



# NIGP CODE REVISIONS BEFORE BID OPENING



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**Illinois Commission on Equity and Inclusion**  
Nina Harris, Acting Chairperson  
Alexandria Wilson, Acting Executive Director  
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**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](mailto: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/offers 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](mailto:CEI.BEP.Compliance@illinois.gov).

- End -



# WHAT IS THE PURPOSE AND APPLICATION OF NOTICE 2023.3?

- Notice 2023.3 provides purchasing agencies and PIHE clarification on the procedure for revising the five-digit NIGP class item commodity and service codes.
- Notice 2023.3 applies to:
  - Competitive sealed bids and proposals
  - Value exceeding \$100,000
  - Include a BEP and/or VBP goal.
- Notice 2023.3 does not apply to procurements for construction or construction-related services.
- Revisions include adding and subtracting NIGP codes.



# WHAT ARE THE BENEFITS OF NOTICE 2023.3?

- Standardizes the inconsistent pre-bid opening NIGP code revision practices across agencies and PIHEs.
- Ensures non-self-performing prime vendors use BEP/VBP subcontractors that can perform a commercially useful function through direct participation.
- Ensures self-performing BEP/VBP vendors seeking to perform the entire contract scope can perform a commercially useful function through direct participation.
- Improves the accuracy of the NIGP code selection and goal-setting processes.
- Improves the accuracy of BEP/VBP firm NIGP code registrations.
- Maximizes BEP/VBP vendor participation
- Strengthens vendor networks for greater market reach



# WHAT ARE NIGP CODES?

- The NIGP Code is a standard taxonomy most state government purchasing departments use.
- A 3-digit NIGP Code is called a NIGP Class Code.
- When two additional numbers are added to the end, giving the 3-digit NIGP Class Code greater specificity, the 5-digit code is called a NIGP Class Item Code.
- When a 3-digit NIGP Class Code has two zeros (00) after the first three numbers, the code remains a Class Code despite having five numbers.



**01**

Identify the **NIGP Code(s)** for each component of the contract's scope of work.

**02**

Identify the approximate dollar or percentage value of the scope of work associated with each **NIGP Code**.

**03**

Determine the amount of weight each scope carries in relation to the total dollar value of the contract.

**04**

Determine the most accurate dollar or percentage weight value for each **NIGP Code** to enter on the **BEP Project Goal Setting Form**.

**WHY ARE NIGP CODES IMPORTANT TO PURCHASING ENTITIES?**



# GOAL-SETTING USING NIGP CODES

A = numerator and B = denominator

For example, if there are 23 (A) individual BEP/VBP certified firms in the NIGP Class Item Code for plumbing services and 210 (B) individual BidBuy firms in the same NIGP Class Item Code for plumbing services, the formula would be:

- $A/B$
- $23/210 = 0.10952$
- $0.10952 \times 100 = 10.95\%$
- Estimated availability is 11%



# WHY ARE NIGP CODES IMPORTANT TO VENDORS?



TARGETED NOTIFICATIONS AND  
UPDATES



INCREASED OPPORTUNITIES FOR  
BEP/VBP VENDOR SELECTION



AMPLIFIED BUSINESS  
NETWORKING OPPORTUNITIES



# HOW DOES NOTICE 2023.3 AFFECT PRIME VENDORS THAT AREN'T SELF-PERFORMING BEP/VBP-CERTIFIED FIRMS?

Must select certified BEP/VBP subcontractors registered in at least one of the solicitation's NIGP codes for their U-Plan.

or

Must submit a revision request to the agency/PIHE at least 7 calendar days before the bid opening date and obtain approval.

May request to use different NIGP codes to identify BEP/VBP firms that can perform a commercially useful function under the resulting contract through direct participation.



# HOW DOES NOTICE 2023.3 AFFECT VENDORS THAT ARE SELF-PERFORMING BEP/VBP PRIMES?

Must be registered in all of the solicitation's NIGP codes if they intend to perform the entire contract scope themselves.

or

Must submit a revision request to the agency/PIHE at least 7 calendar days before the bid opening date and obtain approval.

