

**STATE OF DELAWARE
GOVERNOR'S OFFICE
DOVER
EXECUTIVE ORDER**

NUMBER FOURTEEN

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

Number 14: Increasing Supplier Diversity Initiatives Within State Government

WHEREAS, the State is committed to assuring that all practices in all areas of State procurement provide suppliers equal access to procurement opportunities; and

WHEREAS, the State benefits from an inclusive business environment that includes the creation and expansion of minority and/or women business enterprises; and

WHEREAS, in a December 2007 report titled Economic Development State Policies for Minority and Women Business Development, the Insight Center for Community Economic Development noted that business inclusive initiatives have been recognized by the Federal Government and a majority of states in our nation as strategic and good for sustained economic growth; and

WHEREAS, the State of Delaware benefits from a successful Women and Minority Business community as a part of the general public, in addition to being a procurer of goods and services from a competitive marketplace wherein successful Women and Minority Businesses prosper; and

WHEREAS, the State has made significant advances in transparency through the online posting of bid opportunities as well as the establishment of the online checkbook; and

WHEREAS, publishing awarded advertised contracts will further increase transparency, accountability and competitiveness in State procurement; and

WHEREAS, the coordinated efforts of the public and private sectors are necessary to significantly increase the participation of minority and/or women business enterprises in all aspects of State contracting and procurement.

NOW THEREFORE, I JACK A. MARKELL, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby DECLARE and ORDER the following:

1. Definition. As used in this order "minority and/or women business enterprise" means a for profit business which is at least 51 percent owned and at least 51 percent managed by a minority and/or woman certified by the Office of Minority and Women Business Enterprise or DelDOT's Disadvantaged Business Enterprise ("DBE") Program.

2. The Executive Branch will provide leadership and support to ensure that all minority and/or women business enterprises are afforded full, equitable and fair opportunities to compete for State purchasing dollars.

3. The Office of Minority and Women Business Enterprise within the Office of Management and Budget shall have, as its mission, to assist minority and/or women business enterprises in competing for the provision of commodities, services, and construction to State departments, agencies, authorities, school districts, higher education institutions and all businesses.

4. The Office of Minority and Women Business Enterprise shall have the following powers, duties and functions:

(a) The Executive Director of the Office of Minority and Women Business Enterprise will be responsible for providing strategic advice to the Director of the Office of Management and Budget and the Governor pertaining to supplier diversity;

(b) Monitor and evaluate each respective Executive Branch Agency Supplier Diversity Action Plan;

(c) Certify minority and/or women business enterprises and create and maintain a State directory of minority and/or women business enterprises that have been certified; and

(d) Educate minority and/or women business enterprises on how to conduct business with the State of Delaware.

5. Each Department and Agency within the Executive Branch (collectively "Executive Branch Agencies") shall designate, within thirty (30) days of the issuance of this Order, a Minority and Women Business Enterprise Liaison, who shall have direct access to his or her Secretary, department head, or similar cabinet-level official concerning

minority and/or women business enterprise program matters.

6. Minority and Women Business Enterprise Liaisons shall:

(a) Assist the Executive Director of the Office of Minority and Women Business Enterprise and the Governor's Supplier Diversity Council, as created in this Executive Order, in their efforts to maximize supplier diversity among State agencies;

(b) Direct and coordinate supplier diversity initiatives within their respective agency, including but not limited to discussing best practices and educating staff;

(c) Assist in the development and implementation of their agency's Supplier Diversity Action Plan, as identified in this Executive Order;

(d) Prepare reports for the Governor's Supplier Diversity Council; and

(e) Undertake such additional tasks relating to this Executive Order as required from time to time by the Governor.

