

Vermont Department of Public Safety Procurement Job Aid Compliance with Uniform Guidance Affirmative Steps:

2 CFR Uniform Guidance:

Subpart D – Post Federal Award Requirements

[§200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms](#)

- (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:
- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - (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;
 - (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
 - (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.

Compliance with Regulation:

When expending federal award funding (exception for subrecipient spending: micro-purchase under the current threshold of \$10,000), you must demonstrate compliance with federal procurement requirements (i.e. that you have affirmatively reached out to small and minority businesses and women's business enterprises, in *addition* to ensuring fair and open competition).

Here are steps you can take to ensure compliance:

- 1) Placing qualified small and minority businesses on solicitation lists per *§200.321 (b)(1)* see above.
- 2) Utilize these websites to search for contractors:
 - Small Business Administration ([search tool & instructions](#))
 - System for Award Management (SAM) Advanced Search - Entity ([sam.gov](#))
 - Amazon Business search (must have an account)

- 3) Reach out to one of these organizations or similar organizations for assistance per *§200.321 (b)(5)* see above.
 - Small Business Association ([SBA](#))
 - Minority Business Development Agency ([MBDA](#))
 - Association of Women's Business Center ([AWBC](#))

- 4) Retain documentation to support your efforts per *§200.318 General Procurement Standards (i)*. This must include the following records which demonstrate your affirmative steps taken:
 - Screenshots from website searches.
 - Correspondence with organizations to seek assistance regarding the solicitation process.
 - Solicitations to businesses identified for affirmative outreach, and any responses received per *§200.319 Competition (d)(1)*.
 - Bids and quotes received, and any other communications.
 - Documented review of businesses based on your selection criteria, including any steps taken to divide total requirements or to establish delivery schedules per *§200.321 (b)(3) & (4)* see above.
 - Maintain all forms of documentation from your solicitation process. If your search(es) are unsuccessful in locating contractors or bids, retain this documentation as well to support your search efforts.

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