



Chairman: Frank J. Vala
Members: Ed Bedore, Bill Black, Larry Ivory, Ricardo Morales

Minutes –December 3, 2018

Present in Springfield: Frank Vala
Bill Black
Ed Bedore

Absent: Rick Morales
Larry Ivory

Chairman Vala called the December meeting of the Procurement Policy Board to order.

Member Bedore Member Bedore made a motion to accept the meeting minutes as presented. Chairman Vala seconded the motion all members voting “aye” and the motion carried.

Next on the agenda, was the Administrative Rules Review for CDB with regards to the Construction Project with Quincy’s Veterans Home. Good morning, my name is Amy Romano General Counsel for CDB. Morning I’m Don Broughton Administrator of contracts for the CDB. Ms. Romano says thank you for rescheduling the meeting to allow us to move forward, with the process. We know this time of year is difficult. So, the last time we were here, we presented our rules for Construction Project for Quincy’s Veteran’s Home to the PPB for consideration. There was a lot of discussion about section 930.320 which discusses Minority, Women, Veterans participation on Projects that we will have upcoming, and ongoing at Quincy’s Veterans Home.

So, the commentary we receive from the Board is that there was a concern of the language in this section, was a little too permissive to many ‘mays’ not enough strong language to discuss the bill so, we worked on that. We added more stronger language, more “shall’ instead of the “may” and we did have some discussion with the Board, and we believe that the Board recognizes that there are some situations that need a little more flexibility regarding goals. Specifically, Projects under \$250,000 which for us, are pretty small projects. Projects that require specialized skill, and Projects that would be a single trade, it was our recollection that the Board did recognize that we did need some flexibility in these circumstances.

Member Bedore says, what you have done I think is great. You made it a lot tighter then it was. The only question that I would have, is there any way that the contractor doesn’t meet the goals, what penalties are there? Do you recommend cancelling the contract, do you recommend putting something in so in the future this contractor it will be in his file they should not be consider or something? Some type of penalty, if someone says there going to meet the goals on a \$300 million-dollar project and they didn’t come close what are we going to do? Ms. Romano say the protocol we typically follow, is we refer those cases to the Attorney General Office. They have Criminal jurisdiction over those matters, and they have successfully prosecuted two vendors that

I can think of just off the top of my head. So, that is how typically we would handle those situations, because they have greater enforcement

Member Bedore asks why you wouldn't something where the prequalification, the Attorney General could take years doesn't it? Ms. Romano says for something Criminal it's going to move. Well in Civil Cases yes things can take a very long time. In Criminal Cases you got a right for a speedy trial, you have certain due processes rights, that you don't have in the Civil that are in there. Member Bedore says so you think this is efficient to leave it with the Attorney General? Ms. Romano says no we have the abilities as well. Only we can look to see if we need to take action, but our action would be only to take some sort of action against their ability to do business with us their prequalification and were limited only to that.

Member Bedore says how many cases have gone through this? Ms. Romano says 2 that she can think of on top of my head, that did result in a finding of guilt. There have been other referrals in the past 5 years. I've have personally heard 1 or 2 additional ones that the Attorney General didn't believe created any sort of Criminal Liability, so it's something that we do. It's certainly a one going process, and their good partners with us. We have referred certain matters to the OEIG but they too refer to the Attorney General.

Mr. Broughton says prior to us getting to that point, there always monitoring what's going on to make sure they are living up to the obligations that they have made. There have been times where they were obligated to do a certain amount maybe something that comes up that causes the change. There is a certain quantity of work that must be done, but some would discover the position later and they got into the remodeling fines, and they discovered that there wasn't that much of that.

Chairman Vala says at the October Meeting, I had asked you to look at the City Council Springfield Procurement model they charge a percentage. Chairman Vala says instead of waiting, if you start off with a percentage of Minority obligation towards the Contract, if that Vendor does not meet that, the Contractor then they are penalized. Because 20% was supposed to go set aside to Minority, or Veteran's and only 10% went there is a sliding scale there's a \$100,000-dollar contract and they be fined \$10,000 or something, so, they would have a financial burden immediately.

