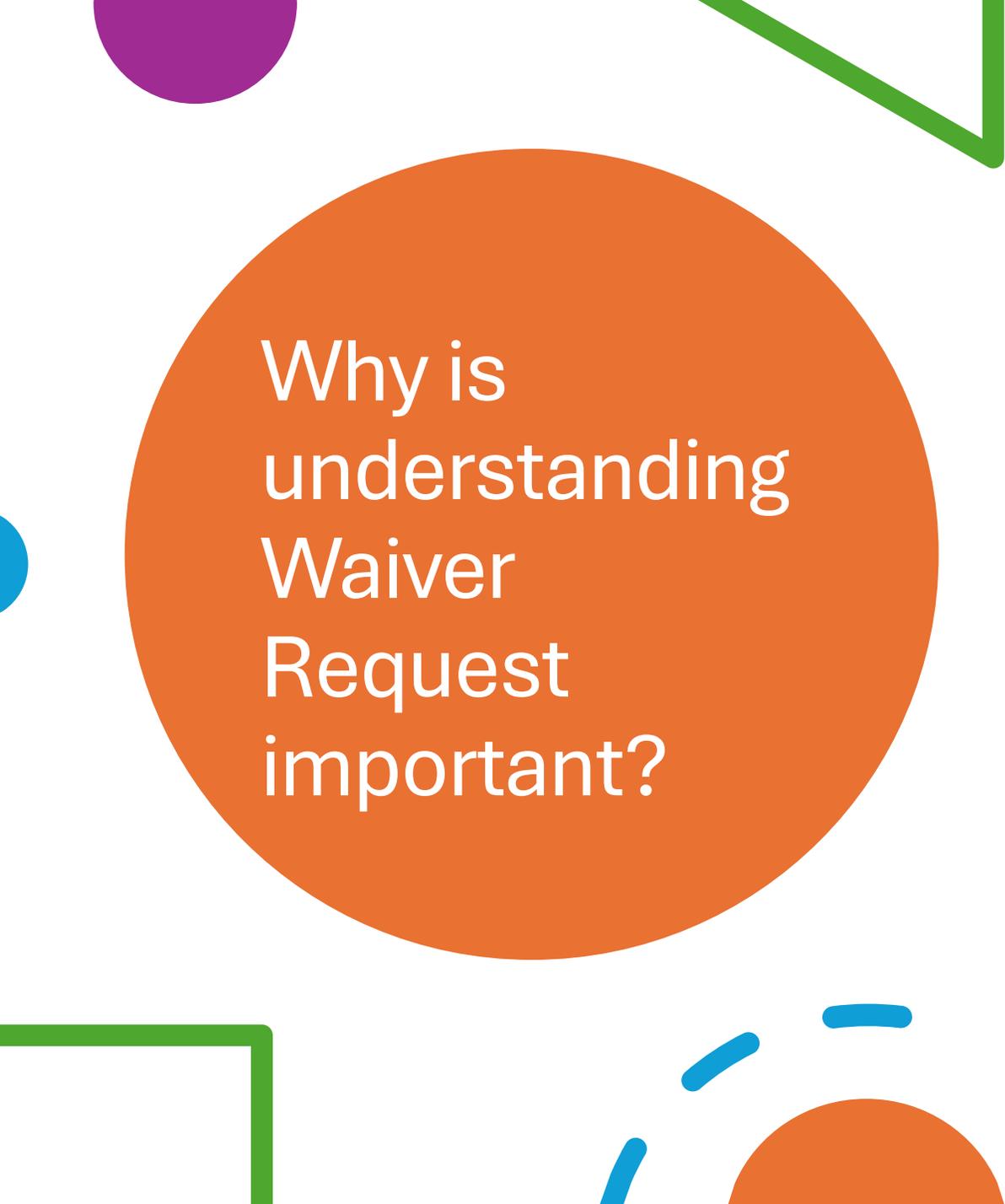


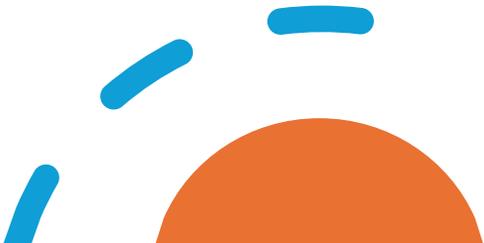


Navigating the Waiver Process

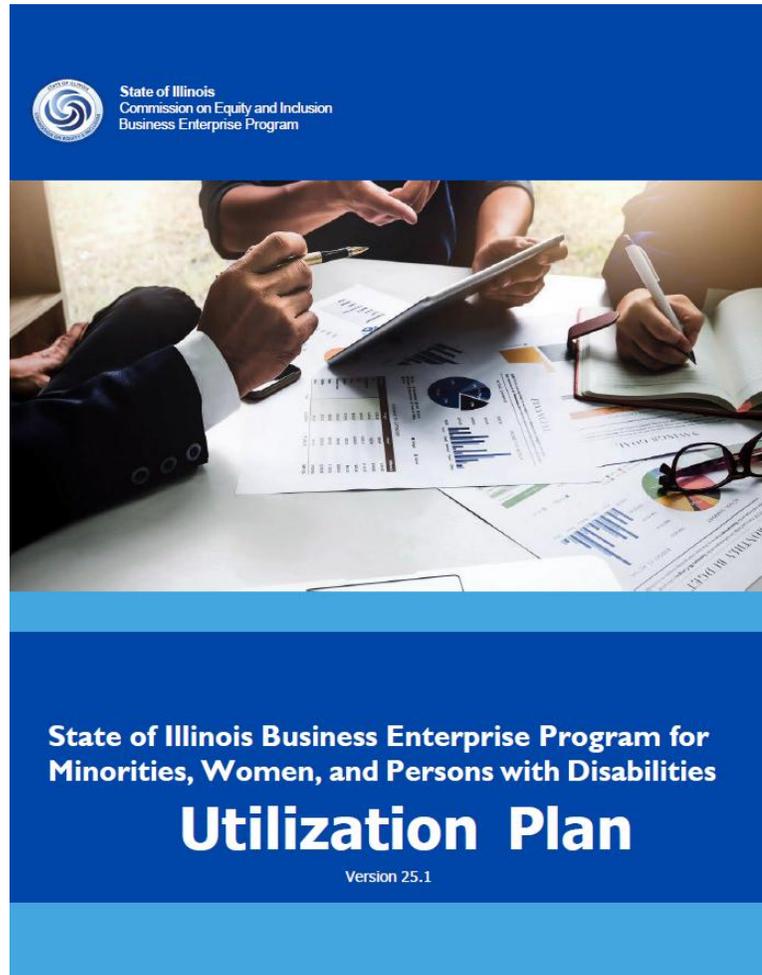
November 24, 2025



Why is understanding Waiver Request important?

- If your request is not properly done, vendor could lose out on potential contracts
 - The reverse is also true: If properly done, vendor could get potential contracts
 - Waiver Request is an integral part of the compliance process
- 

Utilization Plan



- The Utilization Plan consists of four (4) parts:
 - Bidder/Offeror Signed Commitment
 - Subcontracting Participation Agreement
 - Demonstration of Good Faith Effort and Request of waiver
 - Terms of Utilization Plan

Utilization Plan Part 1: Bidder/Offeror Signed Commitment

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**Utilization Plan Part I:
Bidder/Offeror Signed Commitment**

The undersigned bidder/offeror submits this Utilization Plan (U-Plan) as part of its bid or offer in accordance with the requirements of bid solicitation number _____ and the requirements of the Business Enterprise Program (BEP) and/or Veterans Business Program (VBP). The solicitation contains a goal that _____% of the value of the contract will be performed by BEP certified vendors as defined by the Commission on Equity and Inclusion (CEI). The solicitation contains a goal that _____% of the value of the contract will be performed by Veteran Business Program (VBP) certified vendors as defined by CEI.

