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Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert K. Corbin

July 29, 1980

Mr. Edward Seright
Assistant Director of Purchasing
Health Sciences Center
University of Arizona
Tucson, AZ 85724

Re: I80-140 (R80-037)

Dear Mr. Seright:

Your letter of February 8, 1980 inquires whether any Arizona statutes preclude your sending to vendors with whom you do business a questionnaire relating to the vendor's qualification as a small business, minority-owned business or women-owned business. It is our understanding that the purpose of acquiring the requested information is to enable you to identify these concerns on your master vendor list and to satisfy federal requirements that such business concerns be utilized if possible when services and commodities are purchased by the State with federal funds.

We are unable to locate any Arizona statute which specifically promotes or precludes such inquiries. In the absence of such a state statute, Executive Order or such policy-setting enactment, the policy of the federal government as expressed in the Aid to Small Business Act¹ and the Public Works Employment Act of 1977² may be used by the Board

¹/15 U.S.C. § 631 through § 647. Also, see notes following § 631 containing Executive Orders relating to small business concerns, minority-owned businesses and women-owned businesses. Related federal regulations may be found in 13 C.F.R. § 101 et seq.

²/42 U.S.C. § 6705 as interpreted and upheld in Fullilove v. Klutzmick, ____ U.S. ____, 40 CCH S.Ct. Bull. B4221 (Jul. 2, 1980).

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of Regents as an indicator of appropriate state policy. The Board of Regents is authorized to accept and expend federal funds^{3/} and, in general, is authorized to expend available funds as it deems expedient if the expenditure is not inconsistent with the provisions of any appropriation^{4/} and is for a public purpose.^{5/}

We therefore conclude that it would be within the authority of the Board of Regents to require those vendors with which it does business to complete the questionnaire and, when purchasing services or commodities with federal funds, to take into consideration whether the vendor is a small business, minority-owned business or women-owned business.

If we can assist you further with this matter, please let us know.

Sincerely,



BOB CORBIN
Attorney General

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^{3/}A.R.S. §§ 15-745 and 15-746.

^{4/}A.R.S. §§ 15-743 and 15-744.

^{5/}Board of Regents of University and State Colleges v. Frohmler, 69 Ariz. 50, 208 P.2d 833 (1949).