Mr. Broughton says he knows what your referring to with the City of Springfield. We do not have anything like that in place, we basically have two major areas of compliance and one would be when they did the project, if there not able to show participation on the bid. They have the good faith effort phase they go through. Show us that they have contacted a number of sufficient firms, and they didn't get response back, because the pricing is so high. Prices are doubled they want somebody else can do. they have to go through a good faith effort process to see whether it would be any waivers granted. Now once they have the contract in place, and they have agreed to providing participation, that maybe say 17.5% and the goal and project was 15% and the agreed to 17.5% they have to show them by the end, and if they don't then they would have to show us a reason why something was changed beyond their control, or if they just plain blatantly did not follow what their obligations were, that it does go to the process that maybe describes,

which the penalties there are very severe. The two firms that we referred they took a financial hit with that by not meeting their financial obligation.

Chairman Vala says but again we have to go through the Judicial process which is slow. The Contractor could be backed up. If you have an established penalty ahead of time, then naturally the Contractor should be able to defend himself. I couldn't find Veteran's here's what I did for solicitation. There should be an immediate penalty to these people. You know this project we discussed before it's probably going to be \$400 to \$600 Million, and like I said in October its finding opportunity for the PPB and the public, and CDB work together on a Project that is number one very needed, and number two they will get the process of contracting all of the vendors as well as the people that are well obligated to take care of Minorities, Veteran's to provide them an opportunity. That's just what I'm looking for. It's the first opportunity on this Board we have a chance to look ahead of the problems and try to stop. Chairman Vala says you want to try and come back with it or go with what you got now? Ms. Romana says were under a tight time frame. But just thinking a little bit about what you mentioned I wonder with our vendors, would it work as smoothly or as quickly as this revision here. I can foresee with some of our vendors if he said if you didn't bring in your 10% participation that your fined \$10,000, \$20,000 what have you. Then they will argue well you walked off the Job, and then they will go to the Minority Firm and they will say they fired me! I don't foresee our Vendors willing paying penalty or a fine without some type of fine, or tussle to get there. I don't know at the end of the day if that would get us in much quickly, or further down the line without Court involvement. They will sue us they will say we don't have to pay \$10,000 and then be right back in the Court system.

Member Bedore says just for clarification say a company comes in and they have 20% and they were going to do 20% and they only do 15%, what is the process? Mr. Broughton says well they have to be able to show to our Fair Practices Unit through our Compliance Officer why they did not meet that goal. What was it, was something changed with the quantity to where there was good intentions. Did all the dry wall they were supposed to and it ended up the amount that they could put in ended up being less then what was anticipated in the design, to where it's not the Contractor's fault, Subcontractor's fault it's just the way the renovation project came about. All that is looked at by our Compliance Officer and signed off by them and then put into compliance to be reviewed in an Audit. To see if they contracted it in the beginning and if they were going to do that 20% but ended up with 15%, or 14%, where we document it.

Member Black says he remembers IDOT Contracts, but we don't have the number of Road Builders that we did 30 years ago. Member Black asks if you have a Contractor who repeatedly doesn't come close to what he, or she is supposed to do why do they stay on the Bid List? Ms. Romano says yeah, I can't speak for what IDOT is doing, or what they did, they follow a different process then what we do because they have federal funding. So, maybe they don't have access to the Attorney General's Office I don't know. but if there was a repeated violation like that with us I think that would be something that we would consider. Now if it goes Criminal route then we let the Attorney General deal with it and that's the remedy you can't do both. So, I can't speak for them that would raise red flags for us, and it has. Those are things that we have referred to G.A.

Member Black says there was a Minority Contractor that did a lot of Guard Rail work and seating work on Highway Construction and it was pretty good they didn't have all the equipment they wished he had. But when he had a Thursday deadline for the Guard Rail and he didn't get it done till Monday, they just didn't call him anymore.