The U-Plan consists of the following four parts, to be completed and returned as instructed in this Commitment. No alterations or substitutions of this U-Plan will be permitted. A U-Plan must be completed and submitted for any assigned BEP and/or VBP goal:

- Part I: Bidder/Offeror Signed Commitment
- Part II: Subcontractor Participation Agreement(s)
- Part III: Good Faith Effort (GFE) (Action Checklist, Contact Log and Supporting Documentation)
- Part IV: U-Plan Terms and Conditions (Terms and Conditions apply to all available checkbox options below.)

The undersigned bidder/offeror acknowledges that (1) the bidder/offeror has read, understands, and agrees to all BEP/VBP policies, rules and procedures as defined in the Terms and Conditions in Part IV of this U-Plan and (2) the bidder/offeror hereby affirms (select appropriate option(s) below):

- Bidder/offeror is a BEP/VBP certified firm registered in at least one of the solicitation's NIGP Code(s) and will fully meet the goal through self-performance. (If checked, submit this signed Part I Commitment only.)
- Bidder/offeror has identified BEP/VBP certified subcontractor(s) to fully meet the assigned BEP/VBP goal. Only BEP/VBP certified subcontractors registered in at least one of the NIGP Code(s) identified in the solicitation may be used to meet the BEP/VBP goal. Subcontractors that are dually BEP and VBP certified may only be counted towards either goal, not both. (If checked, complete and submit the signed Part I Commitment and signed Part II Subcontracting Participation Agreement(s) (PA). A signed PA must be submitted for each subcontractor.)
- Bidder/offeror cannot fully meet the goal but has submitted a Good Faith Effort (GFE) and hereby requests a waiver or reduction of the goal to _____%. (If checked, submit the signed Part I Commitment, completed Part III Good Faith Effort, and if requesting a reduction, the signed Part II Subcontractor Participation Agreement(s).)

The undersigned bidder/offeror understands that all subcontractors identified in this U-Plan and Participation Agreement(s) must be certified with CEI BEP/VBP in at least one of the NIGP Code(s) identified in the solicitation at the time of the bid/offer submission.

All bidders/offerors and subcontractors shall perform only Commercially Useful Functions (CUF) through direct participation as defined in Part IV of this U-Plan. The bidder/offeror and subcontractors

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understand that compliance with all tenets of the U-Plan is mandated, and this U-Plan will become a part of the contract, if awarded. Failure to carry out the requirements of this U-Plan is considered a material breach of the resulting contract, which may result in the termination of the contract or such other remedy as the Procuring Institution deems appropriate.

Bidder/offeror Name and d/b/a: _____

Signature: _____ Print: _____
Title: _____ Email Address: _____
Telephone: _____ Date: _____

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Utilization Plan Part 2: Subcontracting Participation Agreement

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**Utilization Plan Part II:
Subcontracting Participation Agreement**

Instructions: The bidder/offeror is required to submit a separate, signed and fully completed Participation Agreement from each BEP certified vendor or VBP certified vendor. Once signed and submitted with the bid/offer, this Participation Agreement, along with the other Parts of this U-Plan, will become a mandated part of the contract, if awarded. The bidder/offeror shall not prohibit or otherwise limit the BEP/VBP certified vendor(s) from providing subcontractor quotes to other potential bidders/offerors.

Solicitation Name: _____ Solicitation Number: _____

Name of Prime vendor: _____
Address: _____
City: _____
State: _____ Zip: _____
Telephone: _____ Fax: _____
Email: _____

Bidder/offeror's Contact responsible for compliance with this Participation Agreement:

Name of BEP/VBP Certified Vendor: _____
Type of Certified Vendor: BEP VBP
Address: _____
City: _____
State: _____ Zip: _____
Telephone: _____ Fax: _____
Email: _____

BEP/VBP Vendor's Contact responsible for compliance with this Participation Agreement:
Elias Ricks Ngazayah II

Type of Agreement: Services Supplies Both Services and Supplies

(a) Proposed percentage of contract to be performed by the BEP/VBP Certified Vendor: _____%
NOTE: The bidder/offeror must indicate the percentage of the estimated contract award that will be subcontracted to the certified BEP/VBP Vendor.

