



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

NIGP Code Revisions Before Bid Opening Webinar Questions and Answers

Question: What is the purpose and intent of CEI Notice 2023.3?

Answer: Notice 2023.3 provides purchasing agencies and public institutions of higher education (PIHE) 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.

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.

Question: Why do the revision codes need to be submitted to the agency? What is the agency to do with it? Who at the CEI should vendor questions be submitted to?

Answer: Revision requests must be submitted to the purchasing entity because purchasing entities determine whether to approve or deny revision requests.

When a purchasing entity receives a revision request, it 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 voluntarily 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 the updated 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.



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If vendors have questions related to Notice 2023.3, they should email them to the CEI.BEP.Compliance@illinois.gov email address.

Question: Where can we find the revised U-plan?

Answer: The latest version of the U-Plan is always available on the [CEI website](#).

Question: Once the revision is approved, can you explain the time frame?

Answer: Once an agency/PIHE approves the NIGP Code Revision Request Form or voluntarily chooses to revise a solicitation's NIGP codes after publication but before the bid opening date (and it denotes the approval by sending the completed form to the requesting vendor and CEI at least 2 calendar days before the bid opening date):

1. The goal setting must be redone to include the NIGP code revisions and approved by the BEP Compliance unit or a CEI-approved designee.
2. Once the goal setting is redone, the agency/PIHE must publish a notification on its procurement bulletin including the updated comprehensive list of NIGP codes and the revised goal percentage.
3. 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.

Question: If a vendor submits a U-Plan using a NIGP Code not on the original solicitation and does not submit a revision request form, is that U-Plan non-responsive, and can that be cured?

Answer: Yes, the vendor is non-responsive in that scenario. Yes, that can be cured.

Question: When is the new form effective?

Answer: The NIGP Code Revision Request Form is effective July 17th, 2023.

Question: Will CEI be setting expected turnaround times for the recalculation of goal review based on revision requests? Will vendors be required to contact any/all new BEP vendors after revision to meet the good faith effort? If a vendor requests the removal of a NIGP code, this could result in another vendor's non-responsiveness.

Answer: No, CEI has not set expected turnaround times for goal recalculation reviews.

Yes. Prime vendors must contact all BEP/VBP vendors in the solicitation's NIGP codes (including those added from a revision request) when seeking to meet a good faith effort.

Your observation about removing a NIGP code potentially affecting other bidders/offers is correct, which is why it's essential for purchasing entities to carefully



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consider the ramifications of their determination when deciding whether to approve or deny a revision request.

Question: Will BEP/VBP vendors be able to modify existing certification applications to add NIGP Codes to meet self-fulfillment, or will they need to submit a new application to add them? Will BEP be able to review these new applications timely to ensure the firm is eligible?

Answer: BEP-certified and VBP-certified vendors can revise their NIGP code registrations without submitting a new application.

Yes, BEP Certification staff will timely review those revision requests.

Question: Will we be required to reset the BEP/VBP goal upon the agency's approval of a new scope/code?

Answer: Yes. If an agency/PIHE approves the NIGP Code Revision Request Form or voluntarily 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.

Question: What strategies is CEI/BEP rolling out as educational information to vendors to stress the importance of NIGP code accuracy before a public solicitation?

Answer: CEI is scheduled to provide webinar training for vendors. The webinar will cover Notice 2023.3 and the importance of accurate NIGP code registrations.

Question: If the vendor is NOT registered for all three listed codes on the solicitation, would they be considered nonresponsive?

Answer: If the vendor in your scenario is a BEP/VBP vendor wishing to self-perform the entire contract, then yes.

Question: With an RFP seeking a solution, agencies don't know what that solution will look like. To require us to be this specific will add time to the already lengthy process, and I foresee many issues with RFPs. Is there a possibility of changing this requirement for RFPs?

Answer: No, not at this time. Like with any other RFP, purchasing entities should strive to select the most applicable NIGP codes they can. Please note that a purchasing entity isn't required to approve a NIPG code revision request.

Question: Is the revision request period a one-time period, or can the process get reset every time the goal is revised?



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Answer: While the process is reset each time after the revision is approved, updated goal-setting is completed, and the revisions are published, the agency can deny those subsequent incoming revision requests, which precludes a timeline extension.

Question: Will CEI allow agencies to enter a drop-dead date for NIGP revisions in bids?

Answer: Per CEI Notice 2023.3, the “drop-dead” date for the vendor NIGP code revision request submissions is 7 calendar days before the bid opening date.

Question: Vendor #1 submits a proposal, then 2 days later, Vendor #2 asks for a NIGP change which the agency accepts. At the bid opening, Vendor #1 is no longer in that code that Vendor #2 deleted. Is Vendor #1 non-responsive now?

Answer: Yes, Vendor #1 is non-responsive in that scenario. If the purchasing entity accepts a revision request, the vendors (whether they’ve already submitted a proposal) will have at least 7 calendar days to comply with the published changes. It is on Vendor #1 to comply with the changes and resubmit its proposal. Please note that if the purchasing entity accepts a revision request that later disqualifies another vendor, the non-responsive vendor can cure the NIGP code deficiency. Please note that the decision to accept or reject a NIGP code revision request rests with the purchasing entity.

Question: How do we explain the difference in how BEP vendors versus non-BEP vendors are treated?

Answer: Primes that are self-performing, certified BEP/VBP firms must be registered in all of the solicitation’s NIGP codes to ensure they’re capable of performing the entire scope of the contract.

Question: With different agencies getting vendors to change codes, how can we ensure a static GFE list for all other agencies?

Answer: A static list of potential BEP/VBP subcontractors used by a prime vendor to meet its good faith effort justification is impossible. Vendors are constantly getting certified in BEP and VBP or adjusting their code registrations once certified (this was also true before the release of Notice 2023.3). The prime vendor is responsible for using the most recent subcontractor list to meet its good faith effort. A cure is appropriate when a prime vendor fails to do so.

Question: Do we, as buyers, verify all the vendors to meet all the NIPG codes for responsiveness, or do we send the U-Plans to BEP for them to verify?

Answer: U-Plan NIGP code responsiveness reviews should be sent to the agency’s assigned BEP Liaison or the PIHE’s CEI-approved designee.