Member Black asks does the new procedure shine a light on what was a common occurrence 15 years ago where "oh ABC is going do the Dry Wall" and if you really got into it ABC was owned by the daughter-in-law of the Construction Company owner. Mr. Broughton that's what happened in 2 of those cases that we talked about. That woke up the industry. The rest of the Industry saw what happened to their competitor in that situation. That was where somebody was under contract and some else did the work and contacted the firm that was supposed to do the work and didn't anything about it. Member Black says he sees more, and more advertising by Companies it's a new one out of Champaign HVAC Electrical, and Plumbing he's always tagged his Companies Ad Veteran owned he's letting people know I own this Company and I'm a Veteran we ought to be able to bid on your work. Mr. Broughton says we had the situation to where some general contractors will say well yes, we did get a price from that firm, but we do our own dry wall work., and we do it well and to us that's not going to get them a waiver that's going to get them ejected. Because they must understand if they perform 100% of the work in a normal situation, that there is this need and participation out there, and there is this program, so they have to be willing to give up something. Member Black says I hope that your trying to do is tighten this up. Mr. Broughton says we are seeing an increase of suppliers Sub Consultants on the Design side and Sub Contractors who are getting certified. I think that was an issue you heard from a lot of them us Agencies there's not the number of firms out there. We kept pushing for the goals, so again of you have it out there then someone might say this is real maybe I'll go through the process and get certified. Member Bedore makes a motion that the rules have been presented with the minor corrections being approved by this Board. With Member Black seconded the vote, with all Members saying "aye" motion carried.

(Next on the agenda we have the rules for the Higher Education. CPO Ben Bagby, says I have Margaret van Dijk with me, she put together a lot of it. She will be able to find things easier than I can. October 12th this year we published the first notice of opposed amendments of Higher Ed. Rules and the first notice period ran through February 26th. We published them in the Illinois Register as a required Law and prior to the publication we circulated the draft of the rules to all of the Universities. We made a number of changes based upon discussions we had with them over a long period of time. During the first notice period we received additional comments from the University and also from CMS we made a number of changes and believe that we addressed all their comments to their reasonable satisfaction. Now on November 29th we turned over the revised proposals to JCAR and started the second notice period. JCAR started the second notice period. JCAR dates on December 11th and hoped to be on the Agenda, and JCAR understands that the Board is meeting today, and will be looking for any comments by the Board. Now in regard to the proposed amendments we addressed the Legislative changes made in the 99th and 100th General Assembly.

Member Bedore asks Mr. Bagby what changes have you made in the hiring of Vet's and their contracts nothing? Mr. Bagby replies nothing. Member Bedore says you haven't put in any language in there to tighten this whole thing up. For example, The University of Illinois, UIC

and UIS, Champaign. The record as we have found out from the Legislative Hearing in 2017 U of I and the three only had 5% of Minority and Veteran. I know that once you okay a contract you sign off on it then it's up to U of I to do its monitoring and make sure that there following those goals, obviously they haven't if we have 5% compared to 20% what can we do to tighten this whole thing up? Not necessarily under your purview, but it's the U of I that's not monitoring as we just heard from CDB where they have people monitor their contracts as it goes along. Every University has their own rules, and range on how they do this I mean there is nothing uniform as far as I can see, and the numbers point it out.