(b) Anticipated start date of the Certified BEP/VBP Vendor: _____

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(c) This participation agreement shall have a term date from _____ to _____, with a total period of _____ years and _____ months, including renewals, change orders or extensions to the underlying contract.

(d) Description of work to be performed or goods/equipment to be provided by the BEP/VBP certified vendor. This description must include identified National Institute for Public Procurement (NIGP) Code(s) in the solicitation documentation. All Participation Agreements shall be subject to Agency/PIHE approval. Any changes involving or affecting the identified BEP/VBP certified vendor, scope(s) of work and NIGP Code(s) will not be permitted without notification to the soliciting Agency/PIHE and BEP/VBP Compliance, in writing, and approval of the soliciting Agency/PIHE. (If more space is needed to fully describe BEP/VBP certified firm's proposed scope of work and/or payment schedule, attach additional sheets)

The BEP/VBP subcontractor must be certified in at least one of the NIGP Code(s) identified in the solicitation for goal credit.

Statement of Work: Enter specific NIGP Code(s) including a detailed description of work to be performed or goods/equipment to be provided by the BEP/VBP certified vendor.

THE UNDERSIGNED PARTIES FURTHER AGREE that once signed and submitted with the bid/offer, this Participation Agreement, along with the other Parts of this U-Plan, will become a material part of the contract, and the BEP/VBP certified vendor will perform the scope of work for the percentage as indicated above. The Undersigned Parties do also certify that they did not affix their signatures to this document until all areas under Description of Service/ Supply and Fee/Cost were completed.

<p>_____</p> <p>Bidder/Offeror (Company Name and d/b/a): _____</p> <p>Signature: _____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p>_____</p> <p>Certified BEP/VBP (Company Name and d/b/a): _____</p> <p>Signature: _____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>
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Utilization Plan Part 3: Demonstration of Good Faith Effort and Request of waiver

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Utilization Plan Part III:

Demonstration of Good Faith Efforts to Achieve Goal and Request for Waiver

If the BEP/VBP participation goal will not be achieved in whole or part, the Good Faith Efforts Procedures outlined in Parts III and IV of this document will be used to evaluate submitted U-Plans. A bidder/offeree providing Good Faith Effort documentation and a request for waiver must complete and submit Part III of this U-Plan in its entirety in addition to its bid/offeree. Failure to submit the Good Faith Effort Contact Log, checklist, and supporting email and phone log documentation in its entirety shall render Vendor's bid or offer non-responsive. Only the solicitation's NIGP codes may be used to meet a Good Faith Effort on the U-Plan.

Action Checklist

Below is a checklist of actions that will be used to evaluate a bidder/offeree's Demonstration of Good Faith Efforts to a request for waiver. Check the boxes next to the actions which you have completed. If any of the following actions are not completed, attach a detailed written explanation indicating why such action was not completed. If any other efforts were made to obtain BEP/VBP certified vendor participation, in addition to the items listed below, attach a detailed description of such efforts.

- Utilize the website: <https://ceibep.diversitysoftware.com/> to locate BEP/VBP certified vendors within the NIGP Codes identified in the solicitation. At a minimum, email the resulting listed vendors with the project specifications sufficient to build a quote. Then, solicit quotes from all vendors who express interest with follow-up emails and telephone calls. Documentation of these efforts must be submitted as evidence, including copies of all e-mails sent, documented phone calls, messages, and conversations.
- Solicit through all reasonable and available means (e.g., attendance at a vendor conference, advertising, written notices) the interest of BEP/VBP certified vendors that have the capability to perform the work of the contract. Bidder/offeree must solicit this interest with sufficient advance time of at least 10 business days to allow the BEP/VBP certified vendor(s) to respond to the negotiation. Bidder/offeree must determine with certainty if the BEP/VBP certified vendors are interested by taking appropriate steps to follow up initial solicitations and encourage them to submit a bid or proposal, providing them with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding promptly to the solicitation.
- Select portions of the work within the NIGP Code(s) identified in the solicitation to be performed by BEP/VBP certified vendors to increase the likelihood that the goal will be achieved. This includes, where appropriate, unbundling contract work items into economically feasible units to facilitate BEP/VBP certified vendor participation, even when Vendor might otherwise prefer to perform these work items with its own forces. Any BEP/VBP vendors utilized outside the NIGP Code(s) identified in the solicitation will not count towards the goal credit.
- Make a portion of the work available to BEP/VBP certified vendors by selecting portions of the work or needed material based on the availability of BEP/VBP vendors.