May request to use different NIGP codes to self-perform a commercially useful function under the resulting contract through direct participation.





**Illinois Commission on Equity and Inclusion  
NIGP Code Revision Request Form**

Per CEI Notice 2023.3, prime vendors without Business Enterprise Program (BEP) or Veteran Business Program (VBP) certifications must use certified BEP and/or VBP subcontractors registered in the solicitation's NIGP codes unless they obtain revision approval from the purchasing entity before the bid opening date. Self-performing certified BEP/VBP prime vendors must be registered in all of the solicitation's NIGP codes unless they obtain revision approval from the purchasing entity before the bid opening date.

**Section I – General Information** (to be completed by the requesting vendor)

Vendor Name:   
Purchasing Entity:   
Bulletin Reference Number:   
Solicitation Title:   
Solicitation Description:   
Current BEP Goal Percentage:   
Current VBP Goal Percentage:

**Section II – Vendor Justification** (to be completed by the requesting vendor)

Are you certified in the BEP or VBP programs?  
  
Select the appropriate option:  
  
List the NIGP codes specified in the solicitation:  
  
Which NIGP codes are you currently registered in?  
  
Select the type of NIGP code revision:  
  
List the NIGP Codes that should be added. If this field is not applicable, enter "N/A".



**Illinois Commission on Equity and Inclusion  
NIGP Code Revision Request Form**

List the NIGP Codes that should be removed. If this field is not applicable, enter "N/A".

Provide a justification for the requested revision(s):

Did you contact vendors in the current NIGP code pool? If yes, list the vendors below. If no, explain why.

**Section III – Vendor Certification and Signature** (to be completed by the requesting vendor)

The undersigned certifies that the statements set forth in this document are true and accurate.

Printed Name:   
Title:   
Phone Number:   
Email Address:   
Vendor Signature:   
Date:

Note: Submit the completed form to the appropriate purchasing entity contact for review and processing.

**Section IV – Purchasing Entity Determination** (to be completed by the purchasing entity's procurement officer)

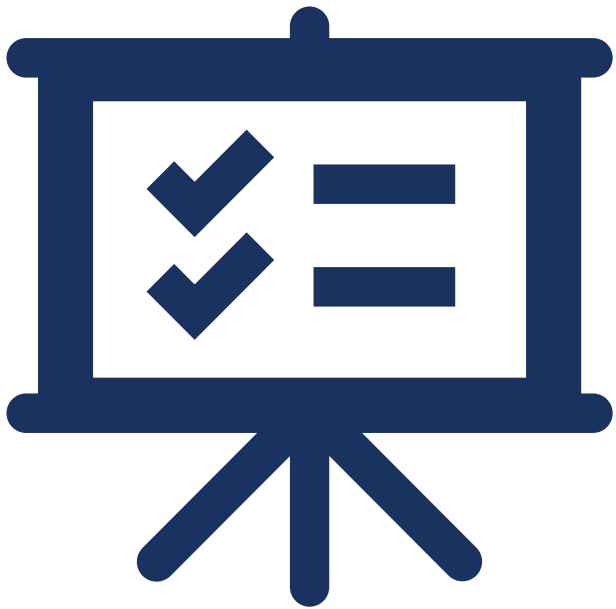
- I approve this request.
- I do not approve this request.

Comments:

Printed Name:   
Email Address:   
Purchasing Entity Signature:   
Date:



# WHAT IS THE PURPOSE AND LOCATION OF THE FORM?



- Helps agencies/PIHEs determine whether to approve NIGP code revisions after publishing a solicitation and before the bid opening date.
- If the requesting vendor justifies its commercially useful function and direct participation on the form, the agency/PIHE may approve the NIGP code revisions.
- It is completely up to the agency/PIHE to approve or deny a revision request.
- The form is located on CEI's website.



