**Section 680.40 Reduction or Waiver of the Apprenticeship Goal**

a) *Before or during the term of a contract* or Grant Agreement, *the Department may reduce or waive the 10% apprenticeship goal,* as defined in Section 680.30.

1) To obtain a reduction or waiver in the 10% apprenticeship goal, the applicant, grantee or contractor shall submit a waiver request form to the Department and the agency administering the contract or grant. Requests for a reduction or waiver of the 10% apprenticeship goal shall be submitted to the Department and the agency administering the contract or grant as soon as practicable after discovering the existence of one or more factors set forth in subsection (b). The request form will be available on the Department's website.

2) Upon receipt of the waiver request, the Department and/or the Agency may request additional information from the applicant, grantee or contractor.

b) *Prior to the Department granting a request for a reduction or waiver, the Department shall determine, in its discretion, whether to hold a public hearing on the request. In determining whether to hold a public hearing, the Department may consider factors, including,* but not limited to:

1) *the scale of the project;*

2) *whether the* applicant, grantee, *contractor or subcontractor seeking the reduction or waiver has previously requested reductions or waivers on other projects; and*

3) the value of, and frequency of, grant awards and contracts previously received from the State by the applicant, grantee, contractor or subcontractor.

c) Upon receipt of all information provided in subsection (b), the Department will endeavor to issue a notice for a public hearing on the waiver request within 30 days.

d) *The Department may grant a reduction or waiver upon a determination that:*

1) *the* applicant, grantee, *contractor or subcontractor has demonstrated that insufficient apprentices are available;*

2) *the reasonable and necessary requirements of the contract* or grant *do not allow the goal to be met;*

3) *there is a disproportionately high ratio of material costs to labor hours that makes meeting the goal infeasible; or*

4) *apprentice labor hour goals conflict with existing requirements, including federal requirements, in connection with the public work.*

e) *The Department may also consult with the Business Enterprise Council under the Business Enterprise for Minorities, Women, and Persons with Disabilities Act and the Chief Procurement Officer of the agency administering the public works contract.* [30 ILCS 559/20-20(b)]

f) *The 10% apprenticeship goal does not apply to contracts or Grant Agreements in existence on the effective date of the Act* (June 28, 2019). [30 ILCS 559/20-20(f)]