

COUNTY OF COOK, ILLINOIS
REGULATIONS GOVERNING CERTIFICATION OF
MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES

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COUNTY OF COOK, ILLINOIS
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Effective October 1, 2008

I. PURPOSE AND APPLICABILITY

These regulations implement Sections 10-43.2(B) and 10-43.3(B)(2)(a) and (b) of the Minority- and Women-Owned Business Enterprise Ordinance, and, except as otherwise provided herein, shall be used by the Contract Compliance Administrator in all determinations of the eligibility of firms for certification as "Minority Business Enterprises" and/or "Women Business Enterprises" (collectively "M/WBEs") for Cook County procurement purposes. These regulations provide criteria for determining a firm's eligibility for participation as an MBE or WBE in Cook County contracts to which MBE/WBE requirements apply. These regulations do not guarantee contract participation.

II. EFFECTIVE DATE

These regulations shall be effective as of October 1, 2008 and shall be applicable to all contracts advertised or otherwise solicited and procured after that date to which MBE/WBE requirements apply.

III. POLICY

- A. It is the policy of the County of Cook (the "County") to prevent discrimination on the basis of race, ethnicity or gender in the award of or participation in County contracts and to eliminate discriminatory barriers to full and equitable opportunities for participation, as both prime contractors and sub-contractors, in such contracts, for all firms. In furtherance of this policy, the Cook County Board of Commissioners has adopted a Minority- and Women-Owned Business Enterprise Ordinance ("MBE/WBE Ordinance") which establishes a goal of awarding not less than thirty-five percent (35%) of the annual total dollar amount of County contracts to Certified Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs).
- B. The MBE/WBE Ordinance requires the promulgation of regulations to permit identification and Certification of businesses as MBE or WBE for purposes of the MBE/WBE Ordinance. These regulations are promulgated to establish the applicable procedures and standards for County Certification of firms eligible for credit under the MBE/WBE Ordinance.
- C. A firm's compliance with the Eligibility Standards set forth herein and its initial Certification by the County does not, however, guarantee continued Certification. Rather, the Contract Compliance Administrator may conduct post-Certification monitoring of a firm to determine its eligibility for continued Certification. The Administrator may impose appropriate penalties against persons or entities determined to have violated these regulations or provided assistance to those obtaining MBE/WBE Certification through the provision of false or fraudulent information, including but not limited to contract suspension, contract termination, or debarment from future County contracting opportunities.
- D. All actions by and decisions of the County with respect to Certification, Denial of Certification, and Decertification of any Applicant shall be made by the Contract Compliance Administrator (CCA) or the CCA's designee.

IV. DEFINITIONS

- A. "Applicant" means any person or firm who submits a Schedule A Certification Declaration Affidavit seeking certification as an MBE or WBE, or a NO-CHANGE Affidavit of Minority and/or Women Business Enterprise (including all associated documents and information) to the CCA.
- B. "Certified" or "Certification" means the granting of MBE or WBE status to a firm by the County.
- C. "Commercially Useful Function" means the performance of real and actual services in the discharge of any contractual endeavor. The contractor must perform a distinct element of work which the business has the skill and expertise to perform and have the responsibility of actually performing, managing and supervising such element of work with its own work force and/or equipment and supplies.
- D. "Contract Compliance Administrator" ("CCA") means the Contract Compliance Administrator of the County of Cook.
- E. "Contractor" means any person or business entity that shall enter into a contract with the County, and includes all partners and all joint ventures of such person or entity.
- F. "Controlled" means the minority or the female owner(s) shall: (1) possess and exercise the legal authority and power to manage business assets, good will and daily operations of the business; and (2) actively and continuously exercise such authority and power in determining the policies and directing the daily operations of the business. If owners who are not minorities or females are disproportionately responsible for the management of business assets, good will and daily operations of the business, then the business is not controlled by minorities or females.
- G. "Joint Venture" means an association of two or more businesses formed to carry out a single business enterprise for profit, and for which purpose they combine their expertise, property, capital, efforts, skills, and knowledge.
- H. "Supplier" means a firm selling a product. The supplier may be classified as either stocking (maintaining inventory) or non-stocking (maintaining no inventory), but must prove that it assumes financial responsibility for the product before it is delivered.
- I. "Distributor" means a firm supplying a product with written confirmation of its authorized distributor relationship with a manufacturer.
- J. "Minority Business Enterprise" ("MBE") means a certified business at least 51 percent (51%) of which is owned and controlled by one or more members of one or more minority groups, or, in the case of a publicly held corporation, 51 percent (51%) of the stock is owned by one or more members of one or more minority groups and whose daily business operations are controlled by one or more such individuals.

