**Section 10.23 Council Review of Agency Requests for Specific Exemptions**

a) Any State agency may request that the Council exempt specific contracts or expenditures from the goal. The agency must show, based on the best information available, that the particular contract does not represent a procurement opportunity for MBEs, FBEs or PBEs, or that there are not sufficient MBEs, FBEs or PBEs to ensure competition and an expectation of reasonable prices. The agency must provide a copy of any Invitation for Bids, Request for Proposals or other solicitation information issued, the amount of anticipated expenditures that would be exempt and the total agency appropriation. The documentation must show the agency engaged in a diligent effort to identify and solicit BEP eligible vendors, and the results of that effort.

1) A diligent effort requires, at a minimum, solicitation of appropriate vendors from the master vendor list maintained by the Council and advertising in appropriate media.

2) Whether the price quoted is reasonable shall be determined based upon current market prices, historic prices, prices received by other agencies for similar supplies or services, and the policy of the Business Enterprise Act to promote businesses owned by minorities, females and persons with disabilities.

b) The Council shall exempt specific contracts from the goal if, after reviewing the information provided by the agency, it determines that the agency did make a diligent effort to contract with MBEs, FBEs and PBEs and that the price was not reasonable. Any action by the Council to approve or deny a request for specific exemption shall be by resolution passed by the Council.