Utilization Plan Part 4: Terms of Utilization Plan

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UTILIZATION PLAN PART IV: TERMS OF UTILIZATION

DEFINITIONS:

"Agency" shall be defined as any State Agency, Board, or Commission under the jurisdiction of the Governor of the State of Illinois.

"Business owned by a person with a disability" or "(PBE)" means a business concern that is at least 51% owned by one or more persons with a disability and the management and daily business operations of which are controlled by one or more of the persons with disabilities who own it. A not-for-profit agency for persons with disabilities as defined in Section 45-35 of the Illinois Procurement Code is also considered a "business owned by a person with a disability."

"Certification" means a determination made by the Council or by one delegated authority from the Council to make certifications, or by a State Agency with statutory authority to make such a certification, that a business entity is a business owned by a minority, woman, or person with a disability for whatever purpose. A business owned and controlled by women shall be certified as a "woman-owned business". A business owned and controlled by women who are also minorities shall be certified as both a "woman-owned business" and a "minority-owned business".

"Commercially Useful Function" means responsibility for the execution of a distinct element of the work of the contract, which is carried out by actually performing, managing, and supervising the work involved, evidencing the responsibilities and risks of a business owner such as negotiating the terms of (sub)contracts, taking on a financial risk commensurate with the contract or its subcontract, responsibility for acquiring the appropriate lines of credit and/or loans, or fulfilling responsibilities as a joint venture partner as described in the joint venture agreement.

"Compliance" means that a contractor has correctly implemented the requirements of this Utilization Plan.

"Contract Specific Goals" means the goals established under the Agency/PIHE's supplier diversity program that are based upon relevant factors, including, but not limited to, the availability of diverse businesses in the scopes of work of the contract.

"Contractor" means any person or business entity that has entered into a contract with the Agency/ PIHE, and includes all partners, affiliates, and joint ventures of such person or entity.

"Control" means the exclusive or ultimate and sole control of the business including, but not limited to, capital investment and all other financial matters, property, acquisitions, contract negotiations, legal matters, officer-director-employee selection and comprehensive hiring, operating responsibilities, cost-control matters, income and dividend matters, financial transactions and rights of other shareholders or joint partners. Control shall be real, substantial, and continuing, not pro forma. Control shall include the power to direct or cause the direction of the management and policies of the business and to make the day-to-day as well as major decisions in matters of policy, management, and operations. Control shall be exemplified by possessing the requisite knowledge and expertise to run the particular business and control shall not include simple majority or absentee ownership.

"Council" means the Business Enterprise Council for Minorities, Women and Persons with Disabilities.

What is a Waiver Request?

It is a request to be exempt from meeting the goal in part or in whole.



Waiver Requests



Full Waiver : Vendor cannot fulfill the goal and is asking for a total exemption from the goal



Partial Waiver: Vendor can only fulfill some of the goals and not all of the goals

Things to do before requesting a Waiver Request

Reach out to all certified vendors under all codes listed in the solicitation

Document and list all proofs of outreach to these vendors and their responses

Outreach to these vendors should be done by email/fax/or by telephone

Dates, time, and names of contact should be properly documented (We do follow-up based on information received from vendor to ascertain and substantiate the information).