# WHEN IS IT APPROPRIATE TO SUBMIT A REVISION REQUEST?

## Non-certified Prime Vendors:

If a non-certified and non-self-performing prime vendor wishes to use BEP/VBP subcontractors not registered in any of the solicitation's published NIGP codes, it may request to use different NIGP codes to identify BEP/VBP subcontractors that can perform a commercially useful function under the resulting contract through direct participation.

## BEP/VBP Prime Vendors:

If a BEP/VBP firm not certified in all of the solicitation's published NIGP codes wishes to self-perform, it may submit a revision request if it can perform a commercially useful function under the resulting contract through direct participation.



## WHAT HAPPENS AFTER A VENDOR SUBMITS A REVISION REQUEST?

Revision request is submitted at least 7 calendar days before the bid opening date.

Purchasing entity documents its approval or disapproval on the NIGP Code Revision Request Form.

Purchasing entity sends the completed form to the requesting vendor and CEI at least 2 calendar days before the bid opening date.



## WHAT HAPPENS IF A REVISION REQUEST IS APPROVED?

The goal setting must be redone to include the NIGP code revisions and approved by the BEP Compliance unit or a CEI-approved designee.

Purchasing entity 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, the purchasing entity must extend the bid due date to provide bidders/offerors with a minimum of 7 calendar days to comply with the changes.



HOW DOES  
NOTICE 2023.3  
AFFECT GOOD  
FAITH EFFORT?

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



## WHAT IF I DON'T GET REGISTERED IN THE RIGHT NIGP CODES BEFORE THE BID OPENING DATE?



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.



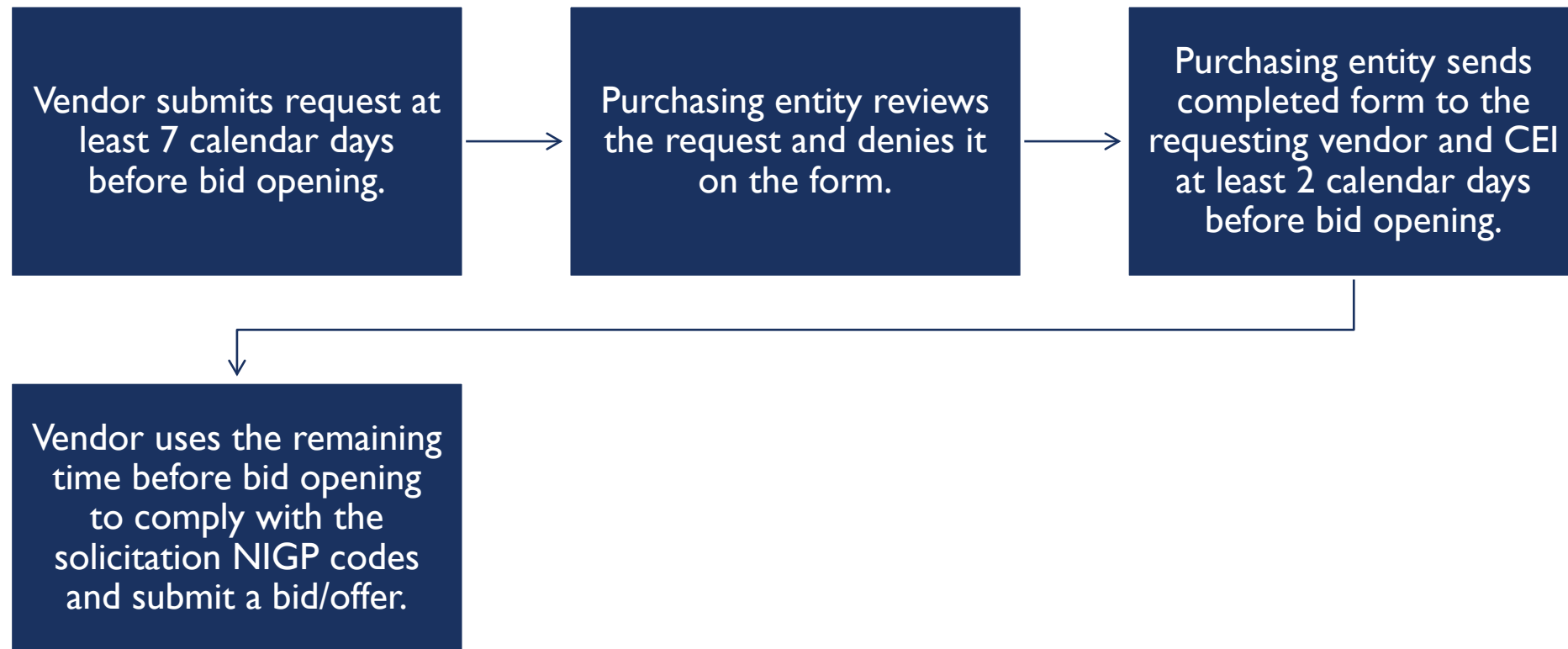
The firm must be given a period of 10 calendar days to cure the deficiency.