7. The Office of Minority and Women Business Enterprise, in conjunction with Government Support Services of the Office of Management and Budget, shall develop the format and best practices content of a Supplier Diversity Action Plan. The goal of the Supplier Diversity Action Plan shall be to maximize the contracting opportunities for minority and/or women business enterprises, as well as increase transparency for subcontracting opportunities. Each Executive Branch Agency is responsible for expanding upon this framework for agency-specific interests and fulfilling the tasks within its respective finalized plan. Agencies' completed plans shall be submitted to the Office of Minority and Women Business Enterprise and Government Support Services in the Office of Management and Budget for final approval no later than July 30th of each calendar year. Agencies' approved Supplier Diversity Action Plans shall be filed annually with the Governor no later than September 30th of each calendar year.

8. In an effort to further increase transparency in State procurement practices, the Director of the Office of Management and Budget and the Secretary of State shall develop policies and procedures that provide for a central, online publication of all advertised and awarded State contracts, including information on whether such contracts were awarded to minority and/or women owned businesses.

9. The Governor's Public Works and Procurement Opportunity Council is abolished, and the Governor's Supplier Diversity Council (hereinafter "Council") is hereby created.

10. The purpose of the Council shall be to:

(a) Advocate for the State of Delaware's supplier diversity initiatives;

(b) Offer training and information on the tools necessary for successfully doing business with the State of Delaware as a minority and/or women business enterprises;

(c) Help maximize supplier diversity among the State agencies, and help increase contracting opportunities for qualified minority and/or women business enterprises;

(d) Develop criteria for evaluation of supplier diversity initiatives pursuant to this Executive Order.

(e) Identify potential impediments if any, concerning supplier diversity within State government, and develop strategies to eliminate these impediments;

(f) Provide advice and recommendations to the Governor concerning supplier diversity strategies; and

(g) Research and report back to the Governor no later than December 31, 2010 on the feasibility of conducting a disparity study to evaluate the buying practices of the State of Delaware, focusing on the use of minority and/or women business enterprises.

11. The Council shall consist of 11 members who shall be citizens of the State and shall be appointed by the Governor. The Governor shall appoint a Chairperson from among its members who shall serve at the Governor's pleasure. The members of the Council shall be appointed subject to the following qualifications:

(a) Two members of the Council shall be representatives of local, private or federal minority and/or women business assistance programs or community development programs;

(b) Five members of the Council shall be representatives of the minority and/or women private business sector, among whom at least two shall be women and at least two shall be minority persons;

(c) One representative shall be from a private sector company located in the State of Delaware that administers a supplier diversity program;

(d) The Executive Director of the Office of Management and Budget ("OMB") or his/ her designee;

(e) The Executive Director of the Delaware Economic and Development Office ("DEDO") or his/her designee; and

(f) One representative of the Governor's Office.

12. Each appointed Council member shall serve for a term of 4 years from the date of appointment. Vacancies on the Council for any cause shall be filled by the Governor for the unexpired term and until a successor shall qualify. The Governor may appoint members for terms shorter than 4 years where that is necessary to ensure that no more than three Council members' terms expire in one given year. The Council shall adopt internal procedures or bylaws necessary for efficient operations.

13. OMB shall provide technical assistance and strategic support, as may be necessary. OMB shall provide an Executive Director for the Council who shall be the Executive Director for the Office of Minority and Women Business Enterprise.

14. These directives are not intended in any way to limit the application of additional creativity at the agency level. They are designed to promote economic growth and eliminate any potential impediments to an equitable procurement process. Each cabinet secretary shall evaluate the performance of his or her agency in implementing these directives. Accordingly, the Office of Minority and Women Business Enterprise, in cooperation with each cabinet secretary and through the Director of the Office of Management and Budget, shall provide semiannual reports to the Governor regarding the State of Delaware's progress in enhancing opportunities for minority and/or women business enterprises. The reports shall delineate the State of Delaware's spending in detail by gender, ethnicity, industry classification, and agency.

15. Executive Order No. twenty-three (23) dated December 10, 2001 is hereby rescinded.

16. No provision of this Order shall be intended to create any individual right or legal cause of action, which does not currently exist under State or Federal law.

APPROVED this 22nd day of December, 2009

Jack A. Markell,
Governor