Make sure to accurately and completely fill out the Good Faith Efforts Contact Log

Follow-up calls are required to all BEP/VBP vendors who do not respond to vendor's initial emails

Follow-up calls are expected to BEP/VBP vendors who express interest in bidding on the contract

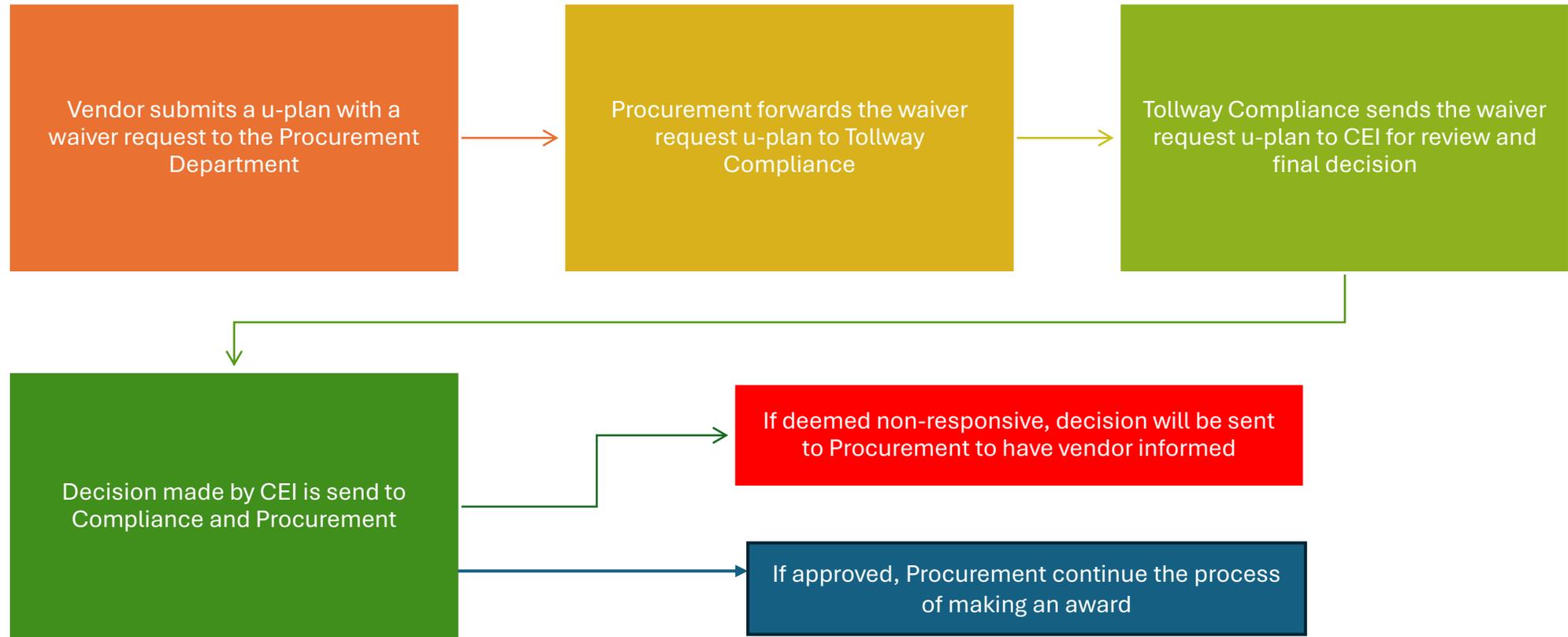
If you are requesting a partial waiver, make sure that the vendor is a BEP certified vendor and certified in at least one of the nign codes listed in the solicitation

Don't delay in contacting the BEP/VET vendors. You have ten (10) days to find potential subcontractor, and you need to give them ample time to respond.

Examples of demonstrating good faith efforts

- Engage with interested vendors
- Negotiate in good faith with interested vendors
- Assist interested firms by adding necessary codes if possible
- Give vendors ample time to respond

Steps in waiver process



Waiver Request cont'd

Once we received a waiver request, we send the Prime a link the website where you will find listing of all vendors under all the NIGP codes in the solicitation in order for them to reach out to all the certified vendors and show Good Faith Efforts in the process.

