

Impact of Agency Rules on Small Businesses Review

Pursuant to P.A. 99-370/HB 3887, please scrutinize your agency's rules, administrative regulations, and permitting processes as they pertain to small businesses in order to identify those rules, regulations, and processes that are unreasonable, unduly burdensome, duplicative, or onerous to small businesses. Please provide an analysis that meets one or more of the following: (1) Recommend changes that will lessen the reporting and paper work requirements on small business while still achieving the intent of the underlying statute; (2) Eliminate unnecessary or antiquated permit requirements; (3) Consolidate duplicative or overlapping permit requirements; (4) Simplify overly complex or lengthy application procedures; (5) Expedite time-consuming agency review and approval procedures.

* Small business means a corporation that is independently owned and operated, not dominant in its field, and employs fewer than 50 full-time employees or has gross annual sales of less than \$4,000,000.

** Please categorize on a scale of 1-5 the degree to which you think the rule is burdensome to small businesses: 1- Not particularly burdensome through 5- highly burdensome

Agency	Agency Program	Agency Rule Summary	Statutory / Administrative Reference	Impact on Small Business *	Degree of Impact Ranking**	Recommendation	Legislation / JCAR Change Needed?
CMS	Business Enterprise Program	If the status of a BEP certified firm changes during the term of a contract, the State may cancel the contract at no penalty to the State.	44 Ill. Adm. Code Section 10.90(b)	This could potentially penalize BEP certified firms that become ineligible during the term of a contract due to their success in the Program.	3	Recommend the Commission on Equity and Inclusion amend the rule to allow and encourage agencies to continue to use a vendor that ceases to qualify as a BEP certified vendor during the term of a contract towards the BEP goal if the reason the vendor no longer qualifies is due to exceeding the size standard. Additionally, the Commission may consider amendments for a graduated participation approach over a three (3) year time period rather than immediate contract termination.	
CMS	Business Enterprise Program	Applicants who are denied certification must wait one year to reapply.	44 Ill. Adm. Code Section 10.69(d)	The application review process and appeal process can be timely. Circumstances may have changed for a vendor between the time of application and the denial or receiving a final decision of an appeal. Requiring a vendor to wait for a year to reapply delays their ability to participate in and benefit from the Program even if they are now eligible.	3	Recommend the Commission on Equity and Inclusion amend the rule to allow the Commission to waive the requirement to wait one year to reapply if it believes it is in the best interest of the Program.	

