STATE OF ALABAMA
EMERGENCY MANAGEMENT AGENCY

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ROBERT BENTLEY
GOVERNOR

ART FAULKNER
DIRECTOR

MEMORANDUM

TO: **LOCAL GOVERNANCES, STATE AGENCIES, AND CRITICAL PNP's.**

FROM: **DIRECTOR ART FAULKNER**

RE: **FEDERAL REQUIREMENTS IN THE PROCUREMENT PROCESS REGARDING MINORITES, WOMEN, AND SMALL BUSINESSES**

DATE: **MARCH 10, 2016**

The purpose of this memorandum is to advise applicants on the necessity of complying with Federal Requirements related to minorities, women, and small businesses in the bid process as set forth in 2 C.F.R. 200.231:

- 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.

- 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 1-5 above.

GOVERNING LAW

This Memorandum shall be governed by and construed in accordance with the laws of the State of Alabama and any applicable Federal Law or Statutes. All references to the 44 C.F.R. *not* mentioned in this memo and all requirements in the state and local agreement taken from the 44 C.F.R. shall now be changed to or come from the 2 C.F.R. Super Circular.