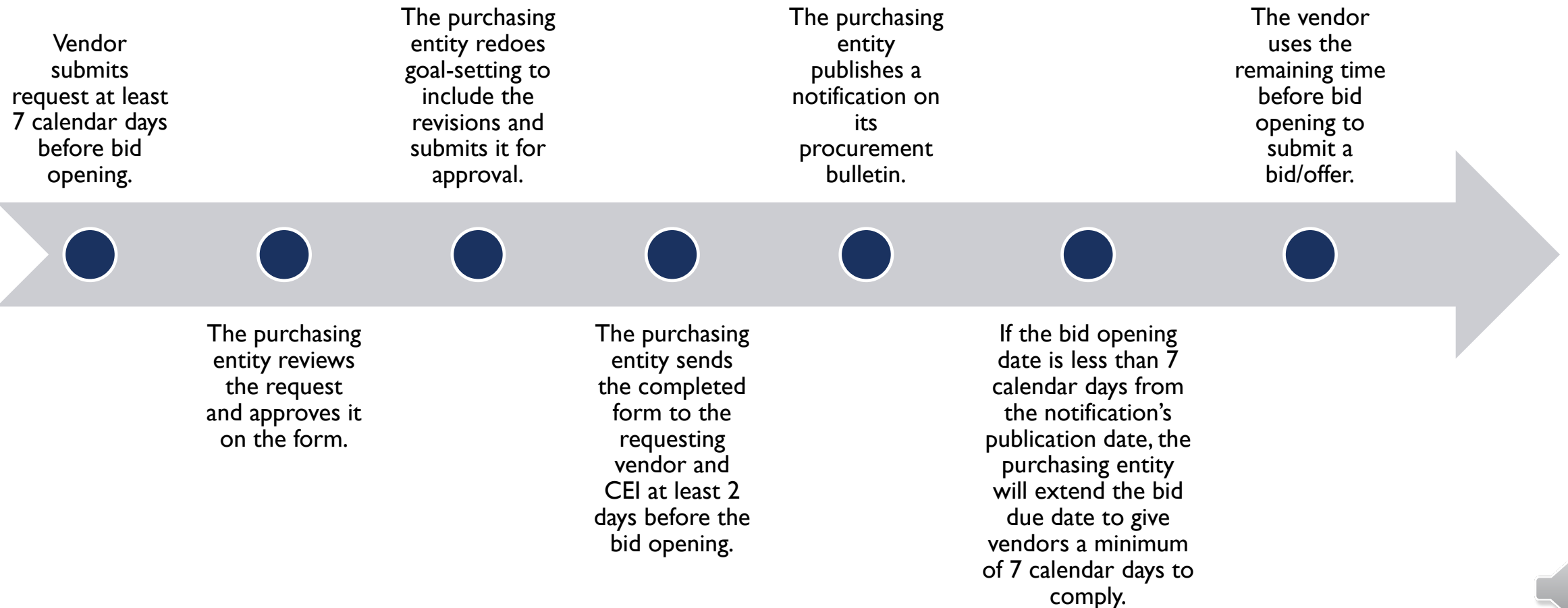
The agency/PIHE will determine whether the cure is adequate.