Remember, waiver cannot be granted without Good Faith Efforts

Waiver Request Cont'd

Vendor doesn't have to reach out to all certified vendors if they can get a contract with few calls

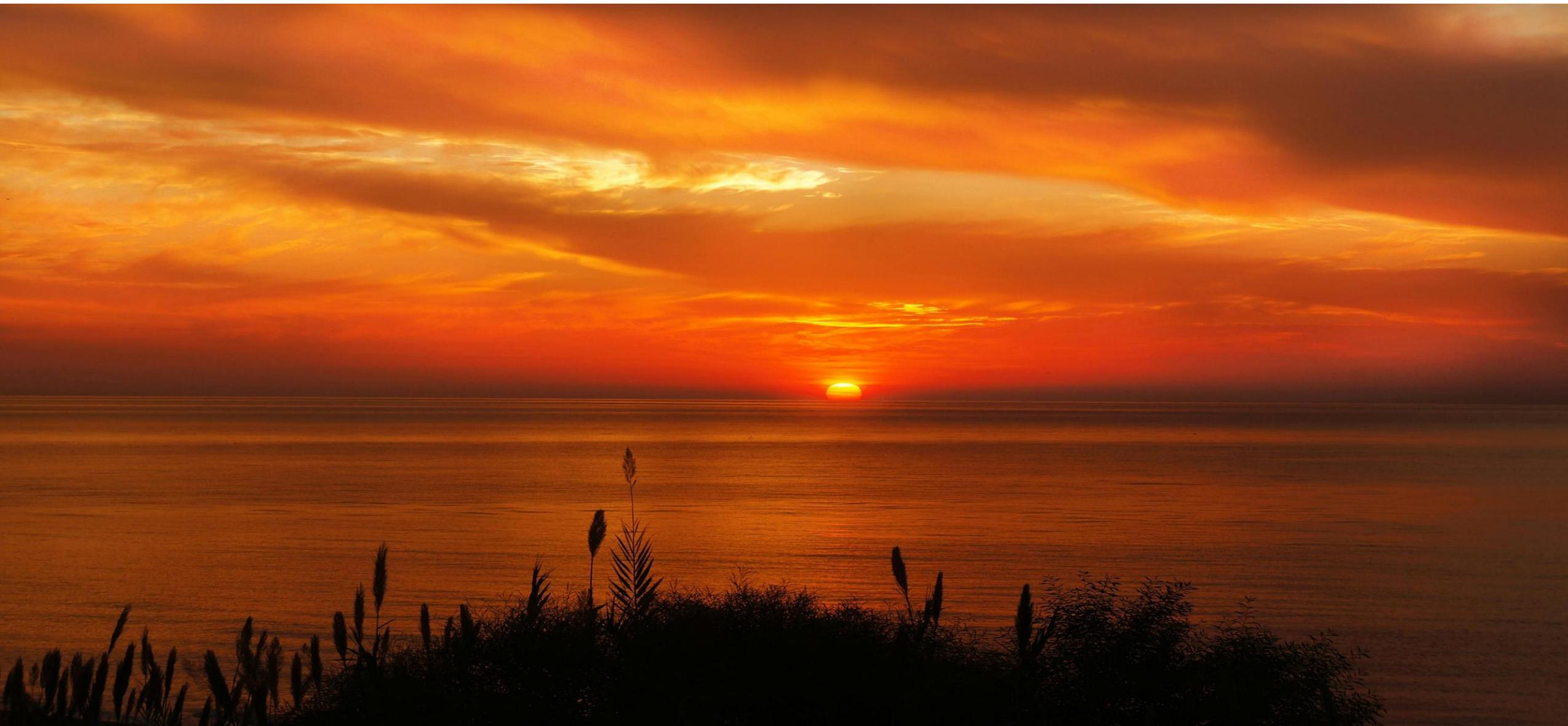
Vendor must exhibit Good Faith Efforts to obtain a waiver

Important points to Remember:

- Do a thorough good faith effort by contacting all certified vendors under all nisp codes in the solicitation
- Completely and accurately fill out the Good Faith Efforts Log
- Vendor is given 10 business days to respond



The End



QUESTIONS

Waiver Requests