A "minority group" member is an individual who is one of the following:

- (1) African American or Black (persons with origins in any of the Black racial groups of Africa);
- (2) Hispanic American (persons of Spanish culture with origins from Puerto Rico, Mexico, Cuba, South or Central America, Spain, Portugal, or the Caribbean Islands regardless of race);
- (3) Native American (persons having origins in any of the original peoples of North America and who are recognized through tribal affiliation as Native Americans by either a tribe recognized by the United States of America or a tribal organization recognized by the Government of the United States of America. The Contract Compliance Administrator reserves the right to require the production of appropriate evidence of such a person's affiliation with

such a tribe and/or tribal organization);

- (4) Asian-Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, Taiwan, or the Indian subcontinent); or
- (5) Any other ethnically or racially identifiable group found by the Contract Compliance Administrator to have suffered actual racial or ethnic discrimination resulting in a competitive disadvantage or decreased opportunities to do business with the County of Cook.

K. "Owned" means having all the customary incidents of ownership, including the right of disposition, and the sharing in all risk and profits commensurate with the degree of ownership interest.

L. "Women Business Enterprise" (WBE) means a certified participating business at least 51 percent of which is owned and controlled by one or more women, or, in the case of publicly held corporation, 51 percent of the stock of which is owned by one or more women and whose daily business operations are controlled by one or more such individuals. Determination of whether a business is at least 51 percent owned by a woman or women shall be made without regard to community property laws.

V. ELIGIBILITY STANDARDS

A. Evaluation of Applicants

The Eligibility Standards herein shall be used to determine Applicant eligibility for Certification as an MBE/WBE. Applicant eligibility shall be thoroughly investigated and reviewed periodically and the CCA will consider all of the facts in the record, taken as a whole.

The investigative techniques that shall be employed by the CCA in determining the eligibility of Applicants may include individual interviews of principal management officials and/or owners of Applicants; facility site visits; informational solicitations from individuals, organizations and agencies having knowledge of the Applicant, its management, ownership and principal areas of specialty or expertise; and information obtained from any other source. Use of additional investigative techniques shall be made in appropriate cases to verify representations made by an Applicant on a Schedule A Affidavit, or other documentation submitted. False, erroneous or misleading statements by any Applicant regarding its performance on contracts with any person; involvement in contracting or Certification related irregularities with any private or governmental entity; or non-compliance with reasonable requests by the CCA for information concerning MBE/WBE eligibility, shall be accorded substantial weight by the CCA in determining the Applicant's eligibility as an MBE or WBE.

B. Eligibility Evaluation Criteria

- (1) 51% Ownership. An Applicant for MBE Certification must be a business entity which is at least 51 percent owned by one or more members of one or more minority groups, or, in the case of a publicly held corporation, at least 51 percent of the stock of which is owned by one or more members of one or more minority groups. An Applicant for WBE Certification must be a business entity which is at least 51 percent owned by one or more women, or in the case of publicly held corporation, 51 percent of the stock of which is owned by one or more women. Such ownership must be reflected in the relevant documents.