# REVISION REQUEST DENIAL TIMELINE



# REVISION REQUEST APPROVAL TIMELINE



# SCENARIO #1

Procurement A has a BEP goal and uses 123-45 and 567-89 as solicitation codes.

Vendor #1 is a non-certified, non-self-performing prime.

Vendor #2 is a BEP-certified firm registered in code 123-46.

Vendor #1 wants to use Vendor #2 as a BEP subcontractor on its U-Plan because Vendor #1 believes Vendor #2 can perform a commercially useful function through direct participation using code 123-46.

Vendor #1 submits a revision request to add 123-46 as a solicitation code.



# SCENARIO #1

## What happens if the request is denied?

Vendor #1 must find another BEP subcontractor registered in one of the original solicitation codes.

or

Vendor #2 must get registered in one of the original solicitation codes so that Vendor #1 can still list them on the U-Plan.

or

Vendor #1 completes a GFE using the original solicitation codes.

## What happens if the request is approved?

Purchasing entity redoes goal-setting to include the revisions and submits it for approval.

Purchasing entity sends the completed form to Vendor #1 and CEI.

Purchasing entity publishes a notification on its procurement bulletin.

If the bid opening date is less than 7 calendar days from the notification's publication date, the purchasing entity will extend the bid due date to give vendors a minimum of 7 calendar days to comply.

Vendor #1 uses the remaining time before the bid opening to submit a bid/offer.



## SCENARIO #2

Procurement A has a BEP goal and uses 123-45 and 567-89 as solicitation codes.

Vendor #1 is a BEP-certified firm seeking to self-perform the entire contract scope but is only registered in code 123-45.

Vendor #2 is a BEP-certified firm registered in code 567-89.

Vendor #1 believes it can perform a commercially useful function through direct participation for the entire contract scope using code 123-45.

Vendor #1 submits a revision request to remove 567-89 as a solicitation code.



## SCENARIO #2

### What happens if the request is denied?

Vendor #1 must register in all of the original solicitation codes if it wants to self-perform the entire contract scope.

or

Vendor #1 can choose not to register in code 567-89 if it adds Vendor #2 as a subcontractor to the U-Plan.

### What happens if the request is approved?

Purchasing entity redoes goal-setting to include the revisions and submits it for approval.

Purchasing entity sends the completed form to Vendor #1 and CEI.

Purchasing entity publishes a notification on its procurement bulletin.

If the bid opening date is less than 7 calendar days from the notification's publication date, the purchasing entity will extend the bid due date to give vendors a minimum of 7 calendar days to comply.

Vendor #1 uses the remaining time before the bid opening to submit a bid/offer.



## CONTACT INFORMATION

CEI, generally

[CEI.Equity.Inclusion@illinois.gov](mailto:CEI.Equity.Inclusion@illinois.gov)

BEP, generally

[CEI.BEP@illinois.gov](mailto:CEI.BEP@illinois.gov)

CEI Outreach Unit

[CEI.BEP.Outreach@illinois.gov](mailto:CEI.BEP.Outreach@illinois.gov)

BEP Certification Unit

[CEI.BEP.Certification@illinois.gov](mailto:CEI.BEP.Certification@illinois.gov)

BEP Compliance Unit

[CEI.BEP.Compliance@illinois.gov](mailto:CEI.BEP.Compliance@illinois.gov)

BEP Mentor Protégé Program

[CEI.BEP.Mentor.Protege@illinois.gov](mailto:CEI.BEP.Mentor.Protege@illinois.gov)



# HELPFUL RESOURCES

- [Notice 2023.3](#)
- [CEI Act](#)
- [Illinois Procurement Code](#)
- [BEP Act](#)
- [BEP Administrative Rules](#)
- [CEI BEP Certification Portal \(“DCMS”\)](#)
- [BEP Goal Setting Forms](#)
- [BEP Utilization Plan](#)
- [Good Faith Effort Guidance](#)
- [BEP Project Goal Setting Manual](#)
- [Webinar Q&A](#)



