In the absence of a State of Maine policy to address Federal requirement in 2 CFR § 200.321 Procurements by states

***§ 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)*](https://www.ecfr.gov/current/title-2/section-200.321#p-200.321(b)(1)) *through* [*(5)*](https://www.ecfr.gov/current/title-2/section-200.321#p-200.321(b)(5)) *of this section.*

1. It is the policy of Volunteer Maine to take affirmative steps to encourage minority and female-owned small businesses, and agencies or firms within designated “labor surplus areas” to bid on contracts and apply for grants and to assist those businesses in that process. This policy applies to all procurement and contract activities under the control of the Commission and that are not in violation of required State procurement policies and procedures.

a.       "Minority or female-owned small businesses" means a business enterprise:

i.   That is independently owned and operated, formed for the purpose of making a profit, and has fewer than 100 employees or less than $1,000,000 in annual gross receipts.

ii.   At least 51% of which is owned or controlled by one or more socially and economically disadvantaged persons who are socially disadvantaged because of their identification as members of certain groups, including women, black Americans, and other Americans of Hispanic origin, Asian Americans, and American Indians.

b. “Labor Surplus areas” are civil jurisdictions that have a civilian average annual unemployment rate during the previous two calendar years of 20 percent or more above the average annual civilian unemployment rate for all states during the same 24-month reference period

c.       Responsibilities:

i.     The Director, or Director’s designee, is responsible for administering this policy and for preparing and distributing information about procurement procedures to comply with this policy.

d.     Process:

i.    Develop a list of qualified small and minority businesses and women's business enterprises developed through contacts with the Maine District Office of the Small Business Administration, the Maine Association of Non-Profits, Maine Philanthropy Center, Maine Community Foundation, and other associations representing the interests of Minority or female-owned small businesses and agencies

ii.    Assure that small and minority businesses, women's business enterprises, and agencies within labor surplus areas [[as designated](https://www.dol.gov/agencies/eta/lsa) by USDOL] are solicited by Volunteer Maine whenever they are potential sources;

iii.   Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

iv.   Establish delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

v.    Using the services and assistance, as appropriate, of such organizations as the Maine District Small Business Administration; and

vi.   Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (c)(i) through (v) of this section.

2.   It is the policy of Volunteer Maine to encourage Maine-owned small businesses to bid on contracts and encourage rural, small nonprofit and other eligible agencies with limited capacity to apply for grants and to assist them in that process. This policy applies to all procurement and contract activities controlled by Volunteer Maine, the State Service Commission.