- (2) Failure to Cooperate. Cook County requires all firms seeking MBE and/or WBE Certification to cooperate fully with requests from the Office of Contract Compliance for information relevant to the Certification process. Failure or refusal to provide such information is a ground for Denial or removal of Certification.
- (3) Proof of Status. A person's status as a minority or woman may be established initially through affirmations of such persons that they are women or minorities and are so regarded in their particular communities. The CCA, however, reserves the right to require submission of proof of a person's minority group membership, including but not limited to, proof that the person identifies with such minority group and is regarded in the community as a member of such group. The CCA may accept or reject the sufficiency of an Applicant's proof of minority group status.
- (4) Real Ownership. Ownership and control by minorities and women must be real, continuing and go beyond pro forma ownership of the Applicant as reflected in ownership documents. Minority or women owners must enjoy all customary incidents of ownership (e.g., ability to transfer stock, title, possession; enter into contracts; secure loans; access and direct funds and bank accounts, etc.) and shall share in all risks and profits commensurate with their ownership interests, as demonstrated by a detailed examination of the substance, rather than the form, of their business arrangements.
- (5) Securities Held By Owners. Securities which represent ownership of the Applicant by minorities or women shall directly and physically be held by them, without limitation by non-minorities or men. Securities held in trust or by any guardian for a minor or incompetent person or, in the appropriate case, pledged as collateral to secure any principal indebtedness of Applicant, shall be excluded from the determination of whether the Applicant is owned and controlled by minorities or women.
- (6) Excluded Stock. Stock held by a non-Certified MBE/WBE shall be excluded from the determination of whether the Applicant is owned and controlled by qualifying minorities and/or women.
- (7) Real and Substantial Contribution. Contributions of capital or expertise by minority or women owners to acquire their ownership interests in the applicant shall be real and substantial, and be in proportion to the interest acquired. Insufficient contributions shall include, but shall not be limited to, promises to contribute capital or expertise in the future; notes payable from minority/women owners to the Applicant or owners who are not minorities/women; participation in Applicant by alleged minority/women owners as employees without management responsibilities; and provision by any alleged owner of goods, services, equipment, etc. having an actual or estimated value, based upon industry standards, which is substantially less than the value attributed in Applicant's Schedule A Affidavit.
- (8) Viability. All MBEs or WBEs shall be viable businesses. "Viability" of the Applicant shall be examined with reference to its capital structure as determined from audited or auditable financial statements, or income projections when the Applicant is a new business; possession or insurance, bonds and/or license (e.g., sewer contractor, plumber, etc.) required by applicable governmental agencies to perform the work the Applicant represents as its principal area(s) of specialty/expertise; access to real properties and facilities from which to conduct day-to-day business operations; employment of and/or access to employment of persons in sufficient numbers and with expertise essential to satisfactory contract performance in its proffered area(s) of specialty/expertise; and the Applicant's ownership of and/or access to equipment, goods, supplies, etc., essential to its satisfactory performance in its alleged area(s) of specialty/expertise.
- (9) Independence. All MBEs or WBEs must be independent businesses. "Independent" means the ability of the Applicant to perform in its area(s) of specialty/expertise without substantial reliance upon finances, resources, expertise, management, manpower, facilities, equipment, etc. of non-minority or non-women business enterprises to perform satisfactorily in its area(s) of specialty/expertise. Recognition of the Applicant as a separate and

distinct entity by governmental taxing authorities shall not be used to prove any Applicant's assertions of independence.

An Applicant shall be presumed unable to operate independently of non-minorities or men or to otherwise meet the independence criteria herein, absent clear and convincing evidence of independence submitted by the Applicant, such as in the following circumstances:

- a. Applicant's status as a party to any contract or lease on terms at variance with industry standards or prudent business practices.
- b. Interlocking ownership of the Applicant and non-minority/non-women businesses in the same or related industry.
- c. Common directorates/officers between the Applicant and non-minority/non women businesses in the same or related industry.
- d. Applicant's failure, after a reasonable period to demonstrate its ability to operate as a viable entity without continuing, substantial reliance upon equipment and facilities leasing, creditor-debtor relationships, etc. with non-minorities/non-women.
- e. Formation of or change in ownership and control of Applicant so as to create a majority ownership in the firm by MBEs and WBEs within six months prior to any relevant advertisement for contract bid.
- f. The previous and/or continuing employer-employee relationship among or between present minority/women owners and/or principals of Applicant and non-minority/women owners and/or principals.

(10) Area of Specialty. All MBEs or WBEs shall be certified by the CCA as eligible to participate in County contracts by area of specialty or expertise. An "Area of Specialty or Expertise" means a type of business activity in which the MBE/WBE is regularly engaged and in which an MBE or WBE is competent to engage (e.g. office equipment leasing, motor vehicle parts supplier). Applicants desiring participation in County contracts in an area of specialty or expertise different from that for which MBE/WBE Certification was initially awarded may request Certification in such additional area(s) in accordance with Section VI (I). Until such expanded Certification is granted, participation as an MBE or WBE in any County contract in a different area of specialty/expertise shall be denied.

(11) Control. Minority or women owners shall, either collectively or individually, possess the power to direct or cause the direction of management, policies, and objectives of the Applicant and to make all substantive, day-to-day decisions on Applicant's major and/or essential operations. No formal or informal restrictions of any kind shall exist which limit the customary discretion of minorities or women necessary to actual business control. Unless mandated by law, no restrictions in by-law provisions, partnership agreements, or charter requirements shall exist which limit minorities or women from effective and continuous control of the Applicant or which prevent minorities or women, without the cooperation or vote of any owner who is not a minority or woman owner, from making any operational business decision for the Applicant.

In all cases, any business relationship between an Applicant's minority/women owners and non-minority and male owners shall be given close scrutiny to determine conflicts with the ownership and control requirements of these regulations.