Mr. Bagby replies well in regard to Veterans I believe it's in section 4557 in the code and it's a 3% goal to use Veterans on State Procurement projects, and there 150 or so Veteran own business that are certified by CMS at this point in time and half of them are in Construction areas, and most of them in the Chicago area. In fact, there are very few in the geographic location makes it difficult generally you know not everything has to be done locally, Western, or Carbondale lot of things can be dropped shipped, and it doesn't matter who the Vendor is or where they are can still do that. Universities do put Veteran goals on projects, they do put BEP goals on projects, and I have directed my SPO's to inquire the Universities when they present to us a solicitation to be published in the Illinois Procurement Bulletin. Universities know that somebody is watching making sure that they are taking goals into account when they structure the RFI and present it to us. So, that's a pre-solicitation stage. So, they provide that documentation and say they can't meet the goal or its going to be lower, we will go forward and put the solicitation on the street. Now once the award is made we lose the ability to legally go in and do some things, my authority under the purchasing code says that I can approve contracts before they are executed. So, that I can make sure what was identified in the solicitation carried forward in the contract. Once a contract is done its sent over to the University for the Trustees to approve, they sign a contract, and after that the Administration is left to the University and they have to live with the results of the contract. Mr. Bagby says so I don't know if I have a lot of room in the rules to be able to say something because the statutory basis probably just isn't there, but we are reminding the Universities that we have to put provision in the rules to be able to identify things like that, so it is on record.

Mr. Bagby says now can we go out and look at University contracts to see if there is Compliance. I think we could do that, and we actually did send the Procurement Compliance Monitors to see what was happening to BEP. We found some of the records wasn't as good as they needed to be. some of them actually showed how much was paid to BEP contract that was in the file, others didn't. So, we went back and asked the University to check it out and it was actually a pretty good result. But I think by us going out and looking you might be able to finds some information that would help the Universities understand what they really need to do to make sure these vendors are under compliance. With what they put into the contract regarding BEP sub contractors to use a particular sub-contractor and a particular percentage or amount that is part of the contract, and it should be met, and if we aren't getting that we really aren't getting our monies worth.

Member Bedore says he basically agrees with what you're saying. What can we do just setting goals doesn't seem to be working, isn't there some clause with CDB where they have people that monitor it, look at it and see if the person is meeting the goal. I don't see that at the U of I. Mr.

Bagby says I think that the U of I probably does that in the Construction area. I'm not sure about all the rest, and I haven't gone and talked to everyone, but I do know that the Universities know this is not something to ignore based on the FYI 17 report. I also know they also do a lot of business with firms with BEP but they are not certified, and they know that with the information they gathered, it's a lot of firms that just won't certify for whatever reason. We've seen that before when I was with CMS. I saw it with the small businesses, people just don't always want to do the paper work. If there is a \$144 thousand African American own business in Illinois, there is a lot of opportunity out there it's just not recorded if they are not certified. That's a BEP issue they are out doing outreach to get more firms. They will deal with firms whether there certified or not, our bids go out to anybody, they go out to the world. They will deal with anyone that comes in and meets our requirements. We will count those who are BEP certified and the others we just don't have enough information.

Member Bedore says I'm surprised that UIC is one of the worst, and I can't believe Minority firms, Veteran firms in Chicagoland. You can maybe make the argument in Carbondale or something, but not Chicago. Mr. Bagby says Chicago area does have the largest concentration BEP there is no question, and without going back doing an analyst, and solicitations to determine what goal they have, and what the response was, and whether they selected it. It's hard to know if the Vendors were getting paid later or whatever else went on.

Member Bedore says I think what we need here is to have the U of I come here and explain what there monitoring is. The way I look at it's just a general statement that's probably not 100% accurate. To me it's like the old boys, we used this contract in the past. We have seen it with Architects, and Engineer's we saw in Edwardsville. The person who got the contract I think he was a graduate of the School, but he was in St. Louis, but they still go the contract. It's just one firm contributed a lot the University U of I grant, and they get the Engineering jobs. I don't know what we can do, and rules to, and you keep talking about goals everybody wants goals. But is there something we can put in there, that there shall be, as CBD did? They changed it to shall. This is not made up we know in the year 2017 it was 5% and there is no arguing that and everybody understands that. How can you sit here and let this fly without putting some teeth into something to stop this? There's no penalties somebody should have been penalized in 2017. This is not something were speculating on actually happened, and what did the U of I do nothing! They go in front of the Legislature Committee. We're going to do better! Good faith Effort! But there is no effort. Everybody has their own rules. Every University. I'm tired of talking about it! I don't know what we can do. We're trying to get you some rule, give you some authority. So, you can talk about this and stop it before the Contract goes out. Once it goes out nobody the heck is looking at it. Its proven 5% these Firms so have been taken off the Jobs there should be some penalties. Things turned over to the AG nobody cares. Now they're getting a little heat because the Legislature are having hearings.

