that individual contract or contract package, in whole or in part. The Business Enterprise Council shall make the determination with respect to granting the exemption. The determination shall be made prior to the advertisement for bids or solicitation of bids.

    b. Class Exemptions. In the event that the College determines that there is an insufficient number of businesses own by minorities, females and persons with disabilities to ensure adequate competition and an expectation of reasonable prices on bids or proposals solicited for an entire class of contracts, the College may make a written request to the

Business Enterprise Council, based on the best information available at the time, requesting an exemption for that entire class of contracts. The Business Enterprise Council shall make the decision with respect to granting the exemption.

11. Contact and Reporting Responsibilities. Purchasing Manager shall serve as the College's contact person for any communications from the Business Enterprise Council and for any vendors owned by minorities, females, and persons with disabilities. Businesses Services shall also be responsible for submitting any reports or documents to the Business Enterprise Council as required by the Act.

12. Compliance Plan. Purchasing Manager shall also create an annual compliance plan that shall outline the College's goals for contracting with businesses owned by minorities, females, and persons with disabilities for the current fiscal year. The compliance plan shall also include:

    a. The College's policy statement expressing a commitment to encourage the use of businesses owned by minorities, females and persons with disabilities;

    b. The name of the College's liaison to the Business Enterprise Council;

    c. The steps and procedures to help the College reach the goals;

    d. The proposed timetable for reaching the goals;

    e. Procedures to distribute to potential contractors and vendors a list of all certified businesses legitimately classified as businesses owned by minorities, females, and persons with disabilities;

    f. Procedures to set separate contract goals on specific prime contracts and purchase orders with subcontracting possibilities based upon the type of work or services and subcontractor availability;

    g. Procedures to assure that contractors and vendors make good faith efforts to meet contract goals;

    h. Procedures for contract goal exemption, modification and waiver; and

        i. The delineation of separate contract goals for businesses owned by minorities, females, and persons with disabilities.

If the Illinois Community College Board submits a compliance plan on behalf of, or in collaboration with the College, Business Services shall provide the information identified in this section to the Illinois Community College Board as directed.

13. Annual Report. The College shall file an annual report with the Business Enterprise Council of is utilization of businesses owned by minorities, females, and persons with disabilities during the preceding fiscal year and a mid-fiscal year report of its utilization to date for the then current fiscal year. The annual report shall also include a self-evaluation of the College's efforts to meet its goals. If the Illinois Community College Board submits an annual report on behalf of, or in collaboration with the College, Business Services shall assist the Illinois Community College Board in preparing the report, as directed.

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Appendix A: Utilization Form for BEP Proposed (Sub)Contractor

RVC MBE/WBE/DBE Proposed Contractor/Sub-Contractor Form

The Business Enterprise Program for Minorities, Females, and Persons with Disabilities (BEP) establishes certain aspirational goals for community colleges contracting with businesses that are owned and controlled by persons who are minorities, female, or persons with disabilities through the contracting and subcontracting process. As such, the College encourages inclusivity and competitive business environments in bidding as prime contractors and/or sub-contractors and to commit to the use of such certified businesses.

This form is intended to capture Minority Business Enterprise (MBE), Women Business Enterprise (WBE), and Disabled/Disadvantaged Business Enterprise (DBE) and Veteran Business Enterprise (VBE) or other certified contractors and/or sub-contractors.

Vendor must submit evidence of certification (its own or its subcontractors) with the bid submission. Vendor may not make changes to the commitments submitted on this form without the College's prior written approval. In such case, a Vendor's request to substitute must be authorized by the College and state specific reasons for the change or substitution. Unauthorized changes or substitutions shall be cause to terminate contract and agreement.

If the BEP participation goal was not achieved, the Vendor must provide documented evidence of good faith efforts to achieve the goal.

Vendor must maintain all relevant data with respect to this form and certifications. The College shall have the right to access these records upon written demand. Use of "N/A" is not acceptable. Failure to complete and comply with specifications and directions set forth may result in disqualification of the bid and termination of contract. This form must be completed and included with your bid submission.

Signature (Authorized Agent): _____ Date: _____

Name (Please Print): _____ Title: _____

Company Name: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

Vendor shall identify its intent to achieve participation goals:

☐ Vendor is certified and plans to meet goal through self-performance

☐ Vendor has identified certified sub-contractor(s) to meet the established goal and submits all letters of certification

☐ Vendor has documented and demonstrated good faith efforts towards meeting the goal or a portion of the goal and requests a waiver

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Vendor shall include name of verified contractor (self)/sub-contractor which will perform work to achieve the specified goal and the proposed dollar value of the contract/subcontract to be performed. The College encourages vendors to consult the Central Management Services (CMS) BEP Vendor Directory at https://cms.diversitycompliance.com/ as well as the directories of other certifying agencies. Please contact the College's Business Services Department if additional information is needed about lists or references for certified businesses for subcontracting or material supplying information. Attach additional sheets if necessary.

Use of "N/A" is not acceptable. Failure to complete and comply with specifications and directions set forth may result in disqualification of the bid and termination of contract. Form must be submitted with the bid submission.

Prime Contractor/Sub-Contractor Name: _____

Contact Name: _____ Contact Title: _____

Bid Name/Number: _____ Denotation (MBE/WBE, etc.): _____

Certifying Agency (CMS, WBDC, etc.): _____

Address: _____

Phone Number: _____ Email Address: _____

Proposed Work Submitted to Prime Contractor/Sub-Contractor: _____

_____

_____

Price of Work to be Performed by Prime Contractor/Sub-Contractor: _____

Percentage of Contract: _____

Vendor must document all contacts and responses regarding the solicitation of certified businesses. If the goal or a portion of the goal is not achieved, the vendor must document and provide detailed and sufficient evidence that a good faith effort was made and why an agreement was not met. (Attach additional sheets if necessary.)

Use of "N/A" is not acceptable. Failure to complete and comply with specifications and directions set forth may result in disqualification of the bid and termination of contract. The College reserves the right to review and audit the results below. Form must be submitted with the bid submission.

Below is a checklist that will be used to evaluate good faith efforts.

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Did Vendor solicit through all reasonable and available means including but not limited to conferences, databases, notices? Yes / No

Did Vendor allow sufficient time to allow certified businesses to respond? Yes / No

Did Vendor make available portions of the work or material needed to facilitate certified business participation? Yes / No

Did Vendor negotiate with vendor in good faith and make all efforts available to assist certified businesses? Yes / No

Name of Sub-Contractor Contacted	Date	Method of Contact	Scope of Work Solicited	Reason Agreement was not reached