- (13) Full Time Experience. For purpose of these regulations, it shall be presumed, unless conclusively established otherwise, that the status of any minority or women as an owner/manager of the Applicant shall require full-time participation by such person in the management of the Applicant's day-to-day activities, including, but not limited to, responsibility for the purchase of supplies and equipment, direction of its workforce, negotiation of contracts, estimation and bidding on contracts, securing loans, etc. Ownership interests of minority or women owner/manager not participating in the Applicant's operations on a full-time basis shall be excluded from the determination of whether the Applicant is owned and controlled by minorities or women. In addition, current employment histories of all owners/managers shall be requested, reviewed and verified to determine if such owners/managers have the administrative/business training, experience and expertise necessary for their participation in the management of Applicant's operations.

VI. APPLICATION PROCEDURES FOR CERTIFICATION AND NO CHANGE AFFIDAVIT

- A. All prospective applicants requesting initial Certification as a MBE or WBE shall file with the Office of Contract Compliance a completed Schedule A Certification Affidavit for Minority Business Enterprise (MBE) and/or Women Business Enterprise (WBE) ("Schedule A").

The MBE/WBE Certification shall be valid for three (3) years. The certified MBE or WBE shall remain certified for three (3) years with the submission of a NO-CHANGE Affidavit for each of the ensuing years from the effective date of the Certification and only as to the area of specialty/expertise specified. Failure to submit the NO-CHANGE Affidavit annually as required by these regulations shall result in the lapse of an Applicant's Certification, and ineligibility of that Applicant to participate in any contract as a MBE or WBE.

- B. Applicant shall file no later than two (2) months prior to the effective annual date of the Applicant's last MBE/WBE Certification, a Schedule A Application for Certification. Cook County CCA permits an additional grace period of up to thirty (30) days beyond the expiration date for Vendors to seek the renewed NO-CHANGE Affidavit.

The Certification of any MBE or WBE shall be deemed to have lapsed at the end of the Certification year unless a NO-CHANGE Affidavit has been filed with the CCA within the specified time period. A MBE or WBE whose Certification has lapsed shall be ineligible to participate on a County contract as a MBE or WBE until further Certification. Such lapsed MBE or WBE shall be required to file a new Schedule A to become certified.

- C. All Schedule A and/or NO-CHANGE Affidavits shall be executed under oath by the owner or duly authorized officer of the Applicant, and notarized.
- D. As a condition of Certification or continued Certification, the CCA shall be authorized to request at any time. from any Applicant such additional information as may be deemed relevant to any Applicant's status as an MBE/WBE, including an updated Schedule A.
- E. All Applicants submitting a Schedule A or NO-CHANGE Affidavit shall affirm, as a pre-condition to consideration for MBE or WBE Certification that within three (3) years of the date of execution of the Schedule A or NO-CHANGE Affidavit, no principal, officer, owner, or any other person having decision-making authority for the Applicant has been debarred from contracting with any government entity.
- F. During any period for which any MBE or WBE Certification shall be effective, all books and records in Applicant's (including agents) possession, which may prove or disprove MBE or WBE eligibility, shall be open for inspection and examination by the CCA upon reasonable notice.

