



Illinois Commission on Equity and Inclusion

Nina Harris, Acting Chairperson
Alexandria Wilson, Acting Executive Director
100 West Randolph Street, Suite 14-300
Chicago, IL 60601

Amendment No. 2 to Notice 2023.3 Illinois Commission on Equity and Inclusion

Date: August 31, 2023

To: Agency Procurement Staff
Public Institutions of Higher Education Procurement Staff
Chief Procurement Office for General Services
Chief Procurement Office for Higher Education
Business Enterprise Program and Veteran Business Program Vendor Community

Cc: Business Enterprise Program Staff
Business Enterprise Council for Minorities, Women, and Persons with Disabilities
Procurement Policy Board
Chief Procurement Office for Capital Development Board
Chief Procurement Office for Department of Transportation

From: Nina Harris, Acting Chairperson
Alexandria Wilson, Acting Executive Director

Re: NIGP Code Revisions Before Bid Opening

This Amendment No. 2 to Notice 2023.3. is effective immediately.

This amendment amends Notice 2023.3 by replacing Notice 2023.3's text with the following:

This notice is effective October 1, 2023.

This notice provides purchasing agencies and public institutions of higher education (agencies/PIHEs) clarification on the procedure for revising the five-digit NIGP class item commodity and service codes (NIGP codes) for competitive sealed bids and proposals that have a value exceeding \$100,000, are not procurements for construction or construction-related services, and include a Business Enterprise Program (BEP) or Veteran Business Program (VBP) goal.

Prime vendors that aren't self-performing BEP/VBP firms must select certified BEP/VBP subcontractors registered in at least one of the solicitation's NIGP codes for their Utilization Plan (U-Plan). Primes that are self-performing certified BEP/VBP firms must be registered in at least one of the solicitation's NIGP codes. Primes that are self-performing certified BEP/VBP firms must be registered in all of the solicitation NIGP codes for the State to count 100% of the value of the contract towards the State's aspirational BEP/VBP goals.

If an agency/PIHE chooses to revise a solicitation's NIGP codes after publication but before the bid opening date, the goal setting must be redone to include the NIGP code revisions and

approved by the BEP Compliance unit or a CEI-approved designee. Once the goal setting is redone, the agency/PIHE must publish a revised notification on its procurement bulletin, including a comprehensive list of updated NIGP codes and the revised goal percentage. If the bid opening date is less than 7 calendar days from the revised notification's publication date, agencies/PIHEs must extend the bid due date to provide bidders/offerors with a minimum of 7 calendar days to comply with the changes.

Once the solicitation is updated, only the NIGP Codes listed in the revised notification may be used to meet a good faith effort on the U-Plan.

The agency/PIHE must notify any certified self-performing BEP/VBP firm that doesn't obtain registration in at least one of the revised solicitation's NIGP codes by the bid opening date of the deficiency. The agency/PIHE must also notify any non-self-performing prime that selected a BEP/VBP subcontractor that isn't registered in at least one of the solicitation's NIGP codes by the bid opening date of the deficiency. The BEP/VBP firm (whether a self-performing prime or a subcontractor) must be given 10 calendar days to cure the deficiency. The agency/PIHE will determine whether the cure is adequate.

To obtain BEP/VBP certification in additional NIGP Codes, BEP/VBP firms should contact the BEP Certification unit at CEI.BEP.Certification@illinois.gov.

This notice applies to the applicable procurements published on or after October 1, 2023.

If you have questions regarding this notice, please contact your assigned BEP Compliance Officer or CEI at CEI.BEP.Compliance@illinois.gov.

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