Member Black says Ed has hit the point without some kind of review, punishment, sanction, suspension without pay, It doesn't seem to work. I don't know how many purchase orders a day would UIC how many would they generate in a day it would be thousands, they buy everything from salt to pepper to 3D Imaging Machines, Computers that nobody can understand but the University guy who runs it. Like Ed said this isn't solving or reaching the goals that were supposed to reach, and I don't know how to do it.

Mr., Bagby states that's it's not easy changing a culture where a Procurement is distributed down to the lowest level in the University. We did put in the rules on the small purchases there wasn't any small quotes. The main reason we did that was BEP an emergency. We also said when there is time multiple quotes and thing about BEP. Emergency is probably one place where people probably did just go to the person they knew without thinking, trying to get them to think a little bit. The fact that the SPO raised each solicitation that goes out BEP asks about it. I think when Universities know People are watching them maybe they will do a little better.

Chairman Vala says I agree with the fellow Board Members, they certainly have many more years of experience. My experience with the University of Illinois isn't been a good experience. They set you up at UIC with that Computer Project they feed you false information, and made the escape goat, and were talking about \$ 150 million dollars as you will know, and it turned out to be a situation this Board couldn't even address, and we turned it over to the Inspector General.

Mr. Bagby says I think we have done a lot of good things in the rules. Sometimes, we have to change because the Legislation the General Assembly passed in the 99th 100th really requires it. it takes a long time to get rule into place. Sometimes, the Legislation comes hot and heavy, and we can never keep up never keep we try to work with the Universities the best we can to understand their needs, but to also recognizes the oversight, and it does take time to get these done. Were behind one of the first things the representative from JCAR asks "You're a little late, aren't you?" yes, we are if we don't get things in here some of the things the General Assembly wanted us to do. we will just have to do without any control, and it will be here, and there doing it different ways initially. We can always come back and make further adjustments, through rule making process after we file our Regulatory Agenda FY 19 if there is something we can do, or if there is some Legislation with changes were going to get on it faster this time, and if we can do something in the Policy and procedure which is shorter rules to help the university to monitor a little better, we will do what we can in that regard.

Member Bedore asks can you explain line 99 down to 109 What can we do in there to tighten it up? Mr. Bagby states this is basically the definition from the BEP Act to the statutory definition, and we were just putting this in there, so in another place utilization plan rules would have a definition of this, and we weren't making this up this comes right out of the BEP app it's a more of a reminder. Mr. Bagby states that when we put in a bid when there is a goal in it each Vendor has to supply a utilization plan with their bid, and they have to tell how they're going to meet the goal, and let's say its 20% then they will tell how they're going to meet it. if they can't meet 20% but they can meet 10% they will tell how they're going to meet 10% and they're going to show the Good Faith Effort they enter into to try and meet the other 10% but were unable to do so. All the utilization plan is for the Vendor to tell us based upon what we put in the solicitation how well they can meet the goal. They will either meet it and everything is fine, and if they can't meet it 100% they have to tell us why not, and after that what's in the utilization it should carry over into the contract as a commitment by the Vendor to deal with the Vendors who are on the letters of intent, but it's between the Vendors, and the BEP Vendor, Sub Contractor identifying what they're going to do and the amount of percent that Vendor will do doing in the contract once its signed.