- G. Schedule A or NO-CHANGE Affidavit filed by any Applicant for MBE or WBE Certification shall include sufficient written authorizations or shall permit the CCA to obtain from third persons (banks, utility companies, business references, lessors/lessees, etc.) such information as may be deemed relevant to any Applicant's eligibility for MBE or WBE Certification.
- H. Credit toward meeting the MBE or WBE goals shall be denied until the MBE/WBE certification has been approved.
- I. Certification by the following entities may also be accepted for purposes of proof of MBE or WBE status by firms on County contracts unless the firm has been denied by Cook County.
 - a. Illinois Unified Certification Program for Disadvantaged Business Enterprises
 - b. United States Small Business Administration (SBA) 8(a)
- J. The absence of Certification, however, shall in no way affect an Applicant's right to bid or submit a proposal for any County contract as a non-MBE or WBE.
- K. Applicants desiring participation in County contracts in a status or in an area of specialty or expertise or with a status different from that for which MBE or WBE Certification was initially awarded shall request an expansion of Certification in such new status or additional area(s). The written request shall contain information sufficient to establish that a change in status or area(s) of specialty or expertise is warranted. The Applicant shall provide to the CCA proof of ability to participate in the additional area(s) of specialty or expertise. Until such new Certification, participation as a MBE or WBE in any County contract with a status or specialty area different from the initial Certification shall be denied. The listing used by the County in categorizing areas of specialty or expertise is a part of the Application and must be used by the Applicant in submitting an Application for Certification.
- L. Upon receipt, Schedule A or NO-CHANGE Affidavit shall be stamped with the date and time of receipt. The date and time stamp shall conclusively establish the receipt date of such Affidavit. Receipt Letter will determine the date for pending status for purposes of sixty (60) day decision requirement of subsection N herein, unless the Schedule is returned for material omissions or deficiencies under subsection M herein.
- M. Within ten (10) business days of the CCA's receipt of any Schedule A or NO-CHANGE Affidavit, such Schedule A or Affidavit shall be thoroughly reviewed for material omissions, or deficiencies with respect to information requested on the Schedule A or NO-CHANGE Affidavit, and/ or those items listed on the document checklist and required to be submitted (e.g., income tax returns, letters of Certification from other entities, leases, etc.). If there are material omissions or deficiencies, a letter shall be sent to the Applicant delineating the nature of the omissions or deficiencies. Incomplete Affidavits shall not be subject to the sixty (60) day decision requirement referred to in subsection N herein until such Schedules are resubmitted and determined to be completed by the CCA. The date and time stamp on subsequently submitted information shall conclusively establish the receipt date for purposes of the 60 day decision requirement of subsection N herein.
- N. Upon receipt of the completed Schedule A or NO-CHANGE Affidavit, and written acknowledgment of receipt being sent to the Applicant, the Application will be reviewed by the Office of Contract Compliance. This review may include, among other things, site visits, direct interviews with the Applicant, and review of specific additional information in support of the Application as requested.

- O. Any request to an Applicant for additional information shall be in writing and specify that the Applicant must respond to the request within ten (10) business days. If the Applicant is unable to respond to the request for additional information within the time specified, the Applicant may request in writing that additional response time be granted. A corresponding extension of time of the 60 day decision requirement of subsection N herein will be made accordingly. If the Applicant fails to respond to the request in writing for additional information within the ten (10) business day period and does not request an extension of time to respond, a second notice of request for additional information may be sent to the Applicant allowing an additional ten (10) business days to respond or face Denial. Where the information is still not received, the Application will be Denied for failure to cooperate and treated as any other Denial.
- P. Within sixty (60) business days following the County's receipt of a completed Schedule A or NO-CHANGE Affidavit, the CCA shall issue a written determination either granting the Certification or CONTINUED Certification or Preliminary Denying such Certification.
- Q. If the CCA determines that an Applicant does not meet the Eligibility Standards for Certification as a MBE or WBE, a letter of "Preliminary Denial" shall be issued to the Applicant. The Preliminary Denial letter shall specifically inform the Applicant of all material facts and conclusions upon which the decision to issue the Preliminary Denial of Certification was based, and shall cite the Eligibility Standards relied upon. The Preliminary Denial letter shall also inform the Applicant of the procedures for appealing such decision.
- R. The Applicant may appeal the decision by responding to the Preliminary Denial within ten (10) business days of receipt of the Preliminary Denial letter. The Applicant's response shall be under oath, notarized and signed by someone having personal knowledge of the facts contained therein, and include any relevant supporting documentation. All Applicant responses shall contain sufficient facts to clearly establish that the material facts and/or conclusions upon which the Preliminary Denial Notice was based were erroneous.
- S. Upon review of an Applicants response to a Preliminary Denial letter, the CCA shall make a determination as to whether the factors cited in the Preliminary Denial letter have been sufficiently refuted so as to permit Certification. All final decisions of the CCA with respect to the Denial of Certification of any Applicant clarifying whether or not a response is made, shall be communicated in writing within ten (10) business days of the Preliminary Denial letter.
- T. Changes in a MBE or WBE's ownership, management, officers, or financial relationships which may impact the Applicant's eligibility must be communicated in writing within ten (10) business days of such change.
- Failure to communicate such changes as required herein shall constitute grounds for the Denial of NO-CHANGE AFFIDAVIT, or for De-Certification, of the MBE or WBE.
- U. If the CCA has reason to believe that the information contained on a Schedule A or NO-CHANGE Affidavit is inaccurate or incomplete, the CCA may request the submission of a new Schedule A or NO-CHANGE Affidavit from any MBE/WBE. Non-compliance with such request shall constitute grounds to Deny Certification.
- V. The CCA shall consider all relevant factors set forth above for determining the Applicant's eligibility for Certification; and in addition, but not limited to, the Applicant's involvement in contracting and/or bidding irregularities on County or other contracts; non-compliance with reasonable requests by the County for information concerning MBE/WBE eligibility or performance on any County contract; and submission of false, erroneous or misleading information to any private or governmental entity regarding Applicant's business activities.

