

**Greg Dwight**

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**From:** spo  
**Sent:** Wednesday, January 19, 2011 9:40 AM  
**To:** spo  
**Subject:** SPO ALERT - Prop 107 Arizona Civil Rights Amendment  
**Attachments:** Prop 107 Memo.pdf

**SPO ALERT**

**Date:** January 19, 2011

**To:** State Agency Chief Procurement Officers

**From:** State Procurement Office

**Re:** Arizona Civil Rights Amendment, Proposition 107 (2010)

The amendment banning affirmative action programs in the state that are administered by state or local governments.

Please forward this memo to your procurement staff with delegated authority.

Thank you

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online at <http://spo.az.gov>

JANICE K. BREWER  
Governor



SCOTT A. SMITH  
Director

**ARIZONA DEPARTMENT OF ADMINISTRATION**

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**MEMORANDUM**

**TO:** All Delegated Procurement Officials

**FROM:** Jean A. Clark, CPPO, C.P.M., CIPP, CPM  
State Procurement Administrator

**DATE:** January 18, 2011

**SUBJECT:** Arizona Civil Rights Amendment, Proposition 107 (2010)

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On November 2, 2010, the voters of Arizona passed the Arizona Civil Rights Amendment, Proposition 107. The amendment bans affirmative action programs in the state that are administered by state or local governments. The amendment adds Section 36 to Article 2 of the Constitution of Arizona and reads:

*This state shall not discriminate against or grant preferential treatment to any individual or group on the basis of race, sex, color, ethnicity or national origin in the operation of public employment, public education or public contracting.*

Accordingly, Proposition 107 impacts the State's current procurement practices. In particular, Rule R2-7-D303: Request for Quotation Issuance, which provides that an agency chief procurement officer "shall invite at least one small minority-or small women-owned business enterprise to submit a quote. If the agency chief procurement officer is unable to locate a small minority-or small women-owned business enterprise, the agency chief procurement officer shall document in the procurement file."

**The practice of specifically inviting and targeting a quotation from at least one small minority or small woman-owned business shall immediately cease upon this notification.**

Accordingly, similar language in Executive Order 2007-21 is overridden by Proposition 107 as well. The State Procurement Office will keep you advised if any action occurs regarding the remaining portions of Executive Order 2007-21. Accordingly, all other provisions of Executive Order 2007-21 are in effect until further notice. Moreover, the small business preference for contracts under \$50,000 is mandated by statute and not impacted by Proposition 107, so the

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applicable, general references to small business would not be altered even if Executive Order 2007-21 is amended or superseded subsequently.

If you have any questions on this matter, please contact me directly at 602-542-9136 or [jean.clark@azdoa.gov](mailto:jean.clark@azdoa.gov).

Thank you.