Member Bedore says then it's out of your hands it's off to the university to make sure its reached its goal. Mr. Bagby replies yes, then the University is responsible under the BEP act for the clients, and dealing with the utilization plan, and is there contract to get involved change orders, and amendments. Member Bedore says Ben what can we give you in these rules that would tighten this up somewhat. We can't go on like this. what can we do for you, and your staff for you to really see what the heck there doing. There is not compliance that's going on here Universities can't justify 2017 I don't care what the circumstances were. You had 15% less participation then you were supposed to have, and I'm not blaming you I'm talking about the University who can't justify 5. Mr. Bagby says there is a provision in the Procurement Code dealing with special services requires there could be plans for course performance review potentially in that section we might be able to require that Universities to tell us what they did in that area. As I mentioned that's for professional services that's the only place in the Procurement Code that I remember where there is any requirement to go back and were tech engineers we can't really look to much on that. Maybe a piece of Legislation in the future which calls for course performance on everything which would go into the ability to look at a Vendor and determine if he is a responsible Vendor for the next time around. I believe that each university when they have a contract let, say the Vendor didn't perform on any particular aspect, they can use that information the next time around to determine whether to deal with the Vendor or perhaps down grade them.

Member Bedore says that's what I had raised earlier it should go in to the file somehow and so when there bidding they get rejected because they didn't perform in the past. There has to be something that we can really put some teeth in this. Chairman Vala says the problem is the rules are loose and the practice has been so independent of the rules every time something comes up were reacting to a situation. This is an opportunity now were we can act to prevent some of these problems. Like CBD they charge through and were going to have a good control on the Veterans Center and hopefully we will continue on with other things, do you have a compliance department, do you have staff? Mr. Bagby says the EEC has 3 Procurement Compliance Monitors that are shared between the 4 CPO's. I sent the Procurement Compliance Monitors to Edwardsville to take a look at the past files to see what happen. I think we got some pretty good results on meeting the goals on that. we do not have staffing for a compliance operation. Now each of the SPO's can look and deal with compliance types of issues. They also have to deal with all the solicitation, the change orders, Amendments, Renewals. I don't have a staff that is devoted to looking at Contracts after the fact to determine if there in compliance with BEP, prevailing wage any of those kinds of previsions that are out there, that are including in a contract. But it is the contract entities responsibly to make sure they are there. I know on prevailing wage that's in construction they get certified payrolls, but that is a statutory requirement, and we don't have quite that same thing here on Procurement Code. I think that I have gone as far as I can go on the Legal side to enforce. But I don't have staff to do that kind of work. I did ask our SPO's to take a contract administration class, so they could have some familiarity with that.

Chairman Vala said that he thinks, maybe I'm over simplifying this, but I think we should put something in the Procurement Code that for every contract that goes through the purchasing officer. The user University sends you a report at the end of the contract that they complied, or they didn't or why they didn't. So, you got a file. If they won't give you a compliance part at

least you have a file, so you can check on ABC Company and if they are bidding for a second contract and just have a simple one-page document. Contract # location yes, they complied, no they didn't and here's why they didn't. Mr. Bagby replied that it is possible that a lot of the Universities have in either the business office where a lot of these contracts are run, information about the contract performance they do keep, but it is localized. It is not brought to the purchasing office or the fiscal office. But in any significant procurement there are going, or you would think they would keep track of the vendor who has not performed and would tell us. And we do get that sometimes where we have been told a vendor hasn't performed during the term of the contract. Member Bedore excuse me, but did you use the word sometime? Mr. Bagby replied sometimes. Member Bedore said he thought he would make that clear. Mr. Bagby said that it would come in effect when it appears that vendor didn't perform that well was up for award. So, I do think they monitor those a bit and some more often than others and the more significant the procurement the more monitoring is done. A \$10 pencil contract nobody is going to bother with. You can't afford to have a monitoring provision on that, but on a \$100,000 worth of pencils that's a little different story. We will defiantly look at the responsibility section of the Rules.