- W. Following a Denial of Certification, the name of such MBE or WBE shall be removed from the master directory of Certified MBEs/WBEs maintained by the CCA.

VI. DE-CERTIFICATION PROCEDURES

- A. Upon receipt of information believed by the CCA in good faith to be reliable and which indicates an Applicant's ineligibility for continued Certification as a MBE or WBE, such information shall be considered by the CCA to determine if reconsideration of the Applicant's Certification eligibility is warranted.
- B. Where, after reconsideration of such information, the CCA determines that the Applicant should be De-Certified, the CCA shall issue a "Preliminary Notice of Intent to De-Certify" ("Preliminary Notice") to the Applicant within 10 business days of such determination. The Preliminary Notice shall inform the Applicant of all material facts upon which the decision was based. It shall also afford the Applicant ten (10) business days within which to present written evidence to establish its continuing conformance to the applicable MBE or WBE standards set out in these regulations.

All MBE or WBE response shall be under oath, notarized and signed by an authorized person with knowledge of the facts contained therein. Upon request, properly authenticated original documents in support of the MBE's or WBE's response shall be provided to the CCA. Failure of the MBE or WBE to submit such written evidence within the required 10 business days shall cause the CCA to issue a "Notice of De-Certification" to the Applicant.

- C. The CCA shall review any responsive statement of the MBE or WBE for reconsideration of the Preliminary Notice. Within 10 business days thereafter, the CCA shall recommend that either a "Notice of Decision" of the Preliminary Notice or a "Notice of De-Certification" is sent to the MBE or WBE.
- D. All final actions and/or decisions of the CCA with respect to the De-Certification of an MBE or WBE shall be communicated in writing to the MBE or WBE.
- E. Following the De-Certification of any MBE or WBE, the name of such MBE or WBE shall be removed from the master directory of Certified MBEs and WBEs maintained by the CCA.
- F. Any De-Certification of an MBE or WBE by the CCA shall not affect the MBE or WBE Certification status of such business on any County contract where the MBE's or WBE's performance was commenced prior to the effective date of De-Certification.

VII. MBE/WBE DIRECTORY.

The CCA shall maintain a "Directory of Minority Business Enterprises and Women Business Enterprises". The Directory shall identify all Certified MBEs and WBEs by name, contact information and principal contact person, Certification status (i.e., MBE and/or WBE), area of specialty and/or expertise, and date of Certification or NO-CHANGE. The Directory shall be published on the County's Web Site and shall be available to all interested persons

VIII. REFERRAL TO STATE'S ATTORNEY.

If, at any time following appropriate investigation, the CCA has reason to believe that any person or firm has knowingly and willfully submitted false or fraudulent information in a Schedule A or NO-CHANGE AFFIDAVIT or related documents, such matters shall be immediately referred to the Cook County State's Attorney. Such referral, however, shall be construed as a complement to, and not a limitation upon, the rights afforded the CCA pursuant to Section VII herein regarding De-Certification.

IX. DISCLOSURE TO OTHER GOVERNMENTAL ENTITIES.

Upon reasonable request from any governmental entity during the course of any legitimate and lawful inquiry, the CCA may disclose the contents of any Schedule A or NO-CHANGE Affidavit, or such other information as may be relevant to any Applicant's eligibility for Certification as a MBE or WBE. However, no disclosure of any information shall be made without prior consultation with, and approval by the Cook County State's Attorney.

X. NON-DISCLOSURE OF CERTIFICATION INFORMATION.

Unless otherwise mandated by law, no County employee acquiring knowledge or vested with any responsibilities with respect to MBE or WBE Certifications shall disclose to any person, other than the CCA, the Cook County State's Attorney, or other persons duly authorized to receive MBE or WBE Certification information, the content of any MBE or WBE Application or document filed in support thereof. Nor shall such employee disclose to, or discuss with, any unauthorized person, information regarding deliberations by the Office of Contract Compliance in connection with Certification or De-Certification of any Applicant. Non-compliance with this section shall subject the employee to applicable County disciplinary sanctions up to and including termination.

XI. DEPOSITORY OF RECORDS.

Records of all Applications for Certification as MBEs and WBEs shall be maintained within the Office of Contract Compliance for a reasonable period of time.

Amended 10/1/08