**Section 30.91 Contract Commitment; Good Faith Effort**

a) A vendor who obtains a contract requiring hiring of BEP certified vendors, such as pursuant to Section 30.64, or who makes a voluntary contractual commitment to hire BEP certified vendors, and who fails to do so, is subject to having the contract canceled. If the agency cancels the contract, the vendor may be liable for any damages the State suffers as a result of the cancellation. The State may excuse the vendor's failure if the vendor can show a good faith effort to remain in compliance.

b) Any vendor claiming good faith relief must fully document, in writing, the steps taken to obtain BEP certified vendors as subcontractors. The State may require that the vendor provide additional information on request. A good faith effort shall, at a minimum, consist of the following:

1) contacting the Business Enterprise Bureau at least 15 days prior to need and requesting referrals from the certified vendor list and from any other list maintained by the Bureau;

2) advertising in the Official State Newspaper or a local newspaper as time permits; and

3) contacting appropriate organizations such as unions, contractor associations, and MBE, FBE, or PBE oriented organizations.

c) If a good faith exception is given, the purchasing agency shall notify the Secretary of the exception and shall include all pertinent information.

(Recodified from Section 10.91 of 44 Ill. Adm. Code 10 (Central Management Services) pursuant to P.A. 101-657, at 47 Ill. Reg. 279)