Member Bedore asked what are you going to present to JCAR? Are you going to try and work something in the language to do something along this line? Mr. Bagby replied that we will talk with the staff representatives who works with us on this and bring up your concerns and will suggest that this is an area to address it. Margaret and I will on language and will provide it to Mr. von Behren and will work on language to address this issue that we were just talking about, but we will have to give it to JCAR for them to say yes, we want you to do that. They would have to do that at their meeting. I don't think we can do that without them telling us. Now if we work it out with staff and we had the language worked out I think the committee would just agree, but officially it has to come from them to make a change at this date. Member Bedore asked how would we know what changes? Mr. Bagby said that what JCAR would like from the Board is a statement that you would like us to determine whether there is a way to modify the Rules so that when a vendor is eligible for award that they are compliance on previous contracts would be taken into consideration. I think that's the issue you have with the Rules we have proposed. I think they want to hear that from you in writing and that gives them something to talk to use about. What we will want to do is try to resolve that before their meeting whether it's on the 11th or in January which ever, and that would be the approach. Member Bedore asked if they would write out what they would need from us for JCAR. Director VonBehren stated that Chairman Vala wanted to know what would happen if the Board didn't approve it and, in the past, I believe that JCAR would not put the Rules on their agenda until they had approval from this Board if I'm correct. Does that sound accurate? Mr. Bagby replied I think so, but I did want to point out one thing what you are asking is in addition to Rules which is something that we have not proposed. This is like a new Rule making and what I would ask is that you would approve what we have already put forth is I don't believe there is any objections to anything that is in here, but you actually what us to do is work with JCAR to add language or to conduct additional Rulemaking to address the concern you raised about people not complying and then getting contracts later as a specific Rulemaking and address that comprehensively, but I don't think anything that we have put in here is controversial. It actually raises the BEP awareness, documentation, requirement to go out and get multiple bids on small purchases. It actually is an advance from where we were, and it also deals with the statutory issues that are apart from that. So, again what I think you are asking is almost a new Rulemaking because you don't have any

objection to what we've got here you would like to see something more and we will commit to working with JCAR to see if we could get some language in.

Member Bedore stats, I think we are all frustrated, well I should just speak for myself. I am very frustrated with the U of I and the whole thing. This has been going on for years. Director VonBehren said that he thinks what the Board would like to do is make a motion to issue a Certificate of No Objection to the proposed Rules and say that the PPB is going to request the CPO for Higher Ed modify the Rules on responsibility to include a review of prior BEP performance in determining whether the vendor is responsible. Chairman Vala said it's a start. Member Bedore agreed. Member Bedore asked Mr. Bagby if that was sufficient for their needs. Mr. Bagby replied he thinks so. I think that will also give enough information to JCAR that they will know what's going on and then if they want to make any suggestions they will have it on the record that it's in this BEP area and we are trying to make sure that the vendors are looked at to determine whether they have complied in the past. Member Bedore said but what are we saying to give you the teeth that they won't be on the bid list. Mr. Bagby replied that most of the Universities don't have bid lists as such. Some of them may maintain some, but primarily they are vendors who are registered with the Procurement Bulletin and get email notifications of the bids that come out and then respond. It's when we get their responses that we would be able to take a look at if they have a problem in the past to determine whether they get the future award. Member Bedore said well he's not happy with all of this, but I'll make a motion that we recommend to JCAR we accept their printed Rules and then also the language their we would like to see modified. Member Black seconded the motion. Roll call Member Black yes, Member Bedore yes, Chairman Vala yes. Chairman Vala thanked Ben.

Director VonBehren said next on the agenda is legislation and I don't have any specific legislation we are monitoring a few Bills that are making their way through veto session. We will get you some information on those as they move along. The next meeting is technically the 18th, but we might not have one until January 2019 if that sounds alright with you guys and then start setting the tentative dates for 2019 on Tuesdays. With no public comments or further discussions, a motion was made by Member Bedore to adjourn and was seconded by Member Black.