

Vermont Department of Public Safety Procurement Job Aid

Compliance with Uniform Guidance Affirmative Steps

Compliance with Regulation

When procuring with federal award funding, organizations must demonstrate that they meet the requirements of the Code of Federal Regulation 2 CFR [§200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms](#) in *addition* to ensuring fair and open competition.

Exception – purchases under the micro-purchase threshold of \$10,000

Steps to Aid in Compliance

Utilize these websites to search for contractors.

- VT Agency of Administration Minority and Women Owned Business Enterprises [M/WBE Directory](#)
- Small Business Administration [search tool & instructions](#)
- System for Award Management (SAM) Advanced Search - Entity [sam.gov](#)
- Labor Surplus Area Firms* (LSA) List – a link to the current list is located on the [US Department of Labor, Employment and Training Administration, Labor Surplus Area website](#)
- Amazon Business - must have an account to access website

(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.*

(b) Affirmative steps must include:

(2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

***Labor Surplus Area Firms** (LSAs) - LSAs are the civil jurisdictions (counties or county equivalents, cities, and towns with a population of at least 25,000, and balance of counties) that have a “surplus of labor,” or unemployment rates above a certain threshold.

If you have a solicitation list, include any businesses identified as meeting this regulation.

(b) Affirmative steps must include:

(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

Total requirements can be divided into smaller tasks, and delivery schedules can be established, to *encourage* participation by small and minority businesses, and women’s business enterprises.

(3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

(4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

Reach out to one of these organizations or similar organizations for assistance.

- Small Business Association [SBA](#)
- Minority Business Development Agency [MBDA](#)
- Association of Women's Business Center [AWBC](#)

(5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

Also ensure that if you contract with a vendor to do work on behalf of the award funding, that they follow these affirmative steps requirements.

(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (b)(1) through (5) of this section.

Retain the following records which demonstrate the affirmative steps taken.

- Maintain all forms of documentation from your solicitation process.
- Screenshots from website searches.
- Correspondence with organizations to seek assistance regarding the solicitation process.
- Solicitations to businesses ([§200.319 Competition \(d\)\(1\)](#)) identified for affirmative outreach, and any responses received.
- Bids and quotes received, and any other communications.
- Documentation of the evaluation of bids or quotes that was part of the selection process.
- Include any steps taken to divide total requirements or to establish delivery schedules per [§200.321 \(b\)\(3\) & \(4\)](#) see above.
- If your search(es) are unsuccessful in locating contractors or bids, retain this documentation as well to support your search efforts.

[§200.318 General Procurement Standards \(i\)](#)

The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

For assistance contact:

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