

## **Indiana Department of Administration**

### **M/WBE Non-Profit Certification Policy**

#### **I. Introduction**

In 2007, the Indiana General Assembly passed House Bill 1566 which states that non-profit corporations are eligible for MBE and WBE certification provided that they do not have a competitive advantage. The bill tasked the Governor's Commission on Minority and Women's Business Enterprises with recommending how best to determine if such an advantage is present when considering non-profits for certification. On December 10, 2007 the Commission voted unanimously to recommend that the only non-profits which can be certified are those which perform a scope of work that no for-profit certified firm provides. Should a for-profit firm believe that any non-profit is impeding competition, they may request that the certification be reconsidered.

#### **II. Determining Factors**

To determine if a for-profit firm performs a particular scope of work in which a non-profit would like to provide goods or services, the Minority and Women's Business Division must first decide on a United Nations Standard Products and Services Code® (UNSPSC) code for the non-profit. Codes shall be assigned according to existing Division policy.

#### **III. Review Procedures**

Once the code or codes are assigned to the non-profit, a review of the present inventory of certified firms will be conducted. A non-profit will not be eligible for certification if a for-profit certified firm is currently certified in the same or a substantially similar area of work which would allow that firm to count toward subcontractor participation on state projects in the same scope as the non-profits.

Should the Division receive a complaint that a non-profit is competing in the same area of work as a for-profit; the Division will apply the same scrutiny with regard to scope of work as is applied at the time of initial certification. If a non-profit is found to be competing with a for-profit enterprise, the certification will be revoked.

Questions regarding Non-Profit Certification Policy should be addressed to the following:

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