



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

Notice 2023.3

Illinois Commission on Equity and Inclusion

Date: June 28, 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
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 notice is effective July 17, 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). If a non-self-performing prime vendor wishes to use BEP/VBP subcontractors not registered in any of the solicitation's NIGP codes, it must submit a revision request to the agency/PIHE using the NIGP Code Revision Request Form at least 7 calendar days before the bid opening date and obtain approval. A non-self-performing prime vendor may request to use different NIGP codes to identify BEP/VBP firms that can perform a commercially useful function under the resulting contract, as defined in the U-Plan, through direct participation via the NIGP Code Revision Request Form.

Primes that are self-performing certified BEP/VBP firms must be registered in all of the solicitation's NIGP codes if they intend to perform the entire scope of the contract themselves. If a BEP/VBP firm not certified in all of the solicitation's NIGP codes wishes to self-perform, it must submit a revision request to the purchasing agency/PIHE using the NIGP Code Revision Request Form at least 7 calendar days before the bid opening date and obtain approval. Using the NIGP Code Revision Request Form, a self-performing certified BEP/VBP prime vendor not registered in all of the codes originally listed in the

solicitation may submit a revision request if it can perform a commercially useful function under the resulting contract through direct participation, as defined in the U-Plan.

The NIGP Code Revision Request Form will help agencies/PIHEs determine whether to approve NIGP code revisions after publishing a solicitation and before the bid opening date. Direct participation includes work directly related to completing the contract's scope of work. If the requesting vendor provides adequate justification of the commercially useful function and direct participation on the NIGP Code Revision Request Form, the agency/PIHE may approve the NIGP code revisions. The NIGP Code Revision Request Form is located on the Illinois Commission on Equity and Inclusion's (CEI) website.

The agency/PIHE must document its approval or disapproval on the NIGP Code Revision Request Form and send the completed form to the requesting vendor and CEI via the CEI.BEP.Compliance@illinois.gov email address at least 2 calendar days before the bid opening date. An agency/PIHE cannot let that date pass without acting on a revision request.

If an agency/PIHE approves the NIGP Code Revision Request Form or 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 notification on its procurement bulletin including a comprehensive list of NIGP codes and the revised goal percentage. If the bid opening date is less than 7 calendar days from the 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.

Only the solicitation's NIGP Codes may be used to meet a good faith effort on the U-Plan.

A certified BEP/VBP firm that doesn't obtain registration in the solicitation's NIGP codes by the bid opening date must be notified of the deficiency by the agency/PIHE. The firm must be given a period of 10 calendar days to cure the deficiency. The agency/PIHE will determine whether the cure is adequate.

This notice applies to the applicable procurements published on or after July 17, 2023.

Training Date

For agencies/PIHEs that want to learn more about how to comply with the requirements of this notice, CEI will hold a webinar on Friday, July 7, 2023, at 11:30 am. The session will be recorded and posted to the CEI website so that attendees can review it at their convenience.

Meeting link: <https://illinois.webex.com/illinois/j.php?MTID=mc87fa151bc898261a16590a62